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Let us hear from you! We welcome letters to the editor on issues presented in the magazine. Email letters to nwlawyer@wsba.org. NWLawyer reserves the right to edit letters for clarity and space. NWLawyer does not print anonymous letters, or more than one submission per month from the same contributor.

Protecting the Public
Thanks to President Radosevich for her fine President’s Corner appeal for greater courthouse security [“Security in the Courthouse: How Safe Are We?” — March 2013 NWLawyer]. It was timely, poignant, and thought-provoking. As is too often the case in discussions of this issue, however, Ms. Radosevich focuses on the protection of judges, lawyers, litigants and courthouse employees from public dangers. As important as such protection surely is, it misses, in my view, the more worthy beneficiary of better courthouse security: the public itself.

Folks who choose employment in a courthouse setting presumably do so with some notion of potential dangers. They have the freedom, at least, to seek different, safer jobs. But those who are summoned as jurors or witnesses, or need a parenting plan or protection order — or simply wish to observe the processes of government — have no choice. They must go to the courthouse. We owe it to them to provide courthouses which are — and which appear to be — safe places to do business. If we harden every office and corridor for the security of judges, lawyers, litigants and courthouse employees from public dangers, As important as such protection surely is, it misses, in my view, the more worthy beneficiary of better courthouse security: the public itself.

Judge Evan E. Sperline, Ephrata

Lighten Up
I am thankful for the witty, lighthearted article by Trent Latta in last month’s publication [“Persuading with a Sense of Humor” — March 2013 NWLawyer]. It was a refreshing break from an industry that all
too often takes itself too seriously. I might add that as attorneys, we are in a unique position to relieve our clients of some of their stress and a little humor goes a long way.

Angela Horwath, Tacoma

**Disciplinary Notices Disappoint**

I’m perplexed and dismayed as I open my March 2013 magazine to find that the one thing I read religiously to try to keep abreast of ethics and disciplinary issues has been relegated solely to access online. I guess I’m old-school with a bar number of 5163, but for my bar dues, bring back the substantive summaries of each disciplinary action!

**J. Eric Gustafson, Yakima**

I am writing in regard to the March 2013 issue of NWLawyer. In this issue and those going forward, the decision was made to no longer present summaries of the disciplinary decisions. Instead, far less information now appears and the readers are directed to the website to obtain the full decisions. I would like to express my extreme disappointment with this format change and ask that you please reconsider. I can also state that I discussed this matter with a colleague, and she is similarly unhappy with the new format.

I’m sure you are both aware of the running joke that when we (attorneys) receive the magazine, the first thing we do is flip to the back to check out the disciplinary notices and see if we recognize any names before we read the articles. While we have time to do that, it’s unlikely many of us will go to the trouble to look up the notices online, unless we personally know an individual whose name appears in the notices.

I was the subject of criminal sexual harassment by one of the supervising partners of a prior firm (along with several other victims) and the disciplinary action is still pending. He has already been sentenced in the criminal action. I can’t tell you how long I have anxiously awaited resolution of the disciplinary action, which is now scheduled for April. For nearly two years, I have anticipated receiving the Bar News (now NWLawyer) and flipping to the back to see his name in black and white, knowing that his colleagues would finally be aware of his violations of the RPCs and the severity of his actions. Honestly, I was planning on framing the notice.

With the new changes to the disciplinary section, far fewer attorneys and other readers of NWLawyer are going to be aware of the true nature of his actions. Sure, a few might go to the trouble to look him up online, but most attorneys aren’t going to have that kind of time. Again, I beg you to reconsider your decision. These notices are important for our community and in situations such as mine, serve as a public vindication of the victims.

**Christi C. Goeller, Tacoma**

For many lawyers the only thing worth reading in NWLawyer were the details of the disciplinary scandals. Now you’re only printing a lame summary and referring people to go online. So now for many lawyers there’s nothing worth reading in NWLawyer. Bring back the full stories of theft, passion, drugs and scandal — it’s captivating reading. And occasionally, in the reprimand section, we might even read reminders of ethics rules that are more obscure.

**John Brangwin, Wenatchee**

**Blowing Your Cover**

Don’t want to hurt anyone’s feelings, but the first two covers of the NWLawyer are, to my thinking, totally lacking in class and inspiration. They both look like they are intended to sell a product rather than entice lawyers’ interest in their newly named magazine. One man’s opinion.

**Fred R. Butterworth, Seattle**

**CORRECTIONS:** In the March 2013 In Remembrance column, the year of birth for Kristin Amy Miles was incorrect. The last sentence of her notice should read “Kristin Amy Miles was born on Dec. 13, 1969, and died June 23, 2012, at the age of 42.” In the March 2013 President’s Corner, the data given regarding security were not just for the Spokane County District Court, as labeled, but for the entire Spokane County Courthouse campus, which includes Spokane County Superior Court, Spokane County District Court, and the City of Spokane Municipal Court and covers five separate buildings with security stations. NWLawyer apologizes for the errors.
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Women and the Law

The Glass Ceiling Is Proving Resistant.
Here’s What We Can Do

A few weeks ago, I was asked to talk about women and the law at a Seattle University Law School Women’s Caucus event. I’d like to share my assessment and offer some thoughts about where we still need to go.

Inequities Exist
Nationally, a third of attorneys are women. Here in Washington, that number is about 40 percent. However, women’s compensation lags behind that of men. The median income of male attorneys in Washington is $100,000, while the median income of women is $79,000. The mean income discrepancy is even larger — $150,000 for men and $110,000 for women. These numbers come from WSBA’s own membership survey, and although the survey also shows that women in the profession are somewhat younger and newer than the men, the fact that women are newer itself indicates a lower retention rate for women attorneys. And figures from the annual survey by the National Association of Women Lawyers show that the income gap cannot be fully explained by differences in billable hours, total hours, or books of business.

The Glass Ceiling
The glass ceiling is the metaphor that’s often used to describe the barriers to women’s progress. But I’d like to suggest that the ceiling is not glass, but some far more resilient substance. In my observations over the past 15 or more years, there are at least two interrelated phenomena that hold back women, and to at least an equal degree, racial minorities. The first is a lack of mentors. In WSBA’s membership survey, having a mentor was one of the most important predictors of job satisfaction, which, in turn, was one of the most important predictors of career satisfaction. Yet mentoring is not a formal process at most law firms, and even where it is, a more informal system predominates. In this informal system, more senior lawyers choose the people to whom they give work. In most instances, they choose people they like spending time with, people who — not coincidentally — look like them. And because, in most instances, the lawyers with work to give to other lawyers are white men, the work goes to younger white men.

There are exceptions, but they tend to prove the rule. Women have made great strides in employment litigation. At my firm, women employment litigators have regularly served as practice group head and have created a culture where women routinely advance to equity partner. The interesting thing is that employment lawyers at my firm get their work from human resources professionals, a category that includes a lot of women. So what you have is a woman HR manager giving work to a woman partner who gives it to women associates: people picking people who look like them.

Stereotypes
A second factor making the glass ceiling stronger is stereotypes about lawyers and women. The stereotype about lawyers is the more aggressive, the better. How many of you have been asked by a friend for a referral to a “really aggressive” lawyer to handle a dissolution or other legal matter? This stereotype uniquely disadvantages women because it interacts with the stereotype that women are not as assertive or aggressive as men.

This stereotype is particularly insidious because it comes...
President’s Corner

with a Catch-22. If a woman is extremely aggressive, she is scary. In addition to making the stereotype of the passive woman go away, her behavior gives rise to the stereotype of the out-of-control woman. I’m sure I don’t need to tell you, but many men would much rather work with a passive woman than one who is perceived as out of control. But either way, women lose. As a young woman once said to me in explaining why she was setting up a solo practice, “Of course there’s equal opportunity at my old firm — all blondes over six feet tall had an equal chance of making partner.”

What should women do about this? How do we better our chances for a successful career? I would propose four actions.

First, dispel the myth that aggression makes a successful litigator. Litigation is a dispute resolution process, not a war. Most civil cases are resolved by settlement. As Bar president, I’ve been struck by how many lawyers tell me that collegiality has gone by the wayside in our profession and incivility is the rule. This is a bad development in so many ways. It makes our work life more stressful, it holds back women and minorities, and at the end of the day, it shortchanges our clients, who want prompt resolution.

Second, network. Get to know other lawyers inside and outside your firm. Remember that informal mentoring goes on all the time. One thing women often do to their own detriment is to assume that if you work really hard and do good work, the world will notice and beat a path to your door. And when they don’t, you just work harder, and finally you find yourself in burn-out mode. The old saying, “It’s who you know, not what you know,” is rooted in truth. Mentors are not going to come to your office and coax you out so they can get to know you better. You have to find them. Ask yourself whether you would rather work with the very best lawyer you know or with a good lawyer who is also your friend. Most of us would choose our friend. So take the time to be a friend. You’ll gain immediate rewards in the form of supportive colleagues and long-term rewards in the form of good work.

Third, mentor others, especially lawyers who do not look like you. When I think about mentoring others, I always wish I had more time or were more knowledgeable about how to be successful. I recently had an insight as I thought back to the important mentors in my own life. The best mentors did not give me career advice; they helped me believe in myself. They encouraged me to take on more responsibility, to try new things, and they applauded when I succeeded. Too often we think of mentoring as giving explicit career advice, and because we’re not sure what advice to give, the whole idea is daunting. I challenge you to look for lawyers doing good things in their jobs, their pro bono, their community involvement — any aspect of their lives — and give them recognition. Tell them they are good and encourage them to do more.

Finally, aim high. Don’t tailor your ambitions to what seems easily achievable. When you do that, especially early in your career, you constrain the choices that will be available to you in the future. This is particularly challenging since juggling a family and being an attorney can be highly demanding, and it may seem only prudent to make “family-friendly” choices. And I certainly would not advise you to ignore those considerations. But you need to be mindful that your children will grow up. And you will want meaningful work to fill your days. So think strategically from the beginning about your career as something other than a series of jobs.

It is important to aim high, not only for yourself, but for all of us. The women who entered law school in the early 1970s despite the miserable job prospects, inspired women like me, of the same age, but who were not as bold in 1970 to go back to law school. But they went to law school, found legal work, and prospered in the profession. And the daughters of this generation claimed law school as a right.

I’m an optimist. I believe each generation of women will do better than the last in the legal profession because they are smarter, better prepared, and have planned more carefully. But that will only be true if we also remember to take care of one another.

WSBA President Michele Radosevich practices in Seattle. She can be reached at micheleradosevich@dwt.com or 206-757-8124. Read more from Michele at nwsidebar.wsba.org, the blog for Washington’s legal community.

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If you’ve read my columns over the last few months, you’ll find a pervasive theme of focusing on the future of the profession. In both pieces, my overarching message was the importance of preparing for, and seizing the opportunity, to bring our profession into the 21st century.

In the first column, I outlined some of the major trends influencing the profession and followed that with specifics about the changes we might think about in order to prevent being overtaken by the tidal wave of changes coming.

Moving from the bigger picture level to the daily operations here at the Bar, I’d like to share some of the changes happening at the WSBA to ensure our programs and services are aligning to meet the transitions occurring.

As we move into the future, the trends indicate we will no longer be educating and regulating just lawyers; rather, we’ll be educating for and regulating a legal services market. This latter concept can be understood as a market where lawyers are the cornerstone, but legal services will be provided by others, such as limited license practitioners, and perhaps other professionals not yet thought of.

As you’ll read about later in this issue (see page 23), the Supreme Court’s Limited License Legal Technician (LLLT) Board is underway, and under a national spotlight, as this program, created by Court rule, is the first of its kind in the nation. Within a year, the board is expected to establish the educational and professional framework for the LLLTs. They will have more training and responsibility than paralegals but will not appear in court or negotiate for clients.

Significant sectors of the public cannot afford lawyers, and those of us in the profession are best positioned to figure out what’s needed to address these issues. We also know there are many people out there engaging in the unauthorized practice of law, which is harming the public and the profession. One hope of this new program is to bring these folks in under the regulatory framework of the LLLT program, while helping to meet the needs of those who are inadequately served or not served at all.

Another change just around the corner is the WSBA’s transition from the Washington Bar Exam to the Uniform Bar Exam (UBE), beginning this July. This change addresses the increasing need for cross-border mobility. Besides Washington, 12 other states have adopted the UBE thus far. Those who pass the exam earn portable scores that allow them to gain a license to practice in the other UBE states without taking another bar exam, as long as their score meets the standard set by that state, and they meet additional admission requirements in those states that require it.

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Getting new lawyers up to speed as they enter the profession has long been a focus for the WSBA, but a few years ago the Board took a bold step and said that WSBA must play a stronger role in on-boarding new lawyers into the profession. The result is the New Lawyer Education (NLE) program, which provides free and low-cost skills training for attorneys in their first four years of practice. NLE has focused on two key initiatives — first, providing all new admittees a free four-hour orientation course, which is required prior to receiving a bar license. This Preadmission Education Program (PREP) is available as an interactive online course or as a program available to bar and county leaders statewide to deliver in their local jurisdiction. Second, NLE continues to build a library of skills-focused, MCLE-accredited seminars, with the involvement of Young Lawyers Committee (YLC) and Section leaders.

Helping to address the lack of practical experience, and in many
cases, job prospects, WSBA offers significant training and mentorship through its Moderate Means Program, which is designed to help those clients between 200 and 400 percent of the poverty level.

The program is a partnership with the state’s three law schools, where students conduct the intake and refer potential clients to attorneys who have signed up, trained, and agreed to accept cases for reduced fees.

Through this program, law students gain valuable skills training before graduating and attorneys in all stages of their careers are signing up to participate; our newer and younger attorneys are finding it increasingly valuable as they gain practical experience while also having access to ongoing training and mentorship from more seasoned attorneys. It’s a win-win for attorneys, law students, and clients.

On the other end of the spectrum are those of you who are nearing retirement. This “graying” of the bar is a trend we have been watching for several years. To address this demographic shift, the WSBA has created a program called Practice Transition Opportunities (PTO), which seeks to match those ready to sell a practice outright or transition over a period of time with those interested in buying a practice, or perhaps a more gradual mentoring experience that may lead to a sale over time.

Our goal is to provide the tools and a platform for sellers and those transitioning to find the right match for their situation. It allows for the confidential posting of a transition, and the ability for those interested to reach out. The WSBA serves as a resource and matchmaker, but steps out after that and leaves the parties to proceed on their own. This service is available on our website.

We’re finding that not only is this program serving our members at the ends of their careers, but it’s providing an avenue for younger and newer attorneys to potentially transition into or buy a practice outright. Again, a win-win situation for all of our members. Read more about it on page 25.

Finally, there has been much in the news and literature the last few years about outsourcing of legal work to India and other markets. In an attempt to help members who are interested in contract work connect with potential opportunities for work here, the WSBA will soon offer an additional feature on its Career Center page, which currently houses a robust job board. Those seeking contract work will have the ability to make that known, while those offering contract work will easily be able to identify those that might be a match.

Along with the changes I’ve highlighted and the programs I’ve called out, the WSBA offers a host of other programs and services aimed at preparing for the 21st-century legal services market. As I’ve highlighted throughout all three columns, this time is an opportunity to shape our future and the future of the profession. I look forward to seeing the places we will go and the things we will achieve. NWL

Paula Littlewood is the WSBA executive director and can be reached at paula@wsba.org or 206-239-2120.
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Voices of the Bar

BY JEFF TOLMAN

As I have called lawyers and judges about this column, many have said, “Sure, I’ll speak with you, but I don’t have much of a story.” Yet each did, and every lawyer does. I love hanging around lawyers. They tend to be able to see all sides of a discussion, ask astute questions, have had a broad range of human experiences through their own lives and their clients’, and tell a good story. Any good trial lawyer can make a compelling tale out of buying a cup of coffee. Interesting folks, lawyers are. Lawyers like these.

Robin Zukoski

Occasionally in life we meet someone who is truly gifted. Robin Zukoski is one of those people. Exceptionally bright, with a lifelong dedication to helping those in need. I first met Robin when we hired her husband, Keith Buchholz, in our office in the mid-1980s. Keith was with us for a couple of years before heading to Bremerton, then Olympia, where he works as the Democratic Senate Counsel. After graduating from Stanford Law School in 1984, Robin worked 10 years at Evergreen Legal Services, then 10 years as a human services policy analyst for Governors Lowery and Locke. For the past seven years, Robin has worked at Columbia Legal Services as governmental relations coordinator, a lobbyist on poverty issues.

Robin was led into law seeking to make a difference for disadvantaged communities. What she likes best about her work is when she can “influence statewide policies to support the low-income population.” This, unfortunately, is very difficult in these tough financial times. With so many fiscal balls being juggled, her clientele is not always a popular population.

Keith and Robin’s daughter, Palmer, will is just starting Berkeley Law School. Robin said she and Keith spoke with Palmer a lot about that choice, wanting to make sure Palmer had a realistic vision of the profession she hopes to enter. This is particularly important, as very few lawyers they know are happy in practice and jobs are so scarce.

Robin’s advice to someone interested in entering the profession is to “decide what area you envision practicing, then work for a while in that arena before heading to law school. Being an assistant, or ‘gofer,’ or messenger — just being around the day-to-day workings — will help someone contemplating entering the profession know what practicing law really is like.”

In response to my query about her connection with the WSBA, Robin expressed appreciation for how simple the Bar has made it to contribute to support civil legal aid.

It was terrific to catch up on our lives and inspiring that people without the ability to effectively lobby for themselves have a dedicated advocate like Robin in the political trenches for them.

Lem Howell

When you look up the word “feisty,” you are likely to see Lem Howell’s photo. He has more energy, exuberance, sense of justice, and determination than the average fifty people. Lem is one of a kind. Piercing eyes of a warrior. A contagious laugh that makes everyone within a hundred yards smile. Scars from necessary, but unpleasant, battles he has fought. Pride in the changes he has, through his personality and practice, helped bring on.

Lem attended Lafayette College and NYU Law School. His 339-person law school class included five female and five minority graduates. Following graduation from NYU, Lem worked in Governor Rosellini’s office. When Dan Evans beat Governor Rosellini, Lem moved across the street and became the law clerk for the pro tem judges at the State Supreme Court. Lem passed the Washington Bar in 1966 and, after two years as an assistant attorney general, worked one year at Schroeter Jackson. In 1969, he joined with (later Seattle City Council member and Congressman) John Miller to form Miller Howell, later Miller Howell & Watson. In 1973 the firm terminated and Lem became a sole practitioner.

Would Lem recommend law school to a young person? “It depends on the person. Law school is a great education. Attorneys communicate so well, so logically. On the other hand, the practice has changed. In 1966, you knew the lawyers on the other side of a case. Now, rather than being trial lawyers, too many opponents are litigators whose job it is to obstruct, not get to the issues of the case.” Lem also hates how filing a lawsuit allows an unending invasion of the plaintiff’s personal privacy. A common defense now is digging up as much dirt on the plaintiff as possible to make them seem unworthy of a fair verdict or settlement.

The highest compliment he ever received was from Justice Horowitz who, at a social event, shook Lem’s hand and said, “You are a great attorney with great persuasive abilities.”

Lem rates as the best appellate judges Justices Horowitz, Stafford, and Utter. The best trial judge, in his opinion, was King County Superior Court Judge Soderland.

His advice to young lawyers is to read the great trial lawyer books, like Louis Nizer’s My Life in Court. The greatest trial lawyer he has known was Craig Stangenburg from Cleveland, Ohio. He recalls fondly “the lions of the Bar” when he entered the WSBA as Hugh Miracle and Len Schroeter.

I would buy a ticket to listen to Lem describe a sandwich. His passion for justice, lawyers, and practicing law and life are palpable — a passion he has lived for 48 years as a WSBA member. Through his enthusiasm, dedication, and professionalism, he has been a great role model for all generations of advocates.
Rob Beattie

I play golf with Rob Beattie, a Silverdale family law practitioner and mediator, most Saturdays. Rob is a good golfer and good friend. Years ago, I asked Rob how he kept such good balance and perspective when so many lawyers practicing family law are stressed out, constantly battling deadlines, overwhelmed, and ready to jump off a bridge. “I used to feel that way,” he said, “when I thought I was battling for 100 percent of the parties’ assets, when I felt like my client’s financial future was totally in my hands. Then it struck me that if I have a great victory, my client will get 60 percent of the assets, if I get thumped, my client will get 40 percent. Most dissolution asset divisions will be between 45 percent and 55 percent to my client. Once I accepted the fact that I was likely to affect 10–20 percent of the assets, my stress level became manageable.”

Rob grew up in California, attended college at University of the Pacific and McGeorge Law School. He moved to Kitsap County in 1979, practiced in Bremerton before opening his own office in 1989, as a busy family law practitioner and mediator.

He summarized the state of the profession as, “It is like it has always been. People don’t like lawyers generally, but appreciate their own lawyer’s hard work and effort on their behalf.”

Would he recommend entering law school to someone? Yes! He did recommend it to his daughter. “It’s a great profession.”

What Rob likes most about his work is the problem-solving. Least? Nothing he could think of.

His advice to young practitioners, particularly those practicing in family law, is “connect with an experienced lawyer and let them mentor you.”

Ben Critchlow

One afternoon I wandered into Jefferson County Superior Court for a hearing and stopped in my tracks. Sitting at counsel table was my law school classmate, and two-time interim Gonzaga Law School dean, George Critchlow. Only it wasn’t. It was a younger near-twin. A brother, I assumed, and, when I introduced myself, discovered I was correct.

Ben and George Critchlow’s father was a long-time attorney in Richland, practicing in a four-partner firm. George graduated with my Gonzaga Law School class in 1977, Ben graduated from the University of Montana Law School in 1988. Ben never wanted to return to the Tri-cities to practice. Instead, he worked in Seattle as a public defender for three years before moving to Port Townsend in 1991. He practices criminal law in Jefferson and Clallam counties, half-time as a public defender, half-time in private practice.

I asked Ben what he likes best about being a lawyer. He indicated he loves the camaraderie among practitioners; the sharing of experiences and bouncing of ideas, tactics, and experiences. He relishes the importance of being in a small community of lawyers.

Ben wasn’t sure he would recommend law to a younger. “Life as a lawyer can be consuming. You must always be aware of that and keep your life in balance. Law is a jealous mistress.” He also noted how attorneys can become pessimists and have to keep their attitudes balanced, just as they do other aspects of their lives.

His advice to young criminal law practitioners is to “listen very carefully to the facts and problems presented to you” and “recover quickly from your losses. Don’t let them eat you up.”

Ben was disappointed in last year’s WSBA referendum vote and has found the Bar to be appreciative and responsive when he has contacted them.

VaLena Curran

In the late 1980s, I was elected to the WSBA Board of Governors. In my class were Don Curran from Spokane and Ron Gould (now on the 9th Circuit Court of Appeals) from Seattle. Getting to spend time with Don, Ron, and their wives, VaLena and Suzanne, was as close as I will ever come to winning the lottery. Each is an extraordinary person who has added to my life. And each has quite a tale to tell.

VaLena Curran entered Gonzaga Law School in 1953, the only female in her class, and only female at the law school for several years. She was led into the profession through contacts with attorney Herb Freise, whose son Eric still
practices in Seattle. Herb was VaLena’s family’s attorney and she was impressed by his broad knowledge, expertise, and ability to articulate himself so well. “I want to be like that,” she determined.

After graduating from college as a music major, VaLena entered the four-year, night law school at GU, working during the day as secretary for a sole practitioner. When she entered law school, she didn’t know what area she wanted to practice in, just that she wanted to be a lawyer and help people, like Herb Freise had helped her family. “I was not well received in law school,” she said. “Most people thought I was there to find a husband.” While she did meet the affable Irishman who would be her spouse for five decades and counting, her educational goal was achieved and she entered the Bar in 1959.

Her entry into the profession was also taken with mixed reviews. She recalls fondly that Mr. Gilbert (a name partner in Hamblen, Gilbert & Brooke, now the fine Payne Hamblen firm) called her, congratulated her, and assured her that if she ever had a question or needed assistance, he was there to help. Not every lawyer felt the same way about the new admittee — a woman — practicing law with them.

VaLena worked in private practice for several years, then spent two decades in the Child Support Division of the State of Washington. After taking some time off to raise her three boys, she worked at the Delay Curran firm for about 10 years.

Did she feel like a barrier breaker? “No. I just worked to reach my goal. I was bound and determined to become an attorney. I have never regretted going to law school and would do it again in a minute.”

Would she recommend entering the profession to a young person? Yes and no. Yes, it is a wonderful profession that empowers us to help others. No, because of the high student loan burden and scarcity of jobs.

She hopes that the lawyers will carry the profession forward like the “old gentlemen lawyers” she saw in the early years of her practice — with dignity, honor, and professionalism. Only, I hope, being more accepting and helping of the new admittees to our great profession.

There are lessons to be learned from each of the lawyers profiled. Through VaLena Curran’s experience, we are reminded of the many ripples we send out through each client contact. Herb Freise’s professional handling of VaLena’s family matters gave her a positive vision of a lawyer she wanted to emulate. Herb’s son, Eric, also followed his father’s footsteps into the profession. While each of us has many clients, our clients (hopefully) only have one lawyer. Us. To be a role model like Herb Freise to each of our clients should be a daily goal. In doing so, who knows how many barrier-breakers we may inspire? NWL
A Side of Sidebar

What’s happening online at NWSidebar, the blog for Washington’s legal community. [nwsidebar.wsba.org]

A Year in Korea

When the Ministry of Justice – Republic of Korea invited Steven Kim to spend a year in Korea lecturing and writing about his jury trial experiences, he was initially reluctant. Learn about his year-long adventure — and the controversial interview he gave about the Korean trial system.

Pet Trusts: Helping Clients Provide for Fido

Between 12 and 27 percent of people who draft wills include provisions for their pet, often in the form of pet trusts. Here are some issues to consider when helping your animal-loving clients with estate planning.

Better Legal Writing with WordRake

WordRake is an add-in for Microsoft Word that scans your document for unnecessary words and phrases; you choose which changes to make. Learn how WSBA members can receive a discount rate when purchasing this service.

Friday

What Video Games Have Taught Me About Litigation

http://bit.ly/SidebarGames
NWLawyer Editor Michael Heatherly reflects on how the life lessons he’s learned from wrangling virtual race cars and wrestling the undead translate to the practice of law — especially litigation.

Washington Daily Decision Service

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Law Firm Accounting
What You Should Know About the Business Side of Law

BY CLAIRE BEEN

You went into law because you didn’t like math, right? (Either that, or because you couldn’t stand the sight of blood...) Now that’s not universally true, but generally, numbers and lawyers don’t go together. Maybe that’s why when you get your firm’s financial report, or even your own monthly billable statistics, it all seems like Greek.

If you are a young lawyer in private practice, you can probably add “law firm accounting” or even “business skills” to the list of topics law school didn’t teach you. Yet as you grow in your career, perhaps keeping your eye on that partnership track, understanding the business side of the practice of law becomes more and more critical. Consider this article your quick-reference guide to some of the most important concepts.

Law Firm Financial Statements
The primary objective of law firm financial statements is to measure the amount of income (or loss) available at a given point in time to distribute to partners or shareholders. The statements will likely also represent the amount of the partner’s capital contributions, and information about cash flow and the general health of the firm.

You will probably see this information reflected on three types of financial statements: 1) the balance sheet; 2) the income statement; and 3) the statement of cash flows. The balance sheet shows the company’s financial position at a particular point in time. While this vastly oversimplifies things, the balance sheet essentially takes the assets of the firm, minus liabilities, to arrive at net assets.

The income statement is a report on a company’s revenues and expenses over a period of time. The income statement always measures against a benchmark, such as the year’s budget, or the prior year’s actual expenses. Finally, the statement of cash flows is exactly what the name implies: it shows the firm’s cash receipts and disbursements for the year, and shows whether the cash flow is due to operating activities, investing, or financing.

Accrual Versus Cash Basis
The next fundamental accounting principle for young associates to understand is accrual basis versus cash basis. Accrual accounting recognizes revenue and assets when earned (rather than when received) and recognizes expenses when the obligation is incurred (rather than paid). This method better reflects a company’s actual financial status at a given time.

On the other hand, most law firms maintain their accounting records on the cash basis or modified cash basis. Using the cash basis, a company recognizes revenue when the cash is received and recognizes expenses when the cash is paid. The modified cash basis combines features of cash and accrual accounting, and eliminates some of the distortions that come with pure cash basis accounting, which may not reflect loans or large accounts payable or receivable, for instance.

Understanding Accounts Receivable
Because most law firms operate on the cash basis, there are several important components of the firm’s health that might not be represented on the firm’s main three financial statements. These include work in progress (WIP), collection history, and the aging schedule, which are components of the firm’s accounts receivable. This is where you come in, you little billing machine. While many of your firm’s financial decisions are above your pay grade, so to speak, you actually have an influence on some aspects of the firm’s accounts receivable.

For every law firm, especially those accounting on cash basis, the accounts receivable is a critical component of the firm’s health. On average, it takes 150 days from when an attorney bills an hour to when the client pays for that hour. Portions of this spectrum are represented in different ways. First, there is
Work in progress. This figure represents work that has been completed by attorneys but has yet to be billed or invoiced to the client. The faster the bills go out, the faster the firm can get paid. This is why the firm actually cares if you record your billable hours in a timely fashion. So get your time in!

After the bill or invoice goes out, the client has to pay. The firm doesn’t recognize the income until that cash is in the bank account. The firm’s collection history (and a client’s individual collection history) indicates how quickly the firm’s clients pay the bill. Even though you probably aren’t making the phone call bothering the client about the bill (yet), you play an important role here too. Clients prefer to pay bills when they feel that they received value. Client communication is key. Make sure the client approved the course of action and avoid surprising him or her with a large bill out of the blue. Draft time entries that explain what you did and why it was necessary (write: “Strategized with partner regarding strengths and weaknesses to identify likely settlement value of case” rather than “Met with partner”).

Finally, the Aging Schedule represents how much of the firm’s accounts receivable is made up of “old bills.” The longer the bill goes unpaid, the less likely it is that it will be paid, so if the firm carries a large amount of aging receivables, this could be a bad sign.

Law Firm Profitability

Every business’s main goal is to be profitable—a law firm is no exception. But understanding how your firm makes money is a little more complicated than the simple income minus expenses calculation. Law firm profitability is a reflection of five main profit drivers: hourly rate, utilization, realization, leverage, and margin. What the heck does that mean, you might ask? Broken down: Utilization relates to productivity, or whether timekeepers (partners, associates, paralegals) are working to full capacity. Realization is the percentage of billable time actually billed and not written off. Leverage represents the ratio of junior to senior staff (associates/equity partners), as more associates to less partners generally equals greater profits per partner. Finally, Margin represents the firm’s net income, which reflects its expenses, both fixed and variable.

Associates have absolutely no control over many of these factors. And hey, maximizing partner profit may not be your top priority. But being profitable increases your value to the firm and certainly can’t hurt your job security, so it is a good idea to ask about and understand some of these concepts. There are a few factors that you can have an impact on, even early in your career. Your firm will likely be impressed that you are taking the time to educate yourself about your profitability.

First, know your billing rate. Next, understand the difference between your computer rate (what the firm bills you out at in the abstract) and your effective rate (what a particular client pays on a particular matter). Your billing rate can be reduced at many points during the life of a matter, such as a pre-engagement negotiated reduction in rate or capped billing rates (e.g., many insurance company clients will only pay up to a certain hourly rate). After you have performed work on a file, your rate may be reduced due to write-offs and markdowns. After the bill is sent out, if a client doesn’t pay the entire bill, this will also impact and reduce your effective rate. By understanding the different factors that might reduce your effective rate, you can have a positive influence on that rate.

Sure, running a law practice might be the furthest thing from your mind as you struggle up the steep slope from law school grad to competent associate. But learning good habits now can make for an easier transition in the long run as your career advances. Hopefully these basic concepts give you a rough framework to begin your own education on the business of law.

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NOTES
1. If your law firm is a limited partnership or limited liability partnership, the equity owners are likely referred to as partners, while law firms formed as a professional corporation will likely use the term “shareholder.”
3. If you want to know more about these key concepts, check out Managing the Professional Service Firm, by David Maister.

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Dealing with Difficult Counsel

How to Handle Problem Attorneys During Discovery

By Joel Matteson

It is as inevitable as rain on a Saturday in Seattle. Eventually every attorney must confront an uncooperative or unprofessional opposing attorney. Knowing how to handle difficult counsel will help you represent your clients better, increase your job satisfaction, and maintain your sanity.

Depositions
The first sign of trouble may begin in the early stages of discovery. Take depositions, for instance. Difficult counsel sometimes rear their ugly heads by asking improper questions, making unnecessary and disruptive objections, making “speaking objections,” where the attorney attempts to coach the witness via the form of their objection, and arguing with counsel and/or the witness. Prepare your client in advance for this possibility and instruct your client to avoid being drawn into an unproductive exchange with the difficult attorney.

Do not go “off the record” during a deposition dispute. Instead, have the court reporter document the inappropriate conduct. When the difficult lawyer knows that everything he or she says is “on the record,” that lawyer will tend to avoid memorializing such shenanigans for subsequent review and censure.

Involving the Court
In extreme situations, you may have no choice but to either call the court or adjourn the deposition until the court rules on the matter. But involving the court is a last resort that should be avoided if possible. Judges are busy and there is little they hate more than having to resolve a needless discovery dispute.

Do not seek the court’s involvement until you have amply demonstrated your good faith, have made a strong on-the-record case against your opponent, and have given the difficult attorney every opportunity to rectify the situation. This goes beyond simply complying with the CR 26(i) meet and confer requirement. This way, if the matter is ever brought before the court, you will wear the white hat, and your efforts to avoid the court’s involvement will be appreciated and reflected in the court’s ruling. If you must involve the court, avoid appearing like another bickering party, as your long-term reputation with your judge is not worth jeopardizing over a discovery dispute.

Document, Document, Document
One way to ensure that you appear reasonable during a discovery dispute is to document your repeated and reasonable efforts to avoid judicial intervention. So, when a discovery dispute arises, send opposing counsel an explanatory email or letter (or two) that outlines the nature of the dispute, provides supporting legal authority, states your efforts to resolve the issue, and describes the other side’s objectionable behavior in detail. Document the discovery dispute with an eye towards introducing this correspondence, if necessary, as an exhibit in support of, or in opposition to, a discovery motion.

Interrogatories
Another way difficult counsel abuse the discovery process is through interrogatories. In counties such as Whatcom, where there is no pre-set limit to the number of interrogatories a party may serve (other than the general admonition that the number not be excessive), abuse may manifest in the sheer number of interrogatories or requests for production. Other times, the problem
is with the substance of the questions. In either event, you are better off demonstrating your good faith by trying to answer problematic questions to the best of your ability while making objections alongside your answers (unduly burdensome, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, calls for information equally available to either side, and so forth).

If you object to a question, for instance, based on “vagueness,” explain in the appropriate level of detail why a particular phrase or term in that question is vague. This makes you appear reasonable to the judge who may eventually review your discovery answers and it helps the other attorney understand why you are objecting. This object-and-answer approach is preferable to entirely refusing to answer problematic questions because you always want to ensure that you are doing your part to avoid being viewed by the judge as part of the problem. If the interrogatories are altogether out of bounds, seek a protective order under CR 26(c).

The other side of this situation involves lack of responsiveness to discovery requests. Strengthen your case against your opponent by serving only necessary and reasonable interrogatories and requests for production, by liberally granting continuances, and by clearly communicating in writing about discovery disputes. Ensure that your written requests are not subject to the same objections that you state in response to opposing counsel’s requests.

Do Your Homework
Another way to defuse a discovery dispute is to do your homework so you can provide the difficult lawyer with specific, well-supported, and researched reasons for your position regarding a discovery dispute. Once the disagreeable lawyer understands that you are on solid legal footing, he or she is likely to back off. Don’t wait until you are brought before a judge to research your position, as conducting research in advance will often obviate the need for judicial involvement.

The Final Analysis
In the final analysis, the key to dealing with difficult counsel is to take the high road and avoid engaging them on their unprofessional level, ensure that your conduct remains above reproach, document inappropriate conduct, and take the initiative in setting a more professional and collegial tone. Keep the court out of the dispute if possible, but know where to draw the line. NWL

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The Top Ten P’s of Mediation

Based upon Charles Lempesis of River’s Edge Mediation’s “List of Top Ten P’s of Mediation” and used with permission.

By Douglas Pierce

1. Preparation
Of course you need to know “the good, the bad, and the ugly” of your case, but when preparing for mediation, there are other points besides how you will win in court. Successful mediation often begins with a pre-mediation meeting/phone call between the two attorneys. You can chop out one whole round of talks, and get the mediation off to a better start, if you talk to opposing counsel and decide the issues that you will “agree to disagree” on. The point of mediation is to settle the case, not use the mediator’s time to get a screening of your legal theories.

Delineate the relevant issues, and then bootstrapping off that, figure out what your client really wants. The question often arises regarding the mediation statement: should there be one? Should you share it with opposing counsel? What should be in it? The mediator should know the following: any prior negotiations, the dynamics and personalities of the parties, and what you are willing to admit are your case’s strengths and weaknesses. A short but pithy mediation statement should get that done.

2. Place, Time, and Duration
The mediation can take place anywhere, but for the vast majority, each party should have their own room, and the mediator simply takes and conveys information (offers, arguments, etc.).

3. Parties
Who should be there? The simple answer is — everybody. Technology has opened doors to allow the parties to mediation to be just about anywhere in the world. The rules are flexible, depending on the mediator and the type of case.

4. Patience
Mediation is a process. There are certainly some common denominators between most mediations, but just as the personalities and parties are different, so will each mediation be different.

For example, some CEOs take their business very personally. Some CEOs have the attitude, “It’s my company, it’s my money, and I’m not giving one dollar to that jerk,” while other CEOs may begin with, “I have been given authority to settle this case by the Board.” That is not good or bad, it will just amount to a different mediation, but both cases can be settled. Lastly, threatening to leave every round does not do anybody any good.

5. Pacing
The mediation will have its own pace, and although you or your client may not like it, a mediation is a marathon, not a sprint.

6. Preparing Your Client
Too many times, clients come to mediation thinking it is arbitration. Their lawyers have not really taken the time to explain, or the client’s misconception is so ingrained, that the mediator does not really have any say in the outcome. They think it will be, or is, a trial.

7. Premature Mediation
There are two common times for mediation: at the very beginning of a case, sometimes even pre-filing of the petition, or on the eve of trial. When deciding when to mediate, the client must balance cost savings of an early mediation against a failure experience. However, at the earliest stages, there are some reasons to mediate that could pay for themselves if the matter continues into litigation. To some extent, mediation can be a form of discovery. You and your client can learn a lot about the fu-
ture of the case as the mediator carries arguments and offers back and forth.

8. Pitfalls
A good mediator, and well-prepped clients, can end any case at mediation. Some mediators argue that every case can be mediated. “Never say never” and “never quit” are the mantras of a successful mediator. There are types of cases where this may be more true than others. For example, in some family law cases, a party simply needs to “hear it from a judge.” However, some issues can be resolved at mediation: who gets the house? Was the $10,000 certificate of deposit community or separate property? How do we split up the furniture?

9. Preparing for Insurers
Some issues arise when insurance companies are involved. First, there may be new information, such as updated medical records or a report that delineates liability. In addition, there may be a subrogation interest that is going to take money off the top and “new money” versus “old money” issues that attorneys must explain to their clients. Further, with new statutes, there may be Medicare/Medicaid’s super-lien to deal with. Lastly, the issues of minors and minor’s compromises must be considered if applicable.

10. Preservation
To quote the verbal genius of the great Yogi Berra, “It ain’t over ’til it’s over.” In the case of mediation, “it ain’t over until the paperwork is done.” The rule is simple: never leave without a signed agreement. However, the execution is not always so easy. The scene — five hours of venting, stressing, looking at tea leaves and crystal balls, and finally, all sides are at a place where they, in the moment, have a deal they think they can live with. Then the group must take one more hour and write something up. One strategy is to agree to “end the mediation” so that Evidence Rule 408 no longer applies and the laws of contract kick in. This helps prevent buyer’s remorse, and the deal is the deal.

We all know the statistics of how many cases actually go to trial. The vast majority of cases are settled, and more are being settled at mediation every year. It is our job to represent our clients, and every year that means not only a solid litigation practice, but also a solid plan for mediations.

I associated and co-counseled with Tom D’Amore on a difficult case with difficult damages – and a great result. Tom brought a level of expertise to the case that was extraordinary ... I would not hesitate to work with Tom again.”

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The Limited License Legal Technician
Making Justice More Accessible

by Chief Justice Barbara Madsen and Stephen Crossland

In recent weeks, a new board has begun meeting at the WSBA offices to craft details of a new legal position that will make Washington’s first justice system in the nation to admit another level of practitioner — the limited license legal technician. The Limited License Legal Technician (LLLT) Board expects to complete the first stage of its work by early 2014, and with approval by the state Supreme Court, the first LLLTs can begin to operate sometime next year.

We, the authors, believe this new position will help Washington provide another path for accessing justice to many thousands of limited-income persons who cannot afford attorneys, as well as help courts staggering under the weight of pro se litigants. Development of this new position has involved many years of study and heated debate, and is being watched closely around the country — it has been written about in law journals, on national legal websites, and recently in The New York Times. With the implementation of the rule nearing, we would like to provide answers for some of the frequently asked questions about the underpinnings of the rule and how LLLTs will function.

The LLLT Rule
The state Supreme Court voted 6–3 on June 15, 2012, to approve Admission to Practice Rule (APR) 28 — the Limited Practice Rule for Limited License Legal Technicians. APR 28 allows non-attorneys with certain levels of education, training, and certification to provide technical help on simple legal matters such as selecting and completing court forms, informing clients of procedures and timelines, explaining pleadings, and identifying additional documents that may be needed in a court proceeding.

The rule ordered creation of an LLLT Board, consisting mainly of attorneys, which will establish the parameters of the new position: education and experience requirements, testing, certification, fees, oversight, limitations, and discipline. The Board will also recommend to the Supreme Court the areas of legal practice to which legal technicians should be admitted. In March, the Court approved domestic relations as the first of these practice areas. LLLTs will not be allowed to represent clients in court or to contact and negotiate with an opposing party on a client’s behalf.

The Supreme Court Order approving APR 28 with an in-depth discussion of the need for the position, the text of the rule, and a detailed dissent can be found at http://1.usa.gov/1065Osd. Approval of this rule was not given lightly, as evidenced by the number of years that went into drafting the proposed rule, presenting it statewide, accepting public input, debating its need and its impact, seeking other solutions, and witnessing pro se problems continue to grow.

The original rule was drafted in 2005, but the history actually begins with WSBA committees established in the late 1980s and early 1990s that addressed the unauthorized practice of law and domestic relations. These committees were formed, in part, because of the growing number of people unable to afford professional legal help. This was dramatically true in family law cases where courts in the 1970s began reporting large increases in family law cases involving at least one party not represented by an attorney. This trend led to a proliferation of non-attorneys offering help with legal documents, a problem which has only grown larger with the advent of the Internet.

To begin addressing the unauthorized practice of law, we first needed a specific definition, so in 1998 the WSBA formed the Committee to Define the Practice of Law. This committee’s work led to General Court Rules (GR) 24 and 25, which define the practice of law and establish the Practice of Law Board (POLB). One of the POLB’s mandates from the Supreme Court was to address access-to-justice issues for those who cannot afford attorneys, so in 2005, the POLB crafted a rule to create a legal technician position.

Learning from the Medical Profession
While this proposal was controversial in the legal world — the WSBA Board of Governors overwhelmingly opposed it — the medical field had taken similar steps in the mid-1960s with the positions of physician assistant and nurse practitioner. Initially, both positions were highly controversial. However, with physicians becoming increasingly specialized and their education and services more costly, the affordable family doctor became increasingly scarce.

Concerned medical leaders began calling for “mid-level” health practitioners who could provide preventive care and less-complex medical services in under-served communities. Their initial proposals were rejected by medical schools and strongly criticized by members of the profession.

A turning point came in 1965 when Medicare and Medicaid programs began expanding care to the elderly, those with disabilities, and low-income families. Suddenly much more care was needed at affordable rates. The first physician assistant and nurse practitioner educational programs launched in 1965, and with refinement, the positions became effective resources. By 1977, Congress was mandating that 50 percent of health services in rural clinics be performed by nurse practitioners, certified midwives, and physician assistants. It was this model in the medical field that impressed some members of the Supreme Court and others in the judicial branch, and prompted thoughts of a mid-level legal practitioner.

Also of interest was the effectiveness of Washington's courthouse facilitator position. Courthouse facilitators provide basic information to pro se persons in family law cases, and have been helpful and highly sought. However, facilitators are court employees subject to budget reductions and are greatly restricted by the definition of practicing law. They do not have the latitude to provide the kind
of critical services needed.

As with the 1965 turning point in the medical field, the legal profession in Washington and across the U.S. is facing alarming trends indicating vast numbers of Americans are not accessing critical legal help, while large numbers of attorneys are struggling to make a living.

The events and trends that led the Supreme Court to adopt the LLLT Rule include:

The groundbreaking 2003 Civil Legal Needs Study, released by the Washington Supreme Court Task Force on Civil Legal Justice, found 85 percent of the state’s low-income population had serious civil legal problems involving basic needs such as housing, employment, and family stability, but only 15 percent were receiving any kind of assistance.

Growth in the number of pro se litigants coming to court unprepared and bewildered. This slows court functions and, most critically, contributes to questionable justice outcomes, according to court surveys. As one judge commented, “We have many more middle-class persons who have been caught up in the recession and are unable to pay their rent or mortgage or bills. They come to court, embarrassed and distraught, and the only thing I can tell them is that I cannot do anything.”

Significant increases in the cost of law school resulting in growing barriers for many interested in the legal profession. The average cost of public law school has nearly tripled since 2001, and law school enrollment for 2013 is at its lowest level since 1977.

The proliferation of people or businesses engaging in the unauthorized practice of law is exploiting a huge public need that the legal profession is not addressing adequately.

The Need Is Too Great

It took seven years from first proposal of the LLLT Rule in 2005 to its adoption in 2012. We spent that time making presentations statewide to bar associations, access-to-justice organizations, and anyone who would be interested in or affected by the rule. We listened carefully to concerns and weighed options. We searched for programs or ideas in other states; there were none.

In this process we learned about, and deeply appreciate, the many WSBA programs that help provide access to justice and are humbled by the thousands upon thousands of volunteer and pro bono hours given by Washington attorneys to those in need. Part of our waiting was spent evaluating the impact of programs such as the WSBA’s Moderate Means Program, but the need is too great. Pro bono clinics, court facilitators, and under-funded legal aid cannot handle all of the cases, and unlicensed persons are inappropriately filling that need.

If the law has become so complex that legal training is required just to fill out a form, where is the space for the little person who needs a simple divorce? There’s a huge need for elementary legal advice and we’re not meeting it. By opening the door to limited practice, the way other professions have, badly needed assistance becomes available quickly.

Two of the primary concerns we heard regarding the LLLT Rule involve its possible financial impact on already struggling attorneys, and the quality of the work to be provided by legal technicians. First, our studies and interactions tell us the financial impact is not likely to be significant. With everything to lose, these people are still coming to court without legal help; they simply cannot afford to hire attorneys.

Second, it is the LLLT Board’s job to craft a quality program with ongoing oversight that ensures the work of legal technicians will protect the people of Washington. Nearly 70 attorneys applied to serve on the Board, and its 13 members are a talented, dynamic group of people. We are very excited to be drafting the program’s details, but we do so with a bit of trepidation — no one else in the world is doing this.

With legal technicians certified and offering services, the courts and limited-income residents of our state will be experiencing some relief within the next few years. Our goal with the legal technician rule is to open one more pathway to justice, a critical component of the type of society we dream of. With the help of legal technicians, our hope is that people will get the information necessary to make better decisions, resulting in just outcomes, so that people can move on with their lives. NWL
Practice Transition Opportunities

A New Member Service Starts the Conversation Between New and Retiring Lawyers

by Michael Badger

You’ve probably all heard the numbers. The percentage of active WSBA members who are over 50 is approaching 50 percent, and those over 60 represent nearly 20 percent. Further, last year’s WSBA membership study indicated that 27 percent of our membership is “actively considering retirement” sometime in the next five years.

Seattle University School of Law, the Gonzaga School of Law, and the University of Washington School of Law, Practice Transition Opportunities is a service to both potential sellers of a solo or small firm practice and potential buyers. To help you decide if selling or buying an existing law practice is right for you, you can find more information on the WSBA website on the “Starting Your Legal Career” page (http://bit.ly/10Mplrl) or the “Ending Your Practice” page (http://bit.ly/10MpUg6).

Unlike a traditional job board, such as http://jobs.wsba.org, where potential employers can post job opportunities and job seekers can post their résumés, Practice Transition Opportunities allows potential sellers, anonymously or with full disclosure of their identity, to post a description of the practice they hope to sell. Their contact information is displayed and potential buyers are encouraged to initiate contact. What happens next is up to the two parties. Beyond providing information relating to possible topics for discussion, WSBA plays no role in facilitating or mediating a conversation between parties.

While large-firm practitioners have typically had a well-defined process for transferring ownership interests in a practice, solo and small firm practitioners have not. In fact, the outright “sale” of a law practice from one lawyer to another was prohibited for decades. That changed in 1990, when the American Bar Association dropped its opposition and added Model Rule 1.17 to the ABA Model Rules of Professional Conduct.

In the state of Washington, RPC 1.17, adopted in 2006, adheres closely to the ABA Model Rule. Addressing the “Sale of Law Practice,” RPC 1.17 states, “A lawyer or a law firm may sell or purchase a law practice, or an area of law practice, including good will, if certain conditions are satisfied.” It is important for buyers and sellers to be familiar with the conditions that must be satisfied and to be certain that the terms of any agreement comply with those conditions. WSBA professional responsibility counsel are available to talk through this rule and conditions with you. The Ethics Line is available for this purpose at 206-727-8284 or 800-945-9722, ext. 8284.

Even for solos who practice with no other lawyers, there are many potential classes of buyers. There are competitive lawyers who may want to expand, or out-of-town firms that want to establish an office in a new location. There are recent law school graduates who would like to jump-start a new practice and lawyers from other jurisdictions who want to relocate. And then there are lawyers who have left a medium-sized or large firm for an independent practice.

From a practice management point of view, it is almost always in the best interest of both buyer and seller for there to be a significant period of transition. Whether it’s nine months or five or more years, transition time allows the seller to gradually wind down their full-time professional career while crafting a personalized plan for the next stage of life.

For the buyer, it allows for a graduated transition of the existing practice and an opportunity to tailor it as one’s own while benefitting from the seller’s historical and other knowledge. This type of mentoring, while not always critical (and perhaps sometimes unwelcome), may be quite important for the new graduate just starting his or her career.
Some manner of financing, which may be a variant on the established concept of “sweat equity,” is also more likely achieved with a period of transition.

A satisfactory transition isn’t an accident and cannot usually be accomplished in a few months. The best transition starts as early as possible. Many would suggest that an ideal time frame is five to seven years, a possible time frame is two to three years, and a “fire sale” timeline is six to 12 months.

It is important for successors to see that there is a very specific timeline for completion of the transition. The timeline needs to have two parallel tracks: one for the transitioning-in and one for the transitioning-out. A transfer of primary client responsibilities and relationships is as essential as the transfer of referral relationships.

**For the Prospective Seller**

For those contemplating the conclusion of your professional practice, a sale can represent an opportunity to realize some “asset value” from your life’s work as well as contribute to the development of a younger colleague. Since the financial crisis hit in 2008, lawyers are increasingly finding that selling a practice is a viable option for replacing lost savings and an alternative to working until you drop.

There are many things to consider and many potential sources of counsel to seek when selling a practice. CPAs, CFAs, bankers, business brokers, valuation firms, and a variety of business consultants and advisors, including lawyers who concentrate in these matters, are available to assist both sellers and buyers in determining a fair value for a transaction and advising on financing and transitioning options.

Establishing the value of a practice involves both art and science. Many lawyers think of their practices as something with value only when they are actively billing time, but with no residual value. Although it may not be possible to sell every lawyer’s practice, most practices have at least some value to a potential buyer.

Numerous factors can affect the price: the nature of the practice, the amount of recurring business, the length of time the seller has been in practice, the number of clients (and the concentration of work in a small number of clients), how long the seller has to consummate the sale, the likelihood that clients will remain with the practice after a sale, the stability of the practice’s revenue flow, and the overall reputation of the firm.

**For the Prospective Buyer**

In the past, most new lawyers have either joined established large or small firms, found positions in the governmental/public sector or, less frequently, become part of an in-house counsel team. In the present day, however, an increasing number are choosing to “hang out their own shingle” and begin their careers as solo practitioners. Sometimes this decision reflects a clear preference for launching one’s career as a solo; sometimes it’s a response to a less-than-vibrant economy where alternative or traditional practice choices may be limited.

In many businesses, and law need not be an exception, it may be preferable to buy an existing business rather than start one from scratch. While relatively few buyers these days are likely in a position to make a cash offer to an established lawyer wishing to conclude her practice, there are a number of ways that a buy/sell arrangement can be structured.

Practice Transition Opportunities is designed as a tool to help facilitate an informed conversation. For further information about the WSBA Practice Transition Opportunities program — including how to use it and how to determine if it’s right for you — contact WSBA Lawyer Services at 206-727-8268 or 800-945-9722, ext. 8268. NWL

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Beyond the Sand Creek Bridge
Author: Scott Wyatt
Highland House Press; 442 pp. softcover; $14.95

Reviewed by Stephanie Perry

Recommended if you like: Snow Falling on Cedars
Looking for some law-related fiction with a uniquely local twist? Check out WSBA member Scott Wyatt’s historical debut novel, Beyond the Sand Creek Bridge.

Set in Idaho Territory’s Northern Pacific Railroad Camp in 1882, the story begins as the body of Sheriff Roger Langston, brutally stabbed to death, is found beneath the Sand Creek Bridge. Wong Hok-Ling, a Chinese railroad worker employed at the camp, is charged with the murder, presumably in revenge for the abuse that the cruel, violent sheriff regularly doled out to Hok-Ling and other Chinese workers. After completing a three-year contract with the railroad, Hok-Ling had planned to return to China to marry his fiancée, Mei-Yin, but his unscrupulous bosses refuse to issue his travel documents and back pay, and there is no legal recourse for foreign workers. Rookie lawyer Jason McQuade reluctantly agrees to defend Hok-Ling, even though his role in the trial swiftly turns him into a town pariah. But when Jason meets the beautiful Mei-Yin — and finds himself falling for her despite their vast cultural differences — his personal loyalties, as well as his professional ethics, are put to the test.

Readers with an interest in Pacific Northwest history and the law will enjoy this well-researched and carefully crafted novel. Wyatt’s complex, nuanced characters and difficult moral questions make this a thought-provoking and suspenseful book.

With the author’s permission, we’ve included a short excerpt from Beyond the Sand Creek Bridge.

“... Bring in the defendant, Mr. Lambert.”

The deputy nodded and rose importantly from his chair beside the makeshift jury box. He stepped partway into a small anteroom beside the clerk’s station and soon was backing out again, letting the door ride against his heels. Jason watched and was heartsick, re-experiencing the unfamiliar depths of his fear for Hok-Ling, and his anxiety over his role in what was about to happen. An ache began to tear away at his stomach.

There was a sharp clanking — the sound of chains. The courtroom began once again to buzz with anticipation. Suddenly, Hok-Ling appeared in the doorway, bound hand and foot. The clanking of his letters competed with the gasps and murmured exclamations of the crowd and the pounding of the judge’s gavel. He shuffled uncertainly over the floor, as though intoxicated. His eyes were drooped and stupid.

“Oh, my God!” whispered Jason, rising slowly to his feet. Lei Chi-Man rose as well. The prisoner was dressed in the tattered dungarees and oil-stained work shirt he had been wearing on the day of his arrest. They had not been cleaned. His matted hair was laden with filth, and one long lock hung rigidly over his left eye. His feet were bare and nearly black with dirt.

Lei Chi-Man stepped back to make room for the prisoner. Jason positioned a chair behind him. The deputy guided him down.

“You bloody bastard!” Jason seethed under his breath as he and the deputy were bending over the catatonic prisoner. “Where are the clothes I gave you? And why didn’t you give him fresh water as I asked?”

“Goddammit, Jason, I asked Simmons and he said ‘No’— said to bring him as he is. I swear! I’d have done what you asked if it’d been up to me.” He removed the handcuffs and the two men straightened. The deputy blushed deeply. “I swear that’s the truth, McQuade.”

“Are we ready, gentlemen?” Simmons inquired unctuously.

Jason could feel a fresh, barely controlled anger and disappointment mold itself into words. “The defense is not ready,” he cried, stepping to the side of the counsel table. He felt a surge of emotion against his face as his voice took command of the room. “My client stands innocent before this court until proven guilty, yet he has been brought in in chains, and unbathed. I myself bought him decent clothes to wear and asked that he be given fresh water. But Deputy Lamb here tells me that the court denied him these decencies, that you ordered him to stand trial in this condition. Why?”

A groundswell of sibilant utterances was beaten down, this time by the bailiff.

Edited by Stephanie Perry
“Order, please.”

“Mr. McQuade,” Simmons replied without hesitation, “this court is not interested in the toilettte of murderers — or accused murderers. Also, it may interest you to know that the sheriff’s office has been shorthanded of late. There is hardly time and manpower for attending to such matters as your client’s wardrobe and personal comfort, and, indeed, I would have presumed, by the looks of things, that this man would be the last man on earth to be concerned with such — can I say trivial? — matters.” No effort was made to quell the ripple of laughter and murmuring that sounded in support of the judge’s explanation, although, at one point, the bailiff did pick up his gavel and could be seen turning it in his hands. This seemed to have some effect.

Jason countered in a booming voice. “Would it not be the concern of every man to stand before his accusers free of the deprecation of prison filth? Is a man’s dignity really as trivial as you make it out?”

Simmons blushed. “This court is not a forum for a college debate, young man, nor is it a platform for rhetorical flourishes. We don’t coddle prisoners here. You will remember that. Now, do you have a motion you wish to bring at this time?”

Jason glanced uneasily at Emory. The older attorney sat back in his chair, pulling at the hairs of his mustache. “I do, Your Honor. I move for a one-hour recess to allow my client an opportunity to bathe and properly dress for his trial. I think it is only fair—”

“Do you wish to respond, Mr. Morse?”

Emory stood up slowly. “We have no objection—”

“Motion denied. Anything further, Mr. McQuade?”

Jason stepped toward the bench, completely nonplussed. “I’m sorry, you said . . . ?”

“Motion denied. Is there anything else you wish to bring to the court’s attention at this time?”

Their eyes locked for five seconds. “No, sir. Not at this time.”

***

Jason stepped toward the counsel table and picked up the dumbbell. “No doubt you gentlemen have noticed this. I brought it in this morning.

“That dumbbell is a fair representation of each one of us.” He turned and looked at Hok-Ling, then at Ho Ying-Chiao. “Each one of us. Every human being,” he went on, turning back to the jury, “has a sphere of human differences.” Jason pointed to the left-hand ball. “Just a minute,” he said. He fished in the pocket of his waistcoat and produced a small piece of chalk. “Let’s mark this ball with a D for differences. The resulting “D” was skewed by the object’s shape and rough surface, but was legible. “In this sphere,” he continued, “are the languages we speak, the color of our skin, our nationality, whether we are male or female, our particular intellect, our sense of humor, our family history. Anything and everything that is not shared by people everywhere. And in this ball,” he continued, writing an S on the other sphere, “we find all those characteristics, experiences, concerns, and desires that are shared by people everywhere.” He held the dumbbell up, and turned it once in each direction so that the gallery and judge could see the markings.

“This is a fair representation of each of

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The Literary Lawyer
“Gentlemen of the jury, you are free men, free to hate or love what you see in the world around you. My client is Chinese. He is a coolie laborer. Do you hate him for his hair, for his skin color, for the shape of his eyes? Do you hate him because he has taken a job that could be filled by a white man? Fine. There he is. You are in good company. I ask only one thing. I don’t ask you to leave your hatred at the door when you enter the jury room. No, take it in with you. If you have it, you have it. What I ask is what any man should ask. I ask you to see my client completely. Turn the dumbbell. See his humanity. Then decide. Has the prosecution proven beyond a reasonable doubt that this man, Wong Hok-Ling, of Canton, China, killed Sheriff Roger Langston on July 16? If the answer is no, or you’re not sure, you must acquit him. You must. Turn the dumbbell… then decide.”

**The Conviction**

Author: Robert Dugoni

2012; Touchstone; 384 pp. hardcover; $25

Reviewed by Stephanie Perry

I’m not a huge fan of the courtroom drama genre, but a well-written book is a well-written book, regardless of where in the bookstore it’s shelved. So when the latest novel by Seattle author/lawyer Robert Dugoni crossed my desk — with bloody handcuffs on the cover, no less — I was curious enough to give it a chance. While it may not be very reassuring for parents, _The Conviction_ is a fast-paced, enjoyably silly page-turner with a cliffhanger at the end of every chapter.

Superstar attorney David Sloane is struggling to save his teenage son, Jake, who has spiraled into drinking and depression after witnessing his mother’s violent murder nine months before. After keeping him out of jail yet again, David is desperate to connect with Jake. When David’s detective friend, Tom Molia, suggests they take their kids on a camping trip, it sounds like the perfect opportunity for some father-son bonding. But things deteriorate rapidly when Jake convinces the other boy, TJ, to break into a general store and steal alcohol in the middle of the night. Before David and Tom even wake up, the boys have been arrested, hastily tried without legal representation, and whisked away to a six-month sentence at Fresh Start, the county’s juvenile detention camp hidden deep in the wilderness.

David and Tom team up to fight the unjust conviction, but they quickly discover that Judge Earl Boykin, who sentenced the boys, seems to have control over just about everything that happens in the county, including an ominously cozy relationship with law enforcement. Meanwhile, Jake and TJ are enduring physical and mental abuse, starvation, and humiliation at the hands of their sadistic guards…and learning that there’s much more to this mysterious work camp than rehabilitating juvenile delinquents. The frantic fathers battle intimidation, deception, and outright corruption to rescue their sons, but can their legal skills save the boys before they’re seriously injured —
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or even killed?

While the initial set-up is far-fetched but plausible (anyone who has a teen, or has been a teen, knows how quickly their bad decisions can spiral into a crisis), the story relies on some fairly tired clichés to keep the action moving along. Redneck, small-town cops, leering sex offenders, and sadistic guards feel like cartoonish villains next to the more realistic and complex characters of our heroes. The courtroom scenes and legal proceedings, on the other hand, felt convincing to this non-lawyer. The climactic ending forces you to accept some highly unlikely plot twists, but overall the plot is thrillingly action-packed and it’s surprisingly tough to put down.

Robert L. Haig, editor-in-chief
Published by Thomson Reuters and ABA Section of Litigation (2011)
Hardcover, 12,742 pages, plus CD-ROM
$1,351

It’s hard to find a good mentor (especially at my age). Unfortunately (and quite obviously), I’m not done learning in the law. Consequently — and particularly so given the far-flung nature of my federal commercial litigation practice — I frequently wish I had someone to fill a mentor’s role for my practice. Someone older, and wiser, with a greater depth of experience in the particular substantive area of my case, to knock around the finer points of the law, the practical nuances of the litigation, and, most importantly, the strategic implications I should consider in managing my cases. Unfortunately, I cannot afford to hire a cadre of noted experts to sit in waiting for my need. Fortunately, though, I have found a very suitable substitute: the ABA Section of Litigation’s excellent treatise, Business and Commercial Litigation in Federal Courts, 3rd ed.

Owning this treatise is like having an arsenal of the nation’s top experts on staff as mentors (but without the overhead). To prepare the 3rd edition, Editor-in-Chief Robert L. Haig recruited 251 of the best lawyers practicing commercial litigation in the country’s federal courts, including 22 federal appellate and trial court judges.

What really makes the treatise unique, however, is its consistent, deliberate focus on teaching the things one cannot get from the statutes, rule books, and the case law alone. In every chapter, on every topic, the focus transcends a mere recitation of the law, and teaches the how, the why, and the strategic considerations an expert practitioner would counsel you to consider. In this manner, the principal authors have made their years of experience and collective expertise — their mentoring — available to the rest of us. That experience and expertise is reflected in the depth and breadth of the treatise: 11 volumes contain 130 chapters (including 34 chapters new from the second edition), over 12,742 pages, include more than 40,000 citations to current cases, statutes and rules, and offer more than 500 pages of litigation forms and jury instructions (which are also supplied on a CD for ease of use).

The organization and structure of the treatise make its “mentoring” service both manageable and meaningful by dividing the topics into “procedural” and “substantive” areas. The first five volumes are dedicated to “procedural” issues, and run the gamut from jurisdiction, discovery, trial, and judgment to appeals. However, this is
no dry recitation of federal civil procedure — again, the focus is heavy on practical experience and strategy. Included chapters also cover the finer points of litigation practice that reside within the procedural rules, such as Civility, Case Evaluation, Discovery Strategy, and Opening Statements. Chapter 36, regarding Trials, provides an excellent example of the overall approach: Clear, concise advice is provided regarding courtroom conduct, for example (“Be yourself,” “avoid slavish imitation,” “show respect for everyone”). Chapter 40, regarding Expert Witnesses, provides another good example. The chapter canvases the law under Fed. R. Evid. 702, but also addresses strategic considerations and tips for qualifying expert witnesses, and includes eight subsections on strategy and preparation for the use of experts at trial. It’s a little like having James W. McElhaney’s “Angus” on your bookshelf.

The second half of the treatise addresses 63 different substantive topics in federal commercial litigation. Obviously, substantive topics such as antitrust, professional liability, patents, and employment discrimination have all sponsored multi-volume treatises of their own. This resource is obviously not intended to replicate or compete with those exhaustive studies. However, the chapters on each of the substantive topics cite to those authorities, and distill the subject matter to a manageable text that can be read in a few hours for the “big picture” to a new study, while still providing detailed subsections for issue-specific guidance. My own recent experience with the chapter on Patents illustrates this point. When asked to assist as trial counsel in a pending patent case, I turned immediately to the treatise. While I will never be a “patent lawyer,” an evening with the treatise quickly refreshed my knowledge of the defenses to an infringement claim, the “process” of patent infringement claim, the “process” of patent litigation; the myriad damages and remedies issues, and, importantly, the strategic concerns involved at each stage of the case. Having read the treatise, I could speak reasonably about the case with my patent lawyer partners, and had a sufficient understanding of the issues to meaningfully assist in the strategic discussion. While I don’t have an old patent litigator in my office, the treatise played precisely that role, in my home, on my time.

I would recommend Business and Commercial Litigation in Federal Courts, 3rd ed., as an excellent resource for those who practice commercial litigation in federal courts. For solo practitioners and small firms who handle a variety of cases, the treatise will provide a thorough resource across a wide variety of procedural and substantive areas. For mid-size firms, larger firms, and solo practitioners, the treatise can serve as an expert’s summary and compilation of the law for attorneys new to the area, and as a good general resource for areas outside established expertise. For anyone who is not yet finished learning in the law, this treatise can prove a valuable “mentor.”

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**, JOHN RAY NELSON** is a member of Foster Pepper, PLLC, and practices commercial litigation in state and federal courts throughout the Pacific Northwest. He is a former chair of the WSBA Litigation Section and a former President of the Eastern District of Washington’s Federal Bar Association.

**STEPHANIE PERRY** is the WSBA communications specialist/publications editor. Find her reviews and reading lists at [www.readerslane.com](http://www.readerslane.com).

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**The Literary Lawyer**
**In Remembrance**

This In Remembrance section contains brief obituaries of WSBA members. The list is not complete and contains only those notices that the WSBA has learned of through newspapers, magazine articles, trade publications, and correspondence. Additional notices will appear in subsequent issues of *NWLawyer*. Please email notices or personal remembrances to nwlawyer@wsba.org.

**Judge Susan R. Agid**
Judge Susan Agid was born in Chicago and grew up in Charlottesville, Virginia. Agid’s upbringing in the South shaped her perspective on equality and led to her interest in civil rights. She received her law degree from Columbia University. In 1975, she moved to Seattle and joined the firm Hillis, Phillips, Cairncross, Clark, and Martin. In 1973, she joined the civil division of the King County Prosecutor’s Office. She also wrote two books on fair employment litigation. In 1983, she joined the firm of Cohen, Keegan and Goeltz. In 1986, Agid was appointed to the King County Superior Court bench and was appointed to the Court of Appeals, Division I, in Seattle. Agid loved to read, garden, cook, and spend time with her husband and their two dogs at their second home on Whidbey Island.

Judge Susan Agid died Jan. 28, 2013, at the age of 71.

**Douglas P. Beighle**
Douglas Beighle was born in Montana. After graduating from the University of Montana with a bachelor’s degree in business administration, he entered the U.S. Air Force as a second lieutenant before returning to the University of Montana for his law degree. He was a faculty fellow at Harvard Law School in 1959–60 and received his LL.M. degree in 1960, the same year that he joined the law firm now known as Perkins Coie, where he practiced for 20 years. In 1980, he changed careers and joined Boeing as vice president of contracts, later heading Boeing’s legal department and serving as its general counsel. He was chair of the Washington State Supreme Court’s Commission on Justice, Efficiency and Accountability and the Washington State Blue Ribbon Commission on Transportation, and many other community nonprofits. In his free time, Beighle enjoyed learning, making new friends, and fly fishing at his cabin in Kodiak, Alaska.


**Edward C. Biele**
Edward Biele was born in New Jersey and grew up in Yonkers, New York. He attended Columbia College on a scholarship and later went to Columbia Law School; he enlisted in the U.S. Navy during his second year of law school, shortly after the attack on Pearl Harbor, and served as lieutenant commander of the USS Sea Devil in 1944–45 before returning to finish law school and practice law. In 1950, he moved to Seattle and joined the firm of Bogle & Gates. Biele was also an active member of the Maritime Law Association. His second career was as an apple farmer, when Biele and his son partnered to acquire and operate orchards near Oroville. Biele loved travel and exploring new cultures; he was an avid reader and historian.

Edward Biele died Nov. 3, 2012, at the age of 95.

**Judge Lawrence E. Brown**
Lawrence Edward “Ed” Brown was born in Oklahoma; he attended a one-room schoolhouse until his family relocated to Yakima Valley in 1936. He served in the U.S. Navy for World War II aboard the USS General T.S. Bliss. Brown graduated from the UW School of Law and opened his practice in Elma, later serving as Elma’s city attorney and deputy prosecutor. In 1962, he was elected prosecuting attorney for Grays Harbor County and later was appointed as a judge for Grays Harbor County District Court. Brown was involved with the Elma School Board, Aberdeen Elks, and Grays Harbor Footprinters. He enjoyed bowling, Western novels, fishing, and games of all kinds.

William F. Bulchis
William Bulchis was born in New Jersey. He received his undergraduate degree from the UW and his law degree from the University of Puget Sound. After practicing law in Alaska for several years, Bulchis returned to Seattle, where he served primarily as a consumer bankruptcy attorney for more than 30 years. Bulchis had a passion for electronics and was largely self-taught; he obtained his amateur radio license and Army radio license while in high school, and built his first computer in 1979. Bulchis developed an interest in aviation later in life, earning his pilot’s license and flying a single-engine Cessna.


William E. Burch
William Burch was born and raised in Spokane. In 1943, he joined the U.S. Air Force. He then received his undergraduate degree from the UW; he earned his law degree from Gonzaga University School of Law at night while working at McGovern Carroll Insurance Brokers. In 1951, he joined McGovern Carroll as a full-time insurance producer and eventually became its president. Burch served on the Gonzaga Board of Regents and Trustees for over 25 years and was a recipient of the University’s Distinguished Alumnae Award. As president of the Spokane Chamber of Commerce in 1969, he was involved in the planning of the 1974 Spokane World’s Fair. In his free time, Burch enjoyed skiing, tennis, hiking, and boating.


Charles R. Bush
Charles Bush grew up in Seattle, where he attended Franklin High School and the University of Puget Sound. He received his law degree from Willamette Law School and practiced at the Attorney General’s Office, Preston Gates & Ellis, and Vanderberg John- son & Gandera. For 30 years, he sang in the Epiphany Parish choir. He was involved with Operation Nightwatch, a homeless shelter at Epiphany, and building low-income housing in his own neighborhood. Bush enjoyed rowing on Lake Washington and spotting herons flying overhead.

Charles Bush died March 1, 2013, at
In Remembrance

the age of 72.

F. Lee Campbell
Lee Campbell was born in Tacoma. He served as an infantry officer in World War II and was awarded both the Combat Infantry badge and the Bronze Star medal. After World War II, he attended the UW School of Law. He joined the firm of Karr Tuttle Campbell and was its managing partner and president for 12 years. He served as president of the Washington State Bar Association and on its Board of Governors; in 1982, Campbell received the WSBA Award of Merit, its highest honor. He was the first chair of the Washington State Judicial Conduct Commission, was a fellow and regent of the American College of Trial Lawyers, and was a fellow of both the International Academy of Trial Lawyers and the American Bar Foundation. He served as president of the Washington Defense Trial Lawyers and was a co-founder and the first chair of the WSBA Trial Practice Section. He was an avid Husky fan, enjoyed pheasant hunting, and was a member of the Seattle Yacht Club.

F. Lee Campbell died Dec. 17, 2012, at the age of 89.

Maurice M. Epstein
Maurice Epstein was a lifelong resident of Seattle and the youngest of seven children. After graduating from Garfield High School, he enlisted with the U.S. Army, where he served in Japan and Korea. After his service, he received his undergraduate and law degrees from the UW. He began his legal career with the Washington State Attorney General’s Office, followed by the King County Prosecutor’s Office, then transitioned to private practice with respected friend and partner John Hay. He became county court commissioner for King County, where he served until his retirement in 1995. Epstein was known for his sense of humor and kindness.

Maurice Epstein died March 3, 2013, at the age of 87.

John H. Faltys
John Faltys was born Dec. 8, 1930. He grew up in Nebraska and graduated from Nebraska Law School. After graduation, he spent a couple years in the Navy, during which time he was based in the Puget Sound. After finishing his term in the Navy, he returned to the area and taught law at the UW until he went into private practice. Outside of work, Faltys was an accomplished woodworker, handball player, and tale teller.

John Faltys died on Oct. 21, 2012 at the age of 81.

Harold S. Fardal
Harold Sterling Fardal was born in Iowa. He graduated from St. Olaf College, the UW, and Yale Law School, and also studied in Norway on a Fulbright scholarship. He served in the U.S. Army Intelligence Unit during the end of the Korean War; after being honorably discharged in 1955, he began his law career at Keller Rohrback, where he became partner and practiced until his retirement. Fardal served on the local school board, trained for marathons, and managed the law firm’s softball team. He enjoyed working in his garden, listening to Mariners games on the radio, and watching eagles and hummingbirds.
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John W. Hayden Jr.
Born and raised in New Jersey, Jack Hayden served in the U.S. Army and financed his college studies with income from modeling. He earned his law degree from Rutgers University School of Law and served as deputy attorney general and director of criminal investigation for the state of New Jersey. After he moved to Olympia, he served as assistant attorney general and legal advisor to the Washington State Patrol. He had a lifelong love of nature and the outdoors.

Jack Hayden Jr. died Nov. 11, 2012, at the age of 84.

Tyler J. Henderson
Tyler Henderson was born in Bakersfield, California, and raised in Boise. Henderson attended Western Washington University and then received his law degree from Gonzaga University Law School. Henderson worked for Lane Powell in Seattle until the birth of his second son. Henderson then moved his family back to Idaho and took a position at Moffatt Thomas. Henderson enjoyed watching football with his dad and sons, as well as coaching youth football in the Meridian Police Activities League (MPAL). In the MPAL, Henderson was known as “Coach T.”

Tyler Henderson died Jan. 23, 2013, at the age of 43.

William A. Helsell
William A. Helsell was born Nov. 18, 1924, in Seattle. Helsell attended Princeton University for one year before his interest in flying led him to enlist in the Navy’s Pilot Training Program. Helsell served active duty during the Korean War and the Cuban Missile Crisis. In 1946, he resumed his undergraduate education at the UW, and then attended UW Law School. His 43-year career as an attorney included working in the office of the U.S. Attorney, as well as many years as a trial lawyer before becoming a partner in the firm Helsell, Paul, Fetterman, Todd, and Hokanson. He retired in 1994 after receiving many awards for outstanding service in the legal profession. He was an avid skier and also loved sailing and sailboat racing. His lifelong interest in flying led him to serve on the Board of Directors for the Museum of Flight. He also served on the Board of Directors for Seattle Prep and was a member of the University of Washington Futures Committee.


Wiley G. Hurst
Wiley Hurst was born Sep. 29, 1936, in Farwell, Texas, and grew up in Yakima. Hurst attended the University of Oregon and received his law degree from the University of Idaho School of Law. After graduating, Hurst returned to Yakima, where he began his law career as deputy prosecutor with the Yakima County Prosecuting Attorney’s Office. After five years, Hurst went into private practice. He had a love for horses and racing and spent every weekend at the races. He owned several thoroughbred race horses. Hurst was also an avid runner and fitness buff, and traveled to compete in marathons.

Wiley Hurst died Jan. 3, 2013, at the age of 76.

Judge Robert A. Jacques
Bob Jacques was born in Colorado and
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Kenneth MacDonald died Nov. 19, 2012, at the age of 95.

Terry McCauley was born Sept. 11, 1945, and was an attorney in Cashmere and Leavenworth for 40 years. McCauley was a veteran of the U.S. Army and completed his undergraduate studies at University of Tulsa. He received his law degree from the UW. McCauley received the Professionalism Award in 2012 from the Chelan/Douglas County Bar Association for his pro bono work, including work with nonprofit organizations and parents who were adopting children from overseas. McCauley conquered such challenges as writing music, learning to play tennis, and building his own tennis court. He spent many hours on his sailboat on upper Lake Chelan.


Richard McNees Sr. was born in Salem, Oregon. He graduated from Twisp High School and felt a strong connection to the Methow Valley his entire life. He attended Willamette University and the UW before joining the Navy in 1940. His intention to serve his country for two years before attending law school became a 32-year career as a naval aviator. In 1975, he achieved his original goal, graduating from the UW School of Law in his 50s. He enjoyed travel and involvement with Rotary and his church.

Richard McNees Sr. died Sept. 30, 2012, at the age of 93.

Max Messman was born in Ohio and grew up in Urbana, Illinois. He graduated from DePauw University with a degree in political science and earned his J.D. and attended seminary at Valparaiso University. He served a variety of roles in the legal and public service fields: Volunteer in Service to America, voter registration field-worker, public defender, and Washington State Emergency Management Program coordinator. He loved nature.
and sports activities, including skiing, running, camping, hiking, boating, biking, and golfing.

Max Messman died Nov. 5, 2012, at the age of 62.

Fred O. Montoya
Fred Montoya was born in Mora, New Mexico. His family moved to Wenatchee in 1944. He learned English, worked in the orchards, and joined the high school track team. He served in the U.S. Air Force and was the first in his family to attend college earning a master’s degree in social work with honors. Further challenging himself academically, he enrolled in law school at Gonzaga and received his J.D. in 1975. Montoya went into private practice in Spokane. He was one of the first lawyers in Eastern Washington to take on and win sexual and race discrimination and harassment cases for plaintiffs. In 2003, he was forced to retire because of Parkinson’s disease.

Fred Montoya died Feb. 17, 2013, at the age of 76.

Margaret J. Partlow
Margaret Partlow was born in Olympia, where she spent most of her life. She practiced law since graduating from the UW School of Law in 1980. She had a passion for horseback riding and was an avid runner.

Margaret Partlow died Jan. 25, 2013, at the age of 60.

Thomas L. Pugh
Tom Pugh went to Mercer Island High School and graduated from the UW with honors in political science. He earned his law degree from the UW School of Law and served for some time as a trial attorney. He joined his father in his manufacturer’s representative business. He was founder and a leader of the Hearth, Patio and Barbecue Association.


Lori Salzarulo
Lori Salzarulo was born in New Jersey and spent most of her adult life in the Pacific Northwest. She attended the University of Oregon and graduated law school at the UW. She joined the firm of Garvey Schubert Barer, focusing on real estate. She was devoted to public service as a volunteer and board member of many public interest groups. She
In Remembrance

Lori Salzarulo died Feb. 10, 2013, at the age of 53.

James T. Solan
Born in Seattle and raised in Aberdeen, James Solan attended Gonzaga University and graduated from its school of law. He practiced law in Spokane for 33 years, establishing the firm of Solan, Doran, Milhem and Hertel. He served on a number of community boards and helped establish a school with the Masai community in Kenya. He loved golf and basketball.

James Solan died June 15, 2012, at the age of 60.

Max D. Soriano
Max Soriano was born in British Columbia and grew up in Seattle. He played baseball and was a premier pitcher for Emerson Grade School, Franklin High School, and the UW. He served in the Merchant Marines as a ship’s officer during World War II and the Korean War. He attended UW School of Law and had a short career as an admiralty lawyer. He possessed an entrepreneurial spirit and built apartment houses, housing developments, retirement communities, and parking garages. He founded his own shipping company.

Max Soriano died Sept. 15, 2012, at the age of 86.

Frederick S. Staatz
Fred Staatz grew up in Tacoma. He studied at the University of Puget Sound and in France, Spain, and England. He served in the U.S. Air Force as a counter-intelligence officer. He obtained his law degree at the James E. Rogers College of Law at the University of Arizona. He loved music and played the bagpipes and saxophone. He was a member of several Seattle pipe bands.

Fred Staatz died June 6, 2012, at the age of 68.

Phillip S. Tracy
Born in Iowa, Phillip Tracy grew up in California. He served in the U.S. Army in Korea. He earned his J.D. from the UW School of Law in 1954 and entered private practice, forming the firm Peters and Tracy. His son joined him in practice in 1981 and the firm became known as Tracy and Tracy. He was active with the WSBA, the ABA, and the Pierce County Bar Association. He loved bird-hunting, golfing, and walking the beaches of the Oregon Coast. His park-like yard confirmed his talent as a landscaper.

Phillip Tracy died Sept. 21, 2012, at the age of 84.

Thomas J. Wetzel
Thomas Wetzel was born in Salt Lake City and raised in Vancouver, Washington. He served in Korea in World War II as a first lieutenant platoon leader and infantry unit commander. He graduated from the UW School of Law in 1952 and was a WSBA member for more than 50 years. He loved golf, books, music, and his family.

Thomas Wetzel died Nov. 26, 2012, at the age of 87.


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You should have received an electronic ballot by email or a paper ballot. If you didn’t receive one, contact the WSBA Service Center at 206-443-9722 or 800-945-9722, or email barleaders@wsba.org.

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*Candidate Vicki Lee Anne Parker declined participation in the Candidate Forum.
Board of Governors Election Ends April 15

All active WSBA members in the 2nd, 9th, and 10th districts are encouraged to vote in the Board of Governors election that began March 15 and ends April 15. If you received an email or paper ballot with voting instructions in it, please follow the instructions to vote. If you didn’t receive an email or paper ballot, please contact Pam Inglesby at pam@wsba.org or 206-727-8226. More information about the election can be found on page 48 or online at www.wsba.org/elections.

Board for Judicial Administration Best Practices Committee
Application deadline: April 10, 2013

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving on the Board for Judicial Administration Best Practices Committee. The Board will nominate one member who is appointed by the Supreme Court to serve a two-year term, beginning June 1, 2013. The committee’s activity is narrowly focused on creating, testing, and evaluating court performance audit measures. Each measure is designed to evaluate a court’s performance based on standards that can be reasonably met by courts at all levels. Approximately 15 measures will ultimately be integrated into a comprehensive court performance audit plan. Please submit letters of interest and résumés to WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; or email barleaders@wsba.org. A letter of interest and résumé are also required if the incumbent seeks reappointment. Further information about the BJA Best Practices Committee can be found online at www.tinyurl.com/bja-bestpractices, or by contacting them at 360-704-4143.

Call for Applications for WSBA Board of Governors At-Large Position
Application deadline: 5 p.m., April 19, 2013

One of the three at-large positions on the WSBA Board of Governors is up for election. Under WSBA’s Bylaws, the position is to be filled by a WSBA member who has “the experience and knowledge of the needs of those lawyers whose membership is or may be historically under-represented in governance, or who represents some of the diverse elements of the public of the State of Washington.”

The Board of Governors will elect the at-large governor at their meeting on May 31, and the governor’s three-year term will start at the end of the Sept. 26-27 Board of Governors meeting. For more information about the position and how to apply, see www.wsba.org/elections. The WSBA Bylaws are posted at www.bit.ly/bylawswsba. Applications will be accepted until 5 p.m. on April 19, 2013. Letters of endorsement will be accepted through May 13, 2013. If you have questions, please contact WSBA Diversity Program Manager Joy Eckwood at joye@wsba.org, 800-945-9722, ext. 5952, or 206-733-5952.

Board for Court Education
Deadline: May 10, 2013

The Board of Governors will nominate one WSBA member to be appointed by the Washington State Supreme Court to serve a three-year term on the Board for Court Education (BCE), from July 1, 2013, to June 30, 2016. The BCE identifies the educational needs of trial court judges and court personnel, coordinates educational programs and services, and recommends programs and budget to meet the educational needs of the Washington judiciary. Its 16 members meet four times a year. If interested, please submit a letter of interest and résumé by May 10, 2013, to WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539 or by email to barleaders@wsba.org. For more information about the BCE, see http://tinyurl.com/d6ak6jt.

ABA House of Delegates
Deadline: May 10, 2013

The Board of Governors is accepting letters of interest and résumés from members interested in representing the WSBA on the ABA House of Delegates. Three positions plus one alternate position will be available for two-year terms starting Sept. 1, 2013. One of the three positions is reserved for a WSBA member under 35 years of age. The WSBA reimburses each delegate $800 per year for allowable expenses. Those serving on the ABA House of Delegates must be ABA members in good standing throughout their terms. If interested, please submit a letter of interest and résumé by May 10, 2013, to WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539 or by email to barleaders@wsba.org. For more information about the ABA House of Delegates, see http://www.americanbar.org/groups/leadership/delegates.html.

Celebrate the Best in the Legal Community!
Deadline: April 30, 2013

Nominations are now open for the 2013 WSBA Annual Awards, which celebrate the luminaries of the legal community. The awards are presented at the annual Awards Dinner in September to those who have made outstanding contributions in public service, government service, professionalism, pro bono work, diversity, and other areas. The WSBA’s highest honors are the Award of Merit, which recognizes a recent, exceptional achievement, and the Lifetime Achievement Award. Both lawyers and non-lawyers are eligible to make nominations and receive awards. The nomination form and further information are available on the WSBA website at www.wsba.org/awards.

WSBA New Lawyer Education Seeks Your Input for CLE Programming

The New Lawyer Education program invites new or young lawyers to join one of our upcoming focus groups to help create relevant CLE programs that build skills and confidence. Your input will directly influence content for programs within the next year. Participating in the focus group may also open opportunities for you to suggest faculty and shape
WSBA Presidential Search
Application Deadline: May 1, 2013

The WSBA Board of Governors is seeking applicants for the position of WSBA president for 2014–15. Pursuant to Article VI (D)(2) of the WSBA Bylaws, the 2013-14 president-elect may be an individual from anywhere within the state. The WSBA member selected to be president will have an opportunity to provide a significant contribution to the legal profession.

Applications for 2014–15 WSBA president will be accepted through May 1, 2013, and should be limited to a current résumé, a concise application letter stating interest and qualifications, and no fewer than 5 or more than 10 references. The Board of Governors will consider endorsement letters received by May 13, 2013. Applications and endorsement letters should be sent to the WSBA Executive Director, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101.

Direct contact with the Board of Governors is encouraged. All candidates will have an interview with the full Board of Governors in open session at the May 31, 2013, Board of Governors meeting in Seattle. Following the interviews, the Board will select the president. Although prior experience on the WSBA Board of Governors or the Bar may be helpful, there is no requirement that one must have been a member of the Board of Governors or had previous experience in Bar activities. The candidate must be willing to devote a substantial number of hours to WSBA affairs and be capable of being a positive representative for the legal profession. The position is unpaid. Some expenses, such as WSBA-related travel, are reimbursed.

The commitment begins in June 2013, following selection. A one-year term as president-elect will begin at the Annual Awards Dinner on Sept. 26, 2013. The president-elect is expected to attend the two-day board meetings held approximately every six to eight weeks, as well as numerous subcommittee, section, regional, national, and local meetings. In September 2014, at the WSBA Annual Awards Dinner, the president-elect will assume the position as president. During his or her service, the president-elect/president will also be required to meet with members of the Bar, the courts, the media, and public and legal interest groups, as well as be involved in the Bar’s legislative activities. Appropriate time will need to be devoted to communication by letter, email, and telephone in connection with these responsibilities.

The duties and responsibilities of the president are set forth in the WSBA Bylaws. The Bylaws can be found at www.bit.ly/bylawswsba. For further information, contact WSBA Member and Bar Leader Relations Manager Pam Inglesby at pami@wsba.org, 206-727-8226, or 800-945-9722, ext. 8226.

Facing an Ethical Dilemma?
Members facing ethical dilemmas can talk with WSBA professional responsibility counsel for informal guidance on analyzing a situation involving their own prospective ethical conduct under the RPCs. All calls are confidential. Any advice given is intended for the education of the inquirer and does not represent an official position of the WSBA. Every effort is made to return calls within two business days. Call the Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284.

Search WSBA Advisory Opinions Online

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

Grab and Go Webinars
Tune in to these free webinars on using software such as Outlook and Word, time and billing applications, and the Casemaker legal research tool. Topics on a rotating basis also include staff, fee agreements, and trust accounts. There is no charge and no CLE credit. See the list of topics at http://tinyurl.com/7cy8wsu and RSVP to peter@wsba.org for login.
information. Webinars take place from noon to 12:30 p.m. Upcoming topics are:

- April 1: Fee Agreements
- April 8: Trust Accounts
- April 15: Staff
- April 22: Casemaker and Online Research
- April 29: Time and Billing Applications
- May 6: Trust Accounts
- May 13: Casemaker and Online Research
- May 20: Fee Agreements
- June 3: Trust Accounts

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

Just Starting a Practice?
Think “outside the box” and consider purchasing “Law Office in a Box.” For $119, you receive an hour of consultation time plus everything you see here: http://tinyurl.com/3rn7shj. Questions? Contact Peter Roberts at peter@wsba.org, 206-727-8237, or 800-945-9722, ext. 8237.

