LAWYER HOBBIES
Attorney Anthony Jones, of the Port Gamble S’Klallam Tribe, Creates Art
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ON THE DOCKET

**35 The Mommy Track**
New Variations on the Balancing Act for Attorney Mothers
*by Elizabeth Poh*

**39 Hiring Employees with Disabilities**
A Priceless Return on Investment for Law Firms
*by Deb Loken Zaha*

**44 Bracing for Climate Change**
Building Resilience for Imperiled Bull Trout in Washington's National Forests
*by Marla Nelson*

**56 Online Marketing 101**
Integrated Marketing Tips for Solo Practitioners and Small Firms
*by Dustin Reichard*

---

**Lawyers and Their Hobbies**

16 **Having a Hobby Can Be Beneficial to Your Health and Bank Account**
*by Kristina Larry*

19 **Why Sing? The Musical Talents of Our Legal Community**
*by Kurt Kruckeberg*

50 **Washington's Historic Courthouses — Through the Lens: Attorney-Photographer Explores the State**
*by Andrew Bergh*

22 **Our National Parks**
In Its Centennial Year, the Park Service Faces Legal Challenges and Considers New Approaches
*by Krista Mirhoseini*

28 **The Wing Luke Civil Rights Unit**
Attorney General’s Office Creates a New Resource to Fight Discrimination
*by Renée McFarland*

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ON THE COVER: Anthony Jones, a reservation attorney for the Tulalip Tribes and a member of the nəxʷq̓íyt band of the nəxʷsƛ̓áy̓em people, also known as the Port Gamble S’Klallam tribe, creates Northwest and Coast Salish Native American art. Jones, who is not a member of the Tulalip Tribes, is pictured in the replica plankhouse at the Tulalip Tribes’ Hibulb Cultural Center and Natural History Preserve. *Photo by Jon and Rach Photography; www.jonandrach.com.*
COLUMNS

5 Editor’s Note
Something to look forward to
by Linda Jenkins

7 President’s Corner
Listening to Change in the Legal Profession
by William D. Hyslop

13 Bar Notes
Listening and Fine-tuning
by Paula Littlewood

DEPARTMENTS

10 Treasurer’s Report
by Karen Denise Wilson

34 Top 10
Bar Exam Memories from 30 Years of Proctoring
by Paris Dolph

41 Perspectives
The Justice Gap: Beyond Rhetoric
by George Critchlow

58 Practice Made Perfect
Retirement Ahead
by Charity Anastasio

60 OnBoard
June 2–3 Meeting, Seattle
by Linda Jenkins

76 Beyond the Bar No.
Jerry M. Gray

ESSENTIALS

64 Discipline and Other Regulatory Notices

65 Need to Know
News and Information for WSBA Members

68 Classifieds

71 Announcements

72 CLE Calendar

73 Professionals
WSBA Board of Governors

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>William D. Hyslop</td>
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<td>7th-North District</td>
<td>Ann E. Danieli</td>
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<tr>
<td>7th-South District</td>
<td>James K. Doane</td>
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<td>8th District</td>
<td>Andrea S. Jarmon</td>
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<td>9th District</td>
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<table>
<thead>
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<th>Name</th>
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WSBA Connects Member Assistance Program (for lawyers only): 1-800-765-0770
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NWSidebar, the WSBA Blog: for questions or submissions, blog@wsba.org; http://nwsidebar.wsba.org

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NWLawyer In Memoriam submissions: nwlawyer@wsba.org
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Classifieds: Advance payment required. See classifieds pages for rates, submission guidelines, and payment information. Questions: email classifieds@wