As you discover what strength you can draw from your community in this world from which it stands apart, look outward as well as inward.

BUILD BRIDGES INSTEAD OF WALLS.

- SONIA SOTOMAYOR

Thanks to our amazing staff and the superb volunteers who gave their time in 2019 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.

2019 VOLUNTEERS

BONILLA, VICTORIA
BRIDGES, DAN
BURCIAGA, THERESA
CARDONA-ROMAN, ROLANDO
CARRANZA, HISRAEL
DAYANI, ANDRE
DUARTE WHITE, CHACH
FAUTH, JUSTEN
GAI, STEPHANIE
GOLDY, ABBY
GONZÁLEZ, ANGÉLICA
HANCOCK, DAVID
HANSON, MARIS
HOLUB, CHELSEA
IRIZARRY-HOUGAN, LESLEY
JASSO, NIYURA
KETOLA, RACHEL
KOWALSKI, STACY
LOPEZ, CARIS
MEDRANO-VOSSLER, YESSENIA
MJAATVEDT, ANNE
MOSHER, JANELLE
NEWMAN, ERIC
PTASISASKI, GEORGE
QUECAN, ANDREW
QUIÑONEZ, VERONICA
QUINTANILLA, JEANETT
REYNA, ANTONIO
REYNOLDS, JESSE
RIENSCHE, AARON
RUSTAMBEKOVA, DIYORA
STYLES, JEREMIAH
SUTTON, AIMEE
TERASHIMA, CAITLIN
THOMAS, JOAN
VELLING, SOFIA
WHAT, KAYLYNN
WHITE, ROCKY
WHITLAM, ALYSSON
ZAMORA, TERESITA

Thanks to our amazing staff and the superb volunteers who gave their time in 2019 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.

As you discover what strength you can draw from your community in this world from which it stands apart, look outward as well as inward.

- SONIA SOTOMAYOR

BUILD BRIDGES INSTEAD OF WALLS.
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Beyond the Bar Number: Hal Hodgins
2020 New Year’s Resolution: Volunteer

‘K’indness, kindness, kindness,” Susan Sontag jotted down as one of her New Year’s resolutions in 1972. I tend to be skeptical of all Jan. 1 personal goal pronouncements, but I like Sontag’s resolution. It sounds more like a mantra, a phrase to repeat to yourself year-round, a phrase that recognizes that being kind to one another often takes practice and resolve.

(In 1977, Sontag’s New Year’s resolutions included, “I will tell people not to call in the morning, or not answer the phone,” which I think is also worth borrowing.)

One way to practice kindness in the new year is to volunteer—in particular, with the WSBA. Kristina Larry, a family, business, and trademark attorney based in Federal Way and the president of the Washington State Bar Foundation, talks about her experience as a WSBA volunteer on page 38.

“One of my first Moderate Means Program cases was a single mother trying to navigate a divorce and custody case with domestic violence. I was able to get her an outcome she was happy and secure with,” Larry says. “However, it was the heartfelt gratitude and the tears of joy from that mother that really made me realize that I had made a difference and really helped someone.”

Volunteering isn’t just an exercise in kindness, though. It can also provide a huge professional boost.

“I ask new lawyers, including my externs and clerks, what they want to be doing in 10 years. In most cases, what they want to accomplish as a professional can be facilitated by volunteering,” says Spokane Judge Fred Corbit, chief judge of the United States Bankruptcy Court for the Eastern District of Washington and another longtime WSBA volunteer (page 40). “Even if an attorney has pressure to bill 2,000 hours a year, in the long run they will get much further in their career by billing 1,800 hours and spending 200 hours on pro bono matters that expand their horizons, increase the lawyer’s exposure to different practice areas, and generally promote personal joie de vivre.”

If you feel called to make volunteering one of your 2020 resolutions, you can explore the WSBA committees, boards, and panels that open for applications this January at www.wsba.org/joincommittee. More information is also on page 52.

Also in this issue: the 2019 WSBA APEX Award winners (page 32), a farewell column by retiring Washington Supreme Court Chief Justice Mary Fairhurst (page 14), a recap of the 50-year member luncheon (page 48), and more information about how to run for the Board of Governors (page 51).
NWLawyer relies on submissions from WSBA members and nonmembers that are of interest to readers. Articles should not have been submitted to any other publications and become the property of the WSBA. Articles typically run 1,000–2,500 words. Citations should be incorporated into the body of the article. High-resolution graphics and photographs (preferably 1 MB in size) are requested. Authors should provide a high-resolution digital photo of themselves with their submission. Send articles to nwlawyer@wsba.org. The editor reserves the right to determine when and if to publish an article. The editor may work with the writer, but no additional proofs of articles will be provided. The editor reserves the right to edit articles as deemed appropriate. The editor may work with the writer, but no additional proofs of articles will be provided. The editor reserves the right to determine when and if to publish an article.

NWLawyer Submission Guidelines

NWLawyer is the only publication that reaches all active WSBA members! The current circulation is over 34,000.

For more info, contact Robert Page at SagaCity Media: 206-454-3035 or rpage@sagacitymedia.com

CORRECTION: In the November 2019 NWLawyer article, “When the Paradigm Starts to Crumble,” we erroneously stated that Steve Strachan, the executive director of the Washington Association of Sheriffs and Police Chiefs (WASPC), is a “former chief of the Kent and Bellingham police departments.” Strachan is actually a former chief of the Kent and Bremerton police departments.
Let us hear from you! We welcome letters to the editor on issues presented in the magazine. Email letters to nwlawyer@wsba.org.

NWLawyer reserves the right to select letters for publication and to edit letters for length, clarity, and grammatical accuracy. NWLawyer does not print anonymous letters, or more than one submission per issue from the same contributor.

Another Lawyer Abroad

Thank you for your feature on Washington lawyers around the world ("Around the World in Nine Ways," November 2019 NWLawyer), because I am one of them (although a bit older). I practiced international law for most of my career, living in the Netherlands, Saudi Arabia, and Texas (as general counsel of an international joint venture) and traveling to over 100 countries on business or for pleasure. If you are a native of Washington state, living in Texas is a bit like living in a foreign country! One of my prize possessions is a Saudi driver’s license issued in 1985. I owned a car and drove it legally around the company compound, but not on public roads, observing the local tradition against women drivers. My legal focus was international transactions and import/export law, a practice that exposed me to all of the countries in which the featured Washington lawyers practice. I was deeply involved in the peaceful transition of the Arabian American Oil Company from a U.S.-owned corporation to a Saudi-owned corporation reincorporated into the Kingdom of Saudi Arabia. I learned the value of arbitration clauses in international transactions, which go far toward building trust among companies from different legal systems. I no longer have clients, but I am currently a FINRA arbitrator.

Clydia Cuykendall
Olympia
PARIS K. KALLAS  
Former King County Superior Court Judge

LARRY A. JORDAN  
Former King County Superior Court Judge

LINDA LAU  
Former Appellate and Superior Court Judge

PAMELA ROBINSON  
Former King County Superior Court Judge

CHARLES S. BURDELL JR.  
Former King County Superior Court Judge

GEORGE FINKLE  
Former King County Superior Court Judge

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WSBA License Renewal: Top Tips for Licensed Legal Professionals in Washington

Between now and Feb. 3, 2020, the WSBA will process more than 40,422 license renewals, of which 10,448 licensed legal professionals in the 2017-19 reporting period will be reporting their MCLE requirements to be reviewed for compliance [...]  

nwsidebar.wsba.org

Top 4 Freebies of Joining a Section

Zero, zip, zilch, nada, naught, nil, nothing. If you want savings, savings, SAVINGS! you've come to the right place. Sure, NWSidebar authors frequently highlight the less-tangible benefits that come with joining a WSBA Section: being at the forefront [...]  

nwsidebar.wsba.org

How Section Committees Can Change the Rules of the Game

It was about 5 p.m. on a Friday, and I could see the jagged ridges of the Cascades clearly from my office. I took it as an unmistakable sign that it was time to head out for the day. But just as I was packing up, the phone rang. On the other end of the [...]  

nwidebar.wsba.org

TRENDING ON WSBA SOCIAL MEDIA

Jump into this and other conversations by liking the WSBA Facebook page and following us on Twitter.

QUESTION

If you weren’t an attorney, what career would you want?

ANSWERS

“Park ranger,”  
Rick Eichstaedt,  
Bar No. 36487,  
Spokane

“English professor. Tenure is sweeeeeeet!”  
John Lainhart,  
Bar No. 33763,  
Renton

“B-52 pilot.”  
John Bitting,  
Bar No. 37623,  
Portland, OR

“Photo journalist.”  
Sara Dent,  
Bar No. 49141,  
Tucson, AZ

“Art historian or organic farmer.  
I secretly dream of being a food blogger who gets a deal for a cookbook.”  
Stephanie Powell,  
Bar No. 51688,  
Redmond

“Chef, or maybe a carpenter.”  
Terra Nevitt,  
Bar No. 38980,  
Seattle

“Lion tamer.”  
Zachary Ashby,  
Bar No. 49617,  
Kennewick

“Something where I could wear sweatpants all day, every day.”  
Sara Maleki,  
Bar No. 42465,  
Spokane

“Fashion designer … if I could draw.”  
Angela Reynvaan Garratt,  
Bar No. 38724,  
Walla Walla

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Some of the Gears in the Clock

“We can never obtain peace in the outer world until we make peace with ourselves.”

—Tenzin Gyatso, the 14th Dalai Lama

What makes a person tick? People, like clocks, are stuffed with seemingly endless countervailing mental machinations caused by their unique background experience, genetics, upbringing, and often happenstance choices that brought them to where they are today. Understanding ourselves and the influences that form who we are is key to a more effective life. But also, understanding these things about the people around us and our collective identity make true building blocks for us as lawyers to engage in effective dispute resolution.

Did I mention I am the first person of South Asian origin to head a state bar association? I am, and I am pleased to be a pioneer in that fashion as the first lawyer in my family, but I also think it was bound to happen. Bound to happen because of the nature of lawyers in the United States, and the nature of our Washington State Bar Association in particular.

Lawyers as critical thinkers and agents of change have been at the forefront of every movement to bring our nation more in line with the sentiment expressed in Lincoln’s Gettysburg Address: That our nation, conceived in liberty, should be dedicated to the proposition that all people are created equal. From suffrage to desegregation to the Civil Rights Act to the Americans with Disabilities Act to Obergefell v. Hodges, lawyers have helped pave the way to inclusion and greater access to participation in our nation’s governance.

Our state tends to be ahead of the curve on these issues, and our Bar Association is no different. Washington Supreme Court General Rule 12 (GR 12) sets out 11 purposes for the WSBA, including No. 6, to “Promote diversity and equality in the courts and the legal profession.” This is a charge we as a Bar take seriously, and I believe we can see that reflected in the fact that every year, our Bar and bench look more and more like all the people who make up our great land. We are stronger for this.

But “bound to happen” sometimes happens slower than not. We have had less than a handful of Bar presidents of color, and those have all been men. The fact that I am the first South Asian bar president in the nation is somewhat surprising to me. I am where I am due to the professionalism and assistance of my fellow Bar members, and I thought it might be useful to some for me to explain a few of the gears in my personal history and why I am so dedicated to giving a hand up to those of all backgrounds who are new to the practice of law.

I’ve actually devoted a not insignificant portion of my life to the subject of South Asia and its peoples, having earned a master’s degree in the subject, having testified as an expert witness in court, and having traveled extensively on my own in the hinterlands of Myanmar, Bangladesh, India, and the Maldives. It is one of my bucket list goals to spend significant time in as many regions of South Asia as possible. As a matter of fact, as I write this I am in Kolkata, India, for Bengali’s major annual 10-day holiday, Durga Puja, and will soon be headed off to Kerala to explore the lower reaches of the Subcontinent. It is technically a family visit, but I spend about four hours a day on my computer for WSBA business even from here. I don’t view this as a burden; my Bengali Hindu upbringing emphasizes the importance of duty, and my duties to the Association are paramount this year. I guess you could call it more of a work pilgrimage; sometimes a change of scenery generates new ideas.

My father is Bengali and raised me as a Hindu in Eastern Idaho, a place not renowned for its Hindu population, its Bengali population, or really any non-dominant-culture population. That being said, we cultivated a place in both worlds, including a very supportive multi-linguistic and multi-
cultural collection of South Asians who created a unified community, encompassing Christian, Muslim, Sikh, Hindu, Jain, and other influences. The food at the parties was naturally delicious and diverse, with no unified rhyme or reason.

Upon coming to Seattle for graduate school, however, I encountered the enigma that urban zones are often much less diverse in many ways, despite demographics seeming to dictate otherwise. Underrepresented and disempowered communities often cluster together and build walls as an attempted source of strength, whereas in many rural communities they cannot do so. As a result, I often find more true “multiculturalism” and acceptance in places where demographics wouldn’t predict it. I’ve found this cosmopolitan tribalism a troubling facet of human existence. People love to surround themselves with the likeminded, whether that be by political party, religion, or geographic origin. However, it is important for our society’s integrity and egalitarian nature that we reach outside our comfort zone, especially in these divisive times.

At the time I began my path to the practice of law, I didn’t know anyone who was or had been a lawyer. I seem to recall that I had a scoutmaster who was a lawyer, but that was way in the past. I certainly hadn’t seen any lawyers in America that looked like me on TV or in the movies. Did they even let brown people into law firms? I really had no points to orient from culturally. I just knew I liked history, writing, and the chance at a rural lifestyle, all of which I thought law could potentially offer me. I entered law school spectacularly naïve; I had never heard of a law review, I had never heard of moot court or been involved in debate, and I had no knowledge about the importance of summer associateships to one’s education and future.

Fortunately for me, I got involved in the South Asian Law Students Association (SALSA). I eventually became an idealistic president of that organization, but, truthfully, I joined initially because I liked eating samosas, they sold samosas, and I was good at selling samosas. SALSA connected me with the South Asian Bar Association of Washington (SABAW). SABAW provided me a mentor in the form of a practicing attorney, Monica Cary, who educated me and encouraged me to write onto the law review. Meanwhile, one of SABAW’s founders, Sandip Soll, shepherded me through an education in law firm culture during a summer associate-ship at Carney Badley Spellman. Without all these interested attorneys working together through SABAW and encouraging me, who knows if I would have finished law school, much less become our Bar’s president? One thing I love about the WSBA members who work together to make SABAW happen is that they are not exclusionary; they welcome people of all backgrounds to participate. For that reason, I invited them to talk about their great work in the community as lawyers and their role in helping guide people into the profession, which you will find on page 10.

Based on my personal formative experiences, I know full well how meaningful it is for someone to reach a hand down to someone as naïve as I was and show them the ropes. More importantly, however, I think it produces better lawyers; it certainly made me a better lawyer. Lawyers who are introduced to the legal community’s civil society have a better understanding of the qualitative aspects of law that cannot be deduced by following rules of procedure and citing to precedent. Law is ultimately a truly humane endeavor, and effective lawyers understand this by lifelong pursuits of becoming well-rounded and working to always better understand themselves and the world around them. While many are prognosticating that lawyers will be replaced by artificial intelligence and predictive formulas, I am a bit of a stick in the mud, persisting in my belief that the human elements of empathy, creativity, and cross-cultural understanding are vital parts of being a lawyer that cannot be replaced with a phone app. And if we care about the quality and future of our profession, we should feel an obligation to give a very human hand up to those who are new to the profession and even new to our somewhat eccentric society. If we want to strengthen the rule of law in our nation, the ethical standards of the dispute resolution that we engage in, and the richness of all of our lives, we should embrace the court’s mandate under GR 12, not just for the WSBA to manage, but as a responsibility for each of us individually as officers of the court.

That is why I am excited that at the September Board meeting, your WSBA Board of Governors committed to providing free CLEs on three topics that I think are critical to the future of the law substantively, but also important in connecting new and old generations of lawyers: (1) inclusion and anti-bias; (2) mental health, addiction, and stress; and (3) technology education focusing on digital security. This is one way of giving a hand up to the many hard-working lawyers across the state, assisting them to better serve the public without incurring additional cost or hardship. Whether you are a new lawyer or an experienced one, we are better when we are learning from each other.

Without all these attorneys working together through SABAW and encouraging me, who knows if I would have finished law school, much less become our Bar’s president?

NOTES:
1. “South Asian” is a very broad umbrella term that at its maximal encompasses the land and peoples between Iran and Myanmar west to east, and Tibet and Tajikistan down to Sri Lanka and the Maldives—encompassing India, Pakistan, Nepal, Bhutan, and Afghanistan within lands bound together by four millennia of commercial, political, religious, military, jurisprudential, culinary, and cultural history, both in unity and in conflict.
2. Not that I am neglecting my other heritages, but those will be discussed in the next issue.
4. OK, most of my time in the Maldives was spent diving or lying in a hammock at the beach with a drink in my hand, and it looked a lot less like field research, but I like to think I made the effort to get out to see village life and to spend some time in the urban jungle of Male.
5. WSBA Bar No. 34393.
6. WSBA Bar No. 29534.
7. As an exciting afternote to that thought, SABAW has succeeded in bringing the national SABA conference to Washington next year!
8. This decision was made during a discussion about a proposed amendment to Admission and Practice Rule 11 brought forward by the MCLE Board and is, I believe, a more effective alternative to that proposal. Regardless of the ultimate outcome, the WSBA Board of Governors is committed to assisting their fellow members with more free on demand CLE credits. Read more about that proposed amendment, which the MCLE Board will forward to the Supreme Court for consideration, at https://www.wsbaw.org/2019/10/16/proposed-ethics-cle-requirements-headed-to-supreme-court-board-of-governors/.
Empowering a Burgeoning South Asian Legal Community

BY INVITATION • GUEST COLUMN

BY PAUL HEER, E. RANIA RAMPERSAD, AND SAMIR JUNEJO

The South Asian Bar Association of Washington (SABAW) was founded in 2001 by a small group of South Asian attorneys who understood the need for an organized voice to promote community and a shared sense of purpose among South Asian attorneys and our broader community. Our membership has since expanded to more than 200 across Washington, with representation from law students to in-house counsel at Fortune 500 companies, from top law firms and respected nonprofit organizations to government offices and successful solo practices. Our strength lies in our diversity and shared commitment to serving our communities.

OUR MISSION
SABAW’s mission is to provide our membership with educational opportunities; access to professional networks and resources; and, most notably, a platform for community outreach and involvement.

SABAW has grown into a collaborative effort to build bridges between the South Asian legal community and our broader community, and to expand our partnerships with community organizations and other minority bar associations. By acting as a liaison between South Asian legal professionals and the larger legal community, SABAW provides diverse perspectives and representation.

SABAW is an active member of the South Asian Bar Association of North America and the National Asian Pacific American Bar Association.

WHAT WE DO
Community Empowerment
SABAW has become a voice for the South Asian community—engaging local officials, participating in employment diversity initiatives, and supporting important legal developments locally and nationally. For example, this year we participated in important conversations regarding modernizing jury pay and the inclusion of the citizenship question on the U.S. Census. We also participate on the Joint Asian Judicial Evaluation Committee where we are able to ensure that judicial candidates are aware of issues that are important to us.

Mentorship and Outreach
SABAW provides critical mentorship and financial support that enable South Asian law students to build their skills, find their passion, and pursue their goals.

SABAW gives an annual, dedicated grant to students interning with API-Chaya, a nonprofit organization that empowers immigrant survivors of domestic violence, sexual assault, and human trafficking. In addition, SABAW supports individuals who are the first in their family to attend law school, who have shown a willingness to extend a ladder down, and who serve the greater South Asian community through pro bono work and public service. Just this year, SABAW distributed over $8,000 to help law students develop their own leadership, mentorship, and public-service goals.

SABAW has also historically hosted nationally recognized legal clinics in partnership with community organizations like the Indian Association of Western Washington, Gurudwara Singh Sabha of Washington, and Muslim Association of Puget Sound, where local attorneys provide pro bono services in a variety of practice areas—including immigration, family law, and estate planning—to members of the South Asian community.

Membership Services
SABAW supports its members and facilitates a more interconnected community by hosting a variety of events and communications throughout the year. Last September, SABAW hosted our annual banquet supported by over two dozen local firms, businesses, and organizations, and attended by members of the South Asian community and many allies, including attorneys, judges, community leaders, and elected officials. SABAW also participated in the joint Minority Bar Association Summer Picnic, affording members the opportunity to build personal connections with the broader legal community. Our quarterly newsletter keeps members up to date with announcements, upcoming events, and member profiles that highlight professional accomplishments. SABAW also individually assists in connecting its members with employment and informal mentorship opportunities.

SABAW provides critical mentorship and financial support that enable South Asian law students to build their skills, find their passion, and pursue their goals.
Our Vision

As Washington and its local communities continue to grow, SABAW seeks to evolve to meet those needs.

To continue to provide opportunities to marginalized individuals and communities in the coming years, SABAW seeks to (1) renew its membership platform, (2) boost its presence in the local legal community, and (3) build upon its national legal network.

In light of this vision, SABAW will host the 2020 SABA North America Leadership Retreat, bringing together leaders from across the continent to establish shared purpose and long-term goals. The retreat will also serve as an opportunity for the local legal community to network, exchange ideas, and meet other prominent South Asian legal professionals from across the United States and Canada.

SABAW also aims to increase the membership of its leadership board to reflect the growing role of SABAW in our legal communities. We are looking for board members willing to bring their diverse talents and energy to build on the accomplishments of 2019 and expand our services to members and the community.

Paul Heer is an attorney at Foster Garvey, where he primarily represents public and private institutional investors in domestic and international investments across a range of alternative investments, including private equity funds, hedge funds, and domestic and global real estate funds. He is an alumnus of Seattle University School of Law and through his public service and robust pro bono practice has been recognized as a young community leader.

E. Rania Rampersad, a long-time Bellevue resident, earned her J.D. from Georgetown Law, clerked for then-Chief Justice Barbara Madsen of the Washington Supreme Court, and practiced human rights law in Tanzania and China. In 2016, she founded Eleemosynary Legal Services, a 501(c) (3) nonprofit, where she practices appellate public defense. She also serves as a judge pro tem in Edmonds Municipal Court.

Samir Junejo works as policy counsel for the Washington State Senate Democratic Caucus where he focuses on health-care issues. He previously worked as a policy analyst for an environmental justice advocacy organization and interned for the Office of Governor Jay Inslee. He also serves as president-elect of the South Asian Bar Association of Washington. He is an alumnus of Seattle University School of Law.
A Quick Overview of Your Bar’s Financial Affairs

In the November issue of NWLawyer, WSBA Chief Financial Officer Jorge A. Perez and I introduced ourselves as your financial stewards for the new fiscal year (beginning in October) and laid out our priorities for the coming year, including putting members at the forefront and being extremely transparent. Since then, we have been doing our best to live up to those goals by being as communicative as possible about important processes, such as setting the 2021 license fee. You should have received an email in November with information about how to get involved and provide input.

To recap, the Board of Governors at its November meeting voted for a no-increase license fee for 2021 for lawyers and Limited Practice Officers. For active Limited License Legal Technicians (LLLTs), the board recommended a slight fee increase from $200 to $229. We believe this is a reasonable increase aligned with our goal to move the LLLT license toward becoming a self-sufficient cost center for the WSBA (in accordance with the 2012 Order establishing the LLLT license).

The Board of Governors also unanimously recommended a $5 decrease in the annual Client Protection Fund (CPF) assessment—dropping from $30 to $25—for all licensees. The Board took this action after reviewing extensive analysis from CFO Perez and me, showing that the average gifts paid from the fund, the annual revenue stream, and current balance all support a robust bottom line into the future, even with the decreased assessment. We are confident the fund will remain adequate to protect the public.

The license fees are subject to review for “reasonableness” by the Washington Supreme Court, and the Court will issue an Order to set the new Client Protection Fund assessment, if they approve of the reduction. We will continue to proactively send updates, and you can follow along with the latest developments at www.wsba.org/about-wsba/finances.

As we enter the new calendar year, here are a few other items of note we are tracking closely:

- **FY2019 WSBA financial performance summary**

  The WSBA recently completed its financial performance summary for the last fiscal year. Key takeaways include:

  1. The WSBA’s revenue was higher than budgeted as a result of better-than-projected member growth (2,308 memberships over what was budgeted).
  2. Indirect expenses (i.e., staffing expenses) were lower than what was budgeted, mainly because of savings from open positions.
  3. Direct expenses were likewise less than budgeted, coming in $391,000 (9.9 percent) under what was planned.

  Higher-than-anticipated revenues and lower indirect and direct expenses mean we outperformed our expected budget handily. Overall, I believe this shows a very strong commitment to fiscal conservancy by the WSBA Board of Governors, the Budget and Audit Committee, and the staff, led by Interim Executive Director Terra Nevitt. We are all committed to continuing to make fiscally responsible decisions to ensure our continued financial stability while providing important and robust services to the membership that serves the public.

  Last year’s budget performance was instrumental in the Budget and Audit Committee’s recommendation to not increase license fees for the coming year, especially as we undertake a thorough
reforecast and independent audits in months ahead.

- **FY 2020 Reforecast**
  In February, CFO Perez and I will begin a “reforecast” on the current FY2020 budget to understand actual revenues and expenditures—in other words, how we are performing to budget mid-year. The ultimate goal is to measure efficiencies already put in place, to look for new efficiencies, and to more accurately estimate FY2020 revenues and expenditures for potential budget amendments. We will examine each WSBA cost center and revenue source.

- **WSBA Audits**
  The WSBA has already begun its annual financial-statement audit and, for the first time in the entity’s history, we are undertaking a more comprehensive audit (referred to by some as a “deep dive” audit) early in the new year. WSBA staff and I will be busy working with the private accounting firm Clark Nuber to conduct both of these audits. We anticipate having both audits completed and reports ready to be disseminated to membership by sometime in April 2020. Stay tuned.

- **2022-23 License Fees**
  All of the valuable data from the reforecast and independent audits—as well as ongoing measures to be as efficient as possible—will feed into the Budget and Audit Committee’s budgeting and fee-setting evaluation for coming years. We expect to do this work—forming a recommendation for 2022 and 2023 license fees—before next September’s Board of Governors meeting.

These are just some of the many important topics that the WSBA Budget and Audit Committee and Board of Governors will be continuing to examine during FY2020. As your treasurer, I am committed to conservative fiscal stewardship and direct, transparent communication. I encourage you to contact me if you have thoughts or questions.

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**ONLINE**  We want your participation: The complete schedule of Budget and Audit meetings and WSBA Board of Governors meetings is at [www.wsba.org](http://www.wsba.org).
I have been invited to do a final column. I have pondered for several weeks what I would write. So many different things I could say. So many different approaches I could take.

As Washington State Bar Association president in 1997-1998, I used to write monthly columns for the then-called Washington State Bar News. Some of you will remember my theme that year was that those of us who work in the legal system are called to be stewards of justice. The need for us to be stewards of justice is as great, or greater, today than it was 22 years ago because we are witnessing a serious decline in public confidence and trust in our justice system. This is due in part to attacks on the judiciary and our legal system, as well as the lack by many of a basic understanding of civics. Too many people don’t understand the role of the judicial branch and the importance of the legal system in our tri-partite government.

Our system of justice is described perfectly in Washington’s Fundamental Principles of Professional Conduct:

The continued existence of a free and democratic society depends upon a recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and the capacity through reason for enlightened self-government. Law so grounded makes justice possible, for only through such law does the dignity of the indi-
individual attain respect and protection. Without it, individual rights become subject to unrestrained power, respect for law is destroyed, and rational self-government is impossible.

The Principles continue: “Lawyers, as guardians of the law, play a vital role in the preservation of society... To fulfill this role, lawyers must understand their relationship with and function in our legal system. A consequent obligation of lawyers is to maintain the highest standards of ethical conduct.” This is equally true for judges and other professionals who work in the legal system.

To preserve our society and our legal system, lawyers and judges and all who work in the judicial branch must be stewards of justice. What do stewards of justice do?

Stewards of justice act when they see injustice. Stewards of justice use common sense and good judgment to make the law work. Stewards of justice are problem solvers, not part of the problem. Stewards of justice work to make the law work in the real world. Stewards of justice work to ensure the doors of the justice system are kept open and accessible to all. Stewards of justice act civilly and ethically.

All of us who work in the legal field are the face of the justice system. We personify the justice system to those who use it or watch it. How we treat others, both in our professional and personal lives, reflects on people’s perception of the justice system. We must have respect for the rule of law and for each other. If the justice system is to survive, then we as lawyers and judges must respect it and, by our actions, install in others respect for it. We must work hard to make sure that all are treated equally and fairly, that people are not denied basic rights and opportunities because of labels or prejudices. We must ensure that all have access to the courts. We must continue taking action until all are treated with honor and dignity.

