Thanks to our amazing staff and the superb volunteers who gave their time in 2014 to SGB’s monthly free legal clinic at El Centro de la Raza. Because of your dedication, the legal clinic was, once again, a resounding success.

We make a living by what we get, WE MAKE A LIFE BY WHAT WE GIVE.

- SIR WINSTON CHURCHILL

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Diversity Fatigue

Diversity is now shorthand for “Multicultural Competence?” [President’s Corner, OCT 2014 NWLawyer, p. 9]. Who signed off on this monstrous abuse of my time and the English language? We get it. And we support it. We are not bigots. We are not stupid. We are not somehow uninformed, ill-informed or misinformed about the benefits of diversity.

Who exactly are we trying to reach from the WA bar heading into 2015 about diversity? Contrary to popular opinion I believe we are an inclusive bunch. We really are. And anyone who does not know or does not support diversity should be stripped of their bar membership and voting rights. They should be issued a library card and a bus pass.

We are saturated with diversity programs. Every community college, university and law school has a diversity program. The majority of undergrad and grad students are women and minori-
ties. We have diversity scholarships, internships and job fairs. We have diversity student sections. Every mid to large size law firm and company has a diversity program. Every chamber of commerce and SBA organization has a diversity program. Every county and state bar association has diversity sections. There are law and business diversity awards. All three WA law schools are led by women. Both of WA’s senators are women. The new WSBA president and the mayor of Seattle are minorities. And we have joint diversity programs to fill the gaps. We are not stupid and we are not bigots. And we are absolutely saturated with diversity programs. Stop navel gazing. Let’s knock this shit off and get on with it.

Let’s give ourselves a rest on the diversity dialogue. No more demographic pie charts, no more role-playing with therapeutic sock puppets, no more drum circles, sit-ins, or self-empowering marches down I-5.

I’ve done my part. I shredded the sleepy 15-page diversity policy I drafted last year for my company and replaced it with a one-page, one sentence inclusive, action-packed powerpoint slideshow. And it goes like this:

“Respect differences and don’t be a jackass.”

Brian Brunkow, Pacific Beach, CA

Need for POLB

Until I read the letters from Scott Smith and others in the October NWLawyer, I had not noticed WSBA President Patrick Palace’s piece on the Practice of Law Board from July/August [President’s Corner, JUL/AUG 2014 NWLawyer, p.7]. I would agree with the others that the PLB is a necessity, and I would also suggest the WSBA and the PLB need it to be more aggressive, not less aggressive. The focus however should be protection of the public, not the protection of the profession.

Being both an attorney and a real estate broker I have run into these issues with some frequency. As a bankruptcy attorney I have seen the damage an unlicensed forms preparer can cause. As a real estate broker, I see practice of law issues arise regularly. Unfortunately the Cultum v. Heritage House Realtors case provides insufficient and conflicting guidance for real estate brokers.

The greatest area of concern for real estate related practice of law issues relates to short sales. The Department of Licensing and Department of Financial institutions both apparently believe that licensed real estate brokers and certain licensed loan originators are legally allowed to negotiate short sales. I believe it would be difficult to argue anything but that assisting a party in negotiations to get out of a binding contract is the practice of law requiring a bar license. DOL or DFI licensing should be irrelevant. No one should ever forget that it was DFI licensees who pushed many borrowers into 80/20 loan transactions, with little or no disclosure of the increased liability they were creating.

I believe that few if any DOL or DFI licensees are sufficiently qualified to give any legal advice on short sales, and probably even less of them would be insured in situations where they are found to have been engaged in the practice of law. Fortunately many real estate firms require sellers to consult with an attorney prior to accepting a listing. While it is of course possible for a homeowner to visit an attorney and get erroneous legal advice about the tax consequences of a short sale or a foreclosure, if that occurs the attorney will at least be more likely to be insured. In addition, that an attorney is insured is of public record thanks to the WSBA directory.

I am not suggesting that anyone take on some random real estate broker or loan originator just to obtain more guidance from our Supreme Court. I do believe though that the stakes are simply too large to do nothing. Many people in this state were likely misled by DOL licensees at one point or another about their remaining liability on a note after completing a short sale. And it is also very likely that many people unnecessarily incurred non-dischargeable tax debt following the advice of such licensees. The public should be protected from those types of harms, not to provide more business for attorneys negotiating short sales, but instead to prevent the harm from occurring.

Kary L. Krismer, Renton

Setting Settlements Straight

I write to correct several misstatements of fact which appear in the recent article “Secret Settlement Agreements” [OCT 2014 NWLawyer, p. 44]. I was lead trial counsel in the case of Collings v. City First Mortgage Services and U.S. Bank, a case discussed by the authors as ostensibly an example of an improper “secret” settlement agreement. The article inaccurately suggests that settling co-defendant Mr. Mullen’s deposition testimony, read at trial, was a quid pro quo for his release by the Collings, and that his deposition testimony was as a direct result “unfavorable” to City First. In fact, neither I nor any lawyer in my offices ever met Mr. Mullen or spoke with him outside of the recorded deposition process. The only communication we had with Mr. Mullen regarding settlement was through his lawyer, and the settlement was based exclusively upon Mr. Mullen’s professed insolvency (which insolvency Mr. Mullen conveniently recanted after trial at City First’s urging). No bargained for testimony occurred. This was attested to under oath by Mr. Mullen’s lawyer, which testimony was found credible by the trial court.

Nor, contrary to the article’s assertion, was Mr. Mullen’s deposition testimony “unfavorable” to City First. He testified truthfully (and without challenge) regarding the duties and responsibilities of employees and managers of City First branches; about organizational facts; about supervision and systems; about meetings; and generally about scope of employment. City First’s lawyer asked no questions of Mr. Mullen in deposition. His testimony was not inconsistent with the testimony of City First’s principal — and only — witness at trial. Most notably however, the article fails to mention that the vast bulk of the Mullen case’s settlement agreement. The article purported to be scholarly, it in fact expresses an advocate’s post hoc critique of the Collings decision. The Court of Appeals’ opinion viewed the Mullen testimony far differently from counsel’s characterization: “City First does not show that any specific statement Mullen made was false or misleading. In our review of Mullen’s
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Robert Gellatly has been selected by his peers as Best Lawyers® 2015 Plaintiff’s Medical Malpractice Lawyer of the Year in Seattle. Mr. Gellatly has been chosen by his peers as one of the Best Lawyers in America® and Best Lawyers in Washington State® for many years.

Robert Gellatly

CORRECTION: NWLawyer apologizes for the misspelling of the author’s name of the article “From Litigation to Conservation: One Lawyer’s Journey” (OCT 2014). The correct spelling is Mickey Fleming. She can be found in the WSBA online directory under Mary Michele Fleming.

deposition, we find nothing to suggest that his answers were crafted to aid the Collingses against City First. His testimony was largely consistent with the testimony of Sherri Russett, a City First employee since December 2009 who testified about how City First operated. City First simply does not explain what it would have or could have done differently with Mullen as a witness if it had known the Collingses had agreed not to pursue judgment against him.” 175 Wn. App. at 603.

Finally, the article confuses the Collings case with cases involving tortious “fault,” which are governed by RCW chapter 4.22. In fact, the case did not involve a tort claim, and no comparative fault was alleged: it was an action based primarily upon Washington’s equity skimming and credit services organizations acts. The jury awarded the Collings punitive damages for these statutory violations (not available in tort cases), and the court of appeals upheld that award.

I and my colleagues are extremely proud of the work we performed and the result we obtained in this case. We took on and won a complex commercial case challenging the system of securitized mortgage lending on behalf of a Redmond couple whose family home was threatened with foreclosure and who could not afford legal counsel. We achieved an award of over a million dollars — including a multiplier on legal fees — and delivered free and clear title to the Collings’ home in the process. Despite multiple post-trial motions and appeals, each and every one raising the Mullen issue, the verdict and awards stood the test. Were City First as convinced of the righteousness of its position as the article suggests, City First’s fully-briefed petition for review to the Supreme Court would not have been withdrawn, regardless of the status of supersedeas.

Jeff Smyth, Seattle
Happy Quasquicentennial!

Is it possible that the Washington State Bar Association is turning 125 years old? It seems like just yesterday that the Bar was toddling across our living room carpet, oatmeal dribbling from its pursed pink lips. Then before we knew it, we were standing curbside, eyes welling, as a noisy yellow bus carried little WSBA away for its first day of school. Next were the inevitable playground squabbles and bedtime tantrums, all quickly forgotten in giddy visits to the zoo and winter nights huddled around the family TV watching *The Wizard of Oz* and *Star Wars*. Then, seemingly no more than an instant later, WSBA was driving a car, going on dates, moving away to college. And now, astonishingly, the Bar is all grown up.

What the WSBA really is, of course, is us: the 36,000 or so souls sworn to faithfully practice law in this great state. Collectively, we and our forebears have managed to keep this outfit together since 1890 (actually, a few years longer than that, if you count its territorial predecessor). To put that in perspective, think of all the things we take for granted but relatively callow organizations: General Motors (1908), Boy Scouts of America (1910), IBM (1911), and Boeing (1916). And now, as for this issue’s offerings, precious few of us can trace our legal heritage back to the roots of the bar association. One who can is Seattle lawyer and WSBA Editorial Advisory Committee member Isham Reavis, a distant relative of James B. Reavis, one of the Bar’s 35 founders. Fittingly enough, in “The Washington State Bar Association Celebrates 125 Years,” on page 12, Isham provides a brief history of the Bar Association that serves as an outline for our other coverage.

In “Turn-of-the-Century Disciplinary Notices,” on page 20, Kurt Kruckenberg, another Seattle lawyer/EAC member, takes us back to the wild and woolly days of old-time lawyering, with true stories from turn-of-the-century (and I mean 19th/20th century) WSBA disciplinary files. If you’re expecting to read about lawyers publishing defamatory pamphlets about judges, lawyers defaming other lawyers to steal their clients, and lawyers getting disbarred then disbarred for apologizing nicely, then you’re going to love this. Ah, the good old days.

In a piece that bridges the Bar’s past and present, WSBA Communications Specialist/Publications Editor Stephanie Perry recaps the annual luncheon saluting those serving their 50th year as WSBA members on page 16. In recognition of the Bar’s own anniversary, included are quotations from several of the 50-year honorees, who describe how the Bar and the profession have changed in the past half-century. And now, as for this issue’s offerings, precious few of us can trace our legal heritage back to the roots of the bar association. One who can is Seattle lawyer and WSBA Editorial Advisory Committee member Isham Reavis, a distant relative of James B. Reavis, one of the Bar’s 35 founders. Fittingly enough, in “The Washington State Bar Association Celebrates 125 Years,” on page 12, Isham provides a brief history of the Bar Association that serves as an outline for our other coverage.

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While history is on our minds, this issue covers more than the WSBA anniversary. In “Brain Science and Lawyerizing,” on page 28, Seattle attorney Helen Ling, a member of the WSBA Alternative Dispute Resolution Section’s Executive Committee, examines how the fundamentals of one’s physical and mental status — such things as sleep, hydration, and properly focused attention — affect our brains and hence our ability to do our jobs.

On page 36, Editorial Advisory Committee Chair Allison Perrya offers advice on negotiating the “tween” years of law practice in “The Adolescent Lawyer” — that uncomfortable period when you don’t really fit at the kids’ table anymore but aren’t quite ready to elbow in amongst the adults yet, either.

And finally, we have three articles examining language and cultural topics. This issue’s President’s Corner is actually two guest-authored pieces by Seattle lawyers Qingqing Miao and Naoko Inoue Shatz, who explore, respectively, what every lawyer should know about working with the Chinese and Japanese communities. Meanwhile, in “Educating English Learners in the Pacific Northwest,” Sarah Newcomer, an assistant professor of literacy education at Washington State University-Tri-Cities, describes 10 issues relating to students’ legal rights and schools’ responsibilities for those learning English as a second language. NWL.

Michael Heatherly
NWLawyer Editor
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Left to right: Kathleen Keenan Kindred, Robert H. Thompson and Thomas A. Thompson
Top: Robert J. Heller and Patrick C. Cook
Bottom: Jonathan K. Winemiller and Michael J. Costello
Cultural Perspectives

Working with Clients from China and Japan

In our ongoing theme of discussing multicultural competency, we bring perspectives from different parts of Asia, from attorneys who are both immigrants to our country and our way of practicing law. They each provide a perspective on what every lawyer needs to know about working with people, attorneys, and clients from their homelands. — A.D.G.

What Every Lawyer Needs to Know about Working with the Chinese Community

by Qingqing Miao

Several years ago, as an undergraduate at Peking University majoring in English literature and linguistics, I took a course called Cognitive Linguistics. In that class, we discussed the Chinese color qing (青), which we were told has no accurate English-language equivalent. One reason suggested for the missing parallel English term was that this particular color, qing, does not exist in the commonly recognized color spectrum in the West. While an argument can be made that qing can be appropriately translated as “cyan,” the lesson I drew from this situation is that there are times when cultures with different languages will talk past each other.

Given its rapid growth, China’s position in the global legal and business environments will result in a need for greater understanding of the business it brings to Washington, as an ever-increasing number of Chinese individuals and Chinese companies are coming to the U.S. A recent and obvious example is Alibaba (China’s largest e-commerce company), with its record-setting IPO (the legal bills for which are said to be over $15.8 million). Thus, there is great value in the ability to effectively serve clients with Chinese backgrounds.

I hesitated when beginning this article because I was worried about stereotyping and overgeneralizing. Every culture has its complexities; not everyone from a culture can be grouped into a single community. Nevertheless, people with a Chinese background could have certain shared traits. An understanding of those traits can ease communication and improve relationships. Based on the assumption that we need to always be aware of the particular concerns of each client, regardless of culture, I offer a few points that you may find helpful in your practice.

China is diverse. Let’s start with the most obvious: the Chinese spoken language is diverse. Unlike the U.S., each region in China has drastically different dialects and often different customs. For instance, besides Mandarin, I speak a dialect that is not understood by most people outside my region. Since Mandarin is the official language of China, most Chinese nationals can...

What Every Lawyer Needs to Know About Working with the Japanese Community

by Naoko Inoue Shatz

According to 2010 U.S. Census statistics, there are 78,576 Japanese-Americans or Japanese residents in Washington state. Of these, 67,597 are Japanese-Americans, naturalized Japanese, and legal residents representing about 1.2 percent of Washington’s total population. These figures do not include Japanese non-residents who conduct business in Washington. However, there seems to be a small number of Washington attorneys who provide legal services in Japanese directly to their clients without using Japanese-speaking assistants. While many lawyers might not perceive a need to serve Japanese clients, the numbers suggest otherwise, and it is wise to be prepared.

Some American business people do know basic cultural differences between the U.S. and Japan, either through observation or through reading articles about the Japanese: they are punctual; they bow before and after a meeting; and they value their business cards at the time of formal self-introduction. They also bring a gift from Japan when they visit a lawyer’s office. Understanding those basic manners, however, is not enough when U.S. lawyers deal with Japanese clients to resolve their legal issues.

First, U.S. lawyers need to understand the difference between Japanese people who live in Japan and Japanese people who have lived in the U.S. for many years. I would call the first group “traditional.” The second type of Japanese is a first- or second-generation naturalized citizen or resident Japanese. I would call this second type “bridge.” Finally, there are Japanese-Americans who have lived in the U.S. from generation to generation for many years and perceive themselves very differently from the first two types of Japanese. For the purpose of this article, I would like to focus on traditional and bridge Japanese who were born in Japan.

Traditional Japanese value traditional, formal Japanese culture and manners and speak exclusively Japanese, ...
understand, if not speak, Mandarin. Although historically not always the case, people from Hong Kong and other Cantonese-speaking regions are more likely to be able to speak or understand Mandarin.