Individual Consultation
The WSBA Lawyers Assistance Program provides individual consultation services for those struggling with depression, work stress, addiction, and life transition, among other topics. The initial consultation appointment costs $20, and any additional sessions are on a sliding scale based on your financial situation. Consultations are an opportunity for assessment of the problems you may be facing, identifying useful tools you may utilize to address these issues, and referral resources to find the right resources for you. Our licensed counselors can offer up to six consultation sessions. We also provide consultations with job seeking and can offer informational and referral resources on a range of topics. Contact us at 206-727-8268, 800-945-9722, ext. 8268, lap@wsba.org, or go to www.wsba.org/lap.

Peer Advisor Training
Peer advisors are a group of more than 50 attorneys statewide dedicated to supporting attorneys in their careers. The WSBA Lawyers Assistance Program (LAP) often introduces attorneys to peer advisors for support with mental health or addiction issues, although sometimes a peer advisor is helpful for discussing topics such as career transition. LAP will be hosting a training on April 3 from 10:30 a.m. to 1 p.m. at the WSBA offices (two ethics credits pending). If you are interested in joining our community of peer advisors or would like to be introduced to one, contact lap@wsba.org or 206-727-8268 or 800-945-9722, ext. 8268.

Weekly and Bimonthly Job Search Group
On Wednesday, May 8, from noon to 1:30 p.m., the WSBA Lawyers Assistance Program welcomes Justin Farmer from Robert Half Legal to the Bimonthly Job Seeker Group to provide guidance on how to get the most out of this job search resource. Farmer will be offering information about how his organization works with legal professionals, and what recruitment services in the legal field are all about. Find out whether working with this type of resource would benefit you in your job search. No RSVP is required; the group will meet on the sixth floor of the WSBA offices.

The Weekly Job Search group pro-
vides strategy and support to unemployed attorneys. The group runs for eight weeks and is limited to eight attorneys. We provide the comprehensive WSBA job search guide “Getting There: Your Guide to Career Success,” which can also be found online at www.tinyurl.com/7xheb8b. For more information about monthly and weekly job group programming or to schedule a career consultation, contact Dan Crystal at danc@wsba.org, 206-727-8267, or 800-945-9722, ext. 8267.

Struggling with Alcohol or Drugs?
The WSBA Lawyers Assistance Program is closely connected to addictions communities, AA and otherwise, across the state. For instance, there is an “Unbar” AA group for attorneys that meets every Wednesday in downtown Seattle. If you would like someone to walk you to a meeting, or simply need a referral, don’t hesitate to contact us confidentially at 206-727-8268, 800-945-9722, ext. 8268, or lap@wsba.org.

Solo/Small Firm Support Group
The WSBA Lawyers Assistance Program is now offering a new group service, the Solo/Small Firm Support Group. This is a weekly drop-in group for attorneys wanting to address the major challenges facing professionals in solo or small-firm settings. It takes place on Thursdays from noon to 1 p.m. on the 11th floor of the WSBA, in the Lawyers Assistance Program offices. For questions or more information, contact Heidi Seligman at 206-727-8269, 800-945-9722, ext. 8269, or heidis@wsba.org.

Mindful Lawyers Group
A growing number of legal professionals across the nation are applying mindfulness-based skills and training to lawyering. The Washington Contemplative Lawyers group meets on Mondays at the Lawyers Assistance Program from noon to 1 p.m. For more information, contact Sevilla Rhoads at srhoads@gslaw.com or go to http://wacontemplativelaw.blogspot.com.

Overwhelmed?
It’s easy to become overwhelmed by billable hour requirements, managing your practice, or the sheer volume of files piled in your office. Feelings of being overwhelmed can quickly turn into avoidance, then paralysis. If you’d like some tips on handling overload, call the Lawyers Assistance Program at 206-727-8268 or 800-945-9722, ext. 8268, to schedule a confidential consultation.

Casemaker Online Research
Casemaker is a powerful online research library provided free to WSBA members that can be accessed from the WSBA website at www.wsba.org/resources-and-services/casemaker-and-legal-research. As a WSBA member, you already receive free access to Casemaker. Now, you can enhance that member benefit by upgrading to Casemaker+ with CaseCheck+. Just like Shepard’s and KeyCite, CaseCheck+ tells you instantly whether your case is good law. You can find information about this service on the Casemaker website, or call 877-659-0801 and a Casemaker representative can talk with you about the benefits of switching to their premium product. For help using Casemaker, call the WSBA Service Center at 800-945-WSBA or 206-443-WSBA.

Learn More about Case-Management Software
The WSBA Law Office Management Assistance Program (LOMAP) maintains a computer for members to review software tools designed to maximize office efficiency. Staff is available to provide materials, answer questions, and make recommendations. To make an appointment, contact Peter Roberts at peter@wsba.org.

Upcoming WSBA Board of Governors Meetings
April 26–27, Spokane; May 31, Seattle; July 25, Cle Elum
With the exception of the executive session, Board of Governors meetings are open, and all WSBA members are welcome to attend. RSVPs are appreciated but not required. Contact Pamela Wuest at 206-239-2125, 800-945-9722, ext. 2125, or pamelaw@wsba.org. The complete Board of Governors meeting schedule is available on the WSBA website at www.wsba.org/bog.

Usury Rate
The average coupon equivalent yield from the first auction of 26-week treasury bills in March 2013 was 0.122 percent. Therefore, the maximum allowable usury rate for April is 12 percent.
Starting with the previous issue of *NWLawyer*, the Disciplinary Notices are being presented in a new way. Now, you’ll find links to actual decisions and orders online instead of the summaries previously published. This change means less detail on these pages and significantly more information available online. Online access allows you to see and compare decisions from the hearing officer, the Disciplinary Board, and the Supreme Court’s final order. Online access is easy. You can either go to WSBA’s Lawyer Directory online and type in the respondent’s bar number, or view the online version of *NWLawyer* (nwlawyer.wsba.org) and click on the live links found in each disciplinary notice.

These notices of imposition of disciplinary sanctions and actions are published pursuant to Rule 3.5(d) of the Washington State Supreme Court Rules for Enforcement of Lawyer Conduct. As some WSBA members share the same or similar names, please read all disciplinary notices carefully for names, cities, and bar numbers.

**Disbarred**

Rolando Martinez Adame (WSBA No. 16006, admitted 1988), of Moses Lake, was disbarred, effective 12/12/2012, by order of the Washington State Supreme Court. The lawyer’s conduct violated the following rules: 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.16 (Declining or Terminating Representation), 3.2 (Expediting Litigation), and 8.4 (Misconduct). Kevin Bank represented the Bar Association. Rolando Martinez Adame represented himself. Joseph Nappi, Jr. was the hearing officer. The online version of *NWLawyer* contains links to the following documents: Hearing Officer’s Decision; Disciplinary Board Recommendation; and Washington State Supreme Court Order.

Fiona Allison Crinks Kennedy (WSBA No. 32385, admitted 2002), of Kirkland, was disbarred, effective 01/10/2013, by order of the Washington State Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.1 (Competence), 1.3 (Diligence), 1.4 (Communication), 1.16 (Declining or Terminating Representation), 3.3 (Candor Toward the Tribunal), 8.4 (Misconduct). Marsha A. Matsumoto represented the Bar Association. Fiona Allison Crinks Kennedy represented herself. Andrekita Silva was the hearing officer. The online version of *NWLawyer* contains links to the following documents: Hearing Officer’s Decision; Disciplinary Board Recommendation; and Washington State Supreme Court Order.

Clayton Ernest Longacre (WSBA No. 21821, admitted 1992), of Port Orchard, was disbarred, effective 12/27/2012, by order of the Washington State Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.16 (Confidentiality of Information), 1.7 (Conflict of Interest: Current Clients), 1.8 (Conflict of Interest: Current Clients: Specific Rules), 1.15A (Safeguarding Property), 1.15B (Required Trust Account Records), 1.16 (Declining or Terminating Representation), 3.2 (Expediting Litigation), 3.3 (Responsibilities Regarding Nonlawyer Assistants), 8.4 (Misconduct). Linda B. Eide represented the Bar Association. Clayton Ernest Longacre represented himself. Nadine Darlene Scott was the hearing officer. The online version of *NWLawyer* contains links to the following documents: Hearing Officer’s Decision; Disciplinary Board Recommendation; and Washington State Supreme Court Order.

Vivian Leigh White (WSBA No. 23653, admitted 1994), of Mount Vernon, was disbarred, effective 01/10/2013, by order of the Washington State Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.8 (Conflict of Interest: Current Clients: Specific Rules), 1.15A (Safeguarding Property), 1.16 (Declining or Terminating Representation), 3.2 (Expediting Litigation), and 8.4 (Misconduct). Debra Slater represented the Bar Association. Vivian Leigh White represented herself. Susan H. Amini was the hearing officer. The online version of *NWLawyer* contains links to the following documents: Hearing Officer’s Decision; Disciplinary Board Recommendation; and Washington State Supreme Court Order.

Suspected

Carol V. Cornwall-Edson (WSBA No. 30255, admitted 2000), of La Conner, was suspended for three years, effective 01/17/2013, by order of the Washington State Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.15A (Safeguarding Property), 1.16 (Declining or Terminating Representation), 8.4 (Misconduct). Christine Gray represented the Bar Association. Carol V. Cornwall-Edson represented herself. John J. Tollefsen was the hearing officer. The online version of *NWLawyer* contains links to the following documents: Hearing Officer’s Decision; Disciplinary Board Recommendation; and Washington State Supreme Court Order.

Drake Dee Mesenbrink (WSBA No. 16711, admitted 1987), of Poulsbo, was suspended for three years, effective 01/18/2013, by order of the Washington State Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 8.1 (Bar Admission and Disciplinary Matters) and 8.4 (Misconduct). Debra Slater represented the Bar Association. Kurt M. Bulmer represented Respondent. David Bruce Condon was the hearing officer. The online version of *NWLawyer* contains links to the following documents: Stipulation to Suspension; Disciplinary Board Order Conditionally Approving Stipulation; and Washington State Supreme Court Order.

Mark Gene Obert (WSBA No. 27299, admitted 1997), of Salem, Oregon, was suspended for six months, effective 01/17/2013, by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. For more information, see http://www.publications.ojd.state.or.us/docs/3059072.pdf. Joanne S. Abelson represented the Bar Association. Mark Gene Obert represented himself. The online version of *NWLawyer* contains a link to the following document: Washington State Supreme Court Order.

Young Suk Oh (WSBA No. 29692, admitted 1999), of Lynnwood, was suspended for one year, effective 12/20/2012, by order of the Washington State Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: Former 1.14 (Preserving Identity of Funds and Property of a Client). Francesca D’Angelo and Scott G. Busby represented the Bar Association. Jeffrey C. Grant and Scott Collins represented Mr. Oh. Susan H. Amini was the hearing officer. The online version of *NWLawyer* contains links to the following documents: Hearing Officer’s Decision; Disciplinary Board Recommendation; and Washington State Supreme Court Opinion.
Reprimanded

David Ray Ambrose (WSBA No. 13379, admitted 1983), of Portland, Oregon, was reprimanded, effective 02/25/2013, by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. For more information, see http://www.osbar.org/publications/bulletin/12apr/baractions.html Joanne S. Abelson represented the Bar Association. David Ray Ambrose represented himself. The online version of NWLawyer contains a link to the following document: Washington State Supreme Court Order.

Ronald William Anderson (WSBA No. 7418, admitted 1977), of Tacoma, was reprimanded, effective 10/02/2012, by order of the Chief Hearing Officer. The lawyer’s conduct violated the following Rules of Professional Conduct: 8.4 (Misconduct) and 1.16 (Declining or Terminating Representation). Linda B. Eide represented the Bar Association. Ronald William Anderson represented himself. The online version of NWLawyer contains links to the following documents: Stipulation to Reprimand; Order on Stipulation to Reprimand; and Reprimand.

Admonished

Scott Etherton (WSBA No. 29904, admitted 2000), of Kennewick, was ordered to receive an admonition, effective 07/20/2012, by order of a Review Committee of the Disciplinary Board. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence) and 1.16 (Declining or Terminating Representation). Sachia Stonefeld Powell represented the Bar Association. Scott Etherton represented himself. The online version of NWLawyer contains links to the following document: Review Committee Order and Admonition.

Linda Jean Mathis (WSBA No. 16495, admitted 1986), of Newport, was ordered to receive an admonition, effective 11/15/2012, by order of a Review Committee of the Disciplinary Board. The lawyer’s conduct violated the following Rule of Professional Conduct: 4.2 (Communication With Person Represented by Counsel). Francesca D’Angelo represented the Bar Association. Linda Mathis represented herself. The online version of NWLawyer contains links to the following document: Review Committee Order and Admonition.

Claude Piller (WSBA No. 27234, admitted 1997), of Bellingham, was ordered to receive an admonition, effective 10/26/2012, by order of the hearing officer. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.4 (Communication) and 1.15A (Trust Accounting). Francesca D’Angelo represented the Bar Association. Anne I. Seidel represented Respondent. David Bruce Condon was the hearing officer. The online version of NWLawyer contains links to the following documents: Stipulation to Admonition; Hearing Officer Order Approving Stipulation; and Admonition.

Cinnamon Stephens (WSBA No. 24945, admitted 1995), of Vashon, was ordered to receive an admonition, effective 09/21/2012, by a Review Committee of the Disciplinary Board. The lawyer’s conduct violated the following Rules of Professional Conduct: 115A (Safeguarding Property) and 115B (Required Trust Account Records). Marsha A. Matsumoto represented the Bar Association. Cinnamon Stephens represented herself. The online version of NWLawyer contains links to the following documents: Review Committee Order and Admonition.

Interim Suspensions

Jeremy D. Benson (WSBA No. 34163, admitted 2003), of Spokane, is suspended from the practice of law in the state of Washington pending the outcome of disciplinary proceedings, effective 02/13/2013, by order of the Washington State Supreme Court. This is not a disciplinary sanction. The online version of NWLawyer contains links to the following documents: Order Granting Petition for Interim Suspension Pursuant to ELC 7.2(a)(3).

Sarah A. Campbell (WSBA No. 36189, admitted 2005), of Marysville, is suspended from the practice of law in the state of Washington pending the outcome of disciplinary proceedings, effective 01/25/2013, by order of the Washington State Supreme Court. This is not a disciplinary sanction. The online version of NWLawyer contains links to the following document: Order Granting Petition for Interim Suspension Pursuant to ELC 7.2(a)(3).

Lacey Adell Young (WSBA No. 35189, admitted 2004), of Richland, is suspended from the practice of law in the state of Washington pending the outcome of supplemental proceedings, effective 10/09/2012, by order of the Washington State Supreme Court. This is not a disciplinary sanction. The online version of NWLawyer contains links to the following document: Order Granting Petition for Automatic Suspension Pursuant to ELC 7.3.
Environmental Law

8th Annual “The Future of Water Supply and Management in the Pacific Northwest”
April 17 — Portland. 6.5 CLE credits pending. By The Seminar Group; 800-574-4852 or 206-463-4400; http://theseminargroup.net/seminar.lasso?seminar=13.wspor.

Endangered Species Act
April 25–26 — Honolulu. 11.5 CLE credits pending. By The Seminar Group; 800-574-4852 or 206-463-4400; http://theseminargroup.net/seminar.lasso?seminar=13.esahi.

2013 Environmental and Land Use Law Midyear Meeting and Seminar
May 2–3 — Union. 11.5 CLE credits, including 1 ethics. Cosponsored by the WSBA Environmental and Land Use Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Construction Law Section Midyear Meeting and Seminar
June 14 — Seattle and webcast. CLE credits pending. Cosponsored by the WSBA Construction Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Ethics

Annual Ethics in Civil Litigation Institute
April 19 — Seattle and webcast. 6.25 CLE ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Lincoln on Professionalism
June 18 — Seattle and webcast. CLE credits pending. Sponsored by WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Family Law

Community Property Law in Washington: Current Issues for Experienced Practitioners
April 11 — Seattle and webcast. 5.75 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

2nd Annual “The Million Dollar Divorce: A Focus on the Money”
April 24 — Seattle. 6.25 CLE credits. By The Seminar Group; 800-574-4852 or 206-463-4400; thesemianargroup.net/seminar.lasso?seminar=13.

Marital Divorce Litigation and Closely Held Business Assets

Divorce, WA Style: Exploring the Unique Financial Aspects of Family Dissolutions
June 5 — Seattle and webcast. 6.25 CLE credits. Sponsored by WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Family Law Section Midyear Meeting and Seminar
June 28–30 — Yakima. 15 CLE credits, including 2 ethics. Cosponsored by the WSBA Family Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Looking Down the Road in Your Auto Case
April 12 — Seattle and webcast. 6 CLE credits, including 5 ethics. By WSJA Legal Educational Seminars; 206-464-1011; www.washingtonjustice.org.

Lawyer’s Emergency Kit — A Succession Planning Workshop to Protect Your Clients, Your Business, and Your Family
April 17 — Seattle and webcast. 3 CLE ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

The Globe-Trotting Client
May 9 — Seattle and webcast. 6.5 CLE credits. Sponsored by WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Law Firms in Transition
May 14 — Seattle and webcast. 3 CLE credits. Cosponsored by the WSBA Law Office Management Assistance Program and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Lincoln on Professionalism
June 18 — Seattle and webcast. CLE credits pending. Sponsored by WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Health Law

I-502: Washington's New Marijuana Regulation Law — Assess Its Impact; Advise Your Clients
April 10 — Seattle and webcast. 6 CLE credits, including 1.5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Profit Before Patients
April 26 — Seattle and webcast. 3.75 CLE credits. By WSJA Legal Educational Seminars; 206-464-1011; www.washingtonjustice.org.

Brain Injuries

Annual Heath Law Section Seminar
June 13 — Seattle and webcast. CLE credits pending. Cosponsored by the WSBA Health Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Indian Law

25th Annual Indian Law Section Seminar
May 23 — Seattle and webcast. CLE credits pending. Cosponsored by the WSBA Indian Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Litigation

Annual Ethics in Civil Litigation Institute
April 19 — Seattle and webcast. 6.25 CLE ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

19th Annual Trust and Estate Litigation Seminar
April 25 — Seattle and webcast. 6.25 CLE credits, including 1 ethics. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Lawyer’s Emergency Kit — A Succession Planning Workshop to Protect Your Clients, Your Business, and Your Family
April 17 — Seattle and webcast. 3 CLE ethics credits. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

“So You Want to Be a Winning Trial Lawyer” Series — Part 2: Bringing Home the Winning Verdict

Law Firms in Transition
May 14 — Seattle and webcast. 3 CLE credits. Cosponsored by the WSBA Law Office Management Assistance Program and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Real Estate Law

Annual Spring Real Estate Seminar
April 18 — Seattle and webcast. 6.25 CLE credits, including 1 ethics. By the WSBA Real Property, Probate and Trust Section
Advise Your Clients
Regulation Law – Assess Its Impact; wsbacle.org.
800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

3rd Annual Foreclosures: An Update on Status, Procedure, and Best Practices
April 18 – Seattle. 5.75 CLE credits, including .5 ethics credit pending. By The Seminar Group; 800-574-4852 or 206-463-4400; http://theseminargroup.net/seminar.lasso?seminar=13.forwa.

Like-Kind Exchanges under Section 1031 IRC

Real Property, Probate and Trust Section Midyear Meeting and Seminar
June 7-9 – Pasco. CLE credits pending. Cosponsored by the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Lawyer’s Emergency Kit — A Succession Planning Workshop to Protect Your Clients, Your Business, and Your Family
April 17 – Seattle and webcast. 3 CLE ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Annual Spring Real Estate Seminar
April 18 – Seattle and webcast. 6.25 CLE credits, including 1 ethics. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Annual Ethics in Civil Litigation Institute
April 19 – Seattle and webcast. 6.25 CLE ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Advertising and Marketing Law
April 25 – Seattle and webcast. 6.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

19th Annual Trust and Estate Litigation Seminar
April 25 – Seattle and webcast. 6.25 CLE credits, including 1 ethics. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

The Globe-Trotting Client
May 9 – Seattle and webcast. 6.5 CLE credits. Sponsored by WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

10th Annual Senior Lawyers Conference
May 10 – Seattle and webcast. 6.25 CLE credits, including 1.5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Community Property Law in Washington: Current Issues for Experienced Practitioners
April 11 – Seattle and webcast. 5.75 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Looking Down the Road in Your Auto Case
April 12 – Seattle and webcast. 6 CLE credits, including .5 ethics credit. By WSAJ Legal Educational Seminars; 206-464-1011; www.washingtonjustice.org.

Annual Health Law Section Seminar
June 13 – Seattle and webcast. CLE credits pending. Sponsored by the WSBA Health Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Construction Law Section Midyear Meeting and Seminar
June 14 – Seattle and webcast. CLE credits pending. Sponsored by the WSBA Construction Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Workers’ Compensation

Lincoln on Professionalism
June 18 – Seattle and webcast. CLE credits pending. Sponsored by WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

“So You Want to Be a Winning Trial Lawyer” Series — Part 2: Bringing Home the Winning Verdict

Law Firms in Transition
May 14 – Seattle and webcast. 3 CLE credits. Cosponsored by the WSBA Law Office Management Assistance Program and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Around the World of Business Law: 80 Things Every Washington Lawyer Must Know
May 17 – Seattle and webcast. 6 CLE credits, including .75 ethics. Cosponsored by the WSBA Business Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

25th Annual Indian Law Section Seminar
May 23 – Seattle and webcast. CLE credits pending. Cosponsored by the WSBA Indian Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Brain Injuries

Divorce, WA Style: Exploring the Unique Financial Aspects of Family Dissolutions
June 5 – Seattle and webcast. 6.25 CLE credits. Sponsored by WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Construction Law Section Midyear Meeting and Seminar
June 14 – Seattle and webcast. CLE credits pending. Sponsored by the WSBA Construction Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Workers’ Compensation

Lincoln on Professionalism
June 18 – Seattle and webcast. CLE credits pending. Sponsored by WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

I-502: Washington’s New Marijuana Regulation Law – Assess Its Impact; Advise Your Clients
**GROFF MURPHY, PLLC**

Is pleased to announce that

**Meredith L. Thielbahr**

has joined the firm as an associate.

Ms. Thielbahr is a 2009 graduate of the Seattle University School of Law, where she was Lead Article Editor of the *Seattle University Law Review*.

Ms. Thielbahr’s practice will focus on construction law, commercial litigation, and government contracts.

300 East Pine Street
Seattle, WA 98122
Tel: 206-628-9500 • Fax: 206-628-9506
Email: mthielbahr@groffmurphy.com

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**LORBER, GREENFIELD & POLITO, LLP**

Takes pleasure in announcing that

**William T. Cornell**

has become the newest partner of the firm in its Seattle office.

Mr. Cornell’s practice is focused on representing developers and general contractors in Construction Defect Litigation as well as real estate and risk management matters. He has served as arbitrator and mediator and has presented on a variety of topics in CLE seminars and for insurance companies. Prior to joining Lorber, Greenfield & Polito, Mr. Cornell served as Director of Litigation Management for Fireman’s Fund Insurance Company and held the position of in-house counsel for a regional homebuilder.

1000 Second Avenue, Suite 1700
Seattle, WA 98104
Tel: 206-832-4900
wcornell@lorberlaw.com

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**CRIMINAL APPEALS**

(See, e.g., reversed and remanded for new trial):

- *State v. Sutherby*, 165 Wn.2d 870 (2009)
- *State v. Stein*, 144 Wn.2d 236 (2001)

**James E. Lobsenz**

701 Fifth Avenue, Suite 3600
Seattle, WA 98104
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A Seattle, AV-rated, 19-lawyer firm that focuses on complex commercial litigation and white-collar criminal defense seeks associate with up to three years of litigation experience. This is an excellent opportunity for a motivated individual who desires a challenging and rewarding practice. Candidates should possess excellent interpersonal, writing, and research skills; strong academic credentials; and a desire to take on significant case responsibility. Send résumé to Randall Thomsen, Calfo Harrigan Leyh and Eakes LLP, 999 Third Avenue, Suite 4400, Seattle, WA 98104. All inquiries kept confidential.

Tamaki Law, a personal injury law firm with offices in Yakima and Kennewick, is seeking to hire an associate attorney for its Kennewick office. Applicants must be licensed to practice in Washington, have the ability to work effectively on a team and autonomously on a personal caseload, be willing to travel for case assignments, possess strong communications skills, both oral and written, and have a deep passion for and commitment to advocating for the injured. Firm info: www.tamakilaw.com. Submit cover letter, résumé, and references to mchang@tamakilaw.com.

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Attorney — Very experienced trial lawyer needed for prominent Seattle personal injury law firm. All inquiries kept confidential. Please submit a cover letter and résumé for consideration to the following email address: attorney.job_ref.239@gmail.com.

The Senior Deputy Legal Counsel is a high-level professional position that, under the direction of and in coordination with the Chief Legal Counsel, provides advice on a variety of legal matters dealing with public policy, legislation and Council actions. The successful candidate will have an advanced professional knowledge of the theories, principles and practices of civil and administrative laws as they relate to the municipal governments and an in-depth knowledge of municipal codes, County ordinances, King County functions, strategies, programs, policies, related legislative, state and federal law and regulation, court decisions and other legal requirements applicable to Council and general municipal government functions, operations, and personnel. Applicants must have graduated from an accredited school of law, have at least 6 years of experience in municipal law, be a member in good standing with the Washington State Bar Association and have the right to practice law in Washington State. The Senior Deputy Legal Counsel is a salaried, at-will exempt classification that reports to the Chief Legal Counsel but is responsive to all councilmembers. The workweek is normally Monday–Friday. A cover letter, résumé, and application must be submitted to employment.committee@kingcounty.gov or by mail to The King County Council, Attention Tracy Calderon, 516 Third Ave., Ste. 1200, Seattle, WA 98104 no later than 4:30 pm on April 30, 2013. Application materials will be available online at http://www.kingcounty.gov/employees/Human-Resources/-/media/jobs/documents/KingCountyJobApplication2011.ashx beginning March 18, 2013, or call 206-205-5155 to request an application packet.

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Apps We Could Really Use

As we race through our cyber-driven lives, we cling desperately to our smartphones and tablets, entrusting more and more of our brain functions to “apps.”

Besides all the mass-market apps we use to buy stocks, hire dogsitters, “mingle,” etc., innumerable apps have sprung up specifically for us as lawyers. I’ve been pitched on apps to simplify my billing practices, supercharge my legal research, even negotiate settlements. While I’m not convinced any of the apps I’ve seen so far are necessary, they have inspired me to visualize apps that truly would help with problems we lawyers face daily. Here are a few:

**CLE-minator** — Approximately 150 percent of all email I receive is from someone begging me to sign up for a CLE, usually on some topic I have not encountered in 22 years of practicing law. CLE-minator would search out and destroy every trace of advertising for CLE-related material from your email, social media and text streams. (Not affected: ads from WSBA-CLE, of course.) Then, during the last month of your CLE credit-reporting period, CLE-minator would automatically disable itself, freeing you to stoop however low you need to grab those last few desperation credits.

**LowBudgetLawyerDreamer (LBLD)** — This app would let you pretend you have cool stuff and fancy places to go, when in fact you’re too broke to afford anything because of student loans, having your job outsourced, or working for the government. For example, LBLD would insert fake luxury spa or personal trainer appointments in your calendar and send you emails reminding you of your (fictional) upcoming yacht hull cleaning, Michelin three-star restaurant reservation, etc. LBLD would include BlingMeUp, a plug-in that would automatically replace photos of your 1996 Volkswagen Jetta with those of a 2013 Porsche 911 Carrera in your Facebook and other social media photo albums.

**Excusez-what?** — With everything else you have to do, you shouldn’t need to waste precious time devising excuses for your occasional lawyerly slip-ups. Excusez-what? would combine common lawyer excuses with up-to-the-minute real disasters to instantly generate credible reasons other than your own fault for what went wrong. For example, you type or speak “two weeks late on promised reply to client” and Excusez-what? responds with: “My paralegal was stranded on a sewage-flooded cruise ship and just got the letter draft to me today,” or, “Our cloud computing uplink was disrupted by that meteor in Russia,” or “Unfortunately, that letter was one of the more obscure victims of federal budget sequestration.”

**RPC-Nanny** — A sophisticated search engine and algorithms based on the Rules of Professional Conduct would scan all your correspondence, monitor your in-person and phone conversations, and warn you of potential disciplinary violations. At the first sign of trouble, RPC-Nanny would instantly produce an audible alert, e.g., a cash register sound for trust account violations, cricket sounds for failure to keep a client adequately advised, a whispering sound for improper disclosure of confidential information. The app also would generate a monthly summary of your potential transgressions and, as an option, draft a response to the grievance you could expect to receive via the WSBA disciplinary system.

**AutoTweetFace (ATF)** — You’ve heard that to keep up with marketing and networking these days, you need to be on social media, but you just don’t have time to keep up with your posting. ATF would take care of that for you by automatically putting up likely sounding Twitter and Facebook messages that make you appear to be right in the thick of things. ATF would produce the kind of vague, self-promotional messages that make up the bulk of social media posts, such as, “Just presented at SOTR conference on Nat’l GIW,” or “Really productive today, wooo!” To demonstrate your enviable work/life balance, ATF also would send emails and texts to your smartphone containing the names of prominent individuals (e.g., “From Chris Hansen, Subject: Need your thoughts on Sacramento Kings proposal”), and generate fictional incoming calls (from, say, one of our U.S. Senators), which you could subtly show your client before declining the call and announcing, “She always calls me back.”

**StoryWarrior** — Especially helpful for newer practitioners, StoryWarrior would generate credible “war stories” and display them discreetly on your smartphone or tablet screen as you’re talking to clients or others you wish to impress. Stories would be specific enough to pertain to a given topic, yet vague enough to avoid claims of fabrication. (“We had a case like this one a few years ago. It was a real battle, but we came out of it all right.”) StoryWarrior also would send emails and texts to your smartphone containing the names of prominent individuals (e.g., “From Chris Hansen, Subject: Need your thoughts on Sacramento Kings proposal”), and generate fictional incoming calls (from, say, one of our U.S. Senators), which you could subtly show your client before declining the call and announcing, “She always calls me back.”
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