Nearing the end of her life, Raven Lidman sat with an old friend to look back on a 40-year legal career.
Thanks to our amazing staff and the superb volunteers who gave their time in 2018 to SGB and LBAW’s monthly free legal clinic at El Centro de la Raza. Because of your dedication, the legal clinic was, once again, a resounding success.

- RUTH BADER GINSBURG

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LEAD OTHERS TO JOIN YOU.

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NWLawyer will inform, educate, engage, and inspire by offering a forum for members of the legal community to connect and to enrich their careers.

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NWLawyer relies on submissions from WSBA members and nonmembers that are of interest to readers. Questions about submissions or want to discuss articles? Email nwlawyer@wsba.org. Articles should not have been submitted to any other publications and become the property of the WSBA. Articles typically run 1,000–2,500 words. Citations should be incorporated into the body of the article and be minimal. Please include a brief author’s biography, with contact info, at the end of the article. High-resolution graphics and photographs 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 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. For questions or a how-to guide on writing an article for NWLawyer, email nwlawyer@wsba.org. NWLawyer is published nine times a year. The current circulation is approximately 35,000.

NO ON MANDATORY INSURANCE
The WSBA has convened the Mandatory Malpractice Insurance Task Force which, according to its Interim Report dated July 10, 2018, intends to recommend to the Board of Governors that Washington lawyers be required to carry malpractice insurance.

But such a proposal should require evidence of the number of clients in Washington who have brought meritorious malpractice claims against uninsured attorneys but who are unable to collect their judgments because of the lack of malpractice insurance. This necessary data is conspicuously missing from the Interim Report.


Professor Levin states, “an uninsured lawyer [Timothy Coogan] sued the wrong party, resulting in dismissal of his client’s claim. He then fought tooth and nail through two jury trials, three trips to the Court of Appeals, and two trips to the Washington Supreme Court to avoid paying a claim that an insurance company likely would have settled many years earlier.”

Apparently Professor Levin has not read this case.

Examining the first Washington Supreme Court ruling in this case, Schmidt v. Coogan, 162 Wn.2d 488 (2007), we find that the plaintiff, Theresa Schmidt, slipped on some shampoo in a grocery store and that defendant attorney Timothy Coogan failed to file her case against the correct grocery store owner in time. Theresa Schmidt then sued Timothy Coogan to try to get a recovery in damages from him that she might have gotten from the grocery store, demanding many thousands of dollars.

At one point in the litigation the Court of Appeals dismissed the case...
entirely for lack of evidence of grocery store negligence (the case within the case). If the plaintiff had let the case go at that point, there would have been no further litigation. Yet she continued to press her claims through further appeals and another trial. This is not the uninsured defendant attorney prolonging the litigation.

Why is Timothy Coogan characterized as stubbornly “[fighting] tooth and nail” when he defends himself, but Theresa Schmidt is not stubbornly prolonging the litigation when she continues to press her claims through further appeals and a second trial?

In the end Theresa Schmidt collected an award from Timothy Coogan of about $80,000. This is likely more than what she would have gotten from an insurance company in this slip-and-fall case. The case clearly does not stand for any proposition that damages are uncollectible from uninsured attorneys.

Before the WSBA Board imposes mandatory malpractice insurance on Washington lawyers we should know the following:

• The number of malpractice cases that are filed against uninsured lawyers;
• The number of those malpractice cases filed against uninsured lawyers that are successful;
• And the number of successful malpractice suits filed against uninsured lawyers that are uncollectible because of lack of malpractice insurance.

Since the vast majority of Washington attorneys already have malpractice insurance, we are only talking about a tiny fraction of cases, likely a very small number or maybe none at all. So we have no measurable reason to impose mandatory malpractice insurance on Washington attorneys.

And insurance premium rates will likely rise when this mandate gives the insurance industry a captive market of attorneys. Solo practitioners and small firms will struggle and a certain amount of pro bono and low bono legal services will disappear. Poorer members of the public who make up a large part of the clientele of solo practitioners and small firms will experience a rise in the cost of legal services.

The small percentage of presently uninsured lawyers is actually performing a service to the profession and to the public by keeping insurance rates down. Insurance companies know that if they squeeze too hard, then the presently insured attorneys can vote with their feet and join the uninsured. If we lose freedom of choice we lose this important safety valve.

Insurance companies are the real winners in a mandatory malpractice insurance scheme. They will have a lock on the legal profession and will be able to raise their rates at will and drop “problem” lawyers. In effect, lawyers could be “disbarred” by the insurance companies.

Moreover, mandatory insurance is unlikely to protect the public. The public will be forced into litigation against insurance companies, one of the most aggressive and difficult litigants in the legal profession. Insurance companies prefer to collect premiums rather than pay out claims. Also, common insurance policy exclusions, such as for criminal or fraudulent conduct, would act to Foreclose relief to client claimants.

At this stage when insurance companies are eager for Washington to invoke mandatory insurance, it is reminiscent of the story of the spider and the fly . . . “Come into my parlor,” said the spider to the fly. Here, the spider is insurance companies and the fly is the small firms and solo practitioners that the Task Force is trying to force into the insurance company’s web. However, once insurance is mandatory then all lawyers will be captive and all will eventually be drained by insurance costs. The public will suffer as well due to the increase in legal costs caused by the increase in insurance costs.

There is a reason that 48 states do not require malpractice insurance and it is encouraging to note that the Nevada Supreme Court has recently rejected a mandatory malpractice insurance rule. The WSBA should also reject this expensive monopoly scheme.

Tom Stahl, Ellensburg

WSBA replies: If the Task Force recommends that Washington lawyers be required to carry malpractice insurance, such as for criminal or fraudulent conduct, would act to Foreclose relief to client claimants.

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Tom Stahl, Ellensburg

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insurance, it would be in the form of a suggested court rule, which, if approved, the Board of Governors would submit to the Washington Supreme Court under General Rule 9. The Court would decide whether to adopt such a rule.

DIG DEEPER INTO THE TASK FORCE’S FINDINGS

Even if Bar members dig into the minutes of Task Force meetings there is no way to have a real grasp of what they are doing or, more importantly, why they are doing it. I reviewed all the minutes and do not see anything about the Task Force having made an initial determination that uninsured lawyers in the State of Washington have not been financially responsible for malpractice claims. All I was able to find was one such incident being referred to along with a statement saying that there is “no data on whether uninsured lawyers are more inclined to commit malpractice.” Why is the necessity for mandatory insurance not the first task for the “Task” Force?

NWLawyer would better serve Bar members if more details about the mandatory insurance Task Force were included in its pages, instead of only brief summaries. For example, the Task Force report on its meeting of April 25, 2018, shows that that it was dominated by a “panel presentation” by the insurance industry, including ALPS Property and Casualty with whom the WSBA apparently has such a cozy relationship that it endorses them for a sort of Obamacare type of obligatory insurance—approximately 2,732—decide to purchase insurance, and the other half decide to become inactive or resign (approximately the same as found by Prof. Leslie C. Levin in her law review article published at 68 Florida Law Rev. 1281 (2016) concerning New Mexico attorneys and the issue of mandatory malpractice insurance), thus making an economic calculation that they make less from the practice of law than it would stand up to scrutiny, and a review of the task force membership reveals a lack of background and motive among many of the task force members to conduct a balanced inquiry into the necessity of such a requirement.

DIG DEEPER INTO THE TASK FORCE’S FINDINGS

The subsequent report of the July 10, 2018 meeting expresses a conclusion that the lack of malpractice insurance “has had a significant impact on clients,” but there are no facts presented to back that up.

The only reference to support that conclusion is what is vaguely referred to as “information that has been gathered by the panel” coming from the aforementioned ALPS Property and Casualty as well as unnamed “plaintiffs attorneys.” Who and how many plaintiffs attorneys are unfortunately not referenced. Was it only two?

ALPS Property and Casualty apparently offered some “statistical information” but none that is based on the State of Washington.

The Task Force pages also suggest that the approximately 400 “comments” that have been received from Bar members are available for us to view. But this is not accurate. Only their subject matter is presented so we do not see what our fellow bar members have said or suggested. Considering that the Task Force has imposed an arbitrary December 1, 2018 “deadline” for comments this entire situation appears to be unnecessarily opaque.

This is an important enough issue to merit more transparency on the part of the Bar.

John Goodall, Marmeaux, France

WSBA replies: Almost 600 member comments have been posted to the Mandatory Malpractice Task Force page at www.wsba.org/insurance-task-force since mid-October. Letters to the Editor on this topic have appeared in the November 2017 and August, October, and December 2018 issues of NWLawyer. Two articles written by members on this topic appeared in the December issue of NWLawyer.

THE COSTS OUTWEIGH THE BENEFITS

The members of the San Juan County Bar Association are overwhelmingly opposed to the imposition of mandatory malpractice insurance on the lawyers of Washington state.

The reasons cited in justification of mandatory malpractice insurance do not stand up to scrutiny, and a review of the task force membership reveals a lack of background and motive among many of the task force members to conduct a balanced inquiry into the necessity of such a requirement.

A requirement of mandatory malpractice insurance would provide a multi-million dollar windfall to malpractice insurance carriers while historically claims paid are $60,000 or less. Further, if half of the Washington state lawyers now in active status without insurance—approximately 2,732—decide to purchase insurance, and the other half decide to become inactive or resign (approximately the same as found by Prof. Leslie C. Levin in her law review article published at 68 Florida Law Rev. 1281 (2016) concerning New Mexico attorneys and the issue of mandatory malpractice insurance), thus making an economic calculation that they make less from the practice of law than it would stand up to scrutiny, and a review of the task force membership reveals a lack of background and motive among many of the task force members to conduct a balanced inquiry into the necessity of such a requirement.

In addition, this proposal would impact the availability of low-cost legal services to an identifiable group of Washington state consumers: those people of limited means with small claims or demands not suitable for adjudication in small claims court, such as writing “attorney letters,” giving preliminary advice on simple legal matters, collecting the scattered assets of small estates, or helping research and write appellate briefs, for a few examples. A substantial number of older lawyers use their skills to assist people who could otherwise not afford an attorney; many do so at little or no charge; a requirement of mandatory malpractice insurance would put them out of business and their clients in the probable position of being unable to proceed with their claims due to lack of knowledge concerning the processes
involved. A requirement of full and complete disclosure of the lack of malpractice insurance, as proposed by the American Bar Assn., would allow the clients to make an informed decision concerning seeking advice from, or becoming a client of, such a lawyer.

Nor is the proposal currently in force throughout the United States—only two of fifty-two jurisdictions so require—and indeed only seven states require medical doctors to maintain a minimum level of malpractice insurance. As others have opined, it seems more like “a solution in search of a problem” rather than an attempt to address an issue of supposed great moment and import. For these reasons and more, the members of the San Juan County Bar Association oppose mandatory malpractice insurance for Washington state lawyers.

John Chessell
President,
San Juan County Bar Association

WRONG BRANCH OF GOVERNMENT?
NWLawyer reports that the Supreme Court has amended CR 23 on class actions to provide that half the unclaimed proceeds from class actions should go, via the Legal Foundation of Washington (LFW), to legal aid organizations. [“Court Rule Amended to Benefit Legal Aid,” by Hon. Mary Fairhurst, Oct. 2018 NWLawyer.] Legal aid organizations typically want to change society and tend to file political litigation with precedent value—they call it systemic advocacy. For example, the major source of funding for Columbia Legal Services (CLS), according to Columbia, is the LFW. CLS favors and files impact litigation—politically controversial litigation—and has been itself a party to at least one class action (collect calls from prison).

This does not seem right.

The Supreme Court of Washington indirectly finances systemic lawyers, such as CLS lawyers, who appear in our courts, and since judges are elected here, those lawyers undoubtedly energetically support judges who support class actions and class action funding. It would be hard for judges not reciprocally to favor advocates who not only support them but also offer more power in the form of distributing money to similar causes. Judges are supposed to be neutral toward all parties. They interpret laws and constitutions, blind to the blandishments of money and power, symbolized by the gold scales on the cover of NWLawyer. They are to be neutral toward class actions, not background supporters. Pity the lawyers who oppose any LFW lawyers in court, knowing that these lawyers are the financial favorites of the court. I refer to CLS because I looked at their website, which announces that LFW is their major support, but the same is undoubtedly true of other lawyers who are here to “change the system”—a headline from a story about the NW Justice Project, in the same NWL number.

We have a legislature for coping with the ills of society. Courts were established to give damages to parties who have cases. They do not function to address the ills of society by funding charities or political advocates, and they do not have authority to take money from defendants not for plaintiffs but for causes and groups they choose that are supposedly similar to that for which the defendants were sued (cy pres).

Cy pres, a doctrine of probate law, sometimes provides that courts can approximate the intent of the testator. Defendants are not like testators; he, she, or it does not willingly disburse money. If money is left over in class actions, it should be returned to the defendants.

The legislature is responsible for addressing the ills of the system, not lawyers funded by courts.

Roger B. Ley, Astoria, OR

Correction: Attribution for the photo of Tara Simmons on page 13 of the July issue and page 5 of the December issue was incorrectly listed as Lauren Anglin. The photographer is Laura Anglin. NWLawyer regrets the error.
The Legal Community Honoring Dr. King’s Legacy

On His Holiday ... and Every Day

“The thing that we need in the world today is a group of men and women who will stand up for right and to be opposed to wrong, wherever it is. A group of people who have come to see that some things are wrong, whether they’re never caught up with. And some things are right, whether nobody sees you doing them or not.”

—Martin Luther King Jr.

Holidays that commemorate anniversaries all too often come and go with little fanfare beyond gratitude for a day off work and school. Let’s do better this Martin Luther King Jr. Day by reflecting on—and, more importantly, acting on—Dr. King’s legacy. As legal professionals, we are in a privileged and powerful position to champion access to justice and equity and inclusion for all—work that is just as vital now as it was during the civil rights movement.

While Dr. King was not a lawyer, he was a masterful activist, political organizer, and public speaker whose work, leadership, and inspiration were major contributing factors in the passage of landmark laws such as the Civil Rights Act and the Voting Rights Act. As we continue to wrestle with moral and legal interpretations of these laws, the themes of Dr. King’s speeches have an uncanny relevance to today’s headlines. In his “Where Do We Go From Here” speech, he examined the historical moment that surrounded him and realized the connectedness of wealth and poverty to his vision for a brighter and more equitable future:

“I’m simply saying that more and more, we’ve got to begin to ask questions about the whole society. We are called upon to help the discouraged beggars in life’s marketplace. But one day we must come to see that an edifice which produces beggars needs restructuring. It means that questions must be raised. And you see, my friends, when you deal with this you begin to ask the question, “Who owns the oil?” You begin to ask the question, “Who owns the iron ore?” You begin to ask the question, “Why is it that people have to pay water bills in a world that’s two-thirds water?” These are words that must be said.”

Sentiments that are still at the forefront of our national politics and social conscience, no? So let’s take a look at how far we have come since the 1960s and what lies ahead.

WHERE WE ARE TODAY

While there has been much growth and progress, culminating in a recent election ushering more diversity—of race, religion, experience, and age—than ever before into Congress and leadership positions, many of the injustices Dr. King fought against persist. The below represents a small snapshot.

Economic Inequality

- In 1965, CEO pay was 20 times worker pay; in 2016, it was 271 times greater.
- Black men earn about 73 cents to every dollar white men earn; black women earn 65 cents to every dollar white men earn.
- For every $100 of white-family wealth, black families hold $5.04.
- Wealth is on the decline for black and Latinx households (a 75 percent decline between 1983 and 2013 for black families, and 50 percent for Latinx families). During this same time, white families saw a 14 percent increase in wealth.