The Chinese written language has two main versions: the simplified, which is used in mainland China, and the traditional, which is used in Taiwan and most other Chinese-speaking regions and countries. The characters are similar, but also bear differences. People from different regions may also use different terms. For example, the word “information” is translated differently in Taiwan than in mainland China. In an everyday work setting, one should be able to communicate effectively using either version without running into major problems. But for cultural reasons, it may be a good idea to conform to the regional customs, i.e., using traditional Chinese with someone from Taiwan and using simplified Chinese with someone from mainland China.

It is helpful to know the major holidays in mainland China. Knowing the central Chinese government’s holiday schedule is useful when dealing with Chinese companies or individuals. Currently, there are two seven-day national holidays in China—the Spring Festival, which falls in January or February, and National Day, which starts on Oct. 1 of each year. A majority of Chinese employees are going to be off for those seven days. Banks normally will observe a three-day holiday. If you plan to have a business trip to China, you want to avoid those major national holidays for both logistical and business reasons. If you are expecting payments from China during those holiday periods, the payment may not arrive in its normal two-or-three-day window.

Also, it is worth noting that most Chinese holidays are fixed on a particular date. The Chinese government will move workdays around to accommodate holidays or to create long weekends. Thus, the workweek before or after the holiday could include Saturday and Sunday. Be prepared to answer emails or phone calls during those weekends. Also, be aware that your clients may be working their seventh straight day in a row.

Billing by the hour requires education. Although more and more Chinese lawyers are starting to charge by the hour, Chinese clients are more used to flat-fee arrangements. These clients might alternately want to arrange a maximum cap on possible hours. Before I charge by the hour, I always make sure that clients understand how the hourly rate works and I also set a reasonable expectation of the potential number of hours.

Educate your clients and friends about lawyers’ ethical rules. The ethical rules for lawyers can be very different in China. For example, in a white-collar criminal defense case, a major law firm represented multiple defendants in the same case, even though the guilt of one client hinged on the confession of another. Conflict of interest may be a novel term that needs to be explained. Another obvious example is referral fees. Referral fees are still common in China, although there are rules prohibiting law firms from doing so. Even though many referrals are

Japanese clients place great value on personal relationships...

Most notably, some Japanese are not familiar with attorney-client privilege. Japan has no system of pretrial discovery equivalent to that of the U.S., and confidentiality is assumed to be secured with lawyers due to their heightened respect and trust toward lawyers. Often at the very first discussion between attorney and client, U.S. lawyers must explain the scope of attorney-client privilege in detail and the extensive pretrial discovery.

Another example involves the gender roles within Japanese families. Regardless of how long the Japanese have lived in the U.S., the family dynamics generally remain traditional: women typically take care of the household and children once they are married and men focus on work. Non-working Japanese wives may lack experience with the U.S. legal system and require more background and a sensitive approach to each legal issue. A lawyer must be aware of such differences when representing individual Japanese clients on personal matters.

As the third step, American lawyers should spend a bit more time getting to know their Japanese clients, instead of jumping into explaining legal issues. Japanese clients place great value on personal relationships and often express great appreciation and long-term loyalty after forging a personal bond. They do not necessarily expect lawyers to charge for the time spent in the process of building a relationship. It may be because they are not familiar with paying legal fees by the hour. For that reason, providing legal services to Japanese clients often takes longer to meet their needs and expectations, but the extra time a lawyer spends initially often pays off over the long-term relationship.

Some American lawyers may hire a Japanese-speaking assistant or interpreter who could translate legal issues. Often Japanese clients do not feel confident about an assistant’s ability to express their concerns. This problem is common with other non-English-speaking clients. If U.S. lawyers
made without expectation of compensation, this may come up. Be prepared to explain the importance of following the ethical rules — most Chinese clients will understand and appreciate these issues, but it may be surprising to them. You may lose one or two referral sources because of the referral fee restriction, but maintaining your license and professional reputation should be a much higher priority.

**Chinese clients may much prefer to have your cellphone number.** Cellphone rules have changed over time. Many Americans no longer consider cellphone numbers as private as before. For many Chinese people, cellphone numbers were never private to begin with. As a result, Chinese clients will prefer to have your cellphone number. Also, voicemail is still not very common in mainland China. As a result, you may see missed calls with no voice message. In many cases, when this happens, clients are expecting you to call them back.

**Be equipped with chatting tools such as QQ or WeChat.** This tip may be outdated soon, but in 2014, it definitely has value. Two instant chatting services predominate in China. One is called QQ and the other one is a mobile-based application called WeChat. QQ has been in existence for more than 10 years and WeChat has been dominating market share more recently. It is not an overstatement to say that almost every working Chinese person is currently using one of these two services (if not both). These tools are both free and easy to use. By avoiding the cost of long-distance phone calls, these apps are very handy for both clients and attorneys.

**Immigration issues are often present.** It is probably old news already that a large percentage of successful Chinese individuals are contemplating immigrating to the U.S., investing in the U.S., or both. Our current immigration laws offer options to investors. So when someone comes to you about setting up a company or buying assets in the U.S., what they often have in mind is the possibility of immigrating to the U.S. based on that investment. This may or may not work and the attorney should be upfront about it. If immigration considerations need to be part of the business plan, you must identify those issues at a very early stage.

The above pointers are by no means all-inclusive, but I am hoping that they serve as a start. It is important to keep in mind that no matter where the clients are from, they all expect professional and effective legal services. Some of us may not grasp the color qing, but for us lawyers, serving our clients well requires understanding our clients, understanding their language, and understanding their culture. NWL

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**Japanese, continued from p. 10**

rely too heavily on translation, they often lose sight of what the client is looking for and misunderstand his concerns and issues. A lawyer who is not sensitive to cultural differences may not be aware that Japanese clients may simply nod and pretend that they understand everything just to keep the conversation short and respect the lawyer’s time, although they may not fully follow the conversation. Frequently, Japanese clients are uncomfortable telling others that they don’t understand — U.S. lawyers might not know whether they are satisfied with their services. Attorneys should avoid confusing politeness and a gap in comprehension as agreement with the counsel or consent to take action, when there is no real agreement or understanding.

There is a certain heightened sensitivity to cultural pride for Japanese clients, and the following are some points American lawyers might want to be aware of when they represent Japanese clients:

- Be punctual for your appointment.
- Explain the scope of attorney-client privilege in detail.
- Speak English, not Japanese, when clients start speaking English, even if you know they are not comfortable speaking English.
- Avoid condescending phrases, such as “In America, we do it this way...” or “Do you understand...?” assuming they do not understand.
- Pay attention to see if your advice is well received when they smile or nod without offering any other reactions.
- Be patient with multiple questions and criticisms about whether the questions are related to legal issues or not.
- Be pleasant when they call for a quick follow-up question after an initial meeting or phone conversation.
- Avoid relying too heavily on the ability of your Japanese-speaking assistant to translate or interpret for you.

Last, regardless of whether you are dealing with Japanese clients or not, the key for lawyers to succeed in representing clients who were born and/or raised in a different country is to understand their experience, culture, values, pride, and behavioral patterns. Lawyers should confidently act as their client’s advocate when dealing with American opposing parties whose values, experience, and thought processes are completely different. Understanding these differences goes far beyond language comprehension. NWL

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The Washington Bar Association is formed by 35 lawyers in the last year of the Washington Territory.

1888

The Washington Bar Association’s name is changed to the Washington State Bar Association.

1890

The University of Washington’s School of Law opens at 4th and Union in Seattle.

1899
The Washington State Bar Association Celebrates 125 Years

BY ISHAM REAVIS

2015 will mark the 125th anniversary of the Washington State Bar Association, but the organization is older still: the WSBA has had three origins. The first was in 1888.

The year 1888 would see the Mighty Casey first step up to bat in print, the Ripper murders paint Whitechapel red, and, in the nation’s capital, the general public admitted to the newly opened Washington Monument. Out west, the Washington Territory had already drafted and ratified one constitution, but was still one year and a second constitution away from statehood. And in Olympia, a group of lawyers cooling their heels in the Supreme Court chambers decided to associate.

In those days, the Supreme Court set every appeal for argument on the first day of each term. Lawyers were required to show up ready to argue their case — then wait, sometimes two or three weeks, until called. And as they waited, they talked with each other; the back-and-forth “no doubt had much to do with the development of that keen, witty, and broad-minded intelligence possessed by so many of our pioneer lawyers.” (Proceedings of the Wash. State Bar Ass’n Mtg., Aug. 7–8, 1889, at 7.) On Jan. 19, 1888, 35 of these keen, witty, and broad-minded lawyers formed the Washington Bar Association.

Washington joined the union as a full-fledged state in 1889. At the Washington Bar Association’s next meeting, members voted to change the number of vice presidents, the quorum to transact business, and the name. The Washington Bar Association became the Washington State Bar Association in 1890 — the WSBA’s second beginning.

In these early years, the WSBA advocated legislation, made recommendations as to judicial administration (a 1893 resolution requested that the Ninth Circuit move two sessions as far north as Portland for the convenience of northwestern practitioners), and commented on such pressing legal topics as the propriety of mustaches in the courtroom:

Ever since the time when the earth was new, made a part of the Common Law of this country, embodied in the Declaration of Independence, and preserved to us in the Federal Constitution, it has been the inalienable right of every man, particularly a lawyer, to wear hair upon any part of his body, without prejudice.

(Proceedings of the Wash. State Bar Ass’n Mtg., Jul. 25–27, 1918, at 32.)

In 1918, the WSBA amalgamated...
with other local bar associations — including the Tacoma–Pierce County and King County Bar Associations, which predated the WSBA by five and two years, respectively. Membership was voluntary; annual dues were $5. Collegiality reigned; in 1897, the Committee on Grievances reported that “the State Bar Association, collectively and individually, are rich, virtuous, and happy, and that ego there are no grievances to report.” (Proceedings of the Wash. State Bar Ass’n Mtg., Jul. 21–23, 1897, at 52.)

This voluntary professional organization assumed its second role, regulator of the legal profession, in the 1930s. By its tenth year, WSBA membership had grown to 250. As practicing lawyers increased its ranks to 600 or so, the WSBA formed a committee to study incorporating the WSBA and adopting institutional features such as a paid executive director, a paid legislative representative, and an official publication. On the Incorporation Committee’s recommendation, and after several years of debate, the WSBA proposed the State Bar Act to the Legislature. It was enacted in 1933 and codified at Chapter 2.48 RCW.

The State Bar Act created an integrated bar — mandatory, self-governed, and all-inclusive. The WSBA assumed responsibility for regulating admission to practice and enforcing the rules of professional conduct. However, the WSBA did not incorporate, as first proposed. Article XII, Section 1, of the State Constitution prohibits the Legislature from creating corporations by special act. The WSBA explored alternatives to incorporation, such as creating a state agency, legislatively authorizing the Supreme Court to create an integrated bar by rule, or simply proposing a court rule without any legislation. Eventually, the State Bar Act remade the WSBA as a state agency. (RCW 2.48.010.)

Well, not quite a state agency — make that “agency of the state.” The Supreme Court has since held that it alone holds the “power to admit, enroll, disbar, and discipline” members of the state bar. (Graham v. State Bar Ass’n, 86 Wn.2d 624, 632, 548 P.2d 310 (1976).) Further, the Court’s control over Bar Association functions is not limited to admissions and discipline of lawyers. The control extends to ancillary administrative functions as well… The ultimate power to regulate court-related functions, including the administration of the Bar Association, belongs exclusively to this court.

(WSBA v. State of Washington, 125 Wn.2d 901, 908-09, 890 P.2d 1047 (1995).) As such, the WSBA’s general purposes (including promoting diversity and equality in the courts, legal profession, and bar), authorized activities (continuing legal education; advising public officials about matters of interest to the bar), and specifically unauthorized activities (supporting or opposing political candidates), are prescribed by court rule. The 50-year process of creating an integrated bar — beginning with the 1933 State Bar Act, continuing with line of case bringing the WSBA under the Supreme Court’s auspices, and culminating with the 1987 court rule proscribing its purpose (originally GR 12; now GR 12.1) — is a sort of rolling third origin. What started out as a territorial professional organization in 1888 and blossomed into a state association by 1890 had become the modern WSBA, an instrumentality of the Supreme Court.

Since becoming an integrated bar, the WSBA membership has expanded a thousand-fold. From 35 original members, total membership now stands at 36,358, with over 30,000 active members. The membership’s face has also changed. In 1913, Reba Hurn became the first woman admitted to the WSBA. Until 1952, lawyers of Asian descent were denied citizenship — and hence bar admission — under the 1882 Chinese Exclusion Act. In 2001, Takuji Yamashita, a 1902 University of Washington Law School graduate, was finally, though posthumously, admitted to practice. Our president, Anthony Gipe, serves as the first openly gay WSBA president, and as he noted in the October issue of NWLawyer, our current Board of Governors includes a record number of historically under-represented members. (Anthony Gipe, “Diversity, Multicultural Competence, and the Future of the Profession,” NWLawyer, Oct. 2014, p. 9.)

Despite these changes in makeup, in 2014 the WSBA still largely fits its original founders’ demographic mold. Sixty-one percent of members who reported gender are men; 88 percent of those who reported ethnicity are white; only 464 reported LGBT status. But
the future of the profession is changing, both in terms of practice and practitioners. The WSBA will continue to change with the profession — and also to lead the changes, consistent with its official charge to promote diversity, and President Gipe’s outline for the year ahead. The WSBA has remade itself three times already, and the next chapter in the WSBA’s history is being written now. NWL

He’s distantly related to one of the WSBA’s 35 founders (and later Supreme Court Justice), James B. Reavis, from the branch of the Reavis family that had the sense to leave Missouri sooner rather than later. He can be reached at isham@aokilaw.com.

NOTES
2. Id. The WSBA collects demographic information from its members on a volunteer basis; these percentages do not include members who declined to provide such information.
On Oct. 24, guests gathered at the Sheraton Hotel in Seattle to pay tribute to 54 attorneys and judges who celebrated 50 years of WSBA membership in 2014. WSBA President Anthony Gipe welcomed honorees, their families, and guests and proudly expressed heartfelt gratitude to the 50-year members for their decades of dedication to the law. In appreciation, President Gipe and members of the Board of Governors presented certificates and lapel pins to the members who joined the Bar in 1964.

President Gipe spoke about the changes in the legal profession and the changing face of diversity. He also reviewed notable events from 1964 worldwide, in Washington, and at the WSBA. Washington Supreme Court Chief Justice Barbara A. Madsen congratulated the honorees on their professional contributions. Carole Grayson, chair of the WSBA Senior Lawyers Section, encouraged members to stay involved through the Senior Lawyers Section. The luncheon concluded with the 23 attending honorees gathering for a commemorative group photo.

The WSBA class of ’64 has seen many changes — cultural, political, and social — during their decades in the legal profession. Those who have joined the Bar since owe these individuals a debt of gratitude for their inspirational work, achievements, and half-century of public service.
1964: Snapshot of the Year

1964 was full of historical milestones. Here are some noteworthy events from that year.

On July 2, the Civil Rights Act of 1964 is signed into law by President Johnson, making it illegal to discriminate against people based on their race, religion, sex, national origin, or the color of their skin, and putting an end to Jim Crow laws that since 1876 have enforced racial segregation.

The Nobel Peace Prize is awarded to Rev. Dr. Martin Luther King Jr.

Julie Andrews is awarded an Oscar for Best Actress for her film debut as the title role in Mary Poppins.

Infamous union leader and teamster Jimmy Hoffa is convicted of fraud, conspiracy, and jury tampering and disappears within a year, becoming one of the world’s most well-known unsolved missing persons cases.

New dances this year include the Dog, the Swim, the Frug, the Watusi, and the Monkey.

In August, the Beatles give their first Washington concert to 14,300 screaming fans at the Seattle Center Coliseum (now Key Arena).

Frederick Charles “Hutch” Hutchinson, a venerated Seattle sports figure, dies of lung cancer in November. His memory lives on in the Fred Hutchinson Cancer Research Center, founded in 1965.

The Washington State Department of Transportation creates the State Route highway numbering system to consolidate and organize the state’s highways. For better or worse, I-5 is born.

95 candidates pass the summer 1964 bar exams. By comparison, 685 candidates passed the summer 2014 bar exams!
How has practicing law changed in the past 50 years?

“There is a huge difference caused by electronic documents that have added to the time and expense of commercial litigation. Everything is done in writing now, opening up a whole new world of e-discovery. In the old days, people would talk in the hall or on the phone; now email has created a written record. A treasure trove for discovery is in emails. People say things in emails that they would not say in a formal letter.... Today, there are far fewer trials, it is too expensive, and e-discovery has added to that expense. It is harder for young lawyers to get trial experience. In the early years, lawyers would settle things between themselves. Now everyone goes to mediation.” — Evan L. Schwab, Seattle

What has been the highlight of your legal career?

“The encouragement and support of my wife through law school and beyond: We have been married 56 years. Also, fantastic client relationships: I have been representing some families for four generations; several clients have been with me for 50 years.” — Roger Earl Lageschulte, Seattle

How has the legal community changed while you have been practicing?

“In 1982, Paul Gibbs, who was the past president of the King County Bar Association, asked me to run for the board as treasurer. He told me it was because they were looking for diversity — because I was a (white, male) solo practitioner. And look where we are now! But that’s how it was back then. Everyone worked in big firms. Now we have a true meaning for diversity in our profession.” — Matt Melvin Mathias Sayre, Seattle

How has the practice of law changed in the past 50 years?

“The Bar has expanded so significantly, it is an entirely different animal in terms of the number of people and knowing people. When I started, there were 300 lawyers in Spokane and I knew every lawyer. It was wonderful and collegial. We had lunch every Friday, and there were between 50 and 100 of us there each week. Now we are lucky to get 25 people to attend once a month. Statewide, the Bar is still collegial, but there are different relationships and a different mentality.” — WSBA Gov. Paul Bastine, Spokane Valley
A Year of Gratitude and Accountability

As the year comes to an end, we want to express our gratitude to you and to our other colleagues throughout the state for your vote of confidence and your referrals of major medical negligence cases. We look forward to working with you in the coming year to achieve accountability for medical errors that result in serious injury or death.

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TURN-OF-THE-CENTURY
DISCIPLINARY NOTICES

by Kurt Kruckebberg

Maybe you read them for instructional value — how to avoid life without the possibility of career. Or maybe you eagerly flipped to the back pages for some good old-fashioned schadenfreude, because that gunner from law school probably had it coming. No matter the reason, you probably miss the narrative summaries of WSBA disciplinary notices. Me, too. So in honor of the WSBA’s 125th anniversary, I hope you’ll find valuable lessons in the summaries of several disciplinary matters from the WSBA’s first few decades.

PERFIDIOUS PAMPHLET
(1917)

Suspended

J.E. Willis, of Lewis County, was suspended from practice for one year. Willis published a pamphlet regarding the Honorable Alonzo E. Rice, Lewis County Superior Court judge, and circulated the pamphlet throughout Lewis County and surrounding areas. Willis succinctly titled the pamphlet The Crimes and Misdemeanors of Hon. Alonzo E. Rice. Grand and Petit Larceny, Malfeasance and Graft. His Court a “School for Scandal.” On the Authority of His Deeds Herein Related and Explained. Read Every Word of This Pamphlet. The Court found that Willis wrongly accused Judge Rice of various crimes and misdemeanors in his 28-page pamphlet, including, among other things, deliberately attempting to wrong infants — perhaps from a failed attempt to steal candy from an actual baby. The Court stated that Willis plainly violated his duty to maintain the respect due to the courts of justice and judicial officers. State v. Willis, 95 Wash. 251 (1917).

NEW BUSINESS MODEL
(1906)

Suspended

C. Victor Martin, of Chelan County, was suspended from practice for three years. Martin induced Lucy F. Richardson to hire him to represent her in the case of Richardson v. Richardson by telling her a number of tall tales about her then-attorney, W.J. Canton. Martin told Richardson that Canton was a drinking man, that Canton would grossly neglect Richardson, and that Canton probably could not resolve the matter for another three years. The Court found Martin’s conduct particularly unbecoming considering that Martin was also presiding as judge over the case. Applying a stunningly innovative business model, Martin also attempted to borrow $5,000 from Richardson out of the prospective proceeds of the case, which he, as judge, planned to award to her. The Court stated that the facts were sufficient to merit suspension for inexcusable conduct unfitting for the moral responsibilities and proprieties of an attorney. State v. Martin, 45 Wash. 76 (1906). The record does not reflect whether Richardson, a creative woman indeed, attempted to hire Martin’s successor on the bench.

HYPNOTIC SUGGESTION
(1898)

Apology Accepted

W.D. Lambuth, of Seattle, was left on the rolls of Washington attorneys despite the attorney general’s motion for disbarment. The motion to disbar Lambuth was based on “offensive and discourteous” language Lambuth used in a petition submitted to the Court. The petition, which Lambuth hastily prepared by dictation to a stenographer, included the following: “It is respectfully submitted to the court, with all deference to the wisdom of the individual judges thereof,
that the decision in this case could not appear more prejudiced and biased in favor of interveners, and more liberal towards them, if the court had been under hypnotic suggestion at the hands of the interveners and the capitalists engaged in the buying and selling and dealing in lumber and shingles."

On being served with the petition, opposing counsel drew Lambuth’s attention to the passage and suggested that it was offensive to the Court. Lambuth, not intending to have caused offense, submitted the petition to a “disinterested and distinguished member of the bar” for a second opinion. On that member’s advice, Lambuth wrote a letter to the clerk of court asking that the language be stricken from the petition. Unfortunately, Lambuth’s letter arrived too late, and the Court had already acted. Several high-standing members of the Seattle bar appeared with Lambuth when he responded to the motion, testifying to his professional character. In his answer, Lambuth stated that if his language was “disrespectful or discourteous in itself, it is so without any, even the remotest, intention or design, and is only so by reason of being written hurriedly and thoughtlessly as to the form of speech and its appearance and possible effect under calm and deliberate inspection.” Satisfied with Lambuth’s disavowal of his offensive language, and in a show of gracious magnanimity, the Court struck the language from the petition and discharged the motion for disbarment against him. In Re Lambuth, 18 Wash. 478 (1898).

Lesson learned: stenographers do not sterilize snark. NWL

Kurt Kruckenberg is an associate at Hillis Clark Martin & Peterson P.S., in Seattle, where he works on a variety of matters related to business, intellectual property, real estate, and finance. He is a member of the WSBA Editorial Advisory Committee. Contact him at kek@hcmp.com or 206-470-7640.

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According to the Migration Policy Institute, approximately 10 percent of all students in the U.S. today are learning English as a second language, commonly referred to as English learners (ELs). By 2025, this number will increase to 25 percent. While there are more than 450 languages spoken in the U.S., the vast majority of EL students speak Spanish as their home language. Schools in the Pacific Northwest reflect these national trends: approximately 6 percent (Idaho) to 10 percent (Washington and Oregon) of all students are ELs, with the majority of students speaking Spanish at home. Other large language groups include Russian, Vietnamese, Somali, Ukrainian, and Chinese. Washington ranks tenth in terms of states with the greatest linguistic diversity in the U.S. and is twelfth in terms of highest numbers of ELs.

All students have the right of an equal access to education, as guaranteed by the Civil Rights Act of 1964. The Office of Civil Rights (OCR) issued a Memorandum in 1970, making schools responsible, under civil rights law, to provide equal educational opportunity to ELs. In addition, the 1974 Supreme Court ruling in 
*Lau v. Nichols* upheld the OCR Memorandum, stating that “there is...
Oh but he gets into the cupboard
Picks out that bottle of gin
Drinks like there’s no tomorrow
And decides to take a spin
No don’t drive drunk
Don’t drive drunk, no
~ Stevie Wonder

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David Santos’ son, Shane, was killed by a drunk driver overserved by a bar.

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Left to right: Kevin Lederman, Abby Loomis, Steve Miller, Pam Cowan, Felicia Gittleman, Kohei Yamamoto, Kate Lopez Ley
no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.” Despite these federal provisions, ELs face a number of challenges, which affect this equal access, as well as their educational success. The following section highlights ten issues related to the legal rights and responsibilities related to the education of ELs.

1. **English-only or Bilingual Education — Which Program?**

One key issue related to educating ELs is the lack of clear and consistent policy on what educational approach to take. This lack of clear policy is problematic, considering that research shows that different program models have various levels of effectiveness. When effectively implemented, maintenance-bilingual and dual-language programs appear to be most successful — students average between the 45th–60th achievement percentiles by grade 11 (Collier & Thomas, 2004). Students in early-exit or transitional bilingual education programs (TBIP) — those programs that deliver instruction in the student’s native language for a shorter time period (2–3 years) while they learn English — only average in the 24th–32nd percentiles by the 11th grade and generally do not develop academic biliteracy (Collier & Thomas, 2004). Students in structured English immersion (SEI) models learn in English only, using strategies and materials to assist ELs with understanding the English being used. When well implemented for 2–3 years, students in SEI programs average at the 22nd percentile by grade 11 (Collier & Thomas, 2004).

2. **Acquiring Academic English Language Proficiency**

It takes 4–7 years to fully develop cognitive academic language proficiency (Cummins, 2003). One problem facing ELs across the country, including in the Northwest, is that they are expected to keep up academically while acquiring English at the same time. As mentioned earlier, the Civil Rights Act designates equal access to education as a basic responsibility of the states. Yet, without enough academic proficiency in English to understand the curriculum and perform in an English-speaking classroom, most ELs fall behind, and thus, by virtue of speaking another language, do not have that equal access. To compound this issue, some ELs enter the U.S. as older students and have even less time to acquire English and thus meet the requirements for graduation. Many students are not acquiring enough academic English proficiency to perform well academically, contributing to a large disparity in academic achievement between ELs and non-ELs. Related to this is the fact that there are a wide variety of programs used for ELs, each with different levels of effectiveness, outcomes, and merits. The type of program model used to educate ELs and help them acquire English is an important factor contributing to the overall academic success.

3. **K–12 Academic Success**

One major problem is the academic disparity between ELs and non-EL students. ELs struggle in school more than any other group with the exception of students in need of Special Education services (Gándara & Hopkins, 2008). Although this is often referred to as an achievement gap, it may also be considered an opportunity gap due to many of the issues being highlighted throughout this article. This gap again goes back to the idea of equal access to education. The academic disparity shows that schools are not meeting their legal responsibility to ensure that ELs have equal access. To make it more complicated, there are many factors affecting academic success besides the need to acquire English — poverty, immigration challenges, parental level of education, access to qualified teachers, etc. Similar to ELs across the country, few ELs in the Northwest meet testing benchmarks. According to the Office of the Superintendent of Public Instruction (OSPI) for the state of Washington, for the 2013–14 school year, only 28.4 percent of tenth-grade EL students met the reading standards as compared to 82.8 percent of all Washington tenth graders.

4. **High Stakes Testing**

Another key issue related to the quality of education for ELs is the stipulation that schools have to include ELs in all federal mandates and measures. This policy first emerged from the outcome of the *Idaho Migrant Council v. the Board of Education* (1981), ruling that states need to follow federal policy. Under the current federal policy of No Child Left Behind (NCLB), states must include ELs in their accountability measures. This means that all ELs are required to take the same high-stakes tests as everyone else, which are given in English. Since they are still in the process of acquiring English, it is much more difficult for ELs to do as well as their English-proficient peers. Student test scores determine whether or not schools make Adequate Yearly Progress (AYP), and potential sanctions against schools, including funding, depend upon whether this AYP is met.

The inclusion of ELs in federally mandated accountability measures places an inordinate amount of pressure on schools to take action to ensure that students are making sufficient progress in improving their annual test scores. This leads to many schools using test-driven curricula rather than curricula that are developed with local students’ needs and backgrounds in mind. This test-driven curriculum almost always involves the use of commercial materials (i.e., textbooks and workbooks) rather than relevant and engaging curricula created by teachers, students, and families. This situation impacts the quality of education and runs contrary to the idea, as suggested by the *Lau v. Nichols* ruling that education for ELs should be “meaningful.”

5. **Home Languages and Cultural Identity**

Whether or not students are able to maintain their home language, an important aspect of cultural identity, is another key issue faced by ELs in the Pacific Northwest. Because language is part of identity and connection to family, if students lose their home language, they will potentially feel a sense of loss of their cultural heritage and a very real ability to communicate with their family members. Connected to the idea that language is part of identity is the potentially harmful effect of using only English at school. Students may receive the message that their home language is less important than English and begin to devalue their language. In addition, without access to education in their home language, ELs face the possibility of losing the ability to speak that language.
altogether. Research indicates that by the third generation or earlier, the native language is usually gone within a family. While this is a concern for all students, it is of special alarm when it comes to Native American languages, nearly all of which are either threatened or severely in danger of becoming extinct. Federal law protects indigenous languages, and yet it is projected that by the next century, over half of all the world’s languages will become extinct, nearly all of which are indigenous languages. As home to 42 federally recognized tribes, the Pacific Northwest also faces this challenge to preserve indigenous language and culture. Few native students in the Northwest learn in their native or heritage language.

6. Access to Qualified Teachers
Another major issue facing ELs in the Pacific Northwest, as well as around the country, is the shortage of teachers who have received sufficient education and training to prepare them to adequately meet the needs of ELs, despite two key pieces of federal legislation. First, Title VI of the Civil Rights Act of 1964 specifies that programs for ELs need to include effective staff and resources. Second, the Flores v. Arizona Supreme Court ruling in 2000 specifies that states need to allocate appropriate levels of funding to programs and teachers for ELs. Although all states are legally obligated to provide qualified and effective teachers, many states cannot fulfill this obligation because there simply are not enough teachers who are officially credentialed to work with ELs.

According to a 2011 state legislative report, “Educating English Language Learners in Washington State,” currently, only 11 percent of ELs in Washington are served by any form of bilingual education because of the lack of qualified teachers endorsed or certified in bilingual education. Furthermore, as discussed earlier, when multiple languages exist within a classroom or school, bilingual instruction becomes more difficult to arrange. This means that in regions such as the Tri-Cities or Yakima Valley, which have the highest numbers of Spanish speakers in the state, it becomes easier to offer bilingual programs, whereas in regions like Spokane, where there is a wide variety of languages spoken, it becomes more practical to use ESL programs that make use of only English. In addition, if there are not enough speakers of a particular language (for example, Hmong) to compose an entire classroom, and if there are no teachers who speak both English and Hmong, then it becomes impossible to offer a bilingual program for the Hmong students, even in willing schools.

7. Immigration and Citizenship
Another problem confronting many ELs in the Pacific Northwest and around the country are the multitude of issues related to immigration status and lack of citizenship. As determined by Plyer v. Doe (1982), students cannot be denied access to education based on immigration status. This was a key piece of legislation in protecting the rights of undocumented students living in the U.S.

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General aviation accidents to major airline disasters
However, while this legislation means that undocumented children receive a public education within the U.S., it does not prevent a host of other issues that accompany lack of citizenship, especially when it comes to continuing on to higher education.

Many undocumented high school graduates do not go to college because they do not have citizenship and cannot pay out-of-state tuition. Often, these are students who have lived and attended school in the U.S. since they were very young, and who consider themselves to be a part of U.S. society. In an effort to support these students, Washington’s House Bill 1079, passed in 2003, allows undocumented students to pay in-state tuition to state colleges and universities. In addition, in 2012, President Obama passed the Deferred Action for Childhood Arrivals (DACA) option for qualifying young people, which permits them to apply to apply for a two-year deferral of deportation, and thereby allows them to complete their education. However, this deferral does not provide a pathway to citizenship, leaving many young people facing a very uncertain future.

8. Social and Academic Isolation

Another key issue is the fact that, as an outcome of community development patterns, many EL students live in communities with high numbers of families who speak a language other than English, and thus they attend neighborhood schools with high numbers of ELs. This means that students who are learning English as a second language tend to have much less access to English-proficient peer role models and/or students from backgrounds different than their own. In particular, this means that they have less access to members of the dominant ethnic/cultural group (i.e., middle-class Anglo students) from whom they can potentially learn much about the underlying codes that provide entry to the culture of power. With this issue, there is no direct legal connection except that such segregation/isolation does affect equal access to education. School districts are funded, in part, through property values and local income tax revenue, and there is a huge discrepancy in the funding for schools that disproportionately serve ELs and other minority groups and the schools that serve primarily middle-class and Anglo students (Gándara & Contreras, 2010).

9. Diversity and Deficit Perspectives

Too often, culturally and linguistically diverse students may be viewed from a “deficit perspective” or one in which a students’ linguistic, cultural, ethnic, or socioeconomic backgrounds are seen as contributing to their low achievement in school (Hadjistassou, 2008). This means that not only do these students face the challenge of learning English while learning academic content, but they also face a variety of assumptions about what they know and can do. Often ELs are misunderstood as being less “capable” than their
peers. Rather than focusing on the knowledge, skills, and experiences that children bring to school, their “funds of knowledge” (Gonzalez, Moll, & Amanti, 2005), educators focus on what students lack, and often end up delivering prescribed, discrete skills instruction which lacks complexity, inquiry, and cultural relevance.

10. **ELs Are at a Higher Risk for Dropping Out of School**

Once more, the key legal problem this reflects is equal access to education. Students who drop out before graduation, obviously, have not received the same level of education as their peers. This is a problem because these students then have fewer job options and typically earn much less than students with a high school diploma or college degree. It is much more difficult for these students to become productive and self-actualized citizens, which affects the broader economy and society. In addition, society pays the price for young people who enter the correction system. For example, according to the Office of Migrant and Bilingual Education for the state of Washington, in 2008, drop out rates for ELs and migrant students were consistently higher than all other students (about 2–5 percent higher in 7th–11th grades, and 7 percent higher in 12th grade). In 12th grade, 16 percent of all students who dropped out were ELs. NWL

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**Sarah Newcomer** is an assistant professor of literacy education at Washington State University–Tri-Cities, where she teaches courses on early literacy, teaching reading and writing, as well as language, literacy, and diversity. Her research interests include how language and literacy policies are implemented and negotiated in schools, the development of literacy and biliteracy, and school-community partnerships. She can be reached at sarah.newcomer@tricity.wsu.edu.
I have been involved with the WSBA Alternative Dispute Resolution (ADR) Section for three years now. I enjoy my colleagues tremendously, not just for their intelligence, skill, and experience, but also for their humor, candor, and creativity. They dare to think outside of the proverbial box where many of us find ourselves in today’s legal profession. Over time, I have started to see lawyering in a different light. In addition to promoting informed use and best practices of ADR, the section promotes lawyering from a human perspective. What does that mean? Mindfulness, empathetic listening, and holistic lawyering are some words that come to mind. Entire seminars are dedicated to each of these, but I am talking about “human,” as in biologically human. What do we know about how our brains and bodies function that impacts our productivity, efficiency, and the quality of our legal work and overall life?

Every year, the ADR Section sponsors the Northwest Dispute Resolution Conference, a national conference held in Seattle. At our last conference, John Medina was the keynote speaker. He is the author of *Brain Rules: 12 Principles for Surviving and Thriving at Work, Home, and School*, and, by trade, a developmental molecular biologist. His book makes for a fascinating read, but a few features have really impacted the way that I view lawyering.

In our profession, our brain is our most precious and valuable asset. I may not be able to lift 100 pounds without seriously pulling something, but I have argued before the Washington Court of Appeals. What have I done to cultivate and nourish this precious organ? Not too much, it turns out.

**Exercise: “Physical activity is cognitive candy.”**

Medina takes us back hundreds of thousands of years. Our ancient ancestors covered a lot of ground; scientists estimate they covered up to 12 miles on a daily basis. All the while, the modern human brain was developing, not while they were sedentary, but while they were moving. This makes sense on a physiological level. Medina points out we can live for 30 days or so without food and a week or so without water, but we cannot go more than five minutes without oxygen to our brains without risking serious and permanent damage. That is an astonishing statistic. When we exercise, we increase our brain’s access to oxygen, keep existing neurons healthy, and encourage the formation of new brain cells. All these wonderful biological processes are not happening nearly as often while
we are sedentary. The idea of simply “moving” more during my day is a relatively new phenomenon for me. Why move when I have a nice comfy high back chair where I sit for hours a day staring at a computer screen? After learning about “mindfulness,” I am now much more aware of and present in my daily mobility. I recently had the chance to test-driving a “thinking-while-walking” exercise at our ADR Section retreat. We walked in pairs while discussing topics and issues pertaining to our section. I cannot say the exercise was idiomatic. My thoughts were actually a bit more fumbled (as was my footing) than usual, but I did hit my stride eventually as that oxygen started circulating. I found the experience to be quite liberating.

To further this practice, my husband and I aim to take evening walks together to catch up with each other and debrief on our day. I also resist the urge to simply shake my wrist when my fit band tells me I have been sedentary too long, and think more to get up and move about. I am still more couch-potato than athlete, but I am happier with the level of my productivity and change in work/lifestyle.

Paying Attention: “Multitasking, when it comes to paying attention, is a myth.”

Medina clarifies that the brain’s ability to pay attention is different from walking and talking at the same time, which is also a form of multitasking. He is talking about an attentional ability. Research shows that we are biologically incapable of processing attention-rich inputs simultaneously. What does that mean? If we reply to an email in the middle of drafting a motion, we have to shift our attention from the motion to the email; it is biologically impossible to do both at once. Medina articulates the four steps that occur in this process: 1) shift alert, 2) rule activation for task #1, 3) disengagement, and 4) rule activation for task #2. Each step takes time, and each step occurs in sequence every time we switch from one task to another. Studies show that a person who is interrupted takes 50 percent longer to accomplish a task, and he or she makes up to 50 percent more errors. I am almost never able to keep to one task for an uninterrupted period of time. At work, I have developed an imprecise system (if I can call it that) of writing unrelated thoughts down on sticky notes while I work on projects. I will be in the middle of working on one project when I remember something about another project and divert my attention long enough to scribble something on a sticky note before returning to my original thought. My husband often comes into my office stunned at the disarray of fluorescent Post-its littering my desk. Even if I had a system, I would still consume time and energy switching back and forth from one task to another. I am a work in progress, but some tips that I use to keep myself on track are closing unrelated windows on my browser, closing my office door, and calendaring out chunks of time to work on discrete projects.

Sleep: “Try sleeping on it.”

We all know that sleep is important and getting quality sleep is essential to our physiologies. But aside from feeling well rested, how does sleep affect our brain’s ability to learn? The brain is incredibly active while we are asleep. Medina explains that legions of neurons are crackling electrical commands to one another in constantly shifting patterns that display greater rhythmical activity during sleep than when we are awake.

Medina recounts an experiment involving a rat that had electrodes hooked up to its brain. The rat learned how to navigate a maze earlier in the day and scientists observed its brain activity while it slept afterward. Remarkably, the rat began to replay the maze-pattern sequence it learned earlier, repeating it over and over again, much faster than during the day. The rat seemed to be consolidating...
the day’s learning the night after the learning occurred. Researchers have found that humans do similar processing and that we learn in our sleep.\textsuperscript{12} The converse is also true; sleep loss cripples thinking. It hurts attention, executive function, immediate memory, working memory, mood, quantitative skills, logical reasoning ability, and general math knowledge.\textsuperscript{13} There is no set formula for sleep.\textsuperscript{14}

Just make sure you are getting the amount that is right for you. So much of our work involves navigating the mazes of our clients and cases. Getting the right amount of sleep for our brains can only help us learn quicker and better.

**Water: Staying Hydrated**

Water is not one of the topics in Medina’s book, but I found the following study particularly interesting.

A small study tested the effects of mild dehydration on cognitive performance, mood, and concentration in women. Although dehydration did not substantially impair cognitive function, women who experienced just a 1.36 percent dehydration level felt adverse effects such as increased fatigue, headaches, difficulty concentrating, and an increased perception of task difficulty.\textsuperscript{15}

It is easy to forget to drink water throughout the day. The risk of dehydration is further compounded when you exercise. Many of us are probably going about our day somewhat dehydrated, so the next time you are feeling cranky when opposing counsel calls you up, maybe all you need is a tall glass of water. **NWL**

**NOTES**

2. Medina, supra at 22.
3. Id. at 10–11.
4. Id. at 20–21.
5. Id. at 22.
6. Id. at 84.
7. Id. at 84–85.
8. Id. at 86–87.
9. Id. at 87.
10. Id. at 167.
11. Id. at 152.
12. Id. at 164.
13. Id. at 163.
14. Id. at 158.
CLOSING THE GAP

on Charitable Trust Loopholes – The Washington State Attorney General’s Charitable Trust Oversight Authority

by Sarah Shifley

On an otherwise fine day, the bookkeeper of a two-attorney Seattle law practice brought one of the partners a bank statement that had arrived in the mail. The statement was addressed to the lawyer’s partner, who was out sick that day. The sick partner was the trustee of a charitable trust created under the will of a deceased client who wanted the funds distributed to charity. The statement revealed that the trustee-lawyer had been spending the assets on groceries, rent, and other personal uses. Because the will gave the trustee sole discretion to select charitable beneficiaries, no charity knew to expect money from the trust. In fact, no funds had ever been distributed for charitable purposes. Instead, the trust had become the trustee-lawyer’s personal slush fund. The trust even held property in another state that the trustee-lawyer had initially invested in himself, but transferred to the trust when it turned out to be a toxic waste site with major liabilities attached.

What do you do if you’re the lawyer to whom the bookkeeper presents this information? You should call the Attorney General’s Office. In the actual case from which this hypothetical derives, the attorney general persuaded a judge to appoint a receiver to marshal what was left of the trust’s assets and use them to honor the deceased client’s charitable intent. (By the way, the trustee-lawyer quickly became both a former trustee and a former lawyer.)

In the world of private trusts, an individual beneficiary has standing to enforce the terms of the trust. But with charitable trusts, the benefit is public, not private, and indefinite beneficiaries among the public are not capable of policing the trustee’s behavior. Thus, the attorney general has authority under the Charitable Trust Act, RCW 11.110, to represent the public by enforcing the terms of the trust. This authority includes bringing actions to enforce the trustee’s three fiduciary duties — loyalty, care, and obedience — which require trustees to prudently manage trust assets, administer the trust solely for the beneficiaries, and refrain from self-dealing or using the trust for personal gain. The attorney general also has far-reaching investigative authority.

“The Attorney General’s Office places a high priority on making sure that charitable assets are used for the charitable purposes for which our citizens generously donate them,” says Attorney General Bob Ferguson. “Our office is sometimes the only party able to enforce charitable obligations when trustees divert
charitable assets to their own private purposes or otherwise fail to honor the charitable intent of generous donors.”

With few exceptions, the Charitable Trusts Act broadly defines a trustee as any type of entity “holding property in trust for a public charitable purpose.” Washington law also recognizes a charitable trust whenever the use of funds is limited to a charitable purpose or when non-charitable uses are prohibited. The Charitable Trust Act does not define “public charitable purpose.” According to case law, public charitable purposes may include relief of poverty, advancement of education or religion, promotion of health, various governmental purposes, or other purposes that benefit the community.

Attorneys working with charitable trusts, whether they are expressly created or exist because an individual or entity is holding property in trust for a public charitable purpose, should be aware of two fundamental requirements.

First, under RCW 11.110.051, all entities subject to Washington jurisdiction and with income-producing assets in excess of $250,000 held to support a charitable purpose must register with the Washington Secretary of State’s Charitable Trust Program. This includes completing an application for registration, submitting a copy of the trust instrument if applicable, and paying a $25 filing fee. Annually thereafter, charitable trusts must file a renewal form and submit their most recent completed federal tax information. Charitable trusts must also report any amendments to the trust instrument within four months of making the amendment. Only three types of entities are exempt from registration: religious organizations recognized by the IRS as such, accredited institutions of public education, and certain types of remainder trusts.

A second critical requirement imposed on charitable trusts is to give the attorney general notice of judicial proceedings involving or affecting the charitable trust or its administration. Contact information for the Washington State Attorney General’s Office is above.

Finally, attorneys working with charitable trusts should also become familiar with other statutes that may apply. These include the Non-Profit Corporation Act, RCW 24.03, Prudent Management of Institutional Funds Act, RCW 24.55, Charitable Solicitations Act, RCW 19.09, and Consumer Protection Act, RCW 19.86.

**What is a charitable trust?**

A charitable trust exists when an entity holds property in trust “for a public charitable purpose.” A charitable trust is formed whenever the use of funds is limited to a charitable purpose or when non-charitable uses are prohibited.

**Basic tips for attorneys working with charities and charitable trusts**

- Become familiar with the statutory definitions of charities and charitable trusts.
- Comply with registration requirements and keep registrations up to date.
- Provide the Attorney General’s Office notice of judicial proceedings involving or affecting the charitable trust or its administration.
- Be aware of other potentially applicable statutes, including the Non-Profit Corporation Act, RCW 24.03, the Prudent Management of Institutional Funds Act, RCW 24.55, and the Charitable Solicitations Act, RCW 19.09.

**Important Contacts**

Office of the Secretary of State Charitable Trust Program
1-800-332-4483
360-725-0378
trustinfo@sos.wa.gov

Washington State Attorney General’s Office Consumer Protection Division
800 Fifth Ave, Ste. 2000
Seattle, WA 98104
sarah.shifley@atg.wa.gov

Sarah Shifley is an assistant attorney general in the Consumer Protection Division of the Washington State Attorney General’s Office. Her work focuses on charities, charitable solicitations, and charitable trusts. Shifley joined the Attorney General’s Office in 2007 after graduating cum laude from the University of Washington School of Law, where she was an articles editor of the Law Review and a board member of the Public Interest Law Association. She is an avid bike commuter and also enjoys sailing, reading, and doing just about any sewing-related project. She can be reached at sarahs5@atg.wa.gov.
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As we celebrate 125 years of the WSBA, let’s take a look at some of Washington’s environmental, cultural, and political history. Here are some of our favorite nonfiction books on our state’s historical and legal milestones.

**Best Washington History Books**

**by Stephanie Perry and RaeLani Valaile**

**Hiking Washington’s History**

By Judy Bentley (2013; University of Washington Press; 304 pp.; $18.95)

A fascinating read for hikers and historians alike, this well-researched guide covers 42 hikes throughout nine Washington regions: the Olympic Peninsula, Puget Sound, North/Central/South Cascades, central/northeastern/southeastern WA, and the lower Columbia River. Destinations include landmarks such as Cape Flattery, Medicine Creek Treaty Grounds, Klickitat Trail, Palouse Canyon, and the Iron Goat Trail. For each hike, you’ll find historical background, quotes from homesteaders and frontiersmen, photographs, and points of interest along the way. Start planning next summer’s hikes during the winter months ahead.

**Short Nights of the Shadow Catcher: The Epic Life and Immortal Photographs of Edward Curtis**

By Timothy Egan (2013; Mariner Books; 384 pp. paperback; $15.95)

Seattle-native and award-winning journalist Timothy Egan writes this compelling biography of Edward Curtis, the Seattle-raised photographer and ethnographer who made it his life’s work to capture a photographic archive of North American Indians. Curtis’ first portrait of a Native American was the iconic portrait of Princess Angeline, Chief Seattle’s daughter. Following the instant success of this picture, Curtis was invited to join expeditions to photograph Indian tribes, and in 1906 philanthropist J.P. Morgan provided Curtis with $75,000 to produce a series on Indian tribes. Over 20 years, it eventually grew to a 20-volume work including 1,500 photographs, yet Curtis earned no salary for his decades of work (he received copies of the prints as payment). Egan’s accessible, highly readable narrative voice brings to life the man known to the Indians as “Shadow Catcher.”

**Historic Photos of Washington State**

By Dale Soden (2008; Turner Publishing; 206 pp. hardcover; $39.95)

This photography collection by Dale E. Soden, professor of history at Whitworth University in Spokane, draws from historical archives to tell the story of Washington’s native tribes, the development of logging and mining industries, and the railroad’s role in developing cities. Over 140 dramatic black-and-white photos show the natural beauty of Washington state and its rapid nineteenth-century development. A great coffee-table book for your favorite local history buff.

**Historical Atlas of Washington and Oregon**

(2011; University of California Press; 240 pp. hardcover; $41.95)

Map enthusiasts will be delighted by this beautiful historical atlas, illustrated with more than 500 colorful images and maps that depict the history of Oregon and Washington. Author Derek Hayes explores local tribal culture, conflicts between settlers and Native Americans, and the establishment of the Oregon Trail. Newspaper clippings, advertisements, illustrations, and detailed antique maps portray the coming of the railroads and the growth of coastal ports and cities, interstate roads, the fur and lumber industries, and farms. Also covered are the twentieth-century development of war industries, the aviation industry, and the 1962 Seattle World’s Fair.

**Shaping Seattle Architecture: A Historical Guide to the Architects**

By Jeffrey Karl Ochsner (2014; University of Washington Press; 576 pp. hardcover; $55)

Delve deep into the creative minds of the architects who developed Seattle’s beautiful cityscape. Learn more about Native American architecture and enjoy over 45 generously illustrated profiles of firms throughout the region. Included are lists of non-Seattle architects who designed major Seattle structures and extant buildings across the state with current names and addresses provided. Voted one of Amazon Editors’ Favorite Books of 2014.

**Modernism in the Pacific Northwest: The Mythic and the Mystical**

By Patricia Junker (2014; University of Washington Press; 104 pp. paperback; $35)

Modernism in the Pacific Northwest is a collection of art pieces from the 1930s and 40s by key figures of this generation depicting the era’s global, political, social, and economic themes. Artists include Mark Tobey, Morris Graves, Guy Anderson, Kenneth Callahan, Leo Kenney,
Paul Horiuchi, George Tsutakawa, Phil McCracken, James Washington Jr., and Tony Angell.

Emerald City: An Environmental History of Seattle
By Matthew Klingle (2007; Yale University Press; 344 pp. paperback; $23.40)
Read about the price of Seattle’s ongoing expansion resulting in ecological and social inequality. Klingle analyzes the interdependence between nature and culture and argues the need of an “ethic of place.” Look closely at Seattle’s landscape and discover an unsettling history of environmental and urban disharmony. Voted one of Amazon Editors’ Favorite Books of 2014.

Native Seattle: Histories from the Crossing-Over Place
By Coll Thrush
(2008; Weyerhaeuser Environmental Books; 376 pp. paperback; $24.95)
Native Americans have been present since Seattle’s origin, but are often left out of traditional scholarship and historical accounts. Thrush explores the ideas that Indians and cities are mutually exclusive, they cannot coexist, and one must overpower the other. Winner of the 2008 Washington State Book Award for History/Biography.

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The Adolescent Lawyer
Muddling Through That Awkward Phase Between Young Attorney and Seasoned Veteran

by Allison Peryea

This past Christmas, for space reasons, I was seated at the kids’ table for dinner. I am in my 30s and happily childless (sorry, Mom!). We ate in the kitchen off paper plates. My mealtime companions included a six-year-old named Matthew, who stole a square of chocolate out of my hand, stuffed it in his mouth, removed it after discovering it was of the bitter, dark variety, and then re-deposited it after deciding “it’s still chocolate.” When speaking with some of the more mature people around the table (high school freshmen, I believe), we discovered that we all had Mr. Reeves for gym class at Wenatchee High School, separated in time by a mere 16 years or so.

Meanwhile, from the dining room, I could hear the adults discussing politics, and the clinking of real silverware on real china. I knew they were enjoying the various salads from the buffet table, which was off limits to the kitchen-dwellers to ensure that there were enough leafy greens for the grownups.

I felt stuck in the middle. At least the kids did not expect me to provide my opinion about the Syrian civil war, but I would have preferred not to have had to submit to their juvenile interrogations, which required me to answer pointed questions such as, “If you like ice cream so much, why don’t you marry it?”

After seven years of practicing law, I sometimes feel like an adult at the kids’ table — and sometimes like a kid at the adults’ table. I still technically qualify as a “young lawyer” under the WSBA definition: five years in practice or 35 years old, whichever comes later. But at this point in my career, I feel like I have been in the game long enough that I should be entitled access to whatever the lawyer equivalent of a salad buffet is.

To an extent, I think of myself as an adolescent lawyer — too experienced to be a “baby lawyer,” and too few years under my belt to qualify as a...
veteran. I have the confidence that comes from having taken a few laps around the course, but I still don’t know the curves and obstacles as well as I would like to think I do. I have noticed that I have begun to look and act accordingly. I am the office preteen without the One Direction posters. Signs of my generally annoying juvenile status include the following:

1. I Don’t Need Your Help! In previous years, the thought of undertaking a work project by myself freaked me out. I was always worried that I would miss key issues, or give up on researching before finding the on-point case, or simply get too tired and need

2. ...Um, Just Kidding. When things go well, I like to figure out a way to subtly take all the credit without coming off as the shameless self-promoter that I really am. But when issues arise—a decent argument is not included in a motion, perhaps, or a client complaint about a monthly bill—suddenly I am a huge team player and it is our mistake that we need to fix. And I expect everyone to drop everything to help me solve our problem, because the world revolves around me, right? These old guys at my office pretend to be pretty busy, but I know they really just wait around until I need something.

3. Dress to Impress. When I was in sixth grade, my friends and I started pushing the fashion envelope. They snapped under the crotch and you wore them with stone-washed jeans. This was also about the time when I

After seven years of practicing law, I sometimes feel like an adult at the kids’ table — and sometimes like a kid at the adults’ table.

I help individuals and businesses find the best resolution to their disputes with the IRS.
was transitioning from training bras to the real deal, a move that ultimately proved to be unnecessary as a practical matter until my junior year of high school. We were roaming the fashion frontier. Similarly, these days I find myself testing the work-wear waters, now that I no longer feel like I have to try to conceal my incompetence with a skirt suit or collared shirt. Now that I have proven my legal brilliance, I don’t need a wardrobe to confirm it. For example, this summer, I christened the last day of the workweek “Shorts Friday,” and dressed accordingly (calm down, people, the inseam was work-appropriate-ish). I also wear a questionable amount of items with sheer paneling, sequins, and animal print (though not usually all at once, and I always avoid emphasizing too much lady business up top). And I started shopping for work tops and pants at The Limited, a store that was the apex of cool when I was 12 but now is relegated to a dirty secret among young professional women who, like me, enjoy that everything in the store sports lace trim and is perpetually 50 percent off.

4. You Can’t Eat My Pizza Face. For a few not-awesome days this summer, I even had the experience of physically resembling an adolescent. Growing up, I had pretty decent skin. My friends dabbed in prescription (face) medication, and I had to listen with mild disinterest to tales about breakouts and clogged pores. I never really commiserated, however, until this summer, when the sun caused a bad reaction to some face potion I was using and I broke out in hives. I looked like a “before” picture from one of those Proactiv acne treatment TV commercials. (Fortunately, some other potion cleared the problem right up, and in the meantime I was able to do a decent job of masking the situation with enough makeup to stucco a Spanish Colonial home.) Now I can sympathize with kids who had bad skin — I was one of you for a few days, and it sucked. It turns out that acting like an adolescent at the office is a lot more fun than looking like one.

5. There’s No Crying in Law Offices. I used to only cry at work for work-related reasons, such as a generalized fear of failure. I would typically confine the activity to office-building stairwells, though I remember also shedding a few tears on the streets of Pioneer Square after an opposing lawyer threatened me with a Rule 11 motion. (That mean lady still haunts my nightmares.) But recently, after a particularly long crying dry spell, I totally turned on the waterworks in my office…in front of one of the firm shareholders…because the gym I wanted to join was closing. (It felt like a really big deal at the time — where was I going to get my endorphins?) The good news is that it scared my boss so much that my firm now subsidizes my gym membership. But now he is afraid to have any exercise-related conversations with me, for fear of bringing up any post-traumatic workout-related stress I may be experiencing.
6. Bless This Mess. It is without contention that I am the office slob. My desk is shellacked with a combination of Greek yogurt and salad dressing. I have stacks of paper and binders on it that replicate the layers of sediment and artifacts an archaeologist would encounter during an extensive dig — though Indiana Jones would find it to be a particularly dull excavation. Indeed, the only reason I ever straighten up my office is to confirm that, under all the mess, I do in fact still have a desk. (Yes, I am one of those magical misfits who need only a moment to find what they are looking for from a cluttered pile of notebooks and documents.) Our office administrator, who to her chagrin has also adopted the unofficial title of Allison’s Office Mother despite being four years my junior, sneaks into my office while I am out to clean it. She has correctly determined that this is a more efficient method of obtaining order than politely asking me to do the job myself, since the request only results in me sullenly muttering, “They don’t pay me to be clean,” while using my fingernail to halfheartedly scrape at a dried glob of Yoplait on my computer monitor. I used to think a clean office was a good way to keep up appearances, but now I have accepted that my messy office is the environment I need to foster my existence as a creative legal genius. Every paper filed in the proper cabinet is a young idea snuffed out before its time. Best of all, if I ever get trapped in my office over the weekend, I could easily survive on the crumbs collected in my keyboard.

7. Girls Just Want to Have Fun. I spent the first several years in practice afraid to schedule any vacations or after-work activities, because I was always worried that something last-minute would come up at the office. Now, since I have figured out this work-life balance thing (or, I suppose, have just accepted the lack of balance), I feel like I have to make up for the fun deficit that plagued my early career. It reminds me of when I was in middle school and I couldn’t imagine skipping out on a single social activity — especially if boys were invited. Today, my Facebook feed — which is packed with photos from paddleboarding, Mariners games, snowshoeing trips, and other electronic documentation of the forced march of fun that is my life — is exhausting just to scroll down. I schedule client meetings around my soccer games. In fact, they know my team’s schedule and don’t ask to meet up on Thursday nights. (My colleagues wonder where I find the energy to do it all. The answer: Every break in activity is consumed by napping. I fantasize about napping like a 12-year-old used to daydream about Justin Bieber before he started acting all weird and abandoned that monkey in a German airport or whatever.)

Legal Malpractice: A Two-Tiered Chess Game

Proving the “case within a case” is required in every legal malpractice action, and the underlying case may be more complex than the professional negligence claim itself. We have the experience, resources and ability to make the right moves. These are some of our legal malpractice results:

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so we have energy in the morning for a hike or trip to the zoo. I get hung over just looking at a bottle of wine, which used to be a liquid appetizer for the evening. I have started collecting knick-knacks again, a throwback to my youthful days as an avid collector of Barbie paraphernalia. (Somewhere in my mother’s basement is a cookie tin full of tiny plastic shoes.) I am not sure when, but at some point, the same stuff that was fun when I was 13 is now back to being fun. Pretty soon I will start building forts again. (I can’t tell if I am aging in reverse, or just that young Allison and old Allison both like scouring Leavenworth boutiques for miscellaneous items engraved with my name, first initial, or the word “Princess.”)

9. Keep Out — This Means You! I have started turning my office into a preteen’s lair in ways other than the mess. My snack drawer is stocked with Jello pudding cups and fruit snacks, and my office decorations include an oil painting of my cat, which took me seven hours, and a matching stuffed toy that I am trying to convince others to accept as the office mascot. I also work — often with my shoes kicked off — snuggled up in a small down comforter that I have to stuff under my desk whenever a client stops by. (I think it is important to be both productive and cozy.) I tried to make the place more sophisticated with a pot of irises, but the plant started dying and the loss of each bloom was a small but painful reminder of my inability to keep living things alive. I alternately a) forgot to water it or b) drowned it and failed to wipe up the excess water that spilled across my desk, a task that fell to my long-suffering Office Mother.

10. Mentees Mentoring Mentees. My favorite part of gaining experience, other than feeling like I get to be more impatient with people because I am now more useful and important, is that sometimes other lawyers contact me to ask about me about legal stuff or career stuff. (I usually receive these communications while responding to client emails noting that I forgot to include the attachment I discussed in the text of my email. My stock response is: “Good catch! I was testing you to make sure that you read my email.” They politely pretend to think this is funny.) Sometimes I chat with other lawyers about these topics. My contribution to these discussions is normally nodding my head and saying, “Seriously.” Because the truth is, in a lot of ways I am still just a scared kid who wants to marry ice cream. I am just better than I used to be at hiding it, and more willing to wear snake-printed sleeveless tops while doing so.

I suspect that, with time, I may grow out of my adolescent lawyer phase. It may require a pay raise and a boost in firm seniority (shareholders, are you reading this?), or perhaps just some premature aging courtesy of our depleted ozone layer. All I know is that, once I am finally allowed at the grown-ups’ table, I am not going back. Except I may have to visit Matthew at the kids’ table on occasion, since we bonded over our mutual dislike of dark chocolate — provided I am still granted access to the elusive salad buffet.

Allison Peryea is a community association attorney who practices in downtown Seattle and lives in Seattle’s Eastlake neighborhood. She is the chair of the WSBA Editorial Advisory Committee and the WSCAI Communications Committee, for whom she edits the WSCAI Journal. She is also a member of the WSBA Judicial Recommendation Committee. She can be reached at allison.peryea@leahyps.com.
2014 WSBA AWARDS

INSPIRED!

Honoring those whose stories and accomplishments provide inspiration in the legal world.

Photos by Todd Timmcke
On Sept. 18, Washington’s legal community gathered to honor some of its best and brightest at the WSBA Annual Awards Dinner. The theme was “Inspired!” and individuals who exemplify excellence, professionalism, service, justice, courage, and leadership were acknowledged and celebrated. Ten individuals received awards for their contributions and service to the practice of law in Washington.

Outgoing WSBA President Patrick Palace welcomed nearly 400 attendees. Past-president Michele Radosevich and outgoing governors James Armstrong, Brian Kelly, Vernon Harkins, Daniel Ford, and Bill Viall were acknowledged and thanked for their service. Chief Justice Barbara Madsen presented a view of the state of the profession from the Supreme Court’s perspective. She then swore in new governors Keith Black, Mario Cava, Andrea Jarmon, and Jill Karmy, as well as President-elect William Hyslop and incoming President Anthony Gipe.

Award honorees’ stories were told in short, insightful videos as President Palace welcomed each award honoree to the stage and then read the award’s inscription summarizing each recipient’s achievements and how their work inspires the Washington legal community and the profession.

We hope you will draw inspiration from reading about the 2014 honorees’ achievements. You can find a video playlist online at www.wsba.org/News-and-Events/Awards.