Each one of us has unique gifts and talents. We have the ability to help others in need, to counsel and represent, and to make a difference. All of us bring our own unique experiences to our activities and profession. All of us have a choice about how we will react and judge people and situations. All of us determine what we allow to occur in our presence. Each of us has the responsibility to act. If attorneys, judges, and those who work in the legal system aren’t stewards of justice, there will be no “just” justice system.

We need everyone to show up and use their gifts and talents. At the end of your career or life, you don’t want to have any “could have,” “would have,” or “should have.” Rather, you want to talk about who you were, what you did, the friends you made, and the experiences you had.

Reflecting on 35-plus years of being a lawyer—17-plus of which were as a justice, and three of the 17 years as chief justice—I think of all the people I have worked with and known and the friends they became: the clients, colleagues, opposing counsel, judges, and justices. I think of the court administrators, clerks, court managers and other court staff, and all the folks at Administrative Office of the Courts and the WSBA. I think of my time as a judicial law clerk, an assistant attorney general, and a justice. I think of all the people I’ve worked with in Washington Women Lawyers, the WSBA, the Attorney General’s Office, and all the court commissions, committees, and boards. It is the people that matter, and each person has played a role in my life and who I am.

I believe life, no matter how long it is, is too short not to show up; not to be your best self. As I like to tell people, “This is not a dress rehearsal. We are live!” I also like to remind people that, “if you haven’t died, you have survived; and if you have survived, there’s still a reason for you to be here.”

Life or situations can seem overwhelming or unfair or impossible to affect, but I want you to believe you can make a difference, because you can. Believe in miracles. Impossible things are happening every day. I have survived colon cancer for 11 years. It is giving me a challenge now but I am still here. Every day is a gift. We don’t want to waste any.

I believe life, no matter how long it is, is too short not to show up; not to be your best self.

All of us only have so many days. None of us know how many. Some have long lives. Some have short lives. Remember to have a life. When your career and life comes to an end, it is the relationships with people and the memories you made that you will be happy to have had. I know I am.

Chief Justice Mary E. Fairhurst will retire effective January 2020 after 17 years as a justice and 35 years as a lawyer, many of which were spent serving Washington citizens in the Attorney General’s Office. Her volunteer efforts—including serving as WSBA President, President of Washington Women Lawyers, and with the YMCA Youth and Government Program—have focused on access to justice, public education, and enhancing opportunities for women and minorities. She received WSBA’s highest honor, the Award of Merit, in 2011, and her many other recognitions include the Council for Public Education’s Flame of Democracy Award.
"Affiliate: A corporation that is related to another corporation by shareholdings or other means of control; a subsidiary, parent, or sibling corporation."

— Black’s Law Dictionary

One of the most challenging exercises in conflict analysis is determining whether a law firm’s representation of a corporate affiliate creates a potentially disqualifying conflict with other members of the affiliate’s “corporate family.” On one hand, Comment 34 to Washington RPC 1.7, which is based on its ABA Model Rule counterpart, notes that “[a] lawyer who represents a corporation or other organization does not, by virtue of that representation, necessarily represent any constituent or affiliated organization, such as a parent or subsidiary.” On the other hand, ABA Formal Opinion 95-390 (1995), which despite its age remains a leading resource in this area, counsels that absent a definitive agreement between a firm and its client, whether there is a potentially disqualifying conflict may turn largely on the extent to which the entities involved share common operational and legal affairs management.

The risk to law firms if they do not proactively address this with clients at the outset is that a court may do it for them later, by ruling on a disqualification motion in a matter that the law firm is handling against the client served and can offer a counterweight to “boilerplate” outside counsel guidelines. Washington disqualification decisions offer important lessons on both the risk of doing nothing and the interplay between engagement agreements and outside counsel guidelines.

THE DO-NOTHING APPROACH
REC Solar Grade Silicon, LLC v. Shaw Group, Inc., 2010 WL 11561252 (E.D. Wash. Nov. 5, 2010) (unpublished), illustrates the practical risk of the “do-nothing” approach. The defendant sought the disqualification of the plaintiff’s lead law firm in a commercial dispute. For several years, the London office of the large law firm involved had represented a wholly owned subsidiary of Shaw Group, Inc., the defendant in the Washington litigation, in an arbitration in Britain over a construction project in India. The wholly owned subsidiary was called Shaw Overseas (Middle East) Ltd. During the London arbitration, the law firm’s lead British lawyer interacted with the parent Shaw Group’s in-house counsel and executives who were managing the arbitration. The arbitration
proceedings in Britain were still underway in 2009 when a dispute arose between REC Solar and the Shaw Group over materials supplied on a construction project in Moses Lake. REC Solar contacted the Houston office of the law firm to represent it in the Washington commercial dispute. The firm ran a conflict check, but it was limited to Shaw Overseas. Concluding there was no conflict, the law firm took the matter on and filed a lawsuit on behalf of REC Solar against Shaw Group in federal court in Spokane.

Shaw Group moved to disqualify the law firm under the current client conflict rule—Washington RPC 1.7. 1 In relevant part, Shaw Group argued that the law firm’s representation of its subsidiary in the London arbitration—including its interaction with Shaw Group’s in-house counsel and executives—meant that the firm had effectively taken on the representation of the corporate family as a whole.

The law firm relied on Comment 34 to RPC 1.7 (noted above) along with RPC 1.13(a), which generally define a lawyer’s client in the entity context as the entity involved. The court, however, applied the general test for whether an attorney-client relationship exists in Washington as outlined in, among other decisions, Bohn v. Cody, 119 Wn.2d 357, 363, 832 P.2d 71 (1992). The Bohn v. Cody court examined the subjective belief of the client and analyzed whether that subjective belief was objectively reasonable under the circumstances. The court found that Shaw Group’s subjective belief that the law firm was representing it was objectively reasonable in light of the law firm’s interactions with Shaw Group’s in-house counsel and executives in the London arbitration. Having concluded that the Shaw Group was a
current client, the court disqualified the law firm. In doing so, the court did not cite ABA Formal Opinion 95-390. The ABA opinion, however, is premised on a reasonable expectations test that is functionally equivalent to that employed by the Washington Supreme Court in *Bohn v. Cody*. The *REC Solar* decision underscores the reality that if a law firm does not take affirmative steps to define the client, a court may do it for the firm.

**ENGAGEMENT AGREEMENTS**

One of the key benefits of an engagement agreement is that it is a vehicle for defining who the law firm is—and is not—representing in a given matter. When a firm has framed an engagement along the lines of “We represent the XYZ company only in this matter,” it is difficult for a corporate cousin to claim later (assuming the law firm acted consistently with the engagement agreement) that the other corporate family member reasonably believed that the law firm was also representing it. This goes to the heart of the definition of the attorney-client relationship under both *Bohn v. Cody* and ABA Formal Opinion 95-390.

*Avocent Redmond Corp. v. Rose Electronics*, 491 F. Supp. 2d 1000 (W.D. Wash. 2007), illustrates the power of an engagement agreement to control the outcome in this context—albeit in a backhanded way. The Seattle office of a large law firm took on the representation of a high-tech company, OSA Technologies, which was a wholly owned subsidiary of Avocent Corporation. Later, the law firm was retained to defend Rose Electronics in a suit by Avocent Redmond Corporation—which was another subsidiary of Avocent Corporation—that was pending in federal district court in Seattle. Avocent Redmond moved to disqualify the law firm under RPC 1.7 for a current client conflict. Avocent Redmond argued that the firm had taken on the entire Avocent “corporate family” through its work for OSA.

The court in *Avocent Redmond* looked to *Bohn v. Cody* and ABA Formal Opinion 95-390 to determine whether there was an attorney-client relationship between the law firm and the Avocent corporate family. Unlike in *REC Solar*, the law firm’s engagement agreement did define the client. Rather than narrowly limiting the client to the affiliate the law firm clearly represented, however, the engagement agreement gratuitously defined the client broadly: “OSA Technologies, Inc., a wholly owned subsidiary of Avocent Corporation, and its affiliates.” The court held that the law firm, by its own engagement letter, had defined the client to include the entire Avocent corporate family, and therefore disqualified the firm.

The central lesson from *Avocent Redmond* is that courts applying the test for an attorney-client relationship under *Bohn v. Cody* and ABA Formal Opinion 95-390 will look closely at any engagement agreement involved. This suggests that a narrowly tailored definition of the client—absent subsequent conduct to the contrary—will be respected, just as the broader one was given effect in *Avocent Redmond*.

**OUTSIDE COUNSEL GUIDELINES**

In some instances, the attorney-client relationship is defined by a sophisticated corporate client rather than the law firm through what are often called “outside counsel guidelines” that are provided unilaterally by the client and are intended to govern how a matter is handled. *Atlantic Specialty Insurance Co. v. Premera Blue Cross*, 2016 WL 1615430 (W.D. Wash. Apr. 22, 2016) (unpublished) offers a telling example.

The Portland office of a large Seattle-based law firm had opened a coverage case in federal district court in Portland for an affiliate of OneBeacon Insurance Group, LLC. The law firm did not send an engagement agreement in the Oregon matter. Instead, it received a set of guidelines from the carrier involved that defined the client broadly to include “OneBeacon Insurance, and its specialty business segments.” While the Oregon matter was pending, the firm’s Seattle office took on a coverage case in federal district court in Seattle for a long-time firm client against another OneBeacon affiliate—apparently missing the connection in its conflict check. The OneBeacon affiliate in the Seattle case moved to disqualify the law firm under RPC 1.7.

As in *REC Solar* and *Avocent Redmond*, the court in *Atlantic Specialty* looked to *Bohn v. Cody* for the definition of the attorney-client relationship in Washington and also examined the factors identified in ABA Formal Opinion 95-390. The court noted that the OneBeacon guidelines provided to the firm evidenced the belief that the firm was representing the entire corporate family, and the fact that the firm dealt with a single internal unit within the parent that handled coverage litigation across its subsidiaries reinforced that view.

The court concluded that the firm’s representation encompassed all of OneBeacon’s corporate family and, as a result, disqualified the firm. In doing so, the court noted pointedly that the firm never tried to limit the scope of OneBeacon’s guidelines through an engagement letter of its own: “At the end of the day ... this concurrent conflict could have been avoided entirely if ... [the law firm] ... had executed a formal engagement letter at the outset of the firm’s representation of ... [the affiliate in the Oregon litigation]—a new firm client—in the ... [Oregon] matter.” Although an engagement agreement may not always trump outside-counsel guidelines, it will at least offer the counterargument that the parties progressed beyond the boilerplate guidelines to negotiate an understanding specific to the matter involved.

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**NOTES:**

1. Federal courts in Washington apply the Washington RPCs under, respectively, Eastern District Local Civil Rule 83.3(a) and Western District Local Civil Rule 83.3(a). Although the determination of whether an attorney-client relationship exists is defined by substantive law rather than the RPCs, Washington’s federal courts also typically apply Washington state appellate authority on this associated point. See, e.g., Jones v. Rabanco, 2006 WL 2237708 at *3 (W.D. Wash. Aug. 3, 2006) (unpublished).

We are honored to recognize Washington Supreme Court Chief Justice Mary E. Fairhurst as the winner of the 2020 Charles A. Goldmark Distinguished Service Award. She has devoted her career to advocating for access to justice, civil legal aid, and Washington’s justice system.

A proud graduate of Gonzaga University School of Law, Chief Justice Fairhurst worked as a judicial clerk at the Supreme Court in the 1980’s. She then served in the state Attorney General’s Office and spearheaded efforts to protect victims of crime and organize the community against domestic and youth violence. She was president of Washington Women Lawyers and the second woman to lead the Washington State Bar Association. Chief Justice Fairhurst was elected to our Supreme Court in 2002 and named Chief in 2016.

Please join us February 14, 2020 at the Goldmark Luncheon to celebrate Chief Justice Fairhurst!

Mark A. Griffin  
LFW Board President

John Hoerster  
Endowment Board President

Joanna Boisen  
Campaign Board President

KEYNOTE BY
Deepak Gupta  
Principal, Gupta Wessler, PLLC  
US Supreme Court Advocate

Friday, February 14th 2020
Noon – 1:30pm | The Westin Seattle

— PRESENTING SPONSORS —
This article is not about rules of grammar, but about some tools of grammar and how to use them thoughtfully to further your advocacy. You don’t need to be a grammatical expert; it is enough to become aware of some basic parts of speech and sentence structure. With that awareness, you can choose your language more carefully and to better effect. There are many grammatical tools. I’ll focus on just three.

**PASSIVE VOICE**

My colleague Ben Halasz has already written about one tool, the passive voice (“Activate Your Prose by Using the Passive Voice,” NWLawyer, June 2019). Passive voice occurs when the object of the verb moves to the front of the sentence or clause and receives the action, usually with a form of the verb “to be.” A simple passive example is, “The brief was written,” rather than the active, “The lawyer wrote the brief.” (The classic politician’s example of passively avoiding culpability is, “Mistakes were made.”) As Professor Halasz explained, despite persuasive advice to avoid the passive voice, it can be useful for reasons of style and clarity.

In addition, passive voice can be a tool of advocacy: a way to emphasize the object rather than the agent, to obscure agency, or to abstract the action and minimize the emotional impact of an event. For example, to obscure or minimize your client’s part in events, you might write, “The victim was struck,” or “The clause was omitted from the final draft.” If you represent the person accused of striking the victim, or the person accused of leaving an important clause out of a contract, these passive voice sentences allow you to literally leave them out of the action, or at least avoid emphasizing their role.

The passive voice can be taken too far. Used without thought, it can lead to wordiness and ambiguity. Nevertheless, the passive voice should be included among your tools of advocacy.

**NOMINALIZATION**

A grammatical tool related to the passive voice is nominalization. A nominalization is a noun made from an adjective or verb. Examples include “investigation,” “formation,” or “interchangeability.” A nominalization can refer to the actor with a possessive form or a “by” clause (the officers’ investigation, the investigation by the officers), but it can also be used without specifying an actor. As with the passive voice, overuse leads to bad writing.

Sometimes, however, a nominalization can help the advocate by recasting human action as an impersonal force. “The investigation process continued,” uses two nominalizations to conjure an image of something ongoing and substantial, rather than the specific actions of individual investigators. Yet this “investigation process” might only refer to one or two actions by actual persons. Thus, a lawyer attacking the investigation as inadequate might choose to describe what occurred with active voice verbs: “The official made two phone calls in connection with the case during the three months after the complaint.” Legal writers should consider whether a nominalization serves their advocacy goals, or whether focusing on individual actions better helps their client.

Consider the following example: “The supervisor ensured that every employee signed the sexual harassment policy. The supervisor made clear how employees could file complaints and devoted several hours to anti-harassment training for all employees. Despite these efforts, absences at the trainings occurred, as well as gaps in paperwork documentation.”

In the first two active voice sentences, the supervisor is the subject and actor, doing what is required. In the last sentence, however, human actors are replaced by the nominalizations “absences” and “documentation.” With this grammatical switch, the bad facts seem unrelated to the good work of the supervisor—although another lawyer might argue they result from his negligence: “The supervisor did not ensure that all employees attended trainings, and he failed to complete necessary paperwork.”
ADJECTIVES & ADVERBS

I don’t completely disagree with the standard advice to avoid adverbs and adjectives in favor of the right verbs. Vivid verbs can certainly brighten one’s writing, and descriptors that beat the reader over the head do not persuade. For example, the sentence, “The driver carelessly entered the intersection, oblivious to oncoming traffic,” does not persuade the legal reader with the adverb “carelessly,” or the adjective “oblivious.” Writers are often told to “show, don’t tell.” “Carelessly” and “oblivious” simply “tell.” We can “show” with specific details: “The driver entered the intersection while on his phone, going 45 miles per hour, into the path of oncoming traffic.”

Yet while this advice to “show” with specific facts is sound, the well-chosen adverb or adjective can nevertheless be persuasive. The more persuasive choices are likely to be the less strident or obvious descriptors. For example, a recent article about child sex predator Jeffrey Epstein effectively uses the adjective “controversial”: “In 2008, after a Florida grand jury charged Epstein with soliciting prostitution, he received a controversial plea deal, which shielded him from federal prosecution and allowed him to serve less than thirteen months ....”

“Controversial” suggests there is something wrong with the plea deal—or at least that many people think there is something wrong—yet it does not come across as outright advocacy, as would a word like “outrageous” or “appalling.” Other persuasive aspects of this passage include the verbs “shielded” and “allowed,” which suggest leniency to Epstein; and characterizing the sentence as “less than 13 months,” rather than a year. Thus, while the author sticks to the facts, grammar and word choice insinuate that justice was not served. Although this example comes from journalism, these techniques and tone would be also effective in legal writing.

One such example is the following opening paragraph of a court opinion. This paragraph contains a few well-placed adjectives and adverbs to accentuate the passage of time, suggesting (though not saying directly) abuse of the post-conviction review process.

Petitioner Leonel Torres Herrera was convicted of capital murder and sentenced to death in January 1982. He unsuccessfully challenged the conviction on direct appeal and state collateral proceedings in the Texas state courts, and in a federal habeas petition. In February 1992—ten years after his conviction—he urged in a second federal habeas petition that he was “actually innocent” of the murder for which he was sentenced to death ....

The adverb “unsuccessfully,” while technically unnecessary, emphasizes that the petitioner has lost all previous court challenges. The final sentence emphasizes the passage of time by referring to it in three ways: stating the year, noting that it is 10 years after conviction, and using the adjective “second.” The reader begins to feel that the petitioner must be wasting the court’s time with repetitive filings, although we know nothing about the nature or strength of his claims.

The passage goes on to state, “He supported this [latest] claim with affidavits tending to show that his now-dead brother, rather than he, had been the perpetrator of the crime.” The adjective “now-dead” immediately raises the reader’s suspicions that the claim is opportunistic and false—a last-ditch effort to avoid justice.

Here is another example from a recent Supreme Court case about the constitutionality of a cross on public land. The Court discussed the importance of crosses in military cemeteries after World War I:

The vast majority of these grave markers consisted of crosses, and thus when Americans saw photographs of these cemeteries, what struck them were rows and rows of plain white crosses. As a result, the image of a simple white cross “developed into a ‘central symbol’” of the conflict. Contemporary literature, poetry, and art reflected this powerful imagery.

The adjectives “plain” and “simple” downplay the possible religiosity of the cross, while the adjective “powerful” conveys the importance of the symbol. Yet these adjectives only subtly support the argument that the cross is mostly secular in this context.

Adjectives and adverbs should be deployed carefully so that they do not come across as substitutes for facts and argument. But as these examples show, the right modifier can be effective. And it is often not the most colorful, but rather the more bland and understated modifiers that work best.

This article has dealt with only a few of the grammatical tools available to the legal advocate. The larger lesson is that a legal writer should be aware of the choices available in constructing sentences and should make those choices thoughtfully.
David M. Skover is the Fredric C. Tausend Professor at Seattle University School of Law. He teaches, writes, and lectures in the fields of federal constitutional law, federal jurisdiction, mass communications theory, and First Amendment jurisprudence. (More about Skover can be found at www.skoveronline.net.)

Over the past 34 years, Skover has written books, articles, essays, and op-ed pieces with Ronald K.L. Collins, the former Harold S. Shefelman Scholar at the University of Washington. Together, they co-authored over 40 law review articles and have published nine books.

The most recent and significant exploration of First Amendment speech jurisprudence and contemporary electronic media by Skover and Collins is *Robotica: Speech Rights and Artificial Intelligence*. This book demonstrates how robotic expression stands to reconfigure free speech theory and doctrine. Finding the ideas in *Robotica* to be strikingly innovative and yet embedded in deep historical contexts, I was excited to discuss with Skover insights from his three-part work. The following is Skover’s summary of *Robotica*:

**PART I**

Within a historical context, several patterns relating to speech theory emerge. First, no communications technology is likely to overtake its predecessor unless its utility is great. For example, the Gutenberg Bible and other printed books eclipsed scripted documents because of their greater cost-effectiveness and functionality. Second, if a new communications technology has great utility, it may promote values that eclipse those of its predecessors. To illustrate, the printing press helped foment the Protestant Reformation, which in turn challenged the religious dominance of the Catholic Church in Western Europe. Third, governmental censorship is likely to push back against new communications technologies in the interest of preserving established values and power structures; hence the Catholic Church censored heretical books, controlled printing presses, and persecuted dissenters. Nevertheless, when its utility is substantial, a new communications technology will likely override censorial efforts. Thus, despite the Catholic Church’s Index of Forbidden Books and Inquisition, the non-religious book industry grew and thrived.

Now the age of artificial intelligence is upon us: robots and robotic expression affect the ways we manage our households; drive our cars; listen to music; search for information; and write, compose, or paint. We can think about today’s technology as First-Order Robotics. This is the realm in which robots are viewed as agents of those who program and use them. The link between the speech of these robots and their human creators is very strong. Robots may appear to make intelligent choices, but they are not truly...
intelligent, insofar as they do not operate autonomously within unstructured environments.

But what happens with dramatic advances in AI? That is, progress so great as to push beyond current machine learning and actually empower what futurists call truly intelligent robots? That would be the age of Second-Order Robotics, featuring robots that can learn and problem solve by trial and error or by observing and mimicking humans. Second-Order Robots could operate in largely unstructured environments and could be perceived as having a meaningful degree of autonomy from their makers. We may be years away from the reality of true Second-Order Robotics, but technology never ratchets backward. Driven by scientific passions, commercial profits, and the utility of AI technology, the age of Second-Order Robotics looms large.

PART II

The distinction between those speech activities that might be covered by the First Amendment and those that might be protected is a central theme in Robotica. Part II deals with the coverage question and asks: Can robotic expression be understood as “speech” within the meaning of the First Amendment?

This issue has become significant ever since the federal government showed increasing interest in the regulation of robotic expression. Two controversies dating from 2014 reveal the fault line between America’s free speech law and robotics. The first controversy involved the Federal Aviation Administration’s regulation of news-gathering drones. When a filmmaker used a drone to make a promotional video in the airspace above the University of Virginia, the FAA fined him for violating regulations against unmanned electronic vehicles in airspace. In the second controversy, the Federal Trade Commission scrutinized Google’s search engine policies to determine whether the company unlawfully used its monopoly power to favor the products of its highest-paying advertisers in its search engine results. Although both cases settled out of court, they sparked a fierce debate among American free speech scholars as to whether robotic expression could be understood as “speech” within the meaning of the First Amendment.

There are naysayers who object to giving robotic expression any constitutional status as “speech.” For them, the First Amendment covers only the intentional expressions of human beings. In contrast, there are advocates for constitutional coverage of robotic speech, but they attribute the speech of robots to the humans who create them. For them, the fact that an algorithm is involved does not mean that the machine is doing the talking.

Nevertheless, both camps fail to consider a critical question. When constitutional recognition is given to speech because of what it “means,” where is meaning to be found? Is meaning primarily found in the words, text, or data? Is meaning primarily found in the intentions of a speaker? Or is it found in the reception of the listener or reader who interacts with the words, text, and data?

We, the recipients of the robot’s abundance of information, are those who infuse meaning into its data.

PART III

Protection may be determined by a contextualized evaluation of the utilities secured and the disutilities or harms incurred by the robotic expression in question. Essentially then, the norm of utility operates as a justification for First Amendment protection. Whether the utilities are offset by governmental demonstrations of harm will ultimately determine whether the robotic expression is given First Amendment protection. Robocalling is a case in point. With unsolicited robocalls, the privacy and security interests of the public may well overwhelm the utility of the technology to its users, and in the balance the First Amendment may be found to tolerate much anti-robocalling legislation.

Evolution does not respect constitutions, customs, or creeds. It washes over them like waves eroding shorelines. What does that mean to us? We should approach robotic communication with a certain open-mindedness; a preparedness to question our earlier presuppositions; and a willingness to embrace, although guardedly, what seems inevitable.

Robotica: Speech Rights & Artificial Intelligence

(Cambridge University Press 2018)

By David M. Skover and Ronald K. L. Collins

Lisa Mansfield is a parent’s attorney in the Dependency Unit of the Department of Assigned Counsel in Tacoma and has been a member of the “Baby Court” team since its inception. She can be reached at Lisa.Mansfield@piercecountywa.gov.
Access Your Inner Gumshoe
An introduction to public records research

BY ASHLEY SUNDIN

I often get questions from patrons of the Gonzaga University School of Law Chastek Library that involve some type of search for public records. Whether they are searching for addresses, phone numbers, or information about businesses, we can help them find these and many other valuable pieces of information in the public domain.

Lawyers might use public records to locate a key witness, discover assets, or just do a quick background check. Here are some tips, tricks, and resources for the next time this type of research comes up in your work.

WHAT ARE PUBLIC RECORDS?
The Washington Public Records Act (Chapter 42.56 RCW) defines what information constitutes a “public record” and lists exemptions. Common exemptions from public disclosure include certain education, health, and financial data, as well as other information, such as library records. Be sure to consult related state and federal statutes for additional definitions and exemptions.

STARTING YOUR RESEARCH

Make note of what you already know. Do you have a name, birthdate, or address? This information can help you formulate your searches and verify the information you find. When searching for people, try to include alternate name spellings and nicknames in your searches. If they have a common name—like “John” or “Jane”—any additional information you have on the individual will help confirm that you have found the right person.

GETTING CREATIVE

Social media is a treasure trove of information, but locating and searching online profiles can be a challenge. To make it easier, try Google Social Search where you can limit your research results to the top social networking sites. Sometimes, these sites have advanced search options that can make searching easier. For example, Twitter Advanced Search can help locate relevant posts using keywords, usernames, dates, and other filters to save you from scrolling endlessly through accounts.

Vital records such as birth, marriage, or death records often come up when we want to research people. We can glean some of this information from newspaper notices and obituaries, or we can find records by contacting agencies like the Washington Department of Health or the vital records offices of specific counties. You may also be able to find these records with the Washington State Archives in some of their various online collections.

LOCATING PROPERTY

If you have an address, you can locate a wealth of information about the property by checking with the County Assessor’s Office. You will usually find a description of the property, sales history, and tax information. Additional records can be found at a county recorder’s or treasurer’s office, and resources like NETROOnline can provide links to offices throughout the country all in one place.

RESEARCHING BUSINESSES

You can access filings for corporations in Washington that include information such as the date of formation and incorporation, and names of registered agents, by using the advanced business search option on the Washington Secretary of State Corporations Division website. If you need to locate information about companies in other states, the National Association of Secretaries of State can direct you to specific states’ websites.

FINAL THOUGHTS

Remember that even though something is considered a public record, it is not always easy to find or freely accessible. You may need to make special requests for information or pay subscription or transaction fees for some services such as TLOxp or Intelius. Sometimes you will come across inaccurate or conflicting information, so always try to verify your results through other independent sources.

Ashley Sundin is the head of public services librarian at the Gonzaga University School of Law, Chastek Library. She holds a J.D., M.L.I.S., and an M.B.A., and is a member of the Washington State Bar Association. She can be reached at sundin@gonzaga.edu.

NOTES:
1. https://www.social-searcher.com/google-social-search/
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To close out his term as WSBA president in September, William D. Pickett honored four “teams”—husband-and-wife duos—who supported him and served as sources of inspiration throughout his leadership. Joining him in the presentation was, appropriately, his own number-one teammate, wife Laura.

Judge Jack and Gwen Coughenour jointly received the 2019 WSBA President’s Award. Pickett said they are “outstanding examples of what it means to unconditionally love others in an effort to make life better,” and they have “truly honored our profession in ways beyond measure.” For example, the Coughenours helped to build a school and supported higher education in Cambodia. “They have given their time, talent, and treasure to lift up the young people there,” Pickett said.

New this year, Pickett also awarded Presidential Awards of Merit to three couples who embodied the touchstones of his 18-month presidency: trust, relationship, and service. The honorees were William and Deb Hyslop, Keith and Sue Black, and Alec and Helena Stephens.

“Each of these couples have supported Laura and me during my term as president in amazing ways that actually demonstrate the three principal goals during my time as WSBA President,” Pickett said. “We are truly blessed to have their presence in our lives.”
Are you ever confused when choosing new software or technology services? If so, you’re not alone. As a practice management advisor for the WSBA, one of the most common topics I consult on is law firm technology. Many members have questions about topics like cybersecurity and using cloud-based software services, and seek recommendations for a more efficient and streamlined practice.

Good use of technology is a critical component of a modern law firm. Investors and innovators recognize that technology has a central role to play in law firm success. Last year, a record $1 billion was invested in legal technology companies—a 713 percent increase between 2017 and 2018. In 2019, as of September, that record had already been surpassed, with total investment at $1.2 billion so far. With this kind of funding fueling innovation, legal professionals will continue to have new options for managing business and legal operations.

Given the existing and emerging options for law firm technology, it is not always easy to understand what you should be looking for and what features you need to prioritize when shopping for software and technology. To help make the decision-making process easier, I have some top considerations I recommend for selecting new law firm technology. This applies to practice-management software, cloud computing and document storage, information-management platforms, and even your email service.

**THE ESSENTIALS OF LAW FIRM TECHNOLOGY**

The following are considerations in evaluating any software application or service:

1. **Prioritize Integration.** One of the primary reasons for adopting technology is to streamline your business operations and help you minimize administrative time and other overhead costs. That may not be achievable, however, if you are using a variety of unintegrated technology tools. Integration (in a basic sense) means that data in one platform syncs with other technology tools that you are using, so you do not have to input the same data twice. This type of synchronizing can be “one-way” (data is pushed from one platform to another, but not vice versa) or “two-way” (changes to data in either platform...**
will synchronize with the other). Before selecting legal software, you should identify all of the software you use now so you can verify that the applications you are considering will integrate well. For example, if you are considering an online scheduling application for appointments, you should make sure the data will automatically sync with your calendar so you don’t have to manually add appointments.

2 Security. Cyberattacks against law firms are increasingly common; I receive reports all the time from attorneys who are victims of cyberattacks. I recommend that you do not adopt any law firm technology unless it meets the following minimum requirements:

2a. Two-factor authentication. Any software you use should let you enable two-factor authentication so every login attempt is verified in multiple ways (for example, by entering a password and then confirming access via text message). If you have ever tried to log in to your bank account and received an email with a passcode, that is an example of two-factor authentication.

2b. Encryption. Most cloud-based software or services will encrypt data while it is in the process of uploading to the company’s servers. This is called “encryption in transit” or “end-to-end encryption” and (in my opinion) is a bare minimum security protocol for protecting your data. I also recommend that you look for software that offers “encryption at rest,” which means the data hosted on servers is encrypted so that you and your firm are the only parties able to access the data. Whether you need encryption at rest depends on the nature of your data. For example, a collection of anonymized client reviews is not as critical to encrypt as would be client files containing personally identifiable information (such as Social Security numbers).

3 Updates. Whatever software you choose, I strongly recommend choosing a cloud- and subscription-based application. This will help ensure that your data is backed up reliably (rather than sitting only on your computer) and that you receive continuous updates to keep your software secure and functioning. As hackers improve their techniques, technology tools have to adapt to stay secure. Always keep software and hardware up to date with available security updates.

4 Data Portability. When you use a legal application tool, you create loads of important data that you need access to in the future. If you ever become unhappy with the technology tool, you will want the ability to download all of that data in a readable format so you can review it and even upload it into a new software program.

HOW TO CHOOSE PRACTICE-MANAGEMENT SOFTWARE

These recommendations are specific to practice-management software. Most of the major legal software applications (such as Clio, MyCase, and Practice Panther) will be very comparable in terms of features and capabilities, so you should focus on finding the tool that feels the most intuitive—try out at least two or three programs (all should offer free trials) to see what fits best. With that said, here are features you might want to prioritize, depending on your goals:
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1 Accounting and Timekeeping. Many programs offer timekeeping services. Few offer full law firm accounting features (not just trust account management, but business accounting such as payroll, taxes, and expenses). You may decide that you want a full-suite program so you only need one tool, or you may decide to also utilize accounting software like Quick-Books. In that case, you need to make sure your legal software “integrates” with your accounting software, meaning that the data can be transferred back and forth automatically. This saves you from duplicate data entry.

2 Document Automation. Document automation is a process of creating client-specific documents based on templates. You may be accustomed to doing this manually by reusing old files and revising them to include the new client’s information. Document automation allows you to do the same automatically, taking client data stored in your software program and incorporating it into the relevant fields of a template with one or two clicks. Look for features like “document automation” or “document assembly.”

3 Secure Client Portals. If I had a magic wand for practice-management assistance, the first thing I would do is stop everyone from sending sensitive information over email. In most cases, legal professionals are not taking appropriate steps to secure documents and information over email, and it puts clients at risk. One way to avoid this is to use secure client portals for sharing information. Look for a feature that includes encryption and requires the client to use a unique password to access the portal. You can use client portals to share updates, documents, and progress reports.

4 Process Automation. Improving efficiency is one of the best ways to increase your business revenue and improve client satisfaction. Process automation can help with efficiency, as it streamlines your routines and projects so that every case is treated with the same attention to detail. In some cases you can even automate tasks, so that one completed task triggers another. Look for software that offers automated tasks or workflows.

5 Document Storage. Typically, a practice-management program will offer some basic document storage within the platform. You may also decide to adopt a cloud-storage program (like One-Drive or Google Drive) for managing your documents. This will give you more robust collaboration options with your team, and you can view and access documents using your computer’s native file-viewing system (File Explorer for Windows; Finder for macOS) just as easily as you would if you were looking at a file on your computer. If you choose this option, make sure your practice-management software integrates

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—Michelle Lynn Graunke, Attorney

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with the cloud-storage company you choose. That way you can view all of your documents in both places.

A FINAL WORD OF CAUTION
I have seen many firms adopt customized, complex legal-management software that ends up taking up more time and resources than it should. There are so many streamlined options out there. Before you invest labor and money into creating your own system, consider the existing platforms that are already equipped to offer what you need.

Finally, when identifying software needs and introducing new technology to your firm, make sure that all of your team members (including staff) are involved. Otherwise, you risk paying for software that does not allow you to perform basic tasks that are essential to your business processes.

Destinee Evers is a practice management advisor with the WSBA. To learn more about practice-management assistance, visit www.wsba.org/pma.

NOTES:

1. The WSBA offers free advice and consultation regarding law firm business-management issues. To learn more, visit www.wsba.org/pma. The opinions I share in this article are my own and not necessarily the opinions of WSBA or an official WSBA policy.

2. In fact, part of a Washington lawyer’s competency under the Rules of Professional Conduct (RPC) includes keeping apprised of the risks and benefits of relevant technology. Comment 8 to RPC 1.1 (amended Sep. 1, 2016) (available at https://www.courts.wa.gov/court_rules/?fa=court_rules&display&group=ga&set=RPC&ruleid=garpc1.01). If you have questions about your professional responsibility, you can contact the free WSBA Ethics Line for assistance: 1-800-945-9722.


5. Sometimes WSBA members will ask me whether they should start using the cloud for storing documents. What they often don’t realize is that they are probably already “in the cloud.” If you use a web-based email service like Gmail or Hotmail, the data associated with your account is stored on the company’s servers. This is an example of cloud computing, where data is stored over the internet someplace other than your own personal server or hard drive.

6. To see what an online scheduling application could look like, check out www.wsba.org/consult. We use an online web app to help us streamline consultation appointments with WSBA members.

7. Encryption is a technology process that secures data from prying eyes. At its most basic level, encryption is a way of making it difficult and time consuming for unwanted parties to gain access to information. It works by taking data and encoding it so that the information is gibberish to anyone who does not have the encryption “key.”

8. “Practice-management software” is a general term that is used in the legal industry to describe software programs that are designed for law firm business processes. Often that includes some form of billing and timekeeping, invoicing, document management, and tracking deadlines or deliverables.

9. Clio and MyCase are both participants in the WSBA’s Practice Management Discount Network, where WSBA members have exclusive access to discounts on software and services. To learn more, visit www.wsba.org/discounts.

10. An example of a full suite practice-management-and-accounting tool is CosmoLex. WSBA members can save 10 percent on CosmoLex at www.wsba.org/discounts.
On Sept. 26, members of the legal community and their colleagues and loved ones came together under one roof to celebrate lawyers and judges who champion justice in Washington and across the globe at the Washington State Bar Association (WSBA) APEX (Acknowledging Professional Excellence) Awards Dinner.

Outgoing WSBA President William D. Pickett kicked off the evening by welcoming over 350 attendees to dinner at the Sheraton Grand Seattle. The driving statement behind his presidency, he said, has been trust, relationship, and service. He thanked the outgoing WSBA governors for their service: Dan Bridges, Chris Meserve, and Athan Papailiou. And he welcomed the new WSBA governors—Carla J. Higginson (appointed to fill a vacancy in 2018 and elected for a full term in 2019), Bryn Peterson, Tom McBride, Hunter Abell, and President-Elect Kyle Sciuchetti—who were sworn in at the Board of Governors meeting earlier that day—and who join Governors Sunitha Anjilvel, Daniel D. Clark (elected treasurer in 2019), Peter “P.J.” Grabicki, Hon. Brian Tollefson (ret.), Paul Swegle, Jean Y. Kang, Kim Hunter, Russell Knight, and Alec Stephens.

Following recognition of the WSBA Governors, there was a special presentation honoring Washington Supreme Court Chief Justice Mary E. Fairhurst with a resolution from the WSBA for her distinguished career and achievements over a lifetime of service to the legal profession and the public. Justice Steven C. González accepted the award on Fairhurst’s behalf.

A warm welcome was also given to new WSBA President Rajeev D. Majumdar. Following a short video about Majumdar, he gave his first speech as WSBA President.

“You APEX honorees are the models of our profession,” Majumdar said. “Through your countless hours of legal work, you transform the lives of countless people. Your sacrifice is beyond measure, and is only matched by the enormous gratitude of all those who have benefitted so greatly from your work.”

Of course, the main reason for the night was to honor the 2019 APEX Award recipients, who were each featured through inspiring videos depicting their contributions as lawyers, judges, and advocates. The winners’ contributions ranged from extensive work in Albania to help shape the country’s democracy, to highly regarded programs like “Color of Justice” that have empowered people from marginalized communities, to helping veterans get their lives back on track, to advocating for more than 350 homeless youth, and so much more.

Congratulations to this year’s recipients
AWARD OF MERIT
Roger Sherrard

Roger Sherrard is a small-town lawyer with a global impact. His international work helped establish the rule of law and an independent judiciary in the Republic of Albania. Over the course of 30 years and more than 50 visits to Albania, he helped the country transition to a modern judiciary after decades of Communist rule.

ABOUT THE AWARD
The Bar's highest honor is given to an individual for a recent, singular achievement. The singular achievement may be a display of exceptional courage in the face of adversity, thus bringing credit to the legal profession. It is awarded to individuals only—both legal professionals and members of the public.

ANGEL PETRUSS
AWARD FOR LAWYERS IN GOVERNMENT SERVICE
Susan L. Carlson

Susan L. Carlson has spent the past 37 years serving the people of Washington as a government attorney. She has worked in all three branches of government and is the first woman to serve as the Washington Supreme Court clerk. Carlson always asks three questions in her government work: "Why do we do it this way?" "How can we make this better?" and "How can we serve the public better?"

ABOUT THE AWARD
Named in honor of Angelo R. Petruss, a senior assistant attorney general who passed away during his term of service on the WSBA Board of Governors, this award is given to a lawyer in government service who has made a significant contribution to the legal profession, the justice system, and the public.

JUSTICE CHARLES Z. SMITH
EXCELLENCE IN DIVERSITY AWARD
Hon. G. Helen Whitener

Hon. G. Helen Whitener, a Pierce County Superior Court judge, made history as the county’s first immigrant-born judge and as Washington’s only black, openly LGBT judge. In 2017, Judge Whitener spearheaded the “Color of Justice” program in Pierce County, which gives girls ages 10 through 19 the opportunity to meet and interact with female judges and attorneys. After the program’s success in Pierce County, it was expanded in partnership with the Superior Court Judges’ Association and now serves Yakima, Thurston, and Whatcom Counties.

ABOUT THE AWARD
Given to a lawyer, law firm, or law-related group that has made a significant contribution to diversity in the legal profession.
OUTSTANDING YOUNG LAWYER AWARD

Shaun T. Greer

Shaun T. Greer is an active member of the Spokane County Bar Association and worked to establish its LGBTQIA Law Section, which he actively promotes along with the County Bar’s Young Lawyer Division. In his community, Greer has served as the vice president of Meals on Wheels Spokane and is a volunteer for the Spokane Guilds’ School Annual Community Day Penny Drive.

ABOUT THE AWARD
This honor 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 less than 36 years of age.

PROFESSIONALISM AWARD

Mike Pettit

Mike Pettit, a Pullman-based attorney, is well respected in the courthouse and the community, exemplifying the qualities described in the WSBA Creed of Professionalism. A local prosecuting attorney notes that as a defense attorney Pettit did as much to help shape his prosecuting practice as colleagues in the prosecuting attorney’s office. Fellow attorneys in Whitman County praise Pettit’s excellent skills as an attorney, his genuine concern for his clients, and his professional demeanor regardless of setting.

ABOUT THE AWARD
This honor is awarded to a WSBA member who exemplifies the spirit of professionalism in the practice of law, as defined in the WSBA Creed of Professionalism.

LIFETIME SERVICE AWARD

Ann M. Guinn

Ann M. Guinn is a law practice management consultant who has provided service to WSBA members for over 30 years. She has presented over 100 CLEs on a variety of subjects. Guinn’s expertise in law practice management is unparalleled. As one nominator states, Guinn possesses “the cheerfulness of Mary Poppins and the strategic acumen of Gen. George Patton.”

ABOUT THE AWARD
Given for a lifetime of service to the legal community and the public.
SALLY P. SAVAGE LEADERSHIP IN PHILANTHROPY AWARD

Fred Rivera

Fred Rivera, executive vice president and general counsel for the Seattle Mariners, serves on the boards of the King County Bar Foundation, the United Way of King County, and the Legal Foundation of Washington. In response to a recent study conducted by the Seattle Women’s Commission, Rivera devised the Home Base Community Partnership to help prevent evictions and homelessness. Under his leadership, the Mariners donated $3 million to the United Way to help pay back rent for local residents. The KCBA Housing Justice Project provides volunteer attorneys to negotiate with landlords on behalf of Home Base clients, and the United Way provides case managers to help ensure the clients remain housed.

ABOUT THE AWARD
Sally Savage led the Bar Foundation’s renaissance and was a catalyst for its refocused mission to sustain the WSBA’s effort to advance justice and diversity. Her clarity, expertise, and vision helped establish a path for enduring support of a strong bar association that provides statewide leadership on matters of profound importance to the profession and the citizenry. Savage’s spirit of generosity and leadership continue to inspire all who recognize the transformative potential of philanthropy. Philanthropy means “love of humanity” and focuses on private initiatives for the public good, with an emphasis on quality of life. Savage emulated this spirit of philanthropy in her life, and it is in her memory that we continue to honor donors, volunteers, and friends of the Washington State Bar Foundation who embody Savage’s spirit.

OUTSTANDING JUDGE AWARD

Hon. Brett Buckley

Hon. Brett Buckley is the presiding judge for Thurston County District Court and was instrumental in establishing Thurston County’s Veteran’s Court and Mental Health Court. Judge Buckley embodies the court’s mission and demonstrates positivity and dynamism in helping others improve their lives.

ABOUT THE AWARD
Presented for outstanding service to the bench and for special contributions to the legal profession at any level of the court.

ONLINE
View videos from the 2019 APEX Awards, including winners’ stories, along with those of winners from past years by visiting: www.wsba.org/about-wsba/apex-awards.
PRO BONO AND PUBLIC SERVICE AWARD (GROUP)

The Groves Law Offices, L.L.P.

Laura and Travis Groves saw the need to assist family law clients and decided to do something about it, offering a free family law clinic every Saturday in Tacoma since 2017. The firm takes referrals from Tacoma pro bono and walk-in clients, and occasionally provides mediation services for pro se litigants.

ABOUT THE AWARDS

These awards are presented to an individual—a lawyer or other legal professional—and a law firm or other legal entity for outstanding cumulative efforts in providing pro bono services or giving back in meaningful ways to the public, the community, or the legal profession.

NORM MALENG LEADERSHIP AWARD

Erin Lovell

Erin Lovell is cofounder and executive director at Legal Counsel for Youth and Children (LCYC), a nonprofit organization committed to community-based, holistic legal advocacy for youth and children in crisis. LCYC began in 2010 and now employs 10 attorneys who work with immigrant, at-risk, abused, neglected, homeless, and offender youth.

ABOUT THE AWARD

This award is given jointly by the WSBA and the Access to Justice Board, in honor of the late King County Prosecutor Norm Maleng. He was an innovative and optimistic leader committed to justice and access to justice in both civil and criminal settings. Within the profession, his leadership was characterized by his love of the law and commitment to diversity and mentorship. This award recognizes those who embody these qualities.

PRO BONO AND PUBLIC SERVICE AWARD (INDIVIDUAL)

William D. Braun

After two decades serving as a trial attorney with the U.S. Department of Justice, William D. Braun began serving pro bono clients who are survivors of domestic violence. In two recent cases that he argued (Smith v. Smith and Braatz v. Braatz), Braun left a lasting impact on family law practitioners and survivors of domestic violence. He provides training to private law firms and legal aid organizations and writes “pocket briefs” on recurring legal issues, which are used by domestic violence advocates and pro bono programs throughout Washington.
Merry Christmas
& Happy Hanukkah!

Wishing you good cheer in the New Year!
Volunteers are the driving force behind the WSBA’s many committees, boards, and sections that shape the legal profession in Washington state. The Bar annually relies on more than 1,500 volunteers serving with more than 50 entities to perform its mandatory and regulatory responsibilities and other functions, such as CLE and special projects.

In this issue, we are spotlighting four members who exemplify the commitment, passion, and expertise of WSBA volunteers. They provide a glimpse of the many varied ways and reasons to get involved with the Bar. To them—and to the hundreds and hundreds of volunteers who serve alongside them—thank you. Truly, sincerely, deeply: thank you. We are going to feature more of your names and stories, beginning with the list of 2019 WSBA volunteers that starts on page 43.

We also hope you will be inspired to volunteer or to volunteer in a new capacity. There are many opportunities, from one-hour to one-year commitments, from work groups with a very specialized focus to boards that have a wide-ranging lens. The WSBA is always in need of CLE faculty; judges, jurors, and witnesses for the Trial Advocacy Program; mentors for ongoing mixers around the state; section leaders; and, of course, applicants for 2021 committee, board, and council positions (most applications are due in February). Learn more about WSBA volunteers at www.wsba.org/volunteer.
Kristina Larry

Larry is the managing attorney of Sassy Litigations and the founder of the sub-brands The Seattle Wedding Lawyer and The Prenup Princess. She focuses on family, business, and trademark law in Federal Way.

Q. Tell us a little about yourself and your legal practice.
A. I grew up as an Army brat and by the time I turned 18 I had lived in seven states and two countries. This not only taught me how to adapt to different situations but helped me realize my passion for travel and new experiences. In my free time I blog and vlog about my food and travel adventures. Although I have lived in many different places, Atlanta is where I call home. I’ve had a well-rounded legal career from legal aid to government to nonprofit to starting my own firm, Sassy Litigations, in 2012. I used my love of the untraditional to create my legal sub-brands: The PreNup Princess and The Seattle Wedding Lawyer. In 2018, I was named one of South Sound Business magazine’s “40 Under 40.”

Q. What kind of volunteer work do you do with the WSBA?
A. Currently, I am in my seventh year volunteering with the Moderate Means Program and my fifth year taking the Call to Duty Pledge. Additionally, I am in my fourth year on the board of the Washington State Bar Foundation and in my first full year as president. I am also in my fifth year of service on the WSBA Solo & Small Practice Section Executive Committee.

Q. What have you learned from being a WSBA volunteer?
A. Being a volunteer has given me a deeper understanding of the Bar and its programs and how they serve the community at large. I have also learned ways to improve my practice [by] meeting and interacting with other attorneys. I have also had the chance to learn new skills and hone existing ones.

Q. How does your volunteer work impact your personal and professional life?
A. Volunteering is an important personal value for me. Being able to volunteer with the WSBA has given me a chance to use my professional skills and knowledge to serve both the legal and non-legal community.

Q. Tell us about a particularly rewarding experience you’ve had while volunteering.
A. One of my first Moderate Means Program cases was a single mother trying to navigate a divorce and custody case with domestic violence. I was able to get her an outcome she was happy and secure with. It was great to be able to help someone get the legal help they needed and deserved. However, it was the heartfelt gratitude and the tears of joy from that mother that really made me realize that I had made a difference and really helped someone.
Fred Corbit

Corbit left Spokane for the University of Washington and later UCLA Law; moved to Seattle to practice law and raise two boys with his wife, Merilee; and came home to be a bankruptcy judge and run along the Spokane River with Merilee and their springer spaniel named Magnolia.

Q. Tell us a little about yourself and your legal practice.
A. My legal practice is a significant part of my life. On my résumé (and someday on my tombstone) my legal practice will figure prominently among the titles I have had the honor of holding: father, husband, attorney, judge, coach, professor, shipwright, author, luthier, L’Etape du Tour medalist, marathon runner.

Q. What kind of volunteer work do you do with the WSBA?
A. Before taking the bench, I was active in WSBA sections and committees, including the Legislative and Amicus Curiae Committees. In my current gig, Cannons 1 and 2 of the Code of Conduct for United States Judges limit my outside work; however, I am not prohibited from promoting access to justice and teaching. I am on the Access to Justice Board, and I recently served as a member of the Washington Supreme Court’s Bar Structure Work Group.

Q. Why did you start volunteering and what kept you coming back? Did you have any apprehensions or misgivings at first?
A. I started volunteering at a legal clinic for students while studying law at UCLA because I wanted to use what I was learning. Later as a new associate, I volunteered to represent a group of abused tenants, and I was very nervous after the landlords had enough clout (based on frivolous allegations) to get the FBI to haul me in for fingerprinting and interrogation. I feared I could lose my job, but (luckily for me) a senior partner asked me only one question: “Are you honestly pursuing legitimate claims?” When I said “Yes,” he responded, “Stick it to ‘em!” And I did. That experience is part of why I keep coming back for more.

I want to be part of the group that studies the issues, makes recommendations, and possibly helps in the implementation of those recommendations.

I started volunteering with the WSBA in particular because I want to stay relevant. Rather than sit at home and grouse about the WSBA or grouse about the people who grouse about the grousers, I want to be part of the group that studies the issues, makes recommendations, and possibly helps in the implementation of those recommendations.

Q. What advice would you give to other legal professionals who are on the fence about volunteering, or who say they just don’t have enough time?
A. I ask new lawyers, including my externs and clerks, what they want to be doing in 10 years. In most cases, what they want to accomplish as a professional can be facilitated by volunteering.
As a young lawyer I wanted to be a well-rounded litigator and in order to try my first case with a jury, I had to do so as a volunteer attorney. Also, volunteering provided me with many of my most memorable "war stories." (I think every lawyer needs at least 10 such stories!) While in private practice, about 10 percent of my time each year was spent on pro bono matters, but I think those cases generated about half of my favorite lawyer tales. Finally, even if an attorney has pressure to bill 2,000 hours a year, in the long run they will get much further in their career by billing 1,800 hours and spending 200 hours on pro bono matters that expand their horizons, increase exposure to different practice areas, and generally promote personal joie de vivre.

Q. What have you learned from being a WSBA volunteer?
A. By volunteering, I learned much more than if I limited my work to paying clients. My pro bono clients expanded my world—I have a better idea of what it is like to be homeless, to be served with a frivolous complaint written in a language I cannot read, to have a meritorious response dismissed merely because I don’t have the ability to speak clearly, to turn to a payday lender because my Social Security income is not sufficient to pay for medical needs, and on and on.

Q. How does your volunteer work impact your personal and professional life?
A. With global warming, political tumult, and historic prejudices being highlighted daily on the evening news (to which I am addicted), I get frustrated and it is easy to feel hopeless. When I start feeling frustrated, I think about something I can do locally to make things better for someone, and sometimes I even follow through and do it. Recently, in addition to serving on boards and work groups, I have enjoyed building guitars and donating them to auctions that raise money for legal service organizations. Volunteer work lifts my spirits.

Q. Tell us about a particularly rewarding experience you’ve had while volunteering.
A. One of my volunteer cases resulted in a beautiful piece of art that was cast from confiscated firearms and is now prominently displayed in a public park near I-90. (No guns worthy of a collector were destroyed—the case was about the right of Washington cities to keep off the streets thousands of cheap handguns that were seized in connection with crimes.)

Q. Tell us a little about yourself and your legal practice.
A. I am a Gonzaga University Law School graduate. I have practiced law in Spokane for 59 years with the firm of Delay, Curran, Thompson, Pontarolo & Walker, P.S. (and its predecessors), which is now a five-lawyer firm. The first 50 years, I did plaintiffs’ personal injury work. For the last nine years, I have focused on elder law, mostly estate planning and probate. I have been married to a lawyer, Va Lena, for 58 years. We have three sons, one of whom is a lawyer.

Q. What kind of volunteer work do you do with the WSBA?
A. I started doing volunteer work for the WSBA in 1983 with the Judicial Recommendation Committee, and have continued to volunteer ever since. My most recent volunteer work includes serving as moderator for the WSBA’s Ethical Dilemmas annual seminar (1996-2019), serving as adjunct disciplinary counsel and special disciplinary counsel (2013-2019), and serving as chair of the Committee on Professional Ethics (2016-2019).

Q. Why did you start volunteering with the WSBA and what kept you coming back? Did you have any apprehensions or misgivings at first?
A. Early in my career, I met lawyers whom I admired and respected. They practiced law with competency and courtesy, and they were active in WSBA activities. These were the luminaries, and I would try to emulate them in helping to keep lawyering a noble calling. Mingling and interacting with the best of the best, and learning by their example, motivated me to volunteer my time to the WSBA. I never had regrets about volunteering.

Q. What advice would you give to other legal professionals who are on the fence about volunteering, or who say they just don’t have enough time?
A. Volunteering is not a one-way street. It can be a very rewarding professional experience.
Q. What have you learned from being a WSBA volunteer?
A. Much of my WSBA volunteerism has involved ethics and discipline. I have seen firsthand how violating the Rules of Professional Conduct through ignorance or inadvertence can negatively impact a lawyer’s life and bring professional embarrassment. On the other hand, a working knowledge of the RPCs gleaned from volunteering has helped me to avoid ethical lapses.

Q. How does your WSBA volunteer work impact your personal and professional life?
A. My time as a WSBA volunteer has raised my awareness of the need for lawyers to assist lawyers. I have learned many lessons on how to be a better lawyer, and I have professional satisfaction in knowing I’m doing my part to improve the professional lives of others.

Q. Tell us about a particularly rewarding experience you’ve had while volunteering with the WSBA.
A. Serving as adjunct disciplinary counsel (ADC) and special disciplinary counsel (SDC) enables me to serve in matters where the Office of Disciplinary Counsel has a conflict of interest. As a member of the ADC panel, I can be called upon to serve the WSBA in a variety of capacities. For example, as an SDC, I have, independent of the WSBA, investigated grievances against lawyers, opined on whether a violation of an RPC has occurred, dismissed the grievance, or reported the matter to the Review Committee of the Disciplinary Board.

As an ADC, I served as a file custodian for a sole practitioner who died intestate without any succession plan, leaving a widow overwhelmed with stress and with no one to whom to turn. I helped close down the practice and, with the clients’ approval, transferred files to other lawyers.

Q. Why did you decide to run for the Board of Governors?
A. I had no idea what I was getting into when I ran for a position on the Board of Governors three years ago. At that time, despite being a member, all I cared about with regard to the Washington State Bar Association were our annual license fees and the monthly list of disbarred attorneys in the back of our Bar magazine. After being a fellow with the Washington Leadership Institute, my mentors encouraged me to apply for the Board of Governors. And now, here I am serving in my third year as governor (one year as an At-Large governor and in my second year as governor for District 7-South).

Q. What does your role as governor entail?
A. A colleague recently commented to me: “Those governors, you all just sit around your meetings and do nothing.” And my mind could not stop laughing as I walked away with a straight face. I understood where he was coming from, because I also did not know until I was sworn in. So let me tell you what we do.

Every other month, the Board of Governors travels around the state to meet for two full-day sessions. About a week prior to the meetings, the governors must prepare by reviewing from 600 to 1,000 pages of materials, which include proposals from various areas of the law. Gover-
nors are required to familiarize themselves with these areas of the law in order to understand the background, significance, and intent of each proposal. In between our scheduled meetings, it is standard to have emergency and executive meetings to discuss urgent matters within the Bar or the profession.

Each governor is required to serve on at least four committees and act as a liaison to multiple sections and minority bar associations. Governors are also expected to serve on work groups that may form throughout the year (e.g., Bar Structure Work Group, Civil Rules Work Group).

As co-chair of the Diversity Committee, I work with my co-chair and the amazing Bar staff prior to the committee meetings to prepare the agenda and discuss issues. We also coordinate and participate in mentorship and pipeline events, diversity-equity-inclusion events, and development events. In between our meetings and events, committee members review résumés, cover letters, and personal statements submitted by law students to help them prepare for job and internship applications. Mock interviews are held by committee members at the law schools in the evenings to make sure that students feel prepared for the next step. Free CLEs and programs are planned, coordinated, and created to improve and advance our profession.

As the co-chair of the Nominations Committee, I meet with committee members monthly to assess current and future vacancies, review numerous applications of those who want to serve, carefully select candidates, and recommend them to the Board of Governors.

Q. What would you say to people who are on the fence about serving on the Board of Governors?
A. If it sounds like I’m complaining, you’re missing my point—the work that the Board of Governors and the WSBA staff do behind the scenes is considerable but also rewarding. The pipeline events and outreach to the law schools are invaluable for law students. The CLEs and programs bring us together to help advance and improve our legal community. The votes taken by the Board with regard to changes in the rules and practice of law shape the future of the legal profession.

The Board of Governors and bar committees need people from all backgrounds, experiences, and walks of life. Diverse perspectives are needed when making important decisions that will impact every legal professional in the state. If you are part of an underrepresented community, your lens and voice is especially crucial. This year, we have four governors of color, one governor with a disability, and four female governors. Especially if you feel your viewpoint is missing, there is no better candidate to serve on the Board than you.

For more information about the demographics of the 2019 WSBA committees and boards, visit www.wsba.org/docs/default-source/about-wsba/diversity/board-and-committee-combined-memo-and-demos-table.pdf?sfvrsn=42b90cf1_0.

Find out more about how to serve on the Board of Governors on page 51.
Laura Yelish  
Laura Wulf  
Laura Spradley  
Laura Coughlin  
Laura Bradley  
Kyler Danielson  
Kyle Wood  
Kyle Richard  
Kyle Mott  
Kyle Sciuicetti  
Kyle Wood  
Kyla Danielson  
Loten Etengoff  
Lucinda Fernald  
Lucy Isaki  
Luke Campbell  
Lynne Barre  
Lynne Graybeal  
Lynne Wilson  
M  
——  
Madeline Kass  
Madhumeet Singh  
Madison Teofilak  
Magnus Andersson  
Maha Jafarey  
Malakila Naholowa  
Malena Pinkham  
Mallori Woolnough  
Malou Chávez  
Manpreet Kaur  
Manuel Rios  
Marc Boman  
Marc Silverman  
Marcia Melinger  
Marcus Lampson  
Marcus Williams  
Maren Norton  
Margaret Sanders  
Mari Horita  
Marina Paja  
Marisa Bivand  
Marisa Bocci  
Marjorie Gray  
Mark Alexander  
Mark ————  
Bassingthwaite  
Mark Baumann  
Mark Beatty  
Mark Case  
Mark J. Fucile  
Mark Goodrich  
Mark Johnsen  
Mark Johnsen  
Mark Kantor  
Mark McClain  
Mark Moroz  
Mark Northrup  
Mark Patterson  
Mark Perry  
Mark Stiefel  
Mark Tyson  
Mark Vohr  
Mark Vosos  
Mark Warnick  
Markus Louvier  
Marla Fox  
Marsha Chien  
Marsha Naegeli  
Marshall Ferguson  
Marshall Nelson  
Martha Sandaoval  
Martha Schmidt  
Martin Kreshon III  
Martin Salina  
Martin Spieie  
Martin Snogdass  
Mary Chavez—Muramatsu  
Mary Depaolo  
Haddad  
Mary Fairhurst  
Mary Logan  
Mary Louden  
Mary Louis  
Mary Neil  
Mary Owen  
Mary Thurston  
Marya Noyes  
Maryanne Mohan  
Mary Lee Mosenley  
Masaki Yamada  
Mathew Harrington  
Matt Griffith  
Matthew Adams  
Matthew Dresden  
Matthew Green  
Matthew Honeywell  
Matthew LeMaster  
Matthew McCoy  
Matthew Oersfelder  
Matthew Parker  
Matthew Segal  
Matthew Sekits  
Matthew Williams  
Maura Deering  
Maureen Mitchell  
Maureen Roat  
Meg Curtin Rey-Bear  
Megan Card  
Megan Clark  
Megan Farr  
Megan Lutes  
Megan Rue  
Megan Stanley  
Megan Tahl  
Megan Valentine  
Meghan Casey  
Melanie Stella  
Melissa Fuller  
Melissa Roeder  
Melissa Skelson  
Melissa Williams  
Melton Crawford  
Melynn Simburg  
Meredith Drent  
Meredith Grigg  
Meredith Hutchinson  
Meredith Long  
Merf Ehman  
Merri Hartse  
Michael Addams  
Michael Caryl  
Michael Cherry  
Michael Chin  
Michael Dunning  
Michael Farrell  
Michael Graham  
Michael Grover  
Michael Hall  
Michael Hagield  
Michael Hintze  
Michael Kelly  
Michael Killian  
Michael Kittleson  
Michael Longyear  
Michael Louden  
Michael Matesky  
Michael McCabe  
Michael McCabie Jr.  
Michael Morganess  
Michael Nesteroff  
Michael Padden  
Michael Pfau  
Michael Pontarolo  
Michael Price  
Michael Rhodes  
Michael Sperry  
Michael Wampold  
Michael Young  
Michelle Carney  
Michelle Bos  
Michelle Gonzalez  
Michelle Lucas  
Michelle Myers  
Michelle Pham  
Michelle Ressa  
Michelle Young  
Mike Moceri  
Mikolaj Tempski  
Milva Finnegan  
Mimi Bailey  
Miriam Ayoub  
Miriam Gordon  
Miry Roach  
Molly Barker  
Molly Malouf  
Molly Matter  
Molly Powell  
Molly Winston  
Mona McPhee  
Monica Reimiller  
Monica Sharn  
Monique Wasson  
Monique Gilson-  
Monique Van Beek  
Morgan Demorow  
Morgan Gierhart  
Morgan Walt  
Morris Shore  
Moses Man  
Mubarak Raheem  
Nancy Krier  
Nancy Pacharizna  
Nancy Stephens  
Naoko Inoue Shatz  
Natalie Cain  
Natalie Kuebler  
Natalie Walton—Anderson  
Natalia Hill  
Nathan Bard  
Nathan Smith  
Natividad Valdez  
Neal Hudders  
Neal Sacon  
Neha Vyas  
Neil Fox  
Neil Wise  
Nicholas Allen  
Nicholas Hesterberg  
Nicholas Larson  
Nicholas Straley  
Nicholas Uren  
Nick Nilan  
Nicole DeNamur  
Nicole McGrath  
Nicole Tedrow  
Nika Aldrich  
Niloufar Park  
Norm Harper  
O  
Olga Blotnis  
Olivia Ortiz  
Omid Bagheri  
P  
P. Stephen DiJulio  
Page Garcia  
Paige Spratt  
Pamela Anderson  
Pamela De Rusha  
Pamela Grinter  
Pamela Lamica  
Parker Davidson  
Patricia Char  
Patricia Kuszier  
Patricia Novotny  
Patrick Downey  
Patrick O’Connor  
Patrick Oshie  
Patrick Palace  
Patrick Ramsley  
Patrick Spurgin  
Paul Apple  
Paul Barrera  
Paul Bastine  
Paul Cressman, Jr.  
Paul Crissali  
Paul DiNenna  
Paul Kube  
Paul Luvera
On a summer day in 1969, Neil Armstrong pressed one oversized boot of his spacesuit into the monochrome dust of the moon, for the first time etching a human mark on a foreign world. Ask anyone of that generation about the day of the moon landing, and they'll tell you exactly where they were, likely sitting shoulder to shoulder, transfixed by the static-filtered images beaming back from Apollo 11 more than 230,000 miles away as Armstrong uttered the unforgettable words about that “one small step.”

For recent law school grads in Washington, that moment would be forever entangled with the bar exam they took the very next day. Just over 100 of those law students officially became licensed attorneys in 1969, in the wake of a man on the moon and in the undertow of cultural, social, political, and legal upheaval. And on Oct. 23, 2019, many of them reunited to celebrate five decades as members of the WSBA, bringing with them friends and family for the 50-Year Member Tribute Luncheon, held on a rare sunny fall afternoon at the Sheraton in downtown Seattle.

“Those of you who are here are really the legends of our profession,” said Chief Justice Mary E. Fairhurst, who after a 35-year career in law—three years on the WSBA Board of Governors, 17 years on the Supreme Court, and the last three years as chief justice—will retire in January. “You have made differences every day of your life, and especially of your professional life for what you have done and what you have not done,” she told the 50-year members. “I just want to remind you to know how important you’ve been ... it’s very important that we uphold the pillars of our democracy.”

When these members officially joined the profession, Richard M. Nixon was president, the draft lottery was in effect for the Vietnam War, and Boeing rolled out its first 747 jumbo jet. For a taste of how different things have become over 50 years, consider that in 1969, a cup of coffee cost 42 cents, just slightly more than a 35-cent gallon of gas. One member at the luncheon said his legal education at the University of Washington School of Law was a small investment with a significant return, totaling about $1,125—almost enough to pay for the


estimated cost of books and supplies today.

Reflecting on what’s changed since 1969, 50-year member James Oliver said what he misses most is the closeness of lawyers when he first started practicing.

“There were a lot fewer lawyers,” he said. “We knew each other, versus today. ... I really do miss the comradery.”

For Charles Blumenfeld, technology has changed the most since he started practicing in ’69. “And I’m not sure it’s all been positive. You used to have until the mail went out in the evening to think about what to write a client, and now it’s instant.”

Asked what’s stayed the same, Blumenfeld looked to his old classmate, M. John Bundy, and chuckled. “We both look exactly the same.”

C. Dean Little can tell you the two main things that have changed since he became a member: the computer and, relatedly, word-processing centers where a lawyer would dictate or write out in long-hand something and hand it to a typist whose sole job was to commit it to type. Little himself has changed as well.

“I had a hell of a good time practicing law—and you grow, you grow all the time,” he said. “I have learned that what counts the most with all people, including myself, is how we feel about something.”

But not everything is so different, as WSBA President Rajeev D. Majumdar said in his luncheon speech. “The one thing that hasn’t changed is the commitment to the profession.... You are part of our legacy that we will carry on.”

IN THE NEWS

Members of a cult led by Charles Manson murder five people, including actress Sharon Tate.

Many notable cultural and political icons die, including President Dwight D. Eisenhower, Judy Garland, and Jack Kerouac.

Richard M. Nixon becomes President.

U.S. institutes the draft lottery for Vietnam War.

Police raid the Stonewall Inn in NYC, setting off the fight for LGBT rights.

The Boeing 747 jumbo jet makes its debut.

Houston Methodist Hospital surgeons perform the first human eye transplant.

The Beatles release Abbey Road, their final album recorded together.

PBS is established and Sesame Street debuts.

Woodstock attracts more than 350,000 music fans.

1969 is the year of some of the best muscle cars of all time, like the Chevrolet Camaro ZL1, Dodge Charger Daytona Hemi, Ford Mustang Boss 429, and Pontiac Trans Am.

AT THE WSBA

The Washington Court of Appeals is established on May 12, 1969.

Gov. Daniel J. Evans designates May 1 as Law Day USA throughout the state of Washington and calls on all citizens to join in its observance through appropriate ceremonies, programs, and educational activities.
ON BOARD

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

A Summary of the Board of Governors Meeting

Nov. 22 and 23, 2019

TOP TAKEAWAYS

1. For the license fee collected in 2021, the WSBA Board of Governors recommended a no-increase license fee for lawyers and LPOs as well as a modest $29 increase to the LLLT fee with the goal of moving that license toward cost neutrality for WSBA. They also recommended a $5 decrease in the Client Protection Fund (CPF) assessment, effectively lowering the overall cost of annual license renewal (if the Supreme Court approves) for the first time since 2012. This marks the second year the Board of Governors has proposed a no-increase fee for lawyers. The philosophy behind the vote—for the Board of Governors to hold itself rigorously accountable for financial asks—aligns with a WSBA-wide email sent earlier in November.

2. The board considered several bills for WSBA support and laid the groundwork for the 2020 session of the Washington State Legislature. The WSBA will support a bill—drafted by the Business Law Section’s Corporation Act Revision Committee (CARC)—to amend the Washington Business Corporation Act to align with the Revised Model Business Corporate Act. The WSBA Legislative Review Committee also recommended support for CARC’s proposed amendment to add a board gender diversity provision to the Washington Business Corporation Act, but the Board of Governors requested more feedback from other sections, such as Corporate Counsel, before taking action to support that bill. It will potentially come back for action at a later meeting. The WSBA is also taking a proactive approach to tracking and responding to upcoming legislation. Separately, representatives from the Court’s Bar Structure Work Group and the WSBA were invited to provide an overview of the work-group process and outcomes to the Senate Law and Justice Committee and House Civil Rights & Judiciary Committee in November. We have no indication that either chamber plans to revive legislation from last year but we are watching and actively participating; toward that end, the Board of Governors approved an additional $50,000 for legislative outreach and lobbying efforts if necessary to ensure the WSBA and its members are well represented in Olympia.

3. The board extended Interim Executive Director’s Terra Nevit contract for another year, through November 2020, while the WSBA works through structural recommendations with the Court.

4. The Board of Governors considered for first read (coming back for action in January) the following bylaw changes:
   - Limiting any individual’s term as Executive Director to 10 years.
   - Changing the definition of quorum to a simple majority.
   - Changing the composition and election process for at-large governor positions, allowing all qualified license types to run for open district and at-large seats (with the exception of the new/young representative); and electing all at-large positions via membership-wide votes.
   - Allowing governors to serve two terms (of three years) over a lifetime instead of just one.
   - Allowing governor class representatives to designate alternates from their class on the Executive Committee.
   - Allowing sections greater flexibility to comment on legislative matters.

5. NWLawyer Washington State Bar News coming soon to your mailbox by popular demand. The WSBA’s member magazine is returning to its former title, which is inclusive of all license types and clearly identifies the publication’s provenance. The official name switch will occur in several months, once advertisers have been notified and the magazine’s ISSN has been correctly re-registered.

6. Defender resource packet. The Board of Governors approved for broad distribution to public defenders the Council on Public Defense’s Defender Resource Packet: Defender Advocacy for Pre-Trial Release. This is a tool sharing best practices for public defenders to use when representing a client during an initial appearance and detention hearings.

7. Washington State Bar Foundation annual report. Foundation President Kristina Larry provided highlights from fiscal year 2019, which include four law-school scholarships for students from diverse backgrounds, more than $28,000 in sponsorships for the Access to Justice Conference, a third consecutive year of increased contributions from WSBA members, and $29,400 in grants to organizations statewide to help ensure members of underserved and underrepresented communities are able to get legal assistance. The Foundation’s mission is to provide financial support for the programs of the Washington State Bar Association that promote diversity within the legal profession and enhance the public’s access to, and understanding of, the justice system.

ONLINE

The agenda, materials, and video recording from this Board of Governors meeting, as well as past meetings, are online at www.wsba.org/about-wsba/who-we-are/board-of-governors.
Five positions on the WSBA Board of Governors are up for election in 2020. The open positions represent the following Congressional districts as well as one at-large seat:

- District 3
- District 6
- District 7 North
- District 8
- At-Large position to represent lawyers whose membership has historically been underrepresented in governance

These positions are currently held by Kyle Sciuicchetti (District 3), Brian Tollefson (District 6), Paul Swegle (District 7 North), Kim Hunter (District 8), and Alec Stephens (At-Large). The three-year term of office begins at the close of the Sept. 17-18, 2020, Board of Governors meeting.

Eligibility: Any active lawyer member of the Bar may run for the office of governor from the congressional district in which the member is entitled to vote. Any active member of the Bar may run for the At-Large position.

Exception: For all positions, any Bar member who has previously served on the Board of Governors for more than 18 months is ineligible to run (Note: Proposed amendments to the WSBA bylaws would extend this to 48 months.).

Becoming a candidate: To run for the Board of Governors, you must complete the application form that will be posted on the WSBA website at wsba.org/elections on Jan 1. The WSBA must receive the application forms for district races by 5 p.m. PST on Feb. 18, 2020. The deadline to run for the At-Large position is April 20, 2020. For all positions, a Bar member may nominate another member by completing the application form. For more information, contact Pam Inglesby at pami@wsba.org, 206-727-8226.

Voting: The four district-based positions are elected by members in their district. Generally, a 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 13(f) or, if specifically designated to the executive director, within the district of their primary Washington practice.

The WSBA will use an electronic voting system, and members will not receive a paper ballot unless they request one. Email ballots will be sent on March 13 and must be received by 5 p.m. PDT on April 1.

The At-Large governor will be elected by the Board of Governors at its May 14-15, 2020, meeting in Bellingham. (Note: Proposed amendments to the WSBA bylaws would make this position elected by all active WSBA members.)

Interested in running?
Application deadline for district positions is Feb. 18, 2020

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2020 LICENSE RENEWAL AND MCLE

Renew Your License, Join Sections, and Certify MCLE Compliance All on mywsba.org—It’s Easy

LICENSE RENEWAL must be completed by Feb. 3, 2020, and includes paying the annual license fee and any mandatory assessments, certifying MCLE compliance, completing the trust account declaration, and disclosing professional liability insurance or financial responsibility. A 30 percent late payment fee will apply if the annual license fee remains unpaid after that date.

CERTIFY MCLE COMPLIANCE. If you are in the 2017-2019 reporting period, then you are due to report CLE credits and certify MCLE compliance. The deadline for completing credits is Dec. 31, 2019. The certification must be completed online, postmarked, or delivered to the WSBA by Feb. 3, 2020. A late fee will apply if either deadline is missed. Visit www.wsba.org/MCLE to learn more.

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

IMPORTANT DATES

Dec. 31, 2019: Licensed legal professionals in the 2017-2019 reporting period must complete required MCLE credits.
Feb. 3, 2020: Deadline for requesting the one-time License Fee Hardship Exemption.
Feb. 3, 2020: License renewal; payment(s); and MCLE certification, if applicable, must be completed online, postmarked, or delivered to the WSBA.

NEED TO KNOW

News and information of interest to WSBA members. Email nwlawyer@wsba.org if you have an item you would like to share.

THE BAR BUZZ

What Do Sections Get You?

How about meeting other legal professionals in your practice area, discovering new practice areas, saving on CLEs, and more? Over 10,000 WSBA members in 29 sections can’t be wrong. Learn more at:

https://www.mywsba.org/personifyebusiness/CLEStore/Sections

WSBA NEWS

WSBA Bylaw Updates

In an Oct. 21 letter, Chief Justice Mary E. Fairhurst notified the WSBA Board of Governors that the Washington Supreme Court has lifted its Sept. 21, 2018, deferral on amendments to WSBA bylaws, and all bylaw amendments are now subject to the Court’s approval. With the bylaw freeze removed, the Board of Governors will consider at its November meeting several proposed bylaw amendments. See the proposed WSBA bylaw amendments at www.wsba.org/about-wsba/who-we-are/WSBA-bylaws.

VOLUNTEER

Join a WSBA Committee, Board, or Panel

Bar members interested in serving on one of the WSBA’s committees, boards, or panels can begin submitting applications in January 2020. Over 20 such groups will be seeking new members; most positions begin Oct. 1, 2020. For more information, visit www.wsba.org/joincommittee.

Custodians Needed

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

WSBA MEMBER WELLNESS

Winter Wellness

With the approaching winter months, the Winter Wellness program will offer restorative webinars on topics such as meditation and professional stress and burnout. Learn more at www.wsba.org/news-events/latest-news/news-detail/2019/11/18/winter-wellness. For additional Member Wellness Program resources, visit www.wsba.org/wellness.

WSBA Connects

WSBA Connects provides all WSBA members with free counseling in your community on topics including work stress, career challenges, addiction, and anxiety. Visit www.wsba.org/for-legal-professionals/member-support/wellness/wsba-connects or call 1-800-765-0770.

The “Unbar” Alcoholics Anonymous Group

The Unbar is an “open” AA group for attorneys that has been meeting weekly for over 25 years. Find more details at www.wsba.org/for-legal-professionals/addiction-resources or by calling 206-727-8268.

Career Consultation

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

IMPORTANT DATES

Dec. 31, 2019: Licensed legal professionals in the 2017-2019 reporting period must complete required MCLE credits.
Feb. 3, 2020: Deadline for requesting the one-time License Fee Hardship Exemption.
Feb. 3, 2020: License renewal; payment(s); and MCLE certification, if applicable, must be completed online, postmarked, or delivered to the WSBA.
QUICK REFERENCE

Usury rate for Dec. 2019 is 12%.

WSBA COMMUNITY NETWORKING

Open Sections Night
Learn about WSBA sections and meet section members at the WSBA Open Sections Night on Feb. 6. Learn more and register by visiting https://bit.ly/2QF7N8e.

New Lawyers List Serve
This list serve is a discussion platform for new lawyers of the WSBA. To join, email newmembers@wsba.org.

WSBA CLE Faculty Database
Current and interested CLE faculty are encouraged to register in the CLE faculty database. Log in to your myWSBA account, go to “My WSBA Profile” and select “CLE Faculty Database Registration.”

ALPS Attorney Match
Attorney Match is a free online networking tool made available through the WSBA-endorsed professional liability partner, ALPS. Learn more at www.wsba.org/connect-serve/mentorship/find-yourmentor or email mentorlink@wsba.org.

ETHICS

Ethics Line
Members facing ethical dilemmas can talk with WSBA professional responsibility counsel for informal guidance. Learn more at www.wsba.org/for-legal-professionals/ethics/ethics-line or call the Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284.

WSBA Advisory Opinions
WSBA advisory opinions are available online at www.wsba.org/for-legal-professionals/ethics/about-advisory-opinions. For assistance, call the Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284.

RESOURCES

Free Practice-Management Consultations
Schedule a free phone consultation with a WSBA practice-management advisor to find answers to your questions about the business of law firm ownership. Common inquiries we can help with include technology adoption, opening or closing a law office, and client relationship management. Visit www.wsba.org/consult to get started.

WSBA Practice Management Assistance
The WSBA offers free resources and education on practice management issues. For more information, visit www.wsba.org/pma.

Lending Library
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**Discipline & Other Regulatory Notices**

**These Notices of the Imposition of Disciplinary Sanctions and Actions** are published pursuant to Rule 3.5(c) 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 www.wsba.org/news-events/nwlawyer or by looking up the respondent in the legal 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.

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**Disbarred**

**Erik J. Graeff** (WSBA No. 48235, admitted 2014) of Portland, OR, was disbarred, effective 10/07/2019, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rule of Professional Conduct: 8.4 (Misconduct). Scott G. Busby acted as disciplinary counsel. Erik J. Graeff represented himself. Andrey M. Peñalver was the hearing officer. The online version of NWLawyer contains links to the following documents: Order Approving Stipulation to Disbarment; Stipulation to Disbarment; and Washington Supreme Court Order.

**Reprimanded**

**W. Tracy Codd** (WSBA No. 16745, admitted 1987) of Seahurst, WA, was reprimanded, effective 9/23/2019, by order of the Hearing Officer. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication). Jonathan Burke acted as disciplinary counsel. David B. Gates represented himself. The online version of NWLawyer contains links to the following documents: Order Approving Stipulation to Reprimand; Stipulation to Reprimand; and Notice of Reprimand.

**Alan Edward Harvey** (WSBA No. 25785, admitted 1996) of Vancouver, WA, was reprimanded, effective 9/18/2019, by order of the Hearing Officer. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 8.4 (Misconduct). Scott G. Busby acted as disciplinary counsel. Alan Edward Harvey represented himself. The online version of NWLawyer contains links to the following documents: Order Approving Stipulation to Reprimand; Stipulation to Reprimand; and Notice of Reprimand.

**David B. Gates** (WSBA No. 28952, admitted 1999) of Belfair, WA, was reprimanded, effective 7/10/2019, by order of the Chief Hearing Officer. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 3.2 (Expediting Litigation). Jonathan Burke acted as disciplinary counsel. David B. Gates represented himself. The online version of NWLawyer contains links to the following documents: Order Approving Stipulation to Reprimand; Stipulation to Reprimand; and Notice of Reprimand.

**Admonition**

**Walter O. Peale III** (WSBA No. 7889, admitted 1977) of Shoreline, WA, was ordered to receive an admonition, effective 4/30/2019, by the Chief Hearing Officer. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 3.2 (Expediting Litigation). Jonathan Burke acted as disciplinary counsel. Walter O. Peale III represented himself. The online version of NWLawyer contains links to the following documents: Order Approving Stipulation to Admonition; Stipulation to Admonition; and Admonition.

**Transfer to Disability Inactive Status**

**Adrienne Sue Thommes** (WSBA No. 43721, admitted 2011) of Spokane, WA, was transferred to disability inactive status, effective 9/17/2019. This is not a disciplinary action.

**Interim Suspension**

**Dale Ray Cook** (WSBA No. 31634, admitted 2001) of Tacoma, WA, is suspended from the practice of law in the state of Washington pending the outcome of supplemental proceedings, effective 9/10/2019, by order of the Washington Supreme Court. This is not a disciplinary sanction.

**Jose Carlos Garcia Morales** (WSBA No. 46518, admitted 2013) of Pasco, WA, is suspended from the practice of law in the state of Washington pending the outcome of supplemental proceedings, effective 10/08/2019, by order of the Washington Supreme Court. This is not a disciplinary sanction.

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**Online**

See full details of the notices by accessing the links in the online version: www.wsba.org/news-events/nwlawyer.
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State v. Letourneau,
100 Wn. App. 424 (2000)

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

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in 2009, has a strong client base, and brought in over $855,000 in gross revenue in 2018. The practice/case breakdown by revenue is approximately 48% personal injury, 43% family law, and 9% other (estate planning, probate, general litigation, etc.). The practice employs five people: one (1) owner/attorney, three (3) legal assistants, and one (1) office administrator. Contact info@privatepracticetransitions.com or call 253-509-9224.

Growing Pierce County personal injury practice that was established in 1975, has a great reputation in the community, and has over 90 active clients as of January 2019. The gross revenue in 2018 totaled over $415,000. The owner would like to sell the practice as a turnkey operation. The practice/case breakdown by revenue is 99% personal injury and 1% other. Contact info@privatepracticetransitions.com or call 253-509-9224.

Thriving and well-rounded Pierce County law practice that has been a staple in Pierce County for over 20 years. The practice is absolutely thriving with average gross revenue over $1.6 million the last three years. The practice/case breakdown is 30% trusts, estates, and probate; 15% business formation; 15% plaintiffs’ personal injury; 15% commercial and corporate litigation; 8% real estate; 7% municipal; and 10% other. Contact info@privatepracticetransitions.com or call 253-509-9224.

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I was admitted to practice in 1969, was a general practitioner for 10 years, and specialized in personal injury law from 1979 to 2009, when I retired. In 2007 I moved from Seattle to Gig Harbor. While here I have become active in Rotary and am now president of the Rotary Club of Gig Harbor. I enjoy taking care of my five acres and doing bike rides like the Seattle to Portland (STP), RAMROD, and Courage Classic.

I became a lawyer because I value fairness and consequences.
My greatest talent as a lawyer was to understand people.
My greatest accomplishment as a lawyer was to try cases and be president of the Washington State Trial Lawyers Association.
The best advice I have for new lawyers is to guard your integrity.
The most rewarding part of my job was to obtain justice.
The worst part of my job was to see the difficulty of obtaining justice in cases which did not make economic sense for my client.
A funny story that happened to me while practicing: A trial judge told my opposing counsel that my wife had been her babysitter when she was a child.
I wish that more lawyers would be fair and civil with each other.
The most humbling experience I have had as a lawyer was when my client in Justice Court started cross-examining a witness and the judge told me not to interrupt my client.

This changed my life: parenthood.
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This is on my bucket list: hike in the Alps.
This makes me smile: generous behavior.
An item I will never throw out is my ’52 MG-TD (my first car).
My idea of misery is boredom.
My motto is keep on keepin’ on.
If I had a time machine, I would not use it.
I would like to meet (historical person) because:
Abraham Lincoln because he was a wise and good man.
My favorite band/musical artist is too many to name; lots of blues, R&B, and jazz performers—Aretha Franklin would be a good candidate.
If I have learned one thing in life, it is follow your heart and don’t be afraid; most people are good.

My favorite app or service for work was SnapLaw.
I keep up with legal news and developments by reading The Seattle Times.
The most memorable trip I ever took was a bus from London to Kathmandu.
I absolutely can’t live without good friends.
My best recipe I make at home is to let my wife cook.
My fitness routine is three days of light weight training per week; three days of aerobics, running, or biking; and daily meditation and stretching.
My favorite place in the Pacific Northwest is the Enchantments in the Alpine Lakes Wilderness region of the Cascades.
I worry about climate threats and our political future.
I am happiest when playing my accordion or visiting with friends.

At Right: Hodgins participating in the 2018 STP.

Above: Hodgins with his wife, Gretchen, in Melaque, Mexico.

We’d like to learn about you!
Email nwlawyer@wsba.org to request a questionnaire.

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