Racialized Violence

- Nationally, hate crimes have increased 17 percent, and have been increasing for three straight years.
- Law enforcement agencies reported 613 hate crimes in Washington in 2017. In Seattle, reported hate crimes have almost doubled.
- Groups identifying as white supremacists and other extremists have killed far more people since Sept. 11, 2001, than any other category of domestic extremist.

Institutional Violence

- A significant number of people—and a disproportionate number of black, brown, or mentally impaired persons—are killed at the hands of police each year.
- An alarming number of people incarcerated in Washington are dying.

Our nation is also facing increased tension over policies about and treatment of immigrants and refugees, including questionable tactics such as separating children from parents.

The WSBA Board of Governors called out these types of disturbing trends of societal attacks on equity and inclusion in a 2017 statement called “WSBA Denounces Recent Acts of Violence and a Reaffirmation of Equity and Inclusion Principles”:

We share a duty with government leaders to speak up when injustice occurs in order to reassure our communities, including those communities that are minority or historically disadvantaged, that we
will use all resources at our disposal, including legal resources, to protect the rights and safety of everyone. It is incumbent upon us, given our unique role in society, our understanding of the practice of law, and our ethical commitment to serving the public that we clearly and forcefully not only denounce violent, divisive, marginalizing, oppressive and inequitable behavior; but that we step into any void created by those actions regardless of where it originates.

WHERE DO WE GO FROM HERE?
As legal professionals, our skills and knowledge make us powerfully situated to be the group of people who stand up for right and oppose wrong. History has proven that justice and law improvement does not happen within a vacuum and benefits greatly from the oversight, involvement, and expertise of those trained in the law. WSBA, in particular, holds a deep commitment to its stated mission of serving the public and the members of the bar, ensuring the integrity of the legal profession, and championing justice. Our service to members of the bar and the public is a function that must be conducted with the broad and deep lens of equity and inclusion. We exist to regulate the practice of law AND to serve our members and the public as a professional association. It is in service to our members and to the public that we emphasize our commitment to an equitable and inclusive society.

Toward that commitment, we encourage you to seek out opportunities to advocate for justice not only on the Martin Luther King Jr. holiday ... but every day.

Foremost, let’s make a collective pledge to not stand silent when such passivity lends credence to hate and misinformation. As an example, the WSBA Board of Governors is currently developing a statement of solidarity to support leaders of Oregon’s specialty and minority bar associations who received threats of physical violence, intimidation, and harassment after issuing a statement against the violence in Charlottesville. (The statement is on for action at the January board meeting.) Our commitment demands that we clearly articulate a resolute stance and support of non-violence. Our democracy’s political ideology can—and should—encompass many viewpoints, but there is no path toward a better future through intimidation and violence.

Here’s one easy way to speak out as a legal employer: Sign and share the ABA’s pledge for Disability Diversity in the Legal Profession at https://www.americanbar.org/groups/diversity/disabilityrights/.

Ready to take the next step? Check out the many public-service opportunities continually updated at wsba.org/connect-serve/volunteer-opportunities/psp.

Specific to the holiday at hand, here is a list of resources to connect with causes Dr. King advocated for that are still in need of legal champions today:

• Voting rights and ensuring all citizens have the right to vote with no unnecessary barriers. Learn more: aclu.org/issues/voting-rights#act
• Criminal justice reform that makes sense at all levels. Learn more: columbialegal.org/advocacy/institutions-project
• Disproportionate discipline in schools, the opportunity gap, and the school-to-prison pipeline. Learn more: brookings.edu/research/disproportionality-in-student-discipline-connecting-policy-to-research/
• Wealth disparity, including assisting with legalities of companies reinvesting in communities. Learn more: inequality.org
• Human-rights violations with incoming immigrants and refugees, including asylum applications and non-parental custody cases. Learn more: nwirp.org/

In memory of Dr. King, now is the time to recommit ourselves to justice, for, in his own wise words, “injustice anywhere is a threat to justice everywhere.”
NOTES:

When you need advice on attorney fees, an evaluation of fees, a declaration on fees, or testimony on fees—CALL US.

Our latest law review article on attorney fees in Washington is:

We have a track record of success in fee cases:
Arnold v. City of Seattle, 185 Wn.2d 510, 374 P.3d 111 (2016)
Bright v. Frank Russell Investments, 191 Wn. App. 73, 361 P.3d 245 (2015)

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BEYOND DISCIPLINE:
The RPCs and the Law of Lawyering

At first blush, the “Scope” section of the Rules of Professional Conduct (RPCs) seems to imply that the RPCs are simply a disciplinary code. Paragraph 19, for example, notes that “[f]ailure to comply with an obligation or prohibition imposed by a Rule is a basis for invoking the disciplinary process.” Paragraph 20, in turn, states that “[v]iolation of a Rule should not itself give rise to a cause of action against a lawyer nor should it create any presumption in such a case that a legal duty has been breached.” The Washington Supreme Court, in *Hizey v. Carpenter*, 119 Wn.2d 251, 259, 830 P.2d 646 (1992), reinforced these twin points: “[B]reach of an ethics rule provides only a public, e.g., disciplinary, remedy and not a private remedy.”

At the same time, both the RPCs themselves and the Supreme Court have underscored the central role that the professional rules provide beyond their place as a disciplinary code. Paragraph 20 of the Scope, for example, closes with this notion: “Nevertheless, since the Rules do establish standards of conduct by lawyers, a lawyer’s violation of a Rule may be evidence of breach of the applicable standard of conduct.” Similarly, the Supreme Court in *Hizey* acknowledged: “We realize courts have relied on the ... RPC for reasons other than to find malpractice liability and our holding today does not alter or affect such use.” 119 Wn.2d at 254.

Given their central role as standards of conduct, it should not be surprising that the RPCs significantly influence many aspects of the broader law of lawyering. In this column, we’ll look at three instances: disqualification, claims for breach of fiduciary duty, and fee disputes.

**DISQUALIFICATION**

Disqualification is a blend of procedural and substantive law. The procedural law of disqualification is largely court-made and addresses areas such as standing to seek disqualification, waiver through delay, and the framework courts should use in analyzing motions linked to specific court rules. The court in *FMC Technologies, Inc. v. Edwards*, 420 F. Supp. 2d 1153 (W.D. Wash. 2006), for example, discusses both standing and waiver through delay. *Foss Maritime Co. v. Brandewiede*, 190 Wn. App. 186, 359 P.3d 905 (2015), in turn, outlines the analytical framework trial courts must use when imposing disqualification as a discovery sanction under CR 26(b).

The substantive law of disqualification, however, comes from the RPCs and addresses the conduct that may lead to disqualification. Most disqualification motions are based on asserted conflicts. In those instances, courts generally use the RPCs in determining whether the lawyer or firm involved has a conflict. In *Oxford Systems, Inc. v. CellPro, Inc.*, 45 F. Supp. 2d 1055 (W.D. Wash. 1999), for example, the court used Washington’s current client conflict rule (RPC 1.7) in finding that a law firm was disqualified. Similarly, in *RWR Management, Inc. v. Citizens Realty Co.*, 133 Wn. App. 265, 135 P.3d 955 (2006), the Court of Appeals affirmed the disqualification of counsel under the former-client conflict rule (RPC 1.9).

Courts also use the RPCs in determining whether disqualification is appropriate in situations beyond conflicts. In *Kyko Global Inc. v. Prithvi Information Solutions Ltd.*, 2014 WL 2894236 (W.D. Wash. June 13, 2014) (unpublished), for example, the court,
in deciding a disqualification motion, examined whether privilege had been improperly invaded under RPC 4.4. Similarly, the court in Jones v. Rabonco, 2006 WL 2401270 (W.D. Wash. Aug. 18, 2006) (unpublished), evaluated whether disqualification was appropriate under the “no contact” rule (RPC 4.2).

**BREACH OF FIDUCIARY DUTY**

Washington’s state and federal courts have long recognized that many of our obligations under the RPCs are reflections of our underlying fiduciary duties to our clients. One of the most central is our duty of loyalty, which is expressed in the conflict rules and was discussed at length by the Washington Supreme Court in *Eriks v. Denver*, 118 Wn.2d 451, 824 P.2d 1207 (1992). In other decisions, the courts examine our duties of communication (RPC 1.4) and confidentiality (RPC 1.6) in fiduciary terms, such as, respectively, in *Global Enterprises, LLC v. Montgomery Purdue Blankenship & Austin PLLC*, 52 F. Supp. 3d 1162 (W.D. Wash. 2014), and *3BA Properties LLC v. Larry Claunch*, 2013 WL 6000065 (W.D. Wash. Nov. 12, 2013) (unpublished).

Legal malpractice and breach of fiduciary duty claims are not mutually exclusive and can be pled in the same case—with the former focusing on whether the services provided met the standard of care and the latter focusing on whether the lawyer’s conduct breached a fiduciary duty. *Eriks*, for example, involved claims for both deficient advice and conflicts—against the backdrop of tax advice provided to clients who were investors in a tax shelter offered by promoters the lawyer also represented. In addition to any damages that may flow from the breach itself, a breach of fiduciary duty may also trigger another remedy: disgorgement of fees. The Court of Appeals in *Behnke v. Ahrens*, 172 Wn. App. 281, 298, 294 P.3d 729 (2012), noted that “[d]isgorgement of fees is a reasonable way to ‘discipline specific breaches of professional responsibility, and to deter future misconduct of a similar type.’” When applied to conflicts in particular, the court in *Eriks* relied on the unremarkable idea that a disloyal agent should not be entitled to collect fees from the principal. 118 Wn.2d at 462.

**FEE DISPUTES**

Because fee agreements are contracts between lawyers and clients, disputes over them are often controlled by general principles of contract law. In *Ward v. Richards & Rossano, Inc.*, 51 Wn. App. 423, 432, 754 P.2d 120 (1988), the Court of Appeals noted that “[a] fee agreement modified to increase an attorney’s compensation after the attorney is employed is unenforceable if it is not supported by new consideration.” Similarly, the Court of Appeals in *Luna v. Gillingham*, 57 Wn. App. 574, 581, 589 P.2d 801 (1990), reminded lawyers of a fundamental rule of contract construction applicable to fee agreements drafted by lawyers: “[A]mbiguous contract language … [is] … construed against the drafter.”

The RPCs have also come to play an equally important role in two facets of fee disputes.

First, courts often use the “fee rule” (RPC 1.5) in gauging the appropriate amount of fees. RPC 1.5(a) prohibits making, charging or collecting an “unreasonable” fee and sets out a variety of factors to assess whether a fee is reasonable under the circumstances involved. Courts have frequently used the factors set out in RPC 1.5(a) in association with any applicable statutes (such as RCW 4.24.005, which includes similar factors) and common law (such as “lodestar” methodology summarized comparatively recently in *Berryman v. Metcalf*, 177 Wn. App. 644, 312 P.3d 745 (2013)) in assessing whether a particular fee is reasonable. In *In re Settlement/Guardianship of AGM*, 154 Wn. App. 58, 223 P.3d 1276 (2010), for example, the Court of Appeals affirmed a trial court’s reduction in the fees sought using RPC 1.5(a) and associated statutory law where a $100,000 “policy limits” settlement in an automobile accident case followed only 2 1/2 hours of attorney time.

Second, courts also look to the RPCs in determining whether a particular fee agreement is enforceable. The Supreme Court in *Valley/50th Ave., L.L.C. v. Stewart*, 159 Wn.2d 736, 743, 153 P.3d 186 (2007), summarized Washington law on this point: “Attorney fee agreements that violate the RPCs are against public policy and unenforceable.” In *LK Operating, LLC v. Collection Group, LLC*, 181 Wn.2d 48, 331 P.3d 1147 (2014), the Supreme Court elaborated that not every RPC violation touching on a contract renders the agreement unenforceable. Rather, the court reasoned that “[t]he underlying inquiry in determining whether a contract is unenforceable because it violates public policy is whether the contract itself is injurious to the public.” *Id.* at 87. *LK Operating* involved a business transaction with a client that the Supreme Court held was unenforceable for failing to meet the strict standards set out in RPC 1.8(a).

**THE SCOPE OF THE RPCs**

The prominent place that the RPCs have assumed outside the disciplinary context was anticipated in their Scope section, with Paragraph 15 noting: “The Rules presuppose a larger legal context shaping the lawyer’s role.” As standards of conduct, the RPCs have effectively been woven into the fabric of the broader law of lawyering.

**Mark J. Fucile** of Fucile & Reising LLP handles professional responsibility, regulatory, and attorney-client privilege matters and law-firm-related litigation for lawyers, law firms, and legal departments throughout the Northwest. He also teaches legal ethics as an adjunct for the University of Oregon School of Law at its Portland campus. He can be reached at 503-224-4895 and Mark@frllp.com.
WSBA Offers a New Legal Research Platform to Benefit Members

Fastcase joins Casemaker as a free research tool

By Destinee Evers

WSBA members looking to save money on the cost of legal research will soon have a new option. For over 13 years, the Washington State Bar Association (WSBA) has contracted with Casemaker to offer a free legal research platform to WSBA members. After conducting a review of research tools at the request of the Board of Governors, WSBA’s Practice Management Team recommended offering both Fastcase and Casemaker to our members. The Board of Governors voted on the recommendation at its November meeting and, as a result, the WSBA will now provide access to Fastcase as an additional member benefit.

ABOUT FASTCASE

Fastcase is an innovative legal research platform that uses artificial intelligence and data visualization tools to help its users research smarter. WSBA will be the 32nd state bar association to offer the Fastcase platform to its members.

WHY TWO LEGAL RESEARCH TOOLS?

Access to up-to-date primary law is critical for cultivating a competent legal profession and ensuring that quality legal services are being delivered to the public. Up to 11 percent of malpractice claims can be traced to a failure to understand or apply the law. Offering two legal research platforms will give WSBA members the ability to discover which system works best for them and will allow them to compare results across the two platforms to ensure they are not missing important case law.

Currently, 30 percent of WSBA Casemaker users report that they also utilize LexisNexis or Westlaw to perform supplemental searches. By offering two tools to our members, we hope to provide alternative, affordable benefits.

Over the next few months, the Practice Management team and Fastcase will provide more information about this new member benefit, including a free weekly CLE webinar series on using Fastcase. We also heard from members that additional training in Casemaker would significantly help members to better utilize the platform. We plan on rolling out additional trainings on Casemaker once it completes upgrades to a new platform in early 2019. To learn more about both tools, visit www.wsba.org/legalresearch.

WHAT ABOUT LEGAL TREATISES AND OTHER RESEARCH AIDS?

Commercial research tools such as Westlaw and LexisNexis often offer supplementary research assistance materials, such as annotations and practice guides. Although the Casemaker and Fastcase member benefits are for primary law databases, WSBA members can purchase electronic subscriptions to the WSBA Deskbooks on both platforms.

FASTCASE FEATURES:

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<th>Feature</th>
<th>Description</th>
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<tr>
<td>Authority Check</td>
<td>Fastcase features a proprietary algorithm called Bad Law Bot, which alerts users when cases are cited alongside negative citation language to help identify criticized or overturned cases.</td>
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<td>Seminal Case Suggestions</td>
<td>Fastcase’s Forecite feature helps uncover important cases by suggesting additional results outside the scope of your search terms. For example, if you search “Miranda warning,” the case Miranda v. Arizona will not appear directly in your results because the phrase “Miranda warning” was not used in that opinion, but Forecite will still display the case because it is frequently cited by cases that do use the phrase.</td>
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<td>Data Visualization</td>
<td>Fastcase features unique visual tools such as an Interactive Timeline and semantic word cloud. These graphics help users see their results in new ways, by showing cases across a timeline, demonstrating connections between cases, and identifying key terms or language used by those sources.</td>
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HOW WSBA MEMBERS USE CASEMAKER

5,546
the number of members who utilize Casemaker each year

1%
percentage of license fees designated for Fastcase and Casemaker access

NOTES

1. At this time, Fastcase and Casemaker are the only legal research tools that participate in bar association member benefits. Other commercial tools such as Westlaw and Lexis did not participate in the WSBA’s Request for Proposal.
2. The Nov. 15-16, 2017, meeting materials can be found at https://www.wsba.org/about-wsba/who-we-are/board-of-governors/board-meeting-minutes.
4. Annual subscriptions to electronic versions of WSBA Deskbooks are available through Casemaker Libra now, http://washington.casemakerlibra.com, and Fastcase will be incorporating the Deskbooks over the next several months.

Destinee Evers is a practice management advisor with the WSBA. To learn more about practice management assistance, visit www.wsba.org/pma.
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In her final days, a Washington lawyer and her longtime friend look back on the legacy of a lifetime of legal service.

S EATTLE UNIVERSITY CLINICAL PROFESSOR OF LAW Raven Lidman passed away peacefully on the morning of Nov. 12, surrounded by her family.

A few weeks before her death, she sat down with Lisa Brodoff, a friend of nearly 40 years, at the dining room table of Lidman’s Tumwater home to talk about her life, the things she’d accomplished, the path of her career, and the impact she’s had.

Brodoff recorded that conversation and provided a copy to NWLawyer. In the recording, you can hear the sounds of spoons clinking against mugs of tea. There’s the dinging of a microwave and running water as someone rustles around in the kitchen; the skittering of dog claws scraping against the floor from two yellow Labradors, Trapper and Captain; and the loud squawk of a bird, Budgita. Then there’s the silence, punctuated by the hiss of a long, slow breath.

When the recording was made, the treatment for Lidman’s cancer had stopped working and she was placed in hospice care. A lawyer of 40 years, Lidman continued to work after her retirement in 2013, and even after her diagnosis, most recently fighting for the synagogue she and Brodoff attended to establish a sanctuary policy.

Photo: Anna Christine Larson
Admitted to the Bar in 1978, Lidman worked as a criminal and family law attorney, although she never intended to do either. She worked in legal clinics in South America; hitchhiked across Eastern Africa; organized farm workers with Cesar Chavez in Central California and Toronto; and represented Brodoff and her partner, the first lesbian couple in Washington to win a second-parent adoption case. Despite her many accomplishments, her career path didn’t exactly go according to plan. Lidman constantly found herself in unknown territory, adapting to new situations, following a philosophy of “Why not?”

When Brodoff and her partner Lynn had a child in the late 1980s (Brodoff being the biological mother) and wanted to pursue a second-parent adoption, Lidman was the first person she thought of to represent them. The two met over lunch to talk about it and were quickly on the way to making history.

“I said would you represent us and she said ‘yes’ right away,” Brodoff told *NWLawyer*.

Brodoff and her partner applied for the adoption, which was challenged by a guardian ad litem, who argued that same-sex adoptions were illegal in Washington. As it turned out, they weren’t.

Over the course of a one-day trial, Lidman presented the arguments to the now-late Judge Thomas Swayze, who was previously the Republican state House Speaker. By the end of the day, Swayze ruled in their favor and allowed the first same-sex adoption in the state, a superior court ruling that was never challenged and has remained the legal standard for 30 years.

Lidman rarely spoke of her accomplishments. Even her children were largely unaware of her impact on the legal community and, in fact, learned of the full significance of the adoption case when Seattle’s Museum of History & Industry opened an LGBTQ exhibit and devoted a section to the historic achievement.

On the afternoon of their conversation, Brodoff tried repeatedly to tell Lidman how much she had impacted not just her life, or her family’s, but countless LGBTQ families and communities in Washington and beyond. You can hear the sincerity and poignancy in her voice when she tries to explain what Lidman means to her—her voice breaking with emotion when she speaks. When she does this, Lidman does what remarkable people tend to do when faced with praise: she dodges the praise, changes the subject, and praises someone else instead.

The following is an excerpt of that conversation—two old friends, sharing tea, looking back at a lifetime of achievements.
Brodoff: You know, Raven, I realized I’ve known you for 37 years.

Lidman: Oh, my God.

Brodoff: Since 1981. And from the time that I was just a baby lawyer, you seemed like you had so much experience. ... We’d been coworkers, we’d been congregation members together, and dear friends, and I’m following you from job to job. And then I’ve been your client, your colleague, you’ve been my mentor, and you’re one of my dearest and oldest friends. And I realized, I never asked you why you went to law school; why you decided to become a lawyer?

Lidman: Out of the anti-war movement and watching what those lawyers were able to do. And when I was in [Washington, D.C.]—we lived there in ’73, ’74—that was the Watergate hearings, and there was, at George Washington [University], there was a national lawyers’ guild conference. And I went to it and thought, OK, I can do this. And law school was one of these things you go to, and you come out and you’re defined. You don’t have to make up who you’re going to be.

Brodoff: And were you looking for that definition of your life?

Lidman: Yes. Exactly.

Brodoff: Your first job out of law school was with civil legal aid.

Lidman: And it was when I was in law school I went working for them.

Brodoff: So tell us why you went to that job.

Lidman: I didn’t think I could handle crim law. I thought people would just, my clients, would just run circles around me. I would be too naive.

Brodoff: You would believe them, or what do you mean by that?

Lidman: Well, right, you know they would be much tougher characters, and I would be kind of naive.

Brodoff: Versus civil legal aid. What attracted you to that?

Lidman: Well, civil legal aid was, you know, helping people with regular things in their lives. And it started me on a good path because it made me think about people really having lawyers for all their needs.

Brodoff: You did not only public benefit cases, but housing, landlord tenant.

Lidman: Family law.

Brodoff: You ended up doing some of the things you said you wouldn’t do, later in your career.

Lidman: I did disability stuff. Social Security, disability. I found that really hard. I kept thinking, well if I was going to do any of this medical stuff I would have gone to med school. ... And that was very difficult, Social Security. They were very tough on granting people benefits.

Brodoff: But you learned it.

Lidman: Yeah, that was a challenge and that was wonderful.

Brodoff: I want to talk about that because you represented us in the first second-parent adoption, we are a lesbian couple and were then, and this was in the 1980s when the atmosphere was so bad and so negative and we were among the first to have a child in our relationship, and wanted to protect Lynn, the non-biological mother’s rights to our daughter ... and you agreed to be our lawyer to challenge that—I just want to ask you, why did you do it?

Lidman: Because I thought it was right ...
and that, as lawyers we learn to look up: What does the law say? What’s the authority there? And it seemed to me that the authority was good ...

Brodoft: What I wanted to tell you was I saw that, and the first thing I thought of was, “I’m calling my colleague and friend Raven Lidman to get her take on this.” … And I called you and said, “Raven would you look at this law?” … You sat down and said, “Yeah … the law’s on our side.”

Lidman: I think that was something that showed that we were smart and brave, because we looked up the law and said … “why not?” We were using trial court opinions from another state.

Brodoft: Yes, California.

Lidman: Amazing. And Alaska and Oregon. That’s just not what you ever learn in law school, but that’s the authority you can have. And that was the whole thing about law practice. Why not?

Brodoft: One of the things I got from you is as a lawyer you used your education and tools and knowledge to look for what’s possible and why not do it?

Lidman: Why not?

Brodoft: You have been at the forefront of trying to develop a civil right, a right to counsel in civil cases of access to basic needs. ...

Lidman: That came out of working at Legal Services. But also ... international human rights law. What is international law and how does it play into domestic law? And that was always a big challenge. Didn’t know anything about that, never studied that. ... I sat in on [public international-law and human-rights professor at Seattle University School of Law] Ron Slye’s course ...

Brodoft: Became a student while you were a professor?

Lidman: Right, actually sat in on his class. Surely did. And learned a lot.

Brodoft: There are so many themes in your career. If I could just go back to the case that you did for us, that changed our lives, and not just our ability to have our daughter and our son later to have two legal parents, without question. ... You talk about doing this, doing our case, because you looked at the law and it was doable and it was the right thing to do, so “why not?” But when you took our case, did you think about the sort of larger historical or social movement and moment at the time and how it might impact?

Lidman: Yes. You were already engaged in that. You already were dealing with the community. ... They kept saying, “let’s lose at the trial court and get an appellate opinion,” and you kept saying, “No no no—let’s win at the trial court.”

Brodoft: Not worry about an appellate opinion. ... Make sure this is available to everyone. Not just the lucky people who happen to know the best lawyers or are lawyers themselves and have the resources to do it, to get their rights. We want to make this more broad-based. But it meant winning with us initially.

Lidman: Exactly.

Brodoft: So you were thinking, you were representing us and we were in a very disfavored group ...

Lidman: Well, I was representing you, but of course it was very important for you to call the shots, because you knew the community. Not for me to call the shots.

Brodoft: After we won our one case on the trial-court level ...

Lidman: Then I went to represent a bunch of people in Tacoma, in Pierce County, to have something that would be easy, as opposed to ours, which was hard.

Brodoft: Yes. We went to trial. But then it got easier.

Lidman: And then it got easier without having to go to trial.

Brodoft: Without there having to be an ad litem on every case.

Lidman: And it was to say to these lawyers here, use all these pleadings.

Brodoft: Right and [we] made the pleadings available, explained how to do it. But that was purposeful on your part, as well as ours ... that we wanted to make this widely available. ... Again, it’s so hard to go back to the 1980s, late 1980s ... the atmosphere then, like two moms was a shocking thing.

Lidman: Which was crazy because we already had that everywhere. That was with divorce ... folks were already in these blended families. ... There were many options.

Brodoft: So was it your experience in the world and working with people who were disfavored in lots of different contexts, even before going to law school, and then in Olympia Legal Services.

Lidman: Well in Legal Services we were not going to accept mistreatment of our clients. That was just not going to happen.

Brodoft: But then you brought that to the LGBT—we’ll talk that point the gay and lesbian community—and without hesitation. You represented us and then you were out there providing pleadings, wrote an article, educating other lawyers.
Lidman: With Carrie.

Brodoff: Right, with Carrie Bashaw.

Lidman: She wrote the article.

Brodoff: She did. Under your supervision and based on our case and research. You know, not everyone does that, I guess is what I’m trying to say. That you took your skills, your knowledge, your experience, and did things that not everyone as a lawyer would do.

Lidman: Right, sharing is not that big a deal.

Brodoff: Sharing, but taking on a case that at the time was not, you know was, first, looked at as a loser; second, this disfavored group, two moms? That was sort of horrifying to some people who were not thinking about it. And you just were so there in every way. And I know you don’t, you may not see it that way, because it’s so natural to who you are, but it’s a huge thing ...you’re the definition of what an ally is. But more than that, with us on the front lines; it changed so many people’s lives, and you’re just not someone who ever sings your own praises. You’re someone who pushes that away, even, that you’ve had that kind of huge influence on so many people’s lives. I have to say it.

Lidman: Did you ever work with Nancy Polikoff [family-law professor at American University Washington College of Law]?

Brodoff: I just know her through other people, I’ve read her stuff. She’s amazing. But then I think of the Lesbian Rights Law Center, who was right there with us really early on when others were saying “I don’t know if you should do this.”

Lidman: They were fantastic.

Brodoff: And then I want to give Legal Voice a shout out here, which was the Northwest Women’s Law Center, and they stepped up and did an amicus brief in our case. And this was, again, at a time when gay and lesbian, LGBTQ rights were not at the forefront. It was an edgier thing to do, to come out and support, but they did it whole-heartedly and then really dedicated a ton of their time and resources to forwarding rights in all areas. But you were at the front of that.

Lidman: Yes and I am proud of that. Because that was why I went to law school.

Brodoff: But it wasn’t that particular issue,
it was more an understanding of the role lawyers can have, no matter what the issue is to protect and work with communities.

Lidman: Being brave.

Brodoff: Yes. Being brave.

Lidman: Not being shy. Looking up the rules and seeing, well, can we do it? What’s the authority? Why not?

Brodoff: Why not?

Lidman: Question authority, right?

Brodoff: If I asked you, what are the things you’re most proud of in your career or in your life, what would you say?

Lidman: Doing that, doing your adoption. Hooking into the civil right to counsel. And bringing in international human rights.

Brodoff: I’m sure you have had influence as a law professor on more than a generation of lawyers.

Lidman: Well, I hope so.

Brodoff: You know it’s true.

Lidman: We hear nice things from our students, right? Which is always lovely.

Brodoff: Any lessons or just things you’d want to say?


Brodoff: One of things I am very interested in has to do with the boundaries between your work as a lawyer, and family. ... What did you talk about or not talk about around the dinner table with your kids? Were they aware of the significant work you were doing that we’ve just talked about, when your kids were growing up?

Lidman: I think it was later. You know, I didn’t talk much about cases—certainly not individuals.
Michael has over 25 years of experience successfully representing victims of serious personal injury, therapist abuse, psychiatry and medical malpractice. Michael also was a public defender with significant trial experience in both state and federal courts. We are very excited to welcome Michael to our team.

Otorowski Morrow and Golden, PLLC is pleased to announce the addition of three exceptional lawyers to our growing practice:

**Todd Tinker**
Todd brings over twenty years of practice focusing on serious personal injury, products liability and medical malpractice. In addition, Todd brings a strong community presence and is active in several local non-profits, including being the past President of Rotary Club of Bainbridge Island. We are very excited to welcome Todd to our team.

**Michael Kolker**
Michael has over 25 years of experience successfully representing victims of serious personal injury, therapist abuse, psychiatry and medical malpractice. Michael also was a public defender with significant trial experience in both state and federal courts. We are very excited to welcome Michael to our team.

**Heather Paradis**
Heather brings over fifteen years of experience as an individual and corporate defense attorney, including representation of doctors, clinics and hospitals under government investigation. She is a member of the American Assoc. for Justice and Washington State Assoc. for Justice as well as various state and national litigation groups including medical negligence, nursing home litigation and birth trauma. We are very excited to welcome Heather to our team.
Behind The Scenes

That $30 Annual Contribution Puts PROTECTING THE PUBLIC into Practice

By Noel S. Brady

When Shaquina Justice met the attorney hired to handle her husband’s appeal, she had already been fighting for nearly four years to clear her husband of criminal charges that resulted in a first-degree assault conviction for his role in a South Seattle shootout. At trial, her husband claimed self-defense, but the jury didn’t buy it. It didn’t take long, after hiring the attorney to mount an appeal, for her to realize that was a mistake.

“He wasn’t showing up in court,” she recently said of her experience. “I paid him $11,000 and he did next to nothing. I couldn’t even reach him on the phone.”

Two years later, Justice finally got a bit of good news in the form of a $10,500 check from the Washington State Bar Association’s (WSBA) Client Protection Fund (CPF). Hers was the largest award among the nine former clients of this attorney who applied for relief from the Fund.

“I really appreciate the fund,” Justice said. “I’m not sure how I could recover the money lost any other way.”

Her difficult experience with that attorney wasn’t unique. In all, the CPF awarded $31,019 to seven of the attorney’s former clients.

The attorney resigned in lieu of discipline, which means he can never apply for readmission to practice law in Washington. “The one thing that bothered me was that he might be able to go and practice somewhere else, in another state,” Justice said.

Until recently, the CPF was known as the Lawyers’ Fund for Client Protection (LFCP). The name change occurred in 2017 in response to the inclusion of Limited Practice Officers (LPOs) and Limited License Legal Technicians (LLLTs) as members of the Bar. Established by the Washington Supreme Court in 1994, the LFCP Board replaced the WSBA Indemnity Fund, which had been in place since 1960. The state Supreme Court approved the change at the request of WSBA with the adoption of Rule 15 of the Admission and Practice Rules. Lawyers and LLLTs contribute to the Fund with an annually assessed fee in addition to their license fee. Currently, the annual assessment is $30.

So why should Bar members be required to contribute to the CPF? Unlike doctors, accountants, or architects, legal practitioners are members of a uniquely self-regulating profession. The Washington Supreme Court regulates the legal professions in Washington, and WSBA, through authority delegated to it by the Court, administers admission, licensing, and discipline.

Eligibility to receive a gift from the CPF focuses on intent: did the legal professional dishonestly mishandle a client’s money? Applicants must show by a preponderance of the evidence that they lost money or property due to the dishonest acts of a Washington lawyer or LLLT. Examples of dishonest acts include theft or embezzlement, conversion, or refusal to return unearned fees. The Fund can also make gifts to applicants when payments are not returned due to the WSBA member’s death, disappearance, or inability to practice. Applicants are required to show that no other form of compensation is available through the legal system, bond, or insurance. Clients receiving gifts are required to return them to the Fund if they are reimbursed from any other source.

“It has to be a dishonest action,” said Brenda Jackson, the CPF analyst who deals directly with applicants. Gifts may be awarded only to compensate clients for the amount of money a legal professional purposefully took or mishandled. “Malpractice can be negligent rather than dishonest,” she said.

As trustees of the Fund, WSBA’s Board of Governors appoints 11 WSBA members and two community representatives to serve on the Client Protection Board. The Client Protection Board reviews applications for monetary gifts from the Fund and can award gifts of up to $25,000 per application. Larger gifts must be approved by the Board of Governors as trustees of the Fund. The maximum gift amount is $150,000, with no limit on the aggregate amount paid on multiple claims against a single legal practitioner.
Some applications are more difficult to resolve than others, Jackson said. The Board does not evaluate the quality of legal services provided. It may deny such applications and consider them fee disputes if the member produced even minimal work for the client or spent any time at all on the case. However, the Board does take into account evidence of a pattern of conduct indicating the member knew or should have known when they accepted a client’s fees that they would not perform the services they were hired to complete.

Clients have up to three years from the time they should have reasonably discovered their financial loss to apply for a CPF gift, Jackson said. Some applicants seek counsel from an attorney or are referred to the program by an attorney; however, lawyers generally may not receive legal fees for representing a CPF applicant, she noted.

The approval and actual award of a gift can take months or more than a year, she explained, because in most cases a gift cannot be made until discipline proceedings are complete. Jackson works closely with WSBA’s Office of Disciplinary Counsel to investigate each application.

Every jurisdiction in the United States, as well as Canada, Australia, New Zealand, and other countries, maintains funds similar to the CPF. Counting the voluntary Indemnity Fund established in 1960, WSBA’s Fund is one of the oldest in the U.S. To date, WSBA members have compensated the victims of financial loss through the CPF in an amount totaling $8.6 million on 1,258 applications.

Jackson said working closely with CPF applicants can be frustrating at times because not everyone is eligible for a gift from the Fund. But she said she feels a sense of satisfaction when she can help ease the financial burden of people who have been harmed by a dishonest legal professional. “We’re often dealing with people who are spending their last dime or borrowing money from family members to pay for legal representation at a vulnerable time of their life.”

In many cases, she said, lawyers named in applications for CPF gifts were highly respected in their field until they began a downward spiral due to worsening substance abuse or poor financial management—often leading to a pattern of dishonesty and a list of victims.

According to the Client Protection Board’s 2017 annual report, the board considered 97 applications for gifts from the Fund, involving 50 lawyers. It approved 47 applications involving 19 lawyers and approved gifts totaling $439,273. Two lawyers were named in 15 applications for approved gifts totaling $39,000 and $17,000. Four former clients of one lawyer received gifts totaling $52,542. Three clients of another lawyer received gifts totaling $157,000.

Chris Meserve, who represents the 10th Congressional District on the Board of Governors, said providing funds to protect and compensate the clients of dishonest members of the Bar is one way WSBA protects the public, which is a critical element of WSBA’s mission statement.

“It just breaks my heart when lawyers behave this way,” Meserve said. “I love that we can help fix it in some way. In many cases, the people who are victimized are among the most vulnerable and desperate in our community.”

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The Evolution of Extended-Family, Court-Ordered Visitation

New Rights for Grandparents and Other Family Members

By Jamie Walker

Traditionally, grandparents and extended family members have not had visitation rights in the state of Washington. The United States Supreme Court created a bright-line rule in *Troxel v. Granville*, 530 U.S. 57 (2000). *Troxel* began in Skagit County Superior Court, where paternal grandparents filed a petition under RCW 26.10.160(3), which at the time provided: “Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.” The trial court awarded visitation to the paternal grandparents of one weekend per month, a week during the summer, and four hours on the petitioning grandparents’ birthdays.

The Washington Court of Appeals reversed the lower court’s visitation order and dismissed the Troxels’ petition for visitation, holding that nonparents lack standing to seek visitation under RCW 26.10.160(3) unless a custody action is pending. In the Court of Appeals’ view, that limitation on nonparental visitation actions was “consistent with the constitutional restrictions on state interference with parents’ fundamental liberty interest in the care, custody, and management of their children.” 87 Wn. App. at 135, 940 P.2d at 700 (internal quotation marks omitted).

The Washington Supreme Court granted the Troxels’ petition for review and, after consolidating their case with two other visitation cases, affirmed. The Court disagreed with the Court of Appeals’ decision on the statutory issue and found that the plain language of RCW 26.10.160(3) gave the Troxels standing to seek visitation, irrespective of whether a custody action was pending. 137 Wn.2d at 12. The Washington Supreme Court nevertheless agreed with the Court of Appeals’
New Rights for Family Members

The ultimate conclusion that the Troxels could not obtain visitation pursuant to RCW 26.10.160(3). The Court rested its decision on the federal constitution, holding that RCW 26.10.160(3) unconstitutionally infringes on the fundamental right of parents to rear their children.

The U.S. Supreme Court affirmed, invalidating RCW 26.10.160(3) as violating the 14th Amendment due process rights of the parents, specifically those of the mother in Troxel. Troxel, 530 U.S. at 73. The Court held that the 14th Amendment’s Due Process Clause has a substantive component that “provides heightened protection against government interference with certain fundamental rights and liberty interests,” Id. at 64-65, “including parents’ fundamental right to make decisions concerning the care, custody, and control of their children.” Id.

Since the Troxel decision in 2000, various interest groups across Washington have been the proponents of a new statute again allowing grandparents and extended family standing to petition the court for visitation with children.

As a result, in June 2018, RCW 26.11 was modified to once again allow relatives (as defined in the statute) standing to petition for visitation with children without requiring an allegation that the parents are unfit pursuant to a noncustodial parent petition for custody. Although the new statute is often called the “Grandparents’ Rights Statute,” it in fact goes far beyond the rights of grandparents and contains a broad definition of “relatives” who can petition for visitation. The statute also includes a two-part test, presumption in favor of the parent who is objecting to visits, and a heightened evidentiary standard to successfully obtain court-ordered visitation.

The new statute contains a significantly more complex standard than its predecessor, which may create complex issues for attorneys representing individuals seeking visitation, or the parents of the child with whom visitation is being sought.

WHO IS A “RELATIVE”?

RCW 26.11 casts an extremely wide net as to the individuals who have standing to bring a claim for visitation with a child. Virtually anyone who can be considered a relative by law, blood, or marriage (even after that marriage has been terminated) can attempt to establish visits so long as they can meet the criteria. A relative of the child is defined in RCW 26.11.010 (2)(a) to include any blood relative, including those of half-blood, first and second cousins, nephews or nieces, grandparents, and great- or great-great grandparents. Non-blood defined relatives include stepparents and stepsiblings, adoptive parents or grandparents, spouses or ex-spouses of both the blood and non-blood relatives previously listed, and relatives of any half-sibling of the child. In the case of a Native American child, RCW 26.11.010 also includes extended family members, as defined by law or custom of the child’s tribe, or adult blood and non-blood relatives who provide care to a child in the family abode on a 24-hour basis.

Under RCW 26.11.020, relatives may now petition for visitation if they have an “ongoing and substantial relationship with the child” and the child is likely “to suffer harm or a substantial risk of harm if visitation is denied.” An ongoing and substantial relationship must be demonstrated to be mutual, with sustained interaction without expectation of financial compensation, for at least two years. If the child is under two years of age, the continuity must span at least half of the child’s life.

As a practical matter, it remains to be determined how a trial court can effectively deal with multiple petitioners for court-ordered visitation—considering existing residential parenting plans and schedules—and how the court will determine priority when faced with multiple petitioners seeking visits. Children only have so many weekends and holidays in a year, and under the new statute there is no limit as to how many petitioners may try to have mandatory visits and what those will look like.

PROOF OF HARM

RCW 26.11.040 further provides a presumption that a fit parent’s decision to deny
visitation is in the best interest of the child and does not create harm or substantial risk of harm to the child. The statute requires the petitioner to meet an enhanced burden of proof by showing clear and convincing evidence that the child would suffer harm or the substantial risk of harm if visitation is not granted.

Once that standard is met, the court will consider whether visitation is in the child’s best interest based on several nonexclusive factors regarding the strength, duration, and quality of the relationship between the child and petitioner. Also considered will be any other relevant factors, including the current relationship between the child and the respondent, the residential time-sharing agreements between the parties that have residential time with the child, the relationship between the petitioner and respondent, and the reason the respondent objects to granting the petitioner visitation. The court will also consider any history of abuse by the petitioner and any other factor in the child’s best interest.

The child’s preference may also be considered. The statute provides for input from the child that is not ordinarily permitted in superior court trials, absent motion and consent by the judicial officer. There is no indication of how a child’s input will be dealt with as a practical matter pursuant to the rules of evidence. It remains to be seen whether in camera review will become standard at a certain age, or if guardians ad litem or a representative on behalf of the child will be required for petitions for visitation under RCW 26.11.

FURTHER COMPLEXITIES

The statute also poses procedural questions regarding the potential for multiple parties to take part in pending dissolution or modification of custody cases where relatives are not being allowed to visit, and whether these cases will be heard on a consolidated basis to create parenting plans that include additional family members. Dispute resolution may also require the involvement of former spouses and their family members, creating new practical considerations for mediations where parenting is at issue with more than one petitioner.

Troxel resulted in a bright-line rule that it is up to biological parents or de facto parents (non-parental, adoptive, or otherwise) as to how and when they facilitate a relationship between their child and their relatives. RCW 26.11.020 is an attempt to address the concerns stated by the United States Supreme Court in Troxel by adopting a two-part test, an increased standard of evidence, and a presumption in favor of the parents’ decision. Whether or not this is enough to overcome infringement of a fundamental right under the 14th Amendment will undoubtedly be the subject of future appeal and review. However, in the interim, trial courts may have to work out for them in trying to balance the rights of parents and various relatives and former relatives by marriage who have standing to petition for court-ordered visitation.

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UNIVERSAL BASIC INCOME
A STEP TOWARD BASIC INTERNATIONAL HUMAN RIGHTS
By Martha L. Schmidt

Would Universal Basic Income (UBI) address the denial of international human rights in the U.S.?
This question is important to me because I am one of those 1960s-era peace-and-human-rights activists who decided to become a lawyer to work for social justice. Much of my work, paid and volunteer, has focused on education about international human rights, particularly on individual social and economic rights. As a labor and employment lawyer I see issues through an international lens, whether that’s unemployment insurance, equal employment, terms and conditions of employment, discipline and discharge, or the labor rights to organize, bargain collectively, and strike.

The discrepancy between U.S. law and international norms (generally lesser protections in the U.S.) concerns me. The right to work, to have a job or means of livelihood, as an enforceable individual human right has hardly been achieved in the U.S. UBI is one of those interesting but relatively unknown ideas that could advance human rights in the U.S. It is a partial but important policy response to our national crisis of deepening inequality.

Inequality, a social justice problem, determines health, housing, and educational outcomes. A measure of inequality with which Washingtonians are familiar is the gross discrepancy of wealth between the 1 percent (the billionaires) and the 99 percent. Several Seattle-area residents are among the 42 wealthiest people, who together possess greater wealth than 3.7 billion people around the world combined—half the entire planet’s population. Washington has the most regressive tax system of any state in the U.S. The poorest quintile pays 17.8 percent in taxes; the top 1 percent pays 3 percent. Washington is also the eighth least affordable state for housing in the U.S.

Inequality, poverty, and lack of decent work are consequences of the failure by government to guarantee basic human rights, such as freedom of association, including the right to organize into unions; the right to health, including health care; the right to a job or income security in the event of inability to work; the right to education, including free higher education; the right to be free from discrimination; and the right to housing. UBI comes as close as any one policy can to promoting the right to an adequate standard of living, which is protected by customary international law. (See sidebar at page 29).

WHAT ARE THE PRINCIPLES AROUND WHICH UBI IS STRUCTURED?
UBI is a periodic cash payment, unconditionally delivered to all on an individual basis, without means testing or work requirements, stable in its size and frequency, and high enough to be, in combination with other measures, sufficient to eliminate material poverty and to enable the participation of each individual in the society. UBI has five requirements:

- regular intervals of payment (often monthly);
- cash payments (not vouchers or in-kind);
- payment to individuals;
- universal (no means testing); and
- available without conditions, such as work requirements.

UBI has attracted thinkers from diverse political ideologies over the years—such as Milton Friedman, James Tobin, and André Gorz—because of its valuing of property as essential to the exercise of individual freedom and because of its administrative simplicity. Because UBI offers a way to interrupt the existing economic model, which is in crisis, UBI has supporters from union leaders to tech millionaires. UBI is a partial solution to climate change and the environmental crisis, which is propelled by an economic model that requires increasing levels of consumption. Many proponents are interested in UBI because it could allow
new ways of structuring work and jumpstart the valuing of caring work and work on behalf of society, both of which are either uncompensated or insufficiently compensated, but highly desirable.

UBI as a justice idea dovetails closely with international human rights, which are premised on the legal equality of all humans and the fundamental need for individual dignity. Besides the right to an adequate standard of living, the International Bill of Rights (UDHR, ICESCR, ICCPR—see sidebar) recognizes rights that are related to achieving the outcome of economic security.7

U.S. EXPERIMENTS WITH UBI

A U.S. predecessor of UBI is the Alaska Permanent Fund, which has paid equal amounts annually to each individual Alaska resident since 1982.8

However, the first true UBI experiment in the U.S. is being piloted by the City of Stockton, CA; it is called the Stockton Economic Empowerment Demonstration (SEED), scheduled to launch in February 2019. Y Combinator Research (YCR) is planning another demonstration project with private funding (predominantly Silicon Valley tech funders) to take place in at least two states, starting in 2019 or later.9

Stockton is a municipality of about 300,000 and a bedroom community for San Francisco and Silicon Valley. More than 50 percent of the people in San Joaquin County, where Stockton is located, earn minimum wage. Stockton has a median household income of about $46,000, lower than the U.S. national median of $57,617, according to the 2016 Census. A private initiative, SEED will test and evaluate one approach to UBI. SEED will pay $500 per month in UBI for about two years.10

The YCR projects will cover about 1,000 people at $1,000 per month for three to five years and will select randomly from those aged 21-40 who are under the median income for the particular state. Noteworthy, but not surprising, given skepticism about work discipline, stereotypes about poor people, class prejudice, and “austerity” politics, is that the U.S. experiments are all being funded privately.

UBI GLOBALLY

Internationally, UBI trials are being conducted publicly and privately. The goal of the experiments is to gather evidence to make the case for new policies and public funding.

Trial projects of UBI have been or are being tested on four continents. In Finland, where the research team is funded by the public and based at the Social Insurance Institute, the project has been providing 2,000 randomly selected individuals from the target population with $560 euros per month. Launched in January 2017, it ends in December 2018 and will be evaluated and reported on in late-2019. This project is looking specifically at the relationship of increased cash and propensity to work, and at the well-being of the participants.

The Canadian government initiated trials of UBI in Hamilton, Thunder Bay, and Lindsay, Ontario (although stopped by a later administration). UBI experiments have concluded in two locations in Africa and Asia. The results from Namibia and India indicate that recipients increased their work time as a result of UBI. A current Kenyan experiment is nearing the evaluation phase, and it also is expected to reinforce the Namibian and Indian results. In Kenya, the private organization, GiveDirectly, was founded to move payment and income away from charity and development aid models.12

Charity and development models do not serve economic justice in Washington state or elsewhere in the U.S.13 As far as the development model, think about the funding of public education, dependency on logging, decline in fisheries, and the closing of manufacturing plants. Instead of strengthening human rights, we have billionaires’ foundations funding health and housing. If we care about democracy and human rights, we should ask: Who makes the decisions? Whose dignity is supported? The idea of a universal basic income is one partial solution to our human rights and democracy crisis.14

This right to socio-economic security (called “freedom from want” by President Franklin D. Roosevelt in his State of the Union address of 1941), was incorporated and extended in Art. 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which entered into force on January 3, 1976:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right. ...

The U.S. signed the ICESCR on October 5, 1977, at the same time as the International Covenant on Civil and Political Rights (ICCPR), giving its commitment to do nothing to harm the objects and purpose of the treaty.11
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NOTES:
1. Only the state of Montana has made steps to respect the right to work, by removing employment at will, a vestige of deeply unequal social relations.
2. See generally the works of UK scholars Kate Pickett and Richard Wilkinson.
11. A state which signs a treaty has a duty not to defeat its objects and purpose, the duty of non-retrogression. Vienna Convention on the Law of Treaties, Article 18(a), opened for signature May 23, 1969, 1155 U.N.T.S. 331, see https://treaties.un.org/doc/publication/unts/volumes201155/volume-1155-i-18232-english.pdf. Duties under the human rights treaties, set out in the relevant articles, are deemed duties to respect, to protect, and to fulfill. These duties require both positive undertakings and restraints, going beyond the negative concept of rights of liberalism.
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Keep It Casual

A glimpse of mentoring relationships and mentoring resources for the real world

By Colin Rigley

THE WORD “MENTORSHIP” CAN BE A BIT OF A PROBLEM— it conjures images of a wizened old master determinedly bombarding a young protégé with knowledge through rigorous training and, if movies are any indication, a lot of exaggerated beard-stroking.

This stereotype can be a hindrance for the mentor-mentee relationship because it implies an overly burdensome time commitment and an expectation that the mentor is an expert with all the answers at the ready. But for legal professionals, the reality is likely far less intense: a successful mentoring relationship might consist of a few emails or phone calls—maybe a cup of coffee or casual lunch—to answer questions or bring light to topics that don’t get much coverage in law school.

If you ask Kate Moglia how she found her most recent mentor, she’ll tell you “I figured I would just keep emailing her as long as she kept answering my questions.”

Moglia met her mentor, Kristina Larry, at a WSBA MentorLink Mixer earlier this year. (It should be noted that MentorLink Mixers are single-day events and are not intended to establish a long-term mentoring relationship; rather, experienced legal professionals are encouraged to share their experience and knowledge with other legal professionals that are newer to the practice. Learn about upcoming mixers at https://www.wsba.org/connect-serve/mentorship/mentorlink-mixers.)

Larry, who’s been practicing law in Washington since 2009, never really considered her relationship with Moglia to be an official mentor-mentee relationship. Mostly, she wanted to pass along tips she’d learned herself after moving from Houston—where she earned her J.D. from the Texas Southern University Thurgood Marshall School of Law in 2009—and starting a solo practice in Washington. Larry was a young lawyer in a new state and not working at a firm where there were readily available experts.

“I feel like when I moved here, I didn’t have anyone I could ask questions of,” she said.

So she largely had to learn things on her own, as law school focused more on the law than on managing a law practice. Now Larry often attends MentorLink Mixers to share what she’s learned. The format of these mixers is more structured than a networking event, where “table coaches” are at the ready to answer questions from attendees. Larry said many of the new and young legal professionals she’s met have asked questions at the mixers and a few might follow up with a thank-you email or a request for a form template to use. Moglia just happened to be someone who kept asking questions.

Back in California, where Moglia first started practicing criminal defense law on the Central Coast, she had plenty of experienced lawyers to answer her questions. But when she moved to Washington and eventually started her own practice, she found herself once again with new questions to ask, but no one at the ready to provide answers. So she went hunting for help. Moglia joined the WSBA Solo and Small Practice Section, she signed onto the Solo and Small Practice list serve, and she attended the MentorLink Mixer, where she met Larry.

“I don’t know what I would do without reaching out for help,” Moglia said.

But there wasn’t a formal agreement that Moglia would be Larry’s mentee.

“I think mentorship, for me at least, works better if it happens organically,” Larry explained. For her part, being a mentor is a relatively modest time commitment, and she’s happy to do it to help other legal professionals succeed based on the knowledge she’s gained. “I would say just don’t be afraid to share your knowledge.”

In addition to MentorLink Mixers, WSBA provides a number of resources to help connect mentors and mentees and develop mentorship programs such as the Find a Mentorship Directory, the Mentorship Program Toolkit, and the Mentorship Curriculum, all of which, and more, can be found at https://www.wsba.org/connect-serve/mentorship.

Many bar associations make mentorship programs available...
and, in fact, several have mandatory mentorships for new lawyers. The Utah, Georgia, South Carolina, Nevada, Oregon, and New Mexico bars all require mentoring programs for new lawyers. In New Mexico, for example, first-year members of the bar are required to complete a mentorship, which counts toward their mandatory 12 CLE credits per year. The bar maintains a list of Supreme Court-approved mentors, which had about 400 mentors as of this writing, who can also receive six CLE credits (four general and two ethics) for their participation.

Washington does not mandate mentorship, but mentors and mentees can earn one CLE credit for every 60 minutes of mentoring, so long as it’s done through an approved, structured mentoring program as outlined in the Self-Directed Structured Mentoring Program Guide. (More information can be found at https://www.wsba.org/for-legal-professionals/mcle/mcle-credit-for-mentorship.)

In the state to our south, the Oregon State Bar has had a mandatory mentor program since 2011. Modeled after similar programs in Georgia and Utah, Oregon makes experienced lawyers available to new lawyers, and outlines a six-point mentorship curriculum that mentors must cover with new lawyers:

- Introduction to the legal community, public service, and bar service
- Rules of professional conduct/standards of professionalism
- Introduction to law office management
- Working with clients
- Career satisfaction and work/life balance
- Completion of 10 practice area activities

It can be easy to see what’s in it for the mentee, but why should mentors donate their time and knowledge to less-experienced legal professionals? Lionel Greaves IV thinks mentors have as much to gain as the people they’re mentoring, in what he calls a “symbiotic relationship” or the “360-degree model of mentorship.” There’s an old saying, he said, that when you teach something, you often learn from it.

“It forces you to go back and think about and articulate what was your thought process,” Greaves said.

Greaves is the Senior Assistant Attorney General and Chief of Labor & Industries Division for the Washington State Office of the Attorney General, and the 2017 recipient of the WSBA APEX (Acknowledging Professional Excellence) Award for Excellence in Diversity. He’s had a lot of mentors throughout his career—too many to list, he said—and has been a mentor to many new legal professionals and law students. Actually, Greaves can trace his mentoring philosophy back to when he was a teenager and looking at the successful people he knew:

And one thing that stood out early... was this idea of you should always be a mentor and a mentee all the time. Even at that age, there were people behind me, there were 14-, 13-year-olds, people trying to figure out how to navigate high school, for example. You should be connecting those people who are coming behind you and trying to offer whatever guidance or insights you can, just as much as you’re connecting with people ahead of you and figuring out how to take your next steps.

Because law is a competitive profession, legal professionals can feel reluctant to put themselves in a position where it will be clear they don’t know everything. There’s also the somewhat formal stigma surrounding “mentorship” that might scare off potential mentors. But at least according to those who shared their insights for this article, legal professionals with a few years of experience and some practical experience are well qualified to help others in the profession.

“I do think a lot of people need to know that none of us has it all figured out, and I would include myself squarely in that boat,” Greaves said. “We’re all doing the best we can with the information that we have.”

One of the main tips mentors have for new legal professionals is to get out there, join a list serve, ask questions, go to mixers, go to networking events, and make a push to be in the places where other experienced people are.

Of course, that can be easier in Western Washington’s populated urban centers. King County, for example, is home to more than half of the licensed WSBA members in the state. Compare that to Spokane, the most densely populated Eastern Washington county, which still only houses about six percent of WSBA members. In more rural counties,
the number of legal professionals can drop into the double and even single digits. Rural legal professionals often have a relatively small pool of mentors to tap into and less convenient access to networking events where lawyers congregate.

More pressing for rural areas is the impending “silver tsunami” as baby boomer attorneys approach retirement. There is both a need to draw new legal professionals to rural parts of the state and a need to connect them with older attorneys, to ensure decades of experience and legal know-how don’t evaporate.

“I think that we have a window of time in which new and young attorneys can move to the more rural parts of our state and learn from those who are still a few years away from retiring,” said Ryan D. Griffee, a business and agricultural attorney with the Yakima-based firm Larson Berg & Perkins. “But I do think that that window is going to get narrower over the next five to 10 years.”

Young lawyers tend to end up in urban centers like Seattle (185 of the 473 people to pass the Summer Bar Exam were in Seattle), leaving rural areas wanting for new legal professionals to fill the ranks as older ones exit the profession. Griffee stresses that rural areas offer a host of perks to new legal professionals like a more affordable cost of living, less traffic, and more opportunities to get hands-on experience: “There are some special things about mentorship that you can receive in rural areas, because the courts are not as busy as they are in, say, King County. The litigators tend to have more trial experience on average than in some of the more urban areas because things can actually go all the way through trial here, where the court calendars might not allow it or make it economically efficient in other markets.”

Griffee recommends that rural legal professionals get involved with their county bar associations and participate in local activities. If that’s not an option, he encourages mentor-seeking mentees to attend CLEs in-person, rather than via webcast, so they can introduce themselves and make connections with others in their communities. List serves provide another way to patch into a community of legal professionals who are happy to provide advice, and even legal professionals in extremely remote areas can connect with other nearby communities. For the mentors, he said, it’s just as rewarding.

“For attorneys that have had some experience, it can actually be a revelation to them when they start to mentor someone how much they have to offer,” Griffee said. “Sometimes you don’t realize how much you have to give until you start giving.”

Colin Rigley worked as a print news journalist and editor in California, as well as a content strategist in the Puget Sound area, before joining WSBA as the communications specialist. He can be reached at colinr@wsba.org.
On Sept. 27, 2018, hundreds of legal professionals, friends, families, and colleagues gathered at the Washington State Bar Association (WSBA) APEX (Acknowledging Professional Excellence) Awards Dinner to celebrate lawyers who have displayed excellence in the practice of the law.

The 2018 recipients provided an exceptional representation of the impact lawyers can have on the citizens of Washington, our local communities, and the very practice of law itself. And what they all had in common was excellence, professionalism, and a dedication to elevate the legal profession.

WSBA President Bill Pickett welcomed and commended about 350 attendees at a dinner held at the Sheraton Grand Seattle. He spoke of trust, relationship, and service as the foundation of exceptional work provided to the public by legal professionals throughout Washington. He also thanked outgoing WSBA Governors Angela M. Hayes, G. Kim Risenmay, and James K. Doane.

Washington Supreme Court Chief Justice Mary Fairhurst was there to swear in new WSBA Governors Daniel D. Clark, Michael J. Cherry, Carla J. Higginson, Peter J. “P.J.” Grabicki, Jean Y. Kang, and Russell A. Knight, as well as new President-Elect Rajeev D. Majumdar.

The night concluded with videos highlighting each of the APEX award winners, featuring interviews with the winners themselves, the colleagues they have impressed, and the people they have helped through their work. Their stories ranged from an innovative court in Spokane that has become a nationally lauded program for reducing nonviolent crime, to a law firm that has fought for the rights of immigrants, to a Gonzaga Law School professor who won a school award so many times they went ahead and named it after him, and many more.

To see their stories, visit www.youtube.com/WashingtonStateBar, where you’ll find all of the videos of the 2018 APEX award winners, as well as videos from previous years’ winners. You can also get a peek at highlights from the celebration by searching #WSBAAPEXAWARDS on Twitter.
AWARD OF MERIT
This award is WSBA's highest honor and is given for a recent, singular achievement. The singular achievement may involve a display of exceptional courage in the face of adversity, thus bringing credit to the legal profession. It is awarded to both legal professionals and members of the public.

SPOKANE COMMUNITY COURT
The Spokane Community Court takes an innovative approach toward chronic nonviolent offenders that is aimed at reducing and properly addressing quality-of-life offenses in the downtown Spokane area. Founded in 2013, the court utilizes a collaborative, problem-solving approach to crime that connects people with social service providers and faith-based institutions, creating a community network to address interrelated issues.

More than 330 people have graduated from the program. One hundred people have avoided time in jail by performing community service, resulting in taxpayer savings. More importantly, people have been able to access housing and job training, receive treatment for addiction, and get assistance for medical problems. For instance, the court’s programs enabled more than 280 homeless and indigent people in the city to access housing services.

Judge Mary C. Logan from Spokane Municipal Court, Francis Adewale from the Spokane Public Defender’s Office, and Adam Papini from the Spokane City Attorney’s Office modeled the program after one in Dallas. Now other cities across the region have taken notice, with Yakima; Olympia; and Eugene, OR creating their own community courts as well.

HON. BONNIE J. GLENN
Judge Bonnie J. Glenn is a testament to excellence in diversity—she has spent her career advancing diversity within the legal profession. She has served in a variety of leadership roles with the WSBA, Loren Miller Bar Association, and King County Bar Association, and championed diversity through her work with the King County Prosecutor’s Office and Juvenile Rehabilitation Administration, as well as the Minority and Justice Commission.

Judge Glenn worked with the WSBA and helped to establish two seats on the Board of Governors meant specifically for attorneys from under-represented populations. She led the Minority and Justice Commission’s Workforce Diversity Committee for over a decade. And she developed the Diversifying the Bench Guidebook: How to Become a Judicial Officer, which is aimed at increasing participation of attorneys of color on the bench. She also actively participates in Youth and Justice Forums across the state, which allow young people of color to explore career opportunities in the law and to meet professionals working in the criminal justice system. She helped get the Washington Initiative for Diversity off the ground and in 2004 was appointed to its board. And while at the King County Prosecutor’s Office, Judge Glenn was instrumental in hiring more women attorneys and providing training on issues such as implicit bias and systemic injustice.
OUTSTANDING JUDGE AWARD

This award is presented for outstanding service to the bench and for special contribution to the legal profession at any level of the court.

HON. BRUCE A. SPANNER

Judge Bruce A. Spanner has presided in Superior Court for Benton and Franklin Counties since 2008, during which time he has shown a devotion to equal justice under the law without passion or prejudice.

In addition to his role on the bench, Judge Spanner has served as chair of the Technology Committee for the Washington State Superior Court Judges’ Association and spearheaded the committee’s project to replace the statewide case management software. He revamped the local court’s website to host all of the information necessary for litigation before the local bench, and expended a great deal of effort to commemorate the history of the southeastern Washington judiciary by including the “History of the Judicial District,” which includes historical context dating back to the late-19th century.

Judge Spanner is also deeply involved in his community. He is a Kiwanian, a member of the Tri-Cities Regional Chamber of Commerce, a supporter of the March of Dimes and the Salvation Army, and an active member of his church.

LEGAL INNOVATION AWARD

This award recognizes legal professionals, law firms, courts, law schools, individuals, or organizations who demonstrate leadership in promoting innovation in the practice of law. Innovation may be defined as programs, processes, or technology that advance or streamline the future of the profession and accessibility/delivery of legal services.

PROJECT SAFETY

Project Safety is a collaborative effort that provides marginalized victims of crime access to legal services they otherwise would not have had. It is a collaborative effort—joining the Eastside Legal Assistance Program (ELAP), Northwest Immigrant Rights Project, Northwest Justice Project, King County Bar Association, King County Prosecuting Attorney’s Office, and the YWCA’s Sexual Violence Legal Services—with the goal of providing crime victims with legal assistance to resolve civil legal issues and help victims stabilize their lives.

The project prioritizes marginalized communities, providing critical, time-sensitive legal assistance to prevent further victimization and help people achieve stability. Project Safety began in early 2017, and by the end of that year 444 cases were opened, serving 348 clients.

Taking into account their families, over 830 people have benefitted from Project Safety’s assistance. Sixty-four percent of the clients were people of color and over 40 percent utilized interpreters. Most, if not all, of the clients would not have been able to afford legal help without Project Safety. Project Safety will soon partner with Harvard Law School to evaluate the effort to help promote better connection of civil legal aid to victims in the criminal justice system, and it will be highlighted at the ABA/National Legal Aid and Defender of Equal Justice Conference.
NORM MALENG LEADERSHIP 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’s legacy as a leader. 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.

JOAN KLEINBERG
During her more than 40-year civil legal aid career, Joan Kleinberg’s leadership and vision have been pivotal to the development of Washington’s access to justice community. She is widely recognized as the creator of the Northwest Justice Project’s Coordinated Legal Education Advice and Referral (CLEAR) phone hotline, which is at the core of Washington’s statewide centralized legal intake and delivery system. As director of CLEAR, Kleinberg mentored and trained scores of CLEAR advocates. She helped develop and deploy LegalServer, the case management system adopted by all Washington civil legal aid providers.

Kleinberg has secured two Legal Services Corporation Pro Bono Innovation Fund grants to address the challenges of volunteer attorneys providing representation to clients in unfamiliar areas of law, and to develop a pro bono program to follow up with legal aid clients to help them implement the advice received or to secure additional legal assistance. She has contributed to many Access to Justice Board initiatives throughout her career, including the ATJ Technology Principles adopted by the Washington Supreme Court in 2004, which have subsequently become a model for many states and several Canadian provinces. Currently, Kleinberg is a member of a group reviewing those principles and making suggestions to update and improve them with current technology.

LIFETIME SERVICE AWARD
This award is a special award given for a lifetime of service to the legal community and the public.

MILTON G. ROWLAND
Milton G. Rowland has practiced civil litigation for more than 30 years, but perhaps his most enduring legacy will be as an engaging law professor at Gonzaga University School of Law and serving as a resource for the substance abuse issues facing the legal profession. He combines his wit, humor, and vast knowledge to bring to life traditionally dull topics, even for attorneys who don’t practice in that area. Following his own substance abuse issues, he became an open advocate who helped inspire and guide other attorneys through recovery from alcohol and substance abuse.

Professor Rowland graduated in 1985 summa cum laude from Gonzaga, and began his teaching career there in 1987. He has taught hundreds of law students, not only at Gonzaga, but also at the University of Denver College of Law and the University of Idaho.

Gonzaga students selected Professor Rowland as the “Adjunct Professor of the Year” for so many years in a row that the award was finally named after him. Professor Rowland has written chapters for two books on torts and trial practice and presented CLE courses for the Yakima County Bar Association, the Washington Association of Prosecuting Attorneys, and many other bar groups.
PRO BONO AND PUBLIC SERVICE AWARDS

These awards are presented to an individual, a lawyer, other legal professional, law firm, or other legal entity for outstanding cumulative efforts in providing pro bono services, or for giving back in meaningful ways to the public, the community, or the legal profession. Nominations were considered in two categories: (1) for an individual, or solo or small-firm practitioner; (2) for a multi-person law firm or organization.

PRO BONO AND PUBLIC SERVICE AWARD (INDIVIDUAL)

EDWARDO “EDDIE” MORFIN

As a child of Mexican immigrant farmworkers who worked his way from fruit warehouses to law school, Edwardo “Eddie” Morfin is a dedicated mentor and tireless advocate for his clients, even when there is little pecuniary benefit for him.

After some setbacks in high school, he earned a GED and continued his education at Yakima Valley College and Central Washington University before graduating from Seattle University School of Law. As a student, Morfin didn’t see role models who looked like him, so he set out to be that role model.

Morfin now practices personal injury law and provides many pro bono services to clients; he also volunteers with a number of immigrant-rights organizations. While in law school, Morfin volunteered with the Latina/o Bar Association’s legal clinics at El Centro de la Raza and interned with the Northwest Justice Project, Northwest Immigrant Rights Project, and in the chambers of Benton & Franklin Counties Superior Court Judge Sal Mendoza Jr.

After law school, Morfin continued his membership with the Latina/o Bar Association, and helped to organize a free bilingual legal clinic in Pasco. He has also worked pro bono for area Deferred Action for Childhood Arrivals (DACA) legal clinics and with the Benton Franklin Legal Aid Society. He is a volunteer commissioner with the Washington State Commission on Hispanic Affairs, where he works to build connections between the area’s Hispanic population and local public officials, and he advises the Office of the Governor on issues and legislation important to the Latinx community throughout Washington.

PRO BONO AND PUBLIC SERVICE AWARD (GROUP)

LAW OFFICES OF CAROL L. EDWARD & ASSOCIATES

This four-person firm in Mount Vernon and Seattle—Eric Lin, Carol Edward, Leta Sanchez, Diana Chamberlin—was instrumental in developing DACA clinics to help clients with their immigration documents. The firm successfully assists clients and families from around the world. In 2012, it developed a DACA clinic in collaboration with the Skagit County Volunteer Lawyer Program.

Firm attorneys staffed the clinic and provided clients with information, an application workshop, and an individual review of immigration documents. The firm also volunteers with other area legal clinics, and works extensively with the Skagit Immigrant Rights Council, establishing information sessions and workshops to ensure that eligible individuals could renew their DACA status before the deadline.

They provided efficient and competent assistance while also displaying compassion and patience for individuals who faced extremely stressful and confusing circumstances.
PROFESSIONALISM 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’s Creed of Professionalism.

MARK A. JOHNSON
Mark A. Johnson exemplifies professionalism. He has promoted systemic changes in the legal profession to ensure that clients are protected and that attorneys follow procedures that raise the bar for all lawyers. Johnson is committed to making the legal profession better by making lawyers better. He has served in many statewide leadership positions, provides widely attended CLEs about professionalism, and is a trustee for the Legal Foundation of Washington.

Johnson served on the WSBA Board of Governors, including as Treasurer, before becoming WSBA President from 2008-09. He was also chair of the WSBA Character and Fitness Rules Task Force; a member of the Trust Account Responsibilities and Retainers Task Force; and chair of the Law of Lawyering CLE for the past 15 years. He is often recruited to present at CLEs for other organizations and CLE providers, and other lawyers often consult with him when they have a legal ethics question.

A Fellow in the American College of Trial Lawyers, Johnson’s level of professionalism has been widely recognized. He was given an AV rating by Martindale Hubbell, has been listed in every edition of the Best Lawyers in America© since 1995, and has been recognized as a “Washington Super Lawyer” by Super Lawyers® Magazine since 2006.

Left: WSBA President-Elect Rajeev D. Majumdar, Craig Wright, Dawn Bell
Below:
Left: Hon. Judith Hightower, Jonelle Johnson
Center: James Williams
Right: Elida Trujillo, Kimberley Altamirano
All photos by Jon & Rach Photography
Les Reardanz is the quintessential citizen-soldier, someone who seamlessly integrates family, professional, and military lives. He has a profound impact on all who are fortunate enough to work with him, whether in his civilian capacity as chief executive officer of the Port of Everett, his numerous community service positions, or as captain in the U.S. Navy Reserve Judge Advocate General Corps (JAG).

He has served overseas four times since 9/11, most recently in Afghanistan in support of Rule of Law operations. Many of his JAG colleagues credit him with mentoring them as new JAG officers, and have relied on his guidance even when stationed in other parts of the world. Capt. Reardanz is noted for personal ethics and professionalism, and his positive, friendly, and patient leadership.

He serves on the board of the Everett Imagine Children’s Museum, is active in his church middle school group, and spends as much time as possible with his wife and two children. His career includes service in the Navy, law firm experience in Seattle and Los Angeles, and service as an assistant city attorney in Bellingham. He has worked with the WSBA on the Professionalism Committee and the Legal Assistance to Military Personnel Section.

Diane Reardanz, on behalf of Les Reardanz

Annalise Martucci is an accomplished legal professional and a reliable and enthusiastic volunteer. In just a few short years, Martucci has become an active member of the bars in Whatcom and Skagit Counties, volunteering with the Whatcom Street Law program and the Skagit County Chapter of Washington Women Lawyers, among many other leadership and volunteer positions. She contributed to a record-breaking fundraising effort in 2018 through her work with the Skagit VLP steering committee and Skagit Bar Association events committee.

After graduating from New England Law Boston, Martucci returned to the Pacific Northwest where she worked as a legal advocate for Domestic Violence Services of Snohomish County. In 2015, she opened her solo practice in Mount Vernon, serving both Skagit and Whatcom Counties, where she practices family law and serves as a Skagit County Guardian ad Litem.

She co-chairs the Skagit County Bar Young Lawyers chapter, which she helped establish, and frequently volunteers for the Skagit Volunteer Lawyer Project. Martucci also earned a place on the Washington Supreme Court Pro Bono Publico Honor Roll in both 2016 and 2017. She is an adjunct instructor in the paralegal program at Whatcom Community College, where she helps paralegal interns find placement in the community.

Angeleo Petrucc Awaard for Lawyers in Government Service

Named in honor of Angelo R. Petrucc, 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.

Annalise Martucci

Annalise Martucci is an accomplished legal professional and a reliable and enthusiastic volunteer. In just a few short years, Martucci has become an active member of the bars in Whatcom and Skagit Counties, volunteering with the Whatcom Street Law program and the Skagit County Chapter of Washington Women Lawyers, among many other leadership and volunteer positions. She contributed to a record-breaking fundraising effort in 2018 through her work with the Skagit VLP steering committee and Skagit Bar Association events committee.

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Now Accepting Nominations

Honor those individuals or groups making a positive difference in the legal profession by nominating them for a 2019 APEX Award. You’ll find more information and the nomination form at: www.wsba.org/awards

Deadline for nominations:
March 15, 2019

SAVE THE DATE!
Award recipients will be celebrated at the annual APEX Awards dinner in Seattle on Thursday, September 26, 2019.
SEE YOU THERE!

WASHINGTON STATE BAR ASSOCIATION
Celebrating Our 50-Year Members

People called it the “year that changed everything.” The Vietnam War was unraveling as images from the frontlines were broadcast to Americans by Walter Cronkite. It was a year marked by tragedy and unrest, with the assassinations of civil rights leader Dr. Martin Luther King Jr. and democratic presidential candidate Robert F. Kennedy, as well as by iconic moments like Olympic gold and bronze medal winners Tommie Smith and John Carlos raising their fists in the black power salute during the summer games, or even President Richard Nixon exclaiming “sock it to me” on “Rowan & Martin's Laugh-In.”

Humans orbited the moon for the first time, Boeing unveiled the 747, and the Big Mac was rolled out nationwide. At the same time, 93 law students passed the bar and were admitted to practice in Washington. On Oct. 24, 2018, 33 of them—old friends and colleagues, lawyers and judges—reunited at the Sheraton Grand Seattle to celebrate 50 years of membership in the Washington State Bar Association (WSBA). The lawyers admitted to the Bar in 1968 represent nearly 5,000 years of service combined.

WSBA President Bill Pickett welcomed the honorees, as well as friends and families who had come to celebrate the achievement. He thanked the members for their service and noted the remarkable time in which they began to practice law, and the immense changes that have occurred over the past 50 years.

“I want to thank all of you here today, those we honored and those who came to honor each of you,” Pickett said. “It’s been a real pleasure and a reminder to me why we are proud to be lawyers in Washington state.”

Washington Supreme Court Chief Justice Mary Fairhurst attended to personally give her congratulations and gratitude to the 50-year members for a lifetime of service combined.

Brian Comstock, chair of the WSBA Senior Lawyers Section, also commended their service and invited them and other senior lawyers to join the section and contribute their expertise developed over decades in the legal profession.

The WSBA class of ’68 joined the legal profession at a historic moment in our nation and continued to provide their services through the decades, adapting to massive changes in society, politics, and technology. We extend our sincerest thanks for their remarkable accomplishments and dedication to the law for five decades.

1968
A MOMENT IN TIME
It was the year that changed everything. 1968 was marked by tragedy and protest, yet also inspiration and achievement. Take a look back at this historic time.

IN THE NEWS
Richard Nixon is elected as the 37th president of the United States.

North Vietnamese and Viet Cong forces begin the Tet Offensive, coordinated attacks causing heavy casualties to U.S. and South Vietnamese forces.

President Lyndon B. Johnson signs the Treaty on the Non-Proliferation of Nuclear Weapons.
1968
IN ARTS AND CULTURE

The Beatles release “Hey Jude” (with “Revolution” on the B-side).

“60 Minutes” debuts on CBS.

The provocative musical “Hair” opens on Broadway.

1968
IN SCIENCE AND TECHNOLOGY

Irish astrophysicist Jocelyn Bell Burnell becomes the first person to observe a pulsar.

Gordon Moore and Bob Noyce found Intel.

A patent is granted for the Jacuzzi whirlpool hot tub, named after Roy Jacuzzi.

1968
IN WASHINGTON STATE

Boeing rolls out the world’s largest civilian airplane, the 747, from its Everett plant.

Jimi Hendrix returns home to play in Seattle, his first time back since 1961.

The more than half-million-acre North Cascades National Park is established.

1968
AT THE WSBA

CLE programs become available on audiotape. Members who missed the “live” program can arrange for “playback” of the taped lectures to interested groups of lawyers for $18.

The Loren Miller Law Club (now the Loren Miller Bar Association) is founded by 14 African American attorneys in Seattle.

The WSBA, in partnership with the Seattle-King County Bar Association, announces a series of 12 half-hour television programs entitled “With Justice for All?”

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Join Divorce Lawyers for Men and get off the hamster wheel!

For more info, call (360) 866-7100 or visit JoinDLM.com
This In Remembrance section lists WSBA members by bar number and date of death. The list is not complete and contains only those notices the WSBA has learned of through correspondence from members. Please email notices to nwlawyer@wsba.org.

Stuart Douglas Barker Jr., #1584, 10/20/2018
Alexander Clark, #25683, 9/29/2018
James Richard Cook, #9855, 11/1/2018
Mark Edward DeForrest, #27397, 6/2/2018
Kevin Patrick Donnelly, #18881, 10/10/2018
Lorne Michael Grier, #11237, 7/7/2018
John M. Harding, #6141, 9/6/2018
John William Hicks, #6691, 4/2/2018
John William Hough, #3267, 8/6/2018
Harry Andrew Jackson, #21513, 8/15/2018
Vertaine Keith-Miller, #11659, 10/18/2018
Kenneth Lyle LeMaster, #511, 9/20/2018
Raven Clarke Lidman, #8219, 11/12/2018
James Irving Maddock, #4251, 9/25/2018
Jon Madtson Jr., #48063, 3/2/2018
William Richard Michelman, #6803, 5/2/2018
Richard F. Neidhardt, #14472, 3/31/2018
James V. O’Conner, #2826, 8/24/2018
Michael Alexander Patterson, #7976, 9/28/2018
Donald J. Porter, #20164, 7/1/2018
Hon. Harry Everett Ries, #10745, 12/12/2017
Katherine Ahn Seabright, #48330, 10/3/2018
Laurence Hamblen Shaw, #2929, 9/23/2018
Edwin J. Snook, #1584, 8/12/2018
Hon. Ira John Uhrig, #11992, 5/21/2018
Ronald Wise, #9090, 10/1/2018
THE HUMAN IMPACT

Human rights, international law, and the domestic implications of global issues

By Anna “Mickey” Moritz

GREETINGS from the World Peace Through Law Section! Our section is somewhat unique. Only two state bar associations have a “World Peace Through Law” (WPTL) section: Washington and Arizona. Founded in 1980, our WPTL section has a reach that extends far beyond Washington: we have members living and working across the nation and abroad. The stated purpose of our section is to “promote the rule of law and peaceful resolution of disputes among states and to foster education on public international law and human rights.” For this Section Spotlight, we decided to reach out to section members for their perspectives.

Section founder Floyd Fulle told us that his interest in world peace started at age 10, when he watched his brother go to Europe to fight on the front lines of World War II. Fulle’s interest in using law to bring about peace deepened as he witnessed the unfolding of the Cold War era and subsequent wars.

Past section chair Martha Schmidt explained the importance of international human rights. “The reason international human rights law is important is not because we need to tell other states how to respect, protect, and fulfill their human rights treaty obligations,” she said. “We need human rights in the United States—all of them, civil, political, economic, social, cultural, individual rights, and collective rights. A country founded on human rights offers a democratic alternative to the way the world is heading. It has never been more important to find ways of incorporating human rights standards into all of our legal work, whether we are advocates, judges, arbitrators, mediators, or allied legal professionals.”

Immediate past-chair Randall Winn, a longtime active member and leader of the section, described his personal experience with world peace and the section:

“All my life, it has been easy to talk about war and hard to talk about peace. I joined the … section around the time that America invaded Iraq, because the legal arguments against that war of aggression were so clear yet so thoroughly ignored. We must do better! … I shall retire soon enough and return to writing pro bono appeals for the Court of Appeals for Veterans Affairs, helping veterans find redress for their injuries—some of the foreseeable results of our failure to find peace through law.

Today, our section takes an intentionally broad view of human rights, providing programming and information to members on topics from domestic social justice to international criminal court proceedings. In the last year, we hosted CLEs on civility in the law; African asylum seekers in Israel; the International Criminal Court; space law; defense of climate activists; and the law of the sea. We also co-sponsored a multi-day CLE on global mass atrocities and human rights.

It is our goal to keep members informed about contemporary topics that may impact their practices or personal lives. No matter what your practice area, knowledge of...
Section Spotlight

“I JOINED THE WPTL SECTION BECAUSE IT IS A COMMUNITY OF LOCAL PRACTITIONERS KEEPING AN EYE ON INTERNATIONAL HUMAN RIGHTS. AFTER NEARLY FIVE YEARS OF HUMAN RIGHTS WORK IN MYANMAR, I HAVE SEEN THAT THE LAW IS AN IMPERFECT YET POWERFUL TOOL TO CREATE POSITIVE CHANGE IN THE WORLD.”

—C. M. (civil rights/civil legal aid)

International human rights is a benefit for all attorneys. We asked our members for their thoughts about the relevance of human rights to their lives and practices. One section member responded: “As members of humankind, I believe that local and international human rights impact all of us, whether we’re aware of it or not. Too often, I’ve been unaware or not aware enough of human rights violations—and my hope is that more awareness (for me) will result in more action (by me), no matter what or how effective that action may be.”

Similarly, another member said, “This quote from Martin Luther King Jr. resonates with me: ‘Injustice anywhere is a threat to justice everywhere.’ Whether I know about specific events or not, I am impacted when others are suffering.”

Some members find personal and professional connections between immigration and human rights. “Many of the immigrants and refugees I work with have been affected by conflicts or hardships in their native countries that prevented them from enjoying basic human rights,” one member said. “My grandparents also immigrated to this country, from Japan, but they and my parents were incarcerated during World War II. No matter who we are or what we do, human rights worldwide matter.”

Another member reported: “I use U.N. and other international human rights documents to support my clients’ claims. International human rights issues are what drive many clients to flee their countries.”

One member also noted the importance of knowledge about human rights in her practice. “As a new attorney attempting to use the law for progress, my domestic practice [in civil rights] benefits from learning from the human rights successes and struggles outside of the United States.”

This member also sees an important practical benefit from education about international human rights: “My work involves implementing programs overseas to strengthen the respect for human rights guaranteed under both domestic and international laws. Human rights are therefore an essential part of my professional life. Human rights issues impact me personally, too, as someone concerned about my own rights and those of my community members being upheld, be it my equal rights as a woman or my concern for the environmental sustainability of our planet.”
Section Spotlight

If there is one word that best encapsulates the WPTL Section and its members, it’s “passion.” The topics covered by the section are often deeply emotional, and its members care intensely about these issues and the over-arching importance of human rights in all areas of law and politics. Knowledge is power—the power to change the world for the better.

“The purpose and subject area of this section resonate with the core of my values and the way in which I attempt to live my life. I believe in humanity’s eventual rise from conflict to peace and respect for all other beings. I appreciate the work and sacrifices that others have made in getting us to where we are today, and I am absolutely willing to help further the cause in whatever way I can. To that end, I am a member of WPTL.”

— A. S. (intellectual property, patents and trademarks)

Anna “Mickey” Moritz is chair of the World Peace Through Law Section. She is an attorney with the Climate Law Institute at the Center for Biological Diversity, working for rapid, just reductions in greenhouse gases. She holds a Ph.D. in neuroscience and is also deeply interested in addressing social justice issues and education. She can be reached at atmoritz@gmail.com.

“I recently relocated to Washington state, and joining the WPTL section was a great opportunity to connect with the community of lawyers interested in the same issues that I’ve dedicated my career to. In addition to providing helpful networking, the WPTL section offers CLEs on topics relevant to my practice area. These CLEs allow me to stay current on trending topics as well as learn more about aspects of this broad subject matter that I am less familiar with.”

— V. H. (nonprofit international law).

If you are interested in learning more about the use of international law in the United States, the World Peace Through Law Section will be hosting a CLE on “Using International Law in Domestic Practice” from 8:30 a.m. to 4:30 p.m., on Feb. 12, 2019, at the WSBA offices, with a reception to follow. Check the World Peace Through Law Section’s webpage at www.wsba.org for registration information as it becomes available.
ONBOARD: NEWS FROM THE BOARD OF GOVERNORS

The WSBA Board of Governors determines the Bar’s general policies and approves its annual budget. The board comprises the President, President-Elect, Immediate Past President, Secretary (the WSBA Executive Director), several at-large positions, and governors elected by members from each congressional district. Agendas, materials, and notes from each public meeting are available at wsba.org. The next regular meeting is Jan. 17-18 in Seattle.

INTERESTED IN BECOMING A MEMBER OF THE WSBA BOARD OF GOVERNORS?

Four positions are open for election in 2019: District 2, District 9, District 10, and At-Large diversity representation. The deadline for applications is Feb. 15, 2019. The three-year term of office for successful candidates begins Oct. 1, 2019. More information is in Need to Know, page 54.

SUPREME COURT’S WORK GROUP TO REVIEW WSBA’S STRUCTURE

In September, the Washington Supreme Court announced it would undertake a “comprehensive review of the structure of the bar” in light of recent case law with First Amendment and antitrust implications for bar associations. The Court followed up in November with a charter for a 10-member work group to review WSBA’s structure and make a recommendation back to the Court in six to eight months. Membership will comprise three board representatives, three section representatives, three representatives from Court-appointed boards administered by WSBA, and one public member. At its meeting in November, the board selected its representatives: Dan Clark, Kyle Sciuchetti, and Paul Swegle. When meetings begin in January, they will be open to the public and viewable via webcast. More information about the work group is at wsba.org/bar-structure-work-group.

MANDATORY MALPRACTICE INSURANCE TASK FORCE

The board has extended the task force’s charter through March 2019. Task force members said in an interim report in July they are likely to recommend malpractice insurance as a condition of licensing for all lawyers. The deadline for member feedback to the task force was Dec. 1; members will now have the opportunity to address the board directly when the task force’s final report comes up for a first reading at the March meeting.

FASTCASE COMING SOON AS A MEMBER BENEFIT

The board in November decided to add Fastcase as a second free legal research tool—in addition to Casemaker—for members. (Read more on page 12.) We will evaluate on an ongoing basis how members use both tools and how these tools benefit members. Members have indicated that WSBA’s free legal research tool is essential to providing pro bono services and, for solo/small-practice firms, successfully serving clients. Adding Fastcase will provide members with another robust research option.

SUPPORT FOR WASHINGTON’S OFFICE OF PUBLIC DEFENSE BUDGET

At its November meeting, the board approved the Council on Public Defense’s position to support the Washington State Office of Public Defense (OPD) budget request; the funding provides contracts for attorneys to represent indigent parents, custodians, and legal guardians involved in child dependency and termination of parental rights proceedings. OPD is a core member of the Council, and support of the OPD budget aligns with the Council’s chartered responsibility to “address current issues relating to the provision of constitutional public defense services in Washington, including efforts to ensure adequate support.”

PERFORMANCE GUIDELINES FOR ATTORNEYS REPRESENTING RESPONDENTS IN CIVIL COMMITMENT PROCEEDINGS

The Council on Public Defense (CPD) in November asked the board to approve adding a section regarding civil commitment proceedings to the Standards for Indigent Defense, adding the Standards to the Mental Proceedings Rules (MPR), and requiring that appointed counsel representing clients in civil commitment proceedings file Certifications of Compliance. The board will vote in January whether to recommend these changes to the Washington Supreme Court. Members with questions or comments should contact bonnies@wsba.org.
WASHINGTON STATE BAR FOUNDATION ANNUAL REPORT
Foundation President Ken Masters presented the Foundation’s annual report and treasurer’s report at the November board meeting. Governors approved the appointment of Tracy Flood to the Board of Trustees. Foundation highlights from last year: 3,942 Washington lawyers (10 percent) made a voluntary contribution to the Foundation on their license forms, and the Foundation awarded $275,000 to WSBA to support public service and diversity programs (representing a 37 percent increase). The Foundation’s mission is to provide financial support for WSBA programs that promote diversity within the legal profession and enhance the public’s access to, and understanding of, the justice system. The Foundation is separately incorporated as a Washington state nonprofit.

WSBA LEGISLATIVE PRIORITIES
The board approved the 2019 WSBA legislative priorities for the upcoming session, with the overall mission of supporting improvements to the practice of law and administration of justice that ultimately benefit the public and legal professionals. The board also approved WSBA’s support of proposed legislation (from the Business Law Section’s Corporate Act Revision Committee) to amend provisions of the Washington Business Corporation Act regarding preemptive rights, cumulative voting, and approval of asset sales to align with the Model Business Corporation Act.

THE JOURNEY AWARD
President Bill Pickett in November honored Governors Dan Clark and Jean Kang for their exceptional service that began when they stepped in to fulfill partial terms, and continues now with their full terms on the Board of Governors. “Your extended service bridged a leadership need to help this organization move forward seamlessly,” President Pickett said.

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**2019 LICENSE RENEWAL AND MCLE**
Renew your license and certify MCLE compliance on mywsba.org—it’s easy. License renewal must be completed by Feb. 1, 2019. 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 2016-2018 reporting period, then you are due to report CLE credits and certify MCLE compliance. The deadline for completing credits was Dec. 31, 2018. The certification must be completed online, postmarked, or delivered to the WSBA by Feb. 1, 2019. A late fee will apply if either deadline is missed. Visit 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 wsba.org/licensing to learn more.

**MANDATORY MALPRACTICE INSURANCE TASK FORCE**
The Mandatory Malpractice Insurance Task Force issued an interim report with a tentative conclusion that malpractice insurance should be mandated for Washington-licensed lawyers, with specified exemptions (in Oregon, for example, exempted groups include government attorneys, in-house private-company attorneys, and others) and a mandated minimum level of coverage, purchased through the open marketplace. The task force used the fall months to listen to and reflect on member feedback, which was due Dec. 1 for consideration in the final report. The WSBA Board of Governors is scheduled to receive that final report for first reading at its March 2019 meeting. [Please note: Limited License Legal Technicians and Limited Practice Officers are already obligated to show proof of financial responsibility, which is typically established by certifying malpractice insurance coverage.] For more information, go to www.wsba.org/insurance-task-force.

**WSBA BUDGET**
WSBA’s fiscal year 2019 budget was approved at the Board of Governors September meeting before the end of the WSBA fiscal year. The fiscal year 2019 budget, and information about the programs and services that it supports, is available at www.wsba.org/about-wsba/finances.

**IMPORTANT DATES**
- **FEB. 1, 2019:** Deadline for requesting the one-time License Fee Hardship Exemption.
- **FEB. 1, 2019:** License renewal, payment(s), and MCLE certification, if applicable, must be completed online, postmarked, or delivered to WSBA.

**VOLUNTEER CUSTODIANS NEEDED**
The WSBA is seeking interested lawyers as potential volunteer custodians under Rule for Enforcement of Lawyer Conduct (ELC) 7.7. An appointed custodian is authorized to act as counsel for the limited purpose of protecting a client’s interests whenever a lawyer has been transferred to disability inactive status, suspended or disbarred, or dies or disappears, and no person appears to be protecting the client’s interests. The custodian takes possession of the necessary files and records and takes action to protect the client’s interests. The custodian may act with a team of custodians and much of the work may be performed by supervised staff. If the WSBA is notified of the need for a custodian, the WSBA would affirm the willingness and ability of a potential volunteer and seek his or her appointment as custodian. Costs incurred may be reimbursed. Current WSBA members of all practice areas are welcome to apply. Contact Sandra Schilling at sandras@wsba.org, 206-239-2118 or 800-945-9722, ext. 2118; or Darlene Neumann at darlenen@wsba.org, 206-733-5923 or 800-945-9722, ext. 5923.
SEND IN YOUR APEX NOMINATIONS

It’s time to acknowledge the best of the best by nominating other legal professionals for the 2019 APEX Awards [Acknowledging Professional Excellence]. Send in your nomination for someone who exemplifies the best in integrity, professionalism, diversity, service, justice, and courage. WSBA will accept nominations until March 15, 2019. For information about the awards, including profiles of past APEX winners, and to download a nomination form, visit www.wsba.org/awards. The awards will be presented at the WSBA Annual Awards Dinner in fall 2019.

INTERESTED IN RUNNING FOR THE BOARD OF GOVERNORS?

Application deadline for District positions is Feb. 15, 2019. Four positions on the WSBA Board of Governors are up for election in 2019. The open positions represent the following congressional districts as well as one At-Large seat:

- District 2
- District 9
- District 10
- At-Large position

The three-year term of office begins Oct. 1, 2019. These positions are currently held by Carla J. Higginson (District 2), Dan Bridges (District 9), Christina Meserve (District 10), and Athan Papailiou (At-Large).

Eligibility: Any active 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.

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 www.wsba.org/elections, on Jan. 1. The WSBA must receive the forms for district races by 5 p.m. PST on Feb. 15, 2019. The deadline to run for the At-Large position is April 20; the application form will be posted in late February. For all positions, a WSBA member may nominate another member by completing the application form. For more information, contact Pam Inglesby at pam@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(l) 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 15 and must be received by 5 p.m. PDT on April 2. The At-Large governor will be elected by the Board of Governors at its May 16-17 meeting.
**ACCESS TO JUSTICE CONFERENCE**

Save the date for the 2019 Access to Justice Conference, to be held June 14–16, at the Spokane Convention Center. Information will be posted to the Alliance for Equal Justice website, www.allianceforequaljustice.org, as it becomes available.

**OPEN SECTIONS NIGHT JAN. 31**

Mark your calendar for a chance to connect with a community of over 10,000 WSBA members who belong to 29 sections, representing areas ranging from administrative law to animal law, cannabis law to construction law, senior lawyers to solo and small practice, and many more. Joining a section provides access to a plethora of member benefits like list serve communities, newsletters, free and discounted CLEs, publications, opportunities to comment on legislation, and more. Please join us for Open Sections Night to meet with other experienced members and enjoy light appetizers. The event will be held from 5-7 p.m., Jan. 31, in the WSBA Conference Center, 1325 Fourth Ave., Suite 600, Seattle. To learn more, or if you have any questions, email newmembers@wsba.org.

**WSBA CLE FACULTY DATABASE**

If you are currently serving as CLE faculty, or are interested in working with the WSBA as a future CLE faculty member, we encourage you to register in our CLE faculty database. Serving as a faculty member provides you with the opportunity to engage with other attorneys across the state, give back to your profession, and advance your professional growth. Whether it’s upcoming changes in the law, emerging hot topics, or substantive content, our goal is to ensure we are engaging with the right faculty at the right time, matching practice expertise and knowledge to our educational programming needs. We hope to capture the information of all those who plan to teach—both current CLE faculty and those interested in future opportunities. To register, please log in to your myWSBA account, go to “My WSBA Profile” and select “CLE Faculty Database Registration.”

**JOIN THE WSBA NEW LAWYERS LIST SERVE**

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

**ALPS ATTORNEY MATCH**

Attorney Match is a free online networking tool made available through the WSBA-endorsed professional liability partner, ALPS. This resource allows attorneys to set up a profile and indicate whether they are looking for, or available to act as, a mentor. Mentorship programs that meet requirements are eligible for MCLE credits. The WSBA provides information and links to the ALPS Attorney Match online system as a service to the legal community. For more information, email mentorlink@wsba.org.

**ETICS**

**FACING AN ETHICAL DILEMMA?**

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

**SEARCH WSBA ADVISORY OPINIONS ONLINE**

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

WSBA CONNECTS
WSBA Connects provides free counseling in your community. All bar members are eligible for three free sessions on topics including work stress, career challenges, addiction and anxiety, as well as other issues. Upon calling 1-800-765-0770, a telephone representative will arrange a referral using KEPRO’s network of clinicians throughout the state of Washington. There is no need to let problems build up unnecessarily. We hope you make the most of this valuable resource.

CAREER CONSULTATION
Want someone at WSBA to take a look at your résumé? Or maybe you want to brainstorm approaches to networking. The job search requires a game plan. We are happy to set up a time to speak. Email wellness@wsba.org.

WEEKLY JOB GROUP
The Weekly Job Group offers strategy and support to unemployed or dissatisfied attorneys. This is a chance to upgrade your job search with trainings on networking, using technology in the job search, informational interviewing, identifying your ideal career, elevator pitches, and résumé review. The group meets for seven weeks at the WSBA offices on Thursdays at 9:30 a.m. beginning Jan. 10. Sign up at: tinyurl.com/ybhtrxcr.

THE “UNBAR” ALCOHOLICS ANONYMOUS GROUP
The Unbar is an “open” AA group for attorneys that has been meeting for over 25 years. Meetings are held Wednesdays from 12:15 to 1:30 p.m. at the Skinner Building at 1326 Fifth Ave., 7th Floor, Seattle. If you are seeking a Peer Advisor to connect with and perhaps walk you to this meeting, the WSBA Member Wellness Program can arrange this; call 206-727-8268.

The WSBA offers free resources and education on law practice management issues, including financial management, marketing and client retention, and technology. For more information, visit www.wsba.org/pma.

LENDING LIBRARY
The WSBA Lending Library is a free service to WSBA members offering the short-term loan of books on health and well-being as well as the business management aspects of your law office. You can view available titles and arrange for a book loan by visiting www.wsba.org/library. Books may be borrowed by any WSBA member for up to two weeks. If you live outside of the Seattle area, books can be mailed to you; you will be responsible for return postage. For walk-in members, we recommend calling first to check availability of requested titles.

GET DISCOUNTS ON NEW SOFTWARE AND SERVICES
Looking to build up your practice? Visit the Practice Management Discount Network for discounts on tools to help you improve your legal service delivery—featuring practice management software, credit card processing, and more. Visit www.wsba.org/discounts to get started.

FREE LEGAL RESEARCH TOOLS
WSBA offers resources and member benefits to help you with your research. Learn more and get started at www.wsba.org/legalresearch. You can conduct legal research for free using Casemaker, the WSBA member benefit tool. In January, Casemaker is scheduled to upgrade to a new and enhanced platform! Stay tuned for more announcements and opportunities for training. In addition, over the next few months, WSBA will be introducing a second member benefit tool: Fastcase. Fastcase is a next-generation legal research service that provides powerful data visualization to help you understand your research results. See page 14 for more details.

USURY RATE
The maximum allowable usury rate can be found on the Washington State Treasurer’s website at www.tre.wa.gov/partners/for-state-agencies/investments/historical-usury-rates-archives/.

See this issue and others online!
Digital versions of NWLawyer are available at:
www.wsba.org/news-events/nwlawyer
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 nwlawyer.wsba.org 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.

Disbarred
Francis Grey (WSBA No. 36428, admitted 2005) of Vancouver, was disbarred, effective 9/25/2018, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 8.4 (Misconduct). Codie McDaniel acted as disciplinary counsel. Peter R. Jarvis represented Respondent. Seth A. Fine was the hearing officer. Andrekita Silva was the settlement 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.

Resignation in Lieu of Discipline
Thomas Henry Oldfield (WSBA No. 2651, admitted 1970) of Tacoma, resigned in lieu of discipline, effective 9/28/2018. The lawyer agrees that he is aware of the alleged misconduct in disciplinary counsel’s Statement of Alleged Misconduct and rather than defend against the allegations, he wishes to permanently resign from membership in the Association. The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 5.3 (Responsibilities Regarding Nonlawyer Assistants), 8.4 (Misconduct). Francesca D’Angelo acted as disciplinary counsel. Anne I. Seidel represented Respondent. The online version of NWLawyer contains a link to the following document: Resignation Form of Thomas Henry Oldfield (ELC 9.3(b)).

Suspended
Samuel Campbell Marsh (WSBA No. 43756, admitted 2011) of Las Vegas, NV, was suspended for one year, effective 11/09/2018, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Ninth Circuit Court of Appeals. Joanne S. Abelson acted as disciplinary counsel. Leland G. Ripley represented Respondent. The online version of NWLawyer contains a link to the following document: The Washington Supreme Court Order.

Theodore Robert Parry (WSBA No. 15203, admitted 1985) of Seattle, was suspended for 60 days, effective 10/29/2018, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.16 (Declining or Terminating Representation). Benjamin J. Attanasio acted as disciplinary counsel. Kurt M. Bulmer represented Respondent. Craig C. Beles was the hearing officer. William E. Fitzharris, Jr. was the settlement hearing officer. The online version of NWLawyer contains links to the following documents: Order Approving Stipulation to Disbarment; Stipulation to 60 Day Suspension; and Washington Supreme Court Order.

Interim Suspension
Gary Evan Randall (WSBA No. 15020, admitted 1985) of Woodinville, is suspended from the practice of law in the State of Washington pending the outcome of disciplinary proceedings, effective 10/22/2018, by order of the Washington Supreme Court. This is not a disciplinary sanction.
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MEDIATION
Mac Archibald
Mac has been a lawyer in Seattle for over 40 years. He has tried a wide range of cases including maritime, personal injury, construction, products liability, consumer protection, insurance coverage, and antitrust law.

Mac has over 25 years of experience mediating cases. He has mediated over 2,000 cases including maritime, personal injury, construction, wrongful death, employment and commercial litigation.

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(See, e.g.):
Yates v. Fithian,
2010 WL 3788272
(W.D. Wash. 2010)

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

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

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

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

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CLE SEMINARS are subject to change. Please check with providers to verify information. To announce a seminar, send information to clecalendar@wsba.org. Information must be received by the first day of the month for placement in the following issue’s calendar.

ENDANGERED SPECIES ACT

Endangered Species Act Conference
January 24-25, Seattle & webcast. 11.5 CLE credits (10.5 Law & Legal Procedure + 1 Ethics). The Seminar Group; 800-574-4852 or 206-463-4400; http://www.tsgregistration.net/5925WSB

General Practice

Virtual Assistants for Attorneys: How to Maximize Their Value for Your Firm and Your Life
January 22, webinar. 1 Other CLE credit. Presented in partnership with the WSBA Solo and Small Practice Section; 800-945-WSBA or 206-443-WSBA.
www.wsbacle.org

INTERNATIONAL LAW

Using International Law in Domestic Practice
February 12, Seattle & webcast. 6.75 CLE credits (5.75 Law & Legal Procedure + 1 Ethics). Presented in partnership with the WSBA World Peace Through Law Section; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org

LEGAL LUNCHBOX

January Legal Lunchbox
January 29, webcast. 1.5 CLE credits. Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org

LITIGATION

Trial Advocacy Program
Seminar Only:
February 8-9, Seattle & webcast. 13 CLE credits (11.75 Law & Legal Procedure + 1.25 Ethics). Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org
Seminar + Mock Trial:
February 8-9 & 23, Seattle & webcast. 19 CLE credits (17.75 Law & Legal Procedure + 1.25 Ethics). Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org
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Established estate planning, probate & business law practice with offices in King and Kitsap Counties. The practice/case breakdown is 60% estate planning & probate, and 40% real estate, business law & bankruptcy. Call 253-509-9224 or email info@privatepracticetransitions.com.

Profitable Snohomish County personal injury & bankruptcy practice that has been in business for more than 27 years. The practice/case breakdown by revenue is approximately 60% personal injury, 35% bankruptcy, and 5% other. The practice is located in a 1,022 SF fully furnished office that is also available for sale, if desired. Contact info@privatepracticetransitions.com or call 253-509-9224.

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Washington guardianship practice that is completely turn-key and looking for new ownership. The practice was established in 2011 and has provided high-quality professional guardianship services to countless clients. Contact info@privatepracticetransitions.com or call 253-509-9224.
 Classifieds

East King County real estate & estate planning practice that has been operating for more than 40 years! A true staple in the community, the practice offers a variety of services, focusing on estate planning (35%) and real estate (25%). Contact info@privatepracticetransitions.com or call 253-509-9224.

Regional and international business law practice with a stellar reputation and average gross revenues over $550,000 the last three years. The practice/case breakdown is 50% business law, 35% estate planning, 10% general legal services, and 5% intellectual property. The practice is located in East King County in a 2,000 SF leased office space. Contact info@privatepracticetransitions.com or call 253-509-9224.

Thriving Eastern Washington practice that includes a piece of history and excellent revenues. Case breakdown is approximately 40% criminal law, 25% plaintiff’s personal injury, 20% workers’ comp, 10% bankruptcy, and 5% estate planning and real estate work. Don’t let this one get away. Contact info@privatepracticetransitions.com or call 253-509-9224.

Portland-based family law practice that is completely turn-key and poised for growth. The practice/case breakdown is 100% family law. In 2017, the practice’s gross revenue was over $400,000. The owner, who is a top-rated lawyer in Oregon, is ready to transfer her goodwill and provide mentorship to the new owner as desired. For more details contact info@privatepracticetransitions.com or call 253-509-9224.

Successful Oregon appellate practice that is highly reputable within the community seeks new ownership. The practice/case breakdown is 100% appeals. The current owner, who is a Harvard Law graduate and a top-rated lawyer, is ready to transfer her goodwill to a new owner. If you’d like to be your own boss and learn from one of the best, this is the opportunity for you! Contact info@privatepracticetransitions.com or call 253-509-9224.

Growing Tri-Cities general law practice that has seen 22%, 36%, and 25% growth over the last three years. Offering a variety of services, including family law, criminal law, and estate planning, this business is truly a “one stop shop” for its clients. Contact info@privatepracticetransitions.com or call 253-509-9224.

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Downtown Seattle, 1111 3rd Ave., Class A space. Receptionist, voicemail, conference room, copier, scanner, phone, gym, showers, bike rack, light rail and bus stop across the street, several offices available now, secretarial space available, share space with an existing immigration law firm, $1,275 per office, 503-294-5060, ask for Jeri.


Capitol Hill office space: Turn-key corner office in classic Capitol Hill mansion, collegial small-practice group one block off Broadway at 707 East Harrison St., with parking. $850.00 per month. Contact jtb@bwseattlelaw.com or 206-623-2020.

25th Floor, Wells Fargo Center, Third & Madison, Seattle. Share space with business, IP, and tax/estates firm, and PI, bankruptcy, litigation, and family law attorneys. Includes receptionist, telephone answering, conference rooms, library, kitchen, fitness center. Fiber internet, new phones, copier, scanner, fax; also large, NW corner view office. $2,145/mo., nearby assistant space, $450/mo. 206-382-2600.

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Office and bay sublease available in downtown office suite. A comfortable full-floor suite of attorneys with established practices. Kitchen/breakroom, copy/storage room, internet, fax, conference room and other amenities included. 1300 Hoge Building, two blocks from King County Courthouse. Contact David Ordell at 206-623-4270 ext. 1 for more information.

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MY NAME IS LISA M. LOMBARDI. I went to law school later than most, after working as a field biologist and, in particular, for the Washington Environmental Council on the Timber/Fish/Wildlife (TFW) agreement. I am passionate about science, and spent lots of time trying to get other scientists to participate in the policy arena.

I came to Australia 20 years ago for a six-month project, met the Aussie Gent, and here I am, dual citizen, dually qualified. I have recently started my own small practice focused on providing in-house services to startups and small and medium-sized enterprises (SMEs). I can be reached at lisa@lllaw.com.au.

▶ I became a lawyer because I was working in environmental policy and needed another credential.
▶ Before law school, I was a wildlife biologist working for NGOs [such as] the Washington Environmental Council and others.
▶ My greatest talent as a lawyer is my writing skill.
▶ My career has surprised me by turning me into an in-house lawyer. Whatever happened to the bird biologist?
▶ The best advice I have for new lawyers is don’t feel cornered into one way to have a career.
▶ The worst part of my job is having to manage litigation. Yuck.
▶ I wish that more lawyers would develop a knowledge of science.
▶ If I could have tried one famous case, it would be Kitzmiller v. Dover Area School District, 400 F. Supp. 2d 707 (M.D. Pa. 2005) [parents sued in opposition to the teaching of intelligent design in public schools]. For the plaintiffs, of course.
▶ During my free time, I play swing guitar. And run rivers.
▶ I look up to my old boss and mentor, Marcy Golde, who directed the NGO participation in the TFW (Timber Fish Wildlife) agreement.
▶ I absolutely can’t live without my guitars: one a 1940 Martin 0017, the other a custom-built Arrow archtop. And books.
▶ If I took one day off in the middle of the week, I would practice with my band or go for a walk in the bush. Or go swimming at one of Queensland’s magnificent beaches, in the warm subtropical saltwater.
▶ I have recently tried or want to try surfing, again. I’m ... not good at it.
▶ This changed my life: Coming to Australia for a short project. Here I am, 20 years later, dual citizen.
▶ Nobody would ever suspect that I loved “Star Trek” so much as a kid that I wanted to be an astrophysicist.
▶ I give back to my community by donating, acting pro bono for a couple of music-oriented organizations, being active in Democrats Abroad, and as a member of Zonta International.
▶ This is on my bucket list: Antarctica.
▶ My dream trip would be getting the permits lined up so that I could run the Middle Fork, then the Main, then the Lower Salmon—21 days.
▶ If I had a time machine, I would go back to the ’50s in Idaho to see it. I would like to meet Charles Darwin because he is one of my heroes.

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