Pro Bono Award

Gene Siple, Pullman

Presented to a lawyer, non-lawyer, law firm, or bar association for outstanding cumulative efforts in providing pro bono services.

For eight years, Gene Siple coordinated the Whitman County Legal Services Volunteer Program before retiring at the end of 2013; he established and recruited a group of volunteer lawyers and engaged an advisory board to provide program feedback and oversight. He created the Whitman County Family Court Facilitator Program to help meet the civil legal needs of low-income, pro se litigants in Whitman County and obtained a temporary grant to establish the program; when funding was cut, Siple continued to serve as its volunteer facilitator for years, contributing thousands of hours of his own time.

In retirement, Siple continues to be an active community volunteer. He serves on the board of Alternatives to Violence of the Palouse, a domestic violence/sexual assault agency, and volunteers regularly at the local Humane Society.

“His experience and compassion make him an invaluable community member, a true model of compassionate citizenship, and his crucial contributions to Whitman County’s legal system are exceptional,” said Jeff Guyett, executive director of Community Action Center. “Gene’s professionalism in his relationships both in and out of the courtroom were unparalleled.... There is no greater example of selfless and tireless work on behalf of community members who are experiencing poverty and related barriers to navigating the legal system.”

Courageous Award

Shirley Bondon, Olympia

Presented to an individual who has displayed exceptional courage in the face of adversity, thus bringing credit to the legal profession.

In 2010, Shirley Bondon attended a meeting at which two sitting Washington Supreme Court justices made inaccurate and simplistic statements regarding the reasons for the disproportionate representation of African Americans within the criminal justice system. As the manager of the Court Access Programs section of the Washington State Administrative Office of the Courts (AOC), Bondon spoke out and challenged the justices’ assumptions.

Her actions were the catalyst for the creation of the Task Force on Race and the Criminal Justice System, a collective of nearly 100 people representing more than 27 community groups, organizations, and entities from the Washington criminal justice system. Since its creation, the task force has received numerous awards and accolades for bringing about an open and honest dialogue about the impact of structural racialization in the criminal justice system.

“[Bondon found] a way to constructively bear witness to a dialogue that, on its face, exposed deep-seated biases and a profound lack of understanding of how issues of race, class, power, and privilege affect our justice system,” said James Bamberger, director of the Office of Civil Legal Aid. “She… reached out to trusted leaders and, with their help, convened a conversation about race, bias, and the fair administration of justice.”

Bondon joined the AOC in 2005 as a senior court program analyst. Since then, she has served as manager of the Office of Public Guardianship and manager of court access programs, and is currently manager of the Office of Guardianship and Elder Services. Bondon is also a frequent presenter on guardianship issues in Washington.

WebXtra


Ronal R. Ward, Seattle

Presented by the WSBA and the Washington State Bar Foundation, this award honors donors, volunteers, and friends of the Washington State Bar Foundation who embody former Foundation President Sally Savage’s spirit.

Ron Ward was the Washington State Bar Foundation’s president from 2008-11. “[Ward] was instrumental in bringing the Foundation’s mission into clearer focus, and to laying the groundwork for the Foundation’s capacity to provide enduring support for WSBA’s justice and diversity programs,” said William C. Maxey.

Ward is also the founder of the nationally award-winning Washington Leadership Institute for diverse young lawyers. The WLI, which works with diverse lawyers of three to 10 years’ experience, has enriched the Washington legal community with the continuing achievements of its graduates. In 2004, Ward became the first African-American to serve as WSBA president in the association’s then-114-year history. In 2006, the Loren Miller Bar Association renamed its President’s Award the Ron R. Ward President’s Award in his honor, and in 2014, he was the recipient of its Lifetime Achievement Award. He received the 2006 Washington State Trial Lawyers Association’s Award and the Washington Defense Trial Lawyers 2006 Outstanding Plaintiff Trial Lawyer Award. In 2007, he was the recipient of the WSBA Excellence in Diversity award, and in 2008, the WSBA Award of Merit, its highest honor. In 2009, he was honored with the Washington State Association for Justice’s Carl Maxey Diversity Award. In 2012, Ward became president of the Washington chapter of the American Bar Association’s President’s Award in his honor, and in 2014, he was the recipient of its Lifetime Achievement Award. He received the 2006 Washington State Trial Lawyers Association’s Award and the Washington Defense Trial Lawyers 2006 Outstanding Plaintiff Trial Lawyer Award. In 2007, he was the recipient of the WSBA Excellence in Diversity award, and in 2008, the WSBA Award of Merit, its highest honor. In 2009, he was honored with the Washington State Association for Justice’s Carl Maxey Diversity Award. In 2012, he became president of the Washington chapter of the American Board of Trial Advocates.

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Ward is a past member of the American Bar Association House of Delegates. He is a past vice-president and member of the Board of Directors of the Washington State Trial Lawyers Association. He is currently a partner in the Seattle firm Ward Smith PLLC, where his practice focuses on serious auto, maritime, and construction-site personal injuries, asbestos, and wrongful death.

Deborah Perluss, Seattle

Recognizes a WSBA member who exemplifies the WSBA’s culture of service: one who gives back in meaningful ways to others, to his/her community, or to the profession.

Deborah Perluss began her legal career as a staff attorney at Spokane Legal Services Center, assisting victims of domestic violence and addressing legal needs. She then became an assistant professor of law at the University of Washington School of Law, and an advocacy coordinator for Evergreen Legal Services. Since 1996, she has been general counsel and director of advocacy for the Northwest Justice Project, Washington’s largest publicly funded legal aid program. Perluss was integral in the adoption of GR 33, a court rule focused on access to justice (accommodations of persons with disabilities). She founded the Washington Leadership Institute, which works with diverse lawyers of three to 10 years’ experience, has enriched the Washington legal community with the continuing achievements of its graduates. In 2004, Ward became the first African-American to serve as WSBA president in the association’s then-114-year history. In 2006, the Loren Miller Bar Association renamed its President’s Award the Ron R. Ward President’s Award in his honor, and in 2014, he was the recipient of its Lifetime Achievement Award. He received the 2006 Washington State Trial Lawyers Association’s Award and the Washington Defense Trial Lawyers 2006 Outstanding Plaintiff Trial Lawyer Award. In 2007, he was the recipient of the WSBA Excellence in Diversity award, and in 2008, the WSBA Award of Merit, its highest honor. In 2009, he was honored with the Washington State Association for Justice’s Carl Maxey Diversity Award. In 2012, Ward became president of the Washington chapter of the American Board of Trial Advocates.

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James Vander Stoep’s widow, Suzi, and son, James.
with disabilities). A founding member of the National Coalition for a Civil Right to Counsel, she remains a national leader in their work.

Perluss has served on many WSBA committees and task forces. She was a WSBA delegate to the American Bar Association (ABA) House of Delegates from 2007–13, and was part of a WSBA special committee whose work resulted in the adoption of revised Rules of Professional Conduct in 2006. Currently, she is a member of the ABA Commission on Disability Rights and the WSBA Limited License Legal Technician Board Subcommittee to Develop Rules of Professional Conduct.

“[Perluss] has an unwavering commitment to ensuring that the rule of law applies fairly to all,” said Andrea Axel, director of grant programs at the Legal Foundation of Washington. “She works tirelessly, often behind the scenes to advocate for those in our society who are overlooked and underserved…. We are lucky to have her energy, intellect and passion working every day to make things better for people living in poverty.”

**President’s Award**

**Dan Lear, Seattle**

*Given by the president in recognition of a person’s or entity’s contribution to the WSBA and/or profession which the president deems worthy of acknowledgement during his/her term.*

Dan Lear is a technology lawyer and facilitator. He is the co-founder of the Seattle Legal Technology and Innovation MeetUp, a self-styled “legal hacking” group that meets regularly to explore, identify, and implement unconventional solutions to law’s problems, big and small. He has blogged and written extensively about the profession and its evolution on his blog, Right Brain Law, and for other online and print publications. Lear is a member of the WSBA Future of the Legal Profession Workgroup and is involved with a variety of technology and legal innovation projects, including designing, building, and implementing a technology tool for participants of Oregon Federal District Court Judge Ann Aiken’s innovative program to help reduce parole and probation violations among drug court convicts. Lear has also served as a mentor to law students, offering guidance on drafting and legal issues, networking connections with seasoned legal professionals, and advice on continuing in the profession after a clerkship. Anglin created a clerkship guide for new clerks with substantive advice gleaned from her many years of experience and recently organized an event connecting new clerks with former clerks to help ease the transition from clerkship to practicing law. Anglin’s contributions have been well known for always being willing to take time to assist clerks and externs with researching and analyzing legal issues.

An active member of the legal community, Anglin contributes her time in many ways. She gives students guided tours of the Temple of Justice, photographs court events, regularly speaks to law school classrooms and bar associations, judges moot court and mock trial competitions, and supervises law student externs.

“Leading by example, [Anglin] fosters an environment of cooperation and understanding when debating legal issues,” said Justice González. “Her respect for others comes through in every interaction, because it is from a completely genuine place…. These constant small acts of kindness, respect and integrity come together to create the civility and professionalism that we all strive to achieve for the legal community.”

**Professionalism Award**

**Laura Anglin, Olympia**

*Awarded to a WSBA member who exemplifies the spirit of professionalism in the practice of law, as defined in the WSBA’s Creed of Professionalism.*

Laura Anglin has served as judicial clerk to four justices of the Washington Supreme Court; she is currently the senior clerk for Justice Steven González. As the senior law clerk to former Washington Supreme Court Justice Tom Chambers during his 12 years of service on the Washington Supreme Court, she worked extensively with him on all his many judicial opinions, including those protecting the rights of foster children and access to justice for low-income individuals. She also assisted him with his committee work, including his work on the Rules Committee, and helped him on one of the first judicial blogs written by a sitting justice.

Anglin has mentored hundreds of Washington Supreme Court clerks and law student externs, offering guidance on drafting and legal issues, networking connections with seasoned legal professionals, and advice on continuing in the profession after a clerkship. Anglin created a clerkship guide for new clerks with substantive advice gleaned from her many years of experience and recently organized an event connecting new clerks with former clerks to help ease the transition from clerkship to practicing law. Anglin has been known for always being willing to take time to assist clerks and externs with researching and analyzing legal issues.

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**Lifetime Service Award**

**James A. Vander Stoep (posthumous), Chehalis**

*Given for a lifetime of service to the legal community and the public.*

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A well-known and influential member of Washington’s legal community, James Vander Stoep served in many roles throughout a law career that spanned over five decades. He was a former WSBA president and Board of Governors member, a former Lewis County Bar Association president, a life member of the Fellows of the American Bar Foundation, and a member and former state chair of the American College of Trial Lawyers.

Vander Stoep dedicated himself to active service in the Chehalis community. He chaired the committee to bring a public swimming pool to Chehalis, supported the construction of the Chehalis Vernetta Smith Public Library, co-founded the Chehalis Little League, and served as a justice of the peace. He also supported Chehalis schools, the Pacific Northwest Chamber Orchestra, Lewis County Community Concerts, and Girl and Boy Scouts of the USA. A past president of the Chehalis Rotary Club, he served Chehalis Rotary for over 60 years.

“Jim’s highest priorities were reflected by his ongoing dedicated service to family, our profession, and his community,” said WSBA Governor Brian J. Kelly. “Jim’s accomplishments to our profession were made as a small-town lawyer. His time was a valued commodity, but he unselfishly shared it with us. Jim exemplified service above self through his life.”


Outstanding Young Lawyer Award

Alicia R. Levy, Spokane

Recognizes one attorney who has made significant contributions to the professional community, especially the community of young lawyers, within their initial years of practice. Recipients must be active WSBA members within five years of admission to any bar association or under age 36.

Alicia Levy is the Greater Spokane representative to the WSBA Young Lawyer Committee and serves on the WSBA Business Law Section Executive Committee. An active member of the Spokane County Bar Association, she is the current chair of its Young Lawyers Divison’s (SYLD) mentorship program, chaired the 2014 SYLD Law Day presentation to several local high schools, and co-chaired its partnership with the Fulcrum Institute, a local nonprofit that provides business attire to former penal system detainees reentering into society. She is also president-elect of the Spokane chapter of Washington Women Lawyers.

An involved member of the Spokane business community, Levy serves on the Community Minded Enterprises board of directors, and is involved with Inland Northwest Business Alliance, Spokane Young Professionals, and Greater Spokane Incorporated events.

“It is impossible to find another young lawyer more engaged, driven, and committed to the essential tenets of our profession than Alicia Levy,” said Spokane County Bar Association Young Lawyers Division President-elect Jacob Brennan. “Ms. Levy has distinguished herself as a model for young lawyers throughout Washington.”


Award of Merit

Eric M. Pedersen, Seattle

The WSBA’s highest honor, given for a recent, singular achievement. It is awarded to individuals only — both lawyers and non-lawyers.

Upon being recalled to active duty in 2013, Lt. Cmdr. Pedersen became the sole legal advisor for SEAL Team 10, a 1,500-person task force encompassing 10 provinces. He provided training to special forces personnel, advised leadership on legal issues related to the rules of engagement and the law of armed conflict during operations, and worked with Afghan prosecutors on developing cases that led to the successful prosecution of two high-value Taliban insurgents. He regularly met with Afghan prosecutors and judges to discuss the Afghan legal system, encourage cooperation, and ensure the effective processing of captured suspects.

After receiving his law degree from Gonzaga University School of Law, Pedersen joined the Navy Judge Advocate General’s (JAG) Corps on active duty from 2001–09. During his career, he served as a prosecutor, a Special Assistant United States Attorney, a staff judge advocate for the Naval Criminal Investigative Service, and a legal advisor to the Department of Defense Criminal Investigation Task Force. In 2007, Pedersen received an LL.M. from Georgetown University with a focus in national security law. In 2009, he left active duty and became a trial attorney for the Department of Homeland Security in Seattle, but he continues to serve as a judge advocate in the Naval Reserves.

Pedersen has previously been recognized with the Navy League & Kitsap County Bar Association Outstanding Young Lawyer Professional Award, the Meritorious Service Medal, the Joint Service Commendation Medal, the Navy-Marine Corps Commendation Medal, and the Navy-Marine Corps Achievement Medal.


Excellence in Diversity Award

Gabriel S. Galanda, Seattle

Presented to a lawyer, law firm, or law-related group that has made a significant contribution to diversity in the legal profession.

Gabriel Galanda is the managing partner of Galanda Broadman, PLLC, where he represents tribal governments and businesses in critical litigation and crisis management. He also advocates for Native American citizens in civil rights controversies, and mediates and arbitrates Indian Country-related disputes.

Galanda is the founder and board chair of Huy, a tribally controlled nonprofit organization that provides economic, educational, rehabilitative, and religious support for Native American, Alaska Native, and Native Hawaiian prisoners. Huy advocates for Native prisoners’ religious freedoms through “friend of the court” appearances before federal and state appellate courts, including the U.S. Supreme Court, and non-governmental organization advocacy to international human rights tribunals.

Galanda also founded the Indian Legal Scholars Program, a joint venture between the Northwest Indian Bar Association and the WSBA Indian Law Section, which has donated over $150,000 in scholarship funds and bar stipends to aspiring Native lawyers.

In 2004, thanks to Galanda’s efforts, Washington became the second of three states in the country to include Indian law topics on its bar exam. In recognition of his work, Galanda was honored with the WSBA Young Lawyers Division’s Outstanding Young Lawyer Award. Galanda is a citizen of the Round Valley Indian Tribes.


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AT THE WSBA AWARDS DINNER
Bloggers Wanted!

Write for WSBA’s award-winning blog, NWSidebar [nwsidebar.wsba.org]. Ask about our contributing writer program. For more information, contact blog@wsba.org.

Get involved!

Join a WSBA committee, board, or panel. Learn about open positions on the WSBA website: www.tinyurl.com/WSBAvolunteers. Applications will be accepted starting Jan. 5, 2015.
At its regular meeting on Nov. 14, 2014, in Seattle the WSBA Board of Governors continued debate on proposed changes in WSBA governance, discussed the future of the Bar’s Continuing Legal Education Program, and voted to retain the existing WSBA logo.

Governance

The Board continued debate of a task force’s recommendations to overhaul governance of the WSBA. Recommendations discussed at the November meeting included those to increase the terms of governors from three to four years; allow governors to serve a second (but nonconsecutive) term; reduce the number of elected positions on the Board to nine to allow inclusion of two public, non-attorney members as well as a limited practice officer or limited license legal technician member; and select the WSBA president exclusively from among Board members and give the president a vote on all issues. (Currently, the Board can choose any WSBA member as president, and the president votes only when needed to break a tie among the other Board members.)

Regarding term length, several Board members voiced support for increasing terms to four years, noting that many issues take considerable time to develop and that longer terms would improve consistency in decision-making. Others, however, questioned whether four-year terms might discourage many WSBA members from running for a Board position because they can’t afford that long a commitment. Governors also asked whether allowing multiple terms might increase the impression some bar members have that the Board is “elitist.”

Some governors voiced opposition to reducing the number of membership-elected governors on the Board, seeing it as possibly diluting Board members’ authority as representatives of the 36,000-lawyer Bar. WSBA General Counsel Jean McElroy noted that the...
Governors expressed differing views on the task force recommendation to restrict the candidates for WSBA presidency to members of the Board. Some said they liked the idea of the president being a regular voting member of the Board, rather than being a separate entity with possibly his or her own agenda. However, others noted that many effective past presidents have come from outside the Board’s ranks and have benefited the Board by having a fresh view of the issues. Others questioned whether many qualified individuals would have the time to both immerse themselves in the issues as Board members are required to do and carry out the executive role expected of the president. Others raised the question of whether restricting presidential candidacy to Board members might prove divisive, with governors possibly being distracted by “campaigning” for the presidency during their terms on the Board.

Task force recommended moving to nine elected positions (with some number from each appellate district — three is the baseline recommendation, but there was recognition by the task force that different numbers might more accurately reflect populations in the districts), mainly to continue to ensure geographical diversity and to avoid having to amend the State Bar Act, which mandates the number of Board members.

While no Board member spoke in opposition to adding non-attorney members to the Board, some asked whether non-attorney members should be prohibited from voting on issues that directly affect individual lawyers in their practices, as opposed to issues that primarily affect the public. A non-Board member — Elma lawyer Jean Cotton, a WSBA member and liaison to the Board from the Family Law Section — opposed adding non-lawyers to the Board. She argued that WSBA members, especially those from rural areas, already feel under-represented on the Board and would feel they had even less of a voice in governance if non-lawyers were involved in Board decision-making.
The Board’s comments on the governance issues will become part of a formal response to the task force recommendations. The Board will continue its discussions through the summer of 2015, with the response to be completed in late 2015.

Continuing Legal Education
The Board received a status report and conducted debate on the WSBA Continuing Legal Education program, focusing on two key questions: 1) should the WSBA continue to produce its own CLE programming? and 2) should the WSBA subsidize CLE programming from bar license-fee revenue?

A staff report on CLE activities showed that a combination of rising costs, a shift toward free and low-cost CLE seminars, and a reduction in in-person CLE attendance (attributed to the increased availability and convenience of online WSBA CLE programming) has resulted in the CLE program’s losing money in recent years. The CLE program, which is funded primarily by its own revenue and not license fees, was intended to be self-supporting and was supposed to maintain a reserve fund of $750,000. However, the reserve fund was forecast to have only $474,424 at the end of fiscal year 2014.

At the November meeting, Board members resoundingly agreed that CLE is one of WSBA’s core functions and that the Bar should continue to produce its own programming. Board members also generally spoke in favor of using license fees to support CLE programming, although several stated that the programming will need to be carefully designed to be cost-effective and targeted toward subjects of maximum use to Bar members. Governors acknowledged the dilemma regarding free and low-cost CLEs: while they are one of WSBA’s most popular member benefits, they also have contributed significantly to CLE’s financial instability.

As for the next step in the CLE issue, WSBA Director of Advancement and Chief Development Officer Megan McNally told the Board she will produce financial models showing possible alternatives for CLE programming and funding, which Budget and Audit can review and consider for possible action. At least some decisions are expected to be made this year.

WSBA Logo
The Board revisited an issue it had debated at its September meeting: whether to adopt a new logo for the WSBA designed by an outside firm as part of a brand strategy platform that was previously approved by the Board. At the September meeting, the Board had voted not to adopt the new logo, but the decision had left no guidance as to whether the current logo should be retained or additional work should be done to produce a new logo.

At the November meeting, WSBA staff presented the Board with four possible alternatives regarding the logo: 1) return to the design team for additional revisions of the proposed new logo, with input from the Board based on the version rejected in September; 2) re-
consider and adopt the logo rejected in September; 3) bifurcate the logo, using the new logo for general purposes but retaining the existing seal-style logo for the Bar’s regulatory functions, such as discipline; and 4) keep the spirit of the current seal logo, but update its appearance to make it more legible for modern digital and printing use.

Gov. Ken Masters spoke in favor of adopting a new logo, noting the time and money that had already been expended on the project. He argued that the new logo was a key component of the branding strategy the Board already approved and that WSBA’s 125th anniversary this year would be an appropriate time to introduce the new, more modern logo.

However, several other governors said they had received negative feedback from WSBA members about changing from the existing logo or spending any more time or money on the issue. A motion was introduced to retain the logo currently in use. The Board voted 10–4 to retain the current logo and take no further action regarding a replacement.

In Other Business, the Board:

• Approved proposed amendments to the lawyer Rules of Professional Conduct and Rules for Enforcement of Lawyer Conduct to cover issues involved in the recently implemented Limited License Legal Technician program.

• At the request of the WSBA Legislative Committee, voted for the WSBA to sponsor four bills involving the practice of law that are expected to be introduced in the 2015 state Legislature. The proposed legislation would involve amendments to the Trust Act, revisions to the Limited Liability Company Act, amendments to the Business Corporation Act, and enactment of the Washington International Arbitration Act. The Board also voted for WSBA to oppose Section 3301 (Accrual Accounting) of the Draft Federal Tax Reform Act of 2014 if it goes to Congress.

• Heard the annual report from the Washington Leadership Institute (WLI), including a presentation on the 2014 class’s community service project. The 2014 WLI fellows produced a publication entitled, “Know Your Rights: A Guide for Young People with Disabilities in Washington.” The book includes chapters on topics including special education rights, employment, housing, and daily living assistive technology.

Michael Heatherly is the editor of NWLawyer. For more information on the Board of Governors and Board meetings, see www.wsba.org/bog. To provide feedback to the Board of Governors, email governance@wsba.org.

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Connect with others in your area of the law.

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

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Membership year began October 1.
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Order deskbooks at www.wsbacle.org or call 206-733-5918

NWLAWYER WINS 2014 NABE LUMINARY AWARD

We’re proud to announce that NWLawyer, the WSBA’s official magazine for members, received the National Association of Bar Executives (NABE) 2014 Luminary Award of excellence for regular publications for bars with more than 15K members!

Congratulations and thanks to the staff, volunteers, writers, and contributors who made this award possible.

BE PART OF THIS AWARD-WINNING TEAM!
Email nwlawyer@wsba.org with your article idea or to request an article-writing guide and a list of topics.
These are our stories.

Tell Us Yours!

Why did you become a lawyer?
What is your most significant moment as an attorney?
What will the next 125 years bring for law? What will law look like in 2140?
If you could change one thing about the profession, what would it be?

Help us commemorate the WSBA’s 125th anniversary in 2015. Share your most memorable moment as a lawyer, the story of a great attorney you’ve admired, a funny memory from law school, or anything that you’d like to share.

To add your stories through the Voices of the Bar project, call 206-674-6202 or visit www.wsba.org/125. Email wsba125@wsba.org for more information.

The next 125 years begin today.

VOICES OF THE BAR
How to be a rock star.

“Af

fter years of giving to Washington’s Campaign for Equal Justice and King County Bar Foundation, I realized giving to WSBA’s Foundation was the best way to complete my philanthropic goals to support access to justice in our state and promote diversity within Washington’s legal profession. Giving to the Foundation rocks!”

Paula Boggs
Musician, Board Member, Executive, Lawyer, Public Speaker, Philanthropist

Learn more & give at wsba.org/foundation
These notices of imposition of disciplinary sanctions and actions are published pursuant to Rule 3.5(d) of the Washington Supreme Court Rules for Enforcement of Lawyer Conduct. Active links to directory listings, RPC definitions, and documents related to the disciplinary matter can be found by viewing the online version of NWLawyer at http://nwlawyer.wsba.org or by looking up the respondent in the lawyer directory on the WSBA website (www.wsba.org) and then scrolling down to “Discipline History.” As some WSBA members share the same or similar names, please read all disciplinary notices carefully for names, cities, and bar numbers.

Disbarred

Adam Corey Guenther (WSBA No. 40928, admitted 2008), of Spokane, was disbarred, effective 10/22/2014, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 3.3 (Candor Toward the Tribunal), 8.4 (Misconduct). Sachia Stonefeld Powell acted as disciplinary counsel. Adam Corey Guenther represented himself. Rebecca Lynn Stewart was the hearing officer. The online version of NWLawyer contains links to the following documents: Hearing Officer’s Decision; Disciplinary Board Order Declining Sua Sponte Review; and Washington Supreme Court Order.

Suspended

David A. Goicoechea (WSBA No. 15539, admitted 1985), of Boise, Idaho, was suspended for one year, effective 10/17/2014, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 3.4 (Fairness to Opposing Party and Counsel), 8.4 (Misconduct). Scott G. Busby acted as disciplinary counsel. Joseph P. Delay represented respondent until 2/18/2014. David A. Goicoechea represented himself thereafter. Edward F. Shea was the hearing officer. The online version of NWLawyer contains links to the following documents: Order Approving Stipulation; Stipulation to One Year Suspension; and Washington Supreme Court Order.

Erika Carroll Haynes Snyder (WSBA No. 40276, admitted 2008), of Spokane, was suspended for 24 months, effective 11/04/2014, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 8.4 (Misconduct). Erica Temple acted as disciplinary counsel. Erika Carroll Haynes Snyder represented herself. The online version of NWLawyer contains links to the following documents: Order Approving Stipulation; Stipulation to Suspension; and Washington Supreme Court Order.

Transferred to Disability Inactive Status

James Andrew Province (WSBA No. 22146, admitted 1992), of Poulsbo, was by stipulation transferred to disability inactive status, effective 7/22/2014. This is not a disciplinary action.
**Ayers Law Firm, P.L.L.C.**

*Attorneys at Law*

We are pleased to announce the opening of our law office located at:

1312 North Monroe Street
Suite 133, Spokane, WA 99201

Tel: 509-252-6005

Zachary L. Ayers  Walter L. Ayers
zach@ayerslawfirm.net  walter@ayerslawfirm.net

**Soha & Lang, P.S.**

is pleased to announce that

**Kyle M. Butler**

has joined the firm as an Associate Attorney.

**Soha & Lang, P.S.**

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Tel: 206-624-1800 • Fax: 206-624-3585
E-mail: mail@sohalang.com
www.sohalang.com

**Fahlman Olson & Little, PLLC**

is pleased to announce that

**Jacquetta D. L. Wheeler**

has become a member of the firm.

Jacquetta concentrates her practice on estate planning as well as estate and trust administration. She received her undergraduate degree from the University of Washington, *magna cum laude*, and her Juris Doctorate degree from Seattle University School of Law, *magna cum laude*. While in law school, Jacquetta volunteered her time to work on the “Wills for Heroes” project, providing estate planning services for law enforcement officers and firefighters, and she co-authored the Washington State Estate Tax section of the *Washington Lawyers Practice Manual*, King County Bar Association. She is a member of the Estate Planning Council of Seattle.

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www.faolaw.com

**Lyons | Sullivan**

is pleased to announce it has relocated to Bellevue. Our new address is:

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Email: dlyons@dljslaw.com
Email: jsullivan@dljslaw.com
www.dljslaw.com

Lyons | Sullivan concentrates its practice in business transactions, probate, and estate and trust administration.
Mills Meyers Swartling P.S. is delighted to announce that Hunter G. Jeffers has joined the firm as an associate.

Mr. Jeffers, a fourth-generation Washington attorney, received his undergraduate and law degrees from the University of Washington, where he served as Managing Editor of the Washington International Law Journal. He also served as an extern to the Honorable Robert J. Bryan, United States District Court Judge. Hunter’s practice areas include business and commercial litigation, municipal liability, insurance coverage disputes, and employment law.

Mills Meyers Swartling P.S.
1000 Second Avenue, 30th Floor
Seattle, WA 98104
www.millsmeyers.com

The Northwest Justice Project is pleased to acknowledge and salute this year’s participants in our Private Attorney Involvement efforts to engage the private bar in the delivery of legal assistance to low-income clients.

For their significant accomplishments representing low-income clients in 2014, NJP especially recognizes:

David B. Girard, Seattle
Kimberly E. Loges, Seattle
Tessa Cohen, Vancouver
GS Jones Law Group, Port Orchard

NJP extends its sincere appreciation and gratitude to:

2014 CLEAR VOLUNTEER ATTORNEYS
Ann Wennerstrom, Brigid Britton, Jane Sylvester, Matt Boyle, Marjie High, Maria Philip, Ann LoGerfo, Kerry Clayman

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Trusts & Estates Lawyer of the Year

Congratulations to

Alfred M. Falk

recognized by Best Lawyers® as 2015 “Trusts & Estates Lawyer of the Year” in the Seattle metro area.

We at Harlowe & Falk LLP are proud to work with Al and applaud him for this well-deserved recognition for his many years of service to our clients, the Tacoma community, and the Bar Association.

The firm of Harlowe & Falk LLP has also earned a 2015 “Best Law Firms” Tier 1 ranking by U.S. News — Best Lawyers® in Trusts & Estates Law.

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Congratulations
Janna Annest

Mills Meyers Swartling P.S. is delighted to announce that shareholder Janna J. Annest has been awarded a Dartmouth Young Alumnus Distinguished Service Award. This award honors young alumni who have distinguished themselves in their careers and service on behalf of their Alma Mater. Janna, one of three honorees in 2014, was recognized for her significant contributions to the Dartmouth alumni association, including six years of service as the President of the Dartmouth Club of Western Washington. Janna concentrates her practice in the areas of business law, estate planning and adoption.

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Nicoll Black & Feig is pleased to announce its recent 10-Year Anniversary

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Opportunities for Service

Interested in Running for the WSBA Board of Governors?
Nomination/Application Deadline: Feb. 17, 2015

Five positions on the WSBA Board of Governors are up for election in 2015. The open positions are for the following congressional districts:

- District 1
- District 4
- District 5
- District 7-S
- At-large position (New and Young Lawyers)

The three-year term of office begins Sept. 17, 2015. These positions are currently held by Ken Masters (District 1), Jerry Moberg (District 4), Paul Bastine (District 5), Barb Rhoads-Weaver (District 7-S), and Robin Haynes (New and Young Lawyers at-large position).

Eligibility: Any active member (except one previously elected to the Board of Governors) may be nominated or run for the office of governor from the congressional district in which the member is entitled to vote. Any active “young lawyer” member may be nominated or run for the at-large governor position. Active members of the bar shall be considered “young lawyers” until the last day of December of the year in which the member attains the age of 36 years or until the last day of December of the fifth year after the year in which such member was first admitted to practice in any state, whichever shall last occur.

Becoming a candidate: To run for the Board of Governors, or to nominate another WSBA member, you must file a statement of interest and a biographical statement of 100 words or less. The required forms are available on the WSBA website at www.wsba.org/elections or by contacting Sue Strachan at barleaders@wsba.org or 206-733-5903. The WSBA Office of the Executive Director must receive the applications for district races by 5 p.m. PST on Feb. 17, 2015. Note: Biographical statements of nominated candidates will be published on the WSBA website. The deadline to run for the New & Young Lawyers at-large position is 5 p.m. PDT on April 17, 2015.

Voting: The four district-based positions are elected by their peers. Generally, an active member is entitled to vote in the congressional district in which he or she resides. All out-of-state active WSBA members are eligible to vote in the district of the address of their agent within Washington for the purpose of receiving service of process as required by APR 5(f), or, if specifically designated to the WSBA Executive Director, within the district of their primary Washington practice.

The WSBA uses an electronic voting system, and members will not receive a paper ballot unless they request one. Email ballots will be sent on March 16, 2015, and votes must be received by 5 p.m. PDT on April 15, 2015. Paper ballots will be mailed upon request, and completed ballots must be received in the WSBA Office of the Executive Director by 5 p.m. PDT on April 15, 2015.

The New and Young Lawyers at-large governor will be elected by the Board of Governors at its June 12, 2015, meeting in Wenatchee.

BOG Candidate Forum: A candidate forum is scheduled for Tuesday, March 3, 2015. All candidates for any of the open district seats are strongly encouraged to participate. The forum will be held at the WSBA Conference Center in Seattle beginning at 5:30 p.m. Members are encouraged to attend and bring questions for the candidates. The forum will also be webcast and accessible statewide for live viewing.

Washington Pattern Forms Committee
Application Deadline: Dec. 30, 2014

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving a four-year term on the Washington Pattern Forms Committee. The term begins on Feb. 1, 2015, and ends Jan. 31, 2018.

The Washington Pattern Forms Committee develops and maintains standardized forms for use in Washington state courts. The mandatory pattern forms and pattern forms cover several subject areas, such as: domestic relations, protection orders, guardianship, garnishment, juvenile court, misdemeanor judgment and sentencing, and felony judgment and sentencing forms (see www.courts.wa.gov/forms). Draft forms are usually prepared for the Washington Pattern Forms Committee by one of the subject matter subcommittees. The WSBA representative may also serve on one or more of the subcommittees. The Pattern Forms Committee usually meets in person twice in the spring after the Legislative session ends and by email/teleconference/in-person meetings as needed during the rest of the year. Travel expenses may be reimbursed.

Further information about committee member responsibilities is available on request by contacting Merrie Gough at merrie.gough@courts.wa.gov or 360-357-2128. Please submit a letter of interest and résumé to the WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539 or barleaders@wsba.org.

Interested in Being Interviewed for Appellate Court Vacancies?

On Jan. 30, 2015, the WSBA Judicial Recommendation Committee (JRC) will interview attorneys and judges interested in being appointed by the Governor to fill potential vacancies on the Washington Supreme Court and Court of Appeals. The JRC’s recommendations are reviewed by the WSBA Board of Governors and forwarded to the Governor for consideration when making appointments. To be considered for an interview, complete and submit the questionnaire posted on the JRC webpage at www.wsba.org/jrc by Dec. 22, 2014. For further information, visit the JRC webpage.

Office of Public Defense Advisory Committee
Application Deadline: Dec. 30, 2014

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving a three-year term on the Office of Public Defense Advisory Committee. The three-year term will commence on Jan. 1, 2015, and will expire on Dec. 31, 2017.

The Office of Public Defense Advisory Committee meets quarterly to recommend policies for the agency’s appellate indigent defense, trial public
defense, and parents’ representation programs, advise the agency on oversight of its programs, make recommendations regarding legislative positions and proposed rules, review budgetary matters, and consider appeals of billing decisions. During the term of appointment, no appointee may: (a) provide indigent defense services except on a pro bono basis; (b) serve as an appellate judge or an appellate court employee; or (c) serve as a prosecutor or prosecutor employee. Committee members receive no compensation for their services as members of the committee, but may be reimbursed for travel and other expenses in accordance with rules adopted by the Office of Financial Management.

For additional information about the committee, please contact Director Joanne Moore at joanne.moore@opd.wa.gov. Please submit letters of interest and résumés to the WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539, or email barleaders@wsba.org.

Bellevue Youth Court Seeks Attorney Mentors
Bellevue Youth Court (BYC) is seeking attorney mentors in the Greater Seattle Area to offer guidance to youth advocates at juvenile diversion hearings. First- or second-time youth offenders who have pleaded guilty to a misdemeanor can choose BYC as an alternative to traditional juvenile court. Youth respondents are sentenced by a youth judge under the supervision of a youth judge and court officers. Youth advocates represent the respondent and the state at the hearing and help the judge reach a sentence that fulfills the principles of restorative justice. Attorney mentors provide advice and guidance to defense and prosecution advocates as they craft their statements of the case and sentencing recommendations. Mentors meet with youth once or twice in preparation for court and attend the hearing if possible. Defense mentors also attend the initial client meeting along with the advocate. Attorney mentors can choose which months to assist and the time commitment is highly flexible. Applications will continue to be accepted on a rolling basis. For more information or to volunteer, contact Helena Stephens at 425-452-2834 or hstephens@bellelevuewa.gov.

Council on Public Legal Education
Application Deadline: Dec. 30, 2014
The WSBA Board of Governors is accepting letters of interest and résumés for members interested in serving a three-year term on the Council on Public Education. The Board of Governors will appoint two members at its Jan. 22–23, 2015, meeting. The term will commence on appointment, and will expire on Dec. 31, 2017.

The Council on Public Legal Education brings together lawyers, judges, educators, and community representatives to promote public understanding of the law and civic rights and responsibilities. The Council meets two to three times per year and works through its committees. Projects include civics education in the schools, the www.lawforwa.org web site, support for Street Law, and public forums and events. For more information on the Council on Public Legal Education please contact co-chairs Judge Marlin Appelwick at 206-389-3926 or j_m.appelwick@courts.wa.gov, or Judith Billings at 253-840-4690 or judtara@AOL.com.

Please submit letters of interest and résumés to: the WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539 or email barleaders@wsba.org.

**WSBA News**

2015 License Renewal, MCLE and Sections Information
Complete your license renewal and MCLE certification online — it’s easy. License renewal must be completed by Feb. 2, 2015. WSBA bylaws require a 30 percent late-payment fee if the annual license fee remains unpaid after that date.

Certify MCLE compliance. If you are in the 2012–2014 reporting period (Group 2), then you are due to reportCLE credits and certify MCLE compliance. The deadline for completing credits was Dec. 31, 2014. The certification (C2 form) must be completed online or be postmarked or delivered to the WSBA by Feb. 2, 2015. Visit www.wsba.org/MCLE to learn more.

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

**WSBA-CLE Deskbooks: New Editions Released**

New editions of two popular titles just released by WSBA-CLE Publications: The new third edition of the Washington Civil Procedure Deskbook (3d ed. 2014) is organized by the Washington Rules of Civil Procedure and includes for each comparison with the federal rule, treatment of significant authorities, and strategic and practical considerations. (D14301: 3 volumes; 2,468 pages + 99 forms on CD; $499).

The new second edition of the Public Records Act Deskbook: Washington’s Public Disclosure and Open Public Meetings Laws (2d ed. 2014), produced in partnership with the WSBA Administrative Law Section, provides balanced treatment — written and edited by agency and requestor attorneys — of the current law applicable to making, responding to, and litigating PRA requests, as well as the related areas of public access to government records and proceedings. (DSAD14: 1 volume; 564 pages; $225). Order Deskbooks at www.wsbacl.org or call 206-733-5918.

**WYLCPublic Service Incentive Awards**

Attention, new and young lawyers: would you like the opportunity to attend a WSBA CLE for free? Apply to receive a WYLCPublic Service Incentive Award. Applications are due Monday, Dec. 22. This award was created to encourage and support
new and young lawyers who engage or would like to engage in public service and public service volunteer opportunities as described in RPC 6.1. To learn more, visit http://bit.ly/publicserviceincentive.

WSBA Young Lawyers Committee Meeting
The WSBA Young Lawyers Committee will meet on Dec. 6, 2014, at the WSBA Offices, 1325 4th Ave., Ste. 600 and Feb. 28, 2015, in Olympia at a location to be determined. If you would like to attend, email newlawyers@wsba.org.

Join the WSBA New Lawyers List Serve
This list serve is a discussion platform for new lawyers of the WSBA. In addition to being the best place to receive news and information relevant to new lawyers, this is a place to ask questions, seek referrals, and make connections with peers. To join, email newlawyers@wsba.org.

Mark Your Calendars: New Lawyer Education Opportunities in 2015
In 2015, WSBA-NLE will offer new lawyer education opportunities in March (probate fundamentals), April (advising the new tech startup), June (evidence and objection fundamentals), August (starting your solo practice) and September (family law and marriage dissolution). To learn more, visit www.wsba.org/resources-and-services. To be notified when registration opens for a seminar, email newlawyers@wsba.org.

Volunteer Custodians Needed
The WSBA is seeking interested lawyers as potential ELC 7.7 volunteer custodians. An appointed custodian is authorized to act as counsel for the limited purpose of protecting a client’s interests whenever a lawyer has been transferred to disability inactive status, suspended, disbarred, dies, or disappears and no person appears to be protecting the clients’ interests. The custodian takes possession of the necessary files and records and takes action to protect clients’ interests. The custodian may act with a team of custodians and much of the work may be performed by supervised staff.

If the WSBA is notified of the need for a custodian, the WSBA would affirm the willingness and ability of a potential volunteer and seek their appointment as custodian. Costs incurred may be reimbursed. Current WSBA members of all practice areas are welcome to apply. Contact Sandra Schilling at sandras@wsba.org, 206-239-2118 or 800-945-9722, ext. 2118 or Darlene Neumann at darlenen@wsba.org, 206-733-5923 or 800-945-9722, ext. 5923.

WSBA Board of Governors Meetings
Jan. 22–23, 2015, Seattle; March 19, 2015, Olympia
With the exception of the executive session, Board of Governors meetings are open, and all WSBA members are welcome to attend. RSVPs are appreciated but not required. Contact 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.

Legal Community
29th Annual Goldmark Award Luncheon Honors Bill and Rita Bender
The Legal Foundation of Washington’s 29th Annual Goldmark Award Luncheon will be held Feb. 27, 2015, at the Sheraton Seattle Hotel. The 2015 Charles A. Goldmark Distinguished Service Award will be presented to Bill and Rita Bender. Rita was the Foundation’s first treasurer and was elected its president in 1987. The 2015 President’s Award will be presented to Kirsten Barron of Barron Smith Daugert, in recognition of her commitment to the Access to Justice Board and Alliance for Equal Justice community through fundraising, pro bono participation, chairmanship of the ATJ Board, and leadership.

Ethics
Search WSBA Advisory Opinions Online
WSBA advisory opinions are available online at www.wsba.org/advisory opinions. 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.

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.

WSBA Lawyers Assistance Program (LAP)
Weekly Job Search Group
The Weekly Job Search Group provides strategy and support to unemployed attorneys. The group runs for seven 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. If you would like to par-
The average coupon equivalent yield from the first auction of 26-week treasury bills in November 2014 was 0.061 percent. Therefore, the maximum allowable usury rate for December is 12 percent.

WSBA Law Office Management Assistance Program (LOMAP)

Casemaker Online Research

Casemaker is a powerful online research library provided free to WSBA members. Read about this legal research tool on the WSBA website at www.wsba.org/casemaker. As a WSBA member, you already receive free access to Casemaker. Now, we have enhanced this member benefit by upgrading to add Casemaker+ with CaseCheck+ for you. Just like Shepard’s and KeyCite, CaseCheck+ tells you instantly whether your case is good law. If you want more information, you can find it on the Casemaker website, or call 877-659-0801 and a Casemaker representative can talk with you about these features. 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 maintains a computer for members to review software tools designed to maximize office efficiency. LOMAP staff is available to provide materials, answer questions, and make recommendations. To make an appointment, contact lomap@wsba.org.

LOMAP Lending Library

The WSBA Law Office Management Assistance Program 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, lomap@wsba.org.

Usury Rate

The average coupon equivalent yield from the first auction of 26-week treasury bills in November 2014 was 0.061 percent. Therefore, the maximum allowable usury rate for December is 12 percent.

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Section; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org.

The 12th Annual Law of Lawyering Conference
Dec. 18, Seattle and webcast. 6 CLE ethics credits. Presented by WSBA-CLE; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org.

FAMILY LAW

Emerging Family Law Issues
Dec. 11, Seattle and webcast. 6 CLE credits, including 1 ethics. Presented by WSBA-CLE in partnership with the WSBA Family Law Section; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org.

GENERAL PRACTICE

Marijuana Law
Dec. 19, Seattle and webcast. 3 CLE credits including 1 ethics. Presented by WSBA-CLE; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org.

Best of CLE
Dec. 30, webcast moderated video replay. 6 CLE credits, including 1 ethics. Presented by WSBA-CLE; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org.

INTERNATIONAL PRACTICE

2014 North America Forum: Doing Business Within the Region and Collaborating Abroad

LAND USE

Land Use Case Law Update

LEGAL LUNCHBOX SERIES

Legal Lunchbox Series

LITIGATION

Movie Magic: How the Masters Try Cases
Dec. 17, Seattle. 6 CLE credits, including 1 ethics. Presented by WSBA-CLE; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org.

MODERATE MEANS

Annual Intro to Moderate Means Program

NEW LAWYER EDUCATION

Marijuana Law
Dec. 19, Seattle and webcast. 3 CLE credits including 1 ethics. Presented by WSBA-CLE; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org.

REAL PROPERTY

A Focus on the Residential Real Estate Transaction
Dec. 12, Seattle and webcast. 6.25 CLE credits. Presented by WSBA-CLE in partnership with the WSBA Real Property, Probate and Trust Section; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org.

SOLO/SMALL FIRM

Annual Solo/Small Firm Seminar
Jan. 29, Seattle and webcast. CLE credits pending. Presented by WSBA-CLE in partnership with the WSBA Solo and Small Practice Section; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org.

TAX

The Good, the Bad, and the Ugly of Recent Tax Developments
Dec. 15, Seattle and webcast. 3.5 CLE credit, including .75 ethics. Presented by WSBA-CLE in partnership with the WSBA Taxation Section; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org.

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Mac Archibald
Mac has been a trial lawyer in Seattle for over 40 years. He has tried a wide range of cases including maritime, personal injury, construction, products liability, consumer protection, insurance coverage, and antitrust law.
Mac has over 20 years of experience mediating cases in Washington, Oregon, and Alaska. He has mediated over 1,500 cases in the areas of maritime, personal injury, construction, wrongful death, employment, and commercial litigation.
Mac has a reputation as not only being highly prepared for every mediation, but also for providing as much follow-up as is necessary to settle a case.

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Yates v. Fithian, 2010 WL 3788272 (W.D. Wash. 2010)
City of Seattle v. Menotti, 409 F.3d 1113 (9th Cir. 2005)
Fordyce v. Seattle, 55 F.3d 436 (9th Cir. 1995)

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Stephen C. Smith,
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Disciplinary Board, is now accepting referrals for attorney disciplinary investigations and proceedings in Washington, Idaho, Hawaii, and Guam.

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My name is Alicia Levy. I am the representative for the Greater Spokane area for the WSBA Young Lawyers Committee. I currently work at Lukins & Annis, PS. I can be reached at alevy@lukins.com or 509-623-2001.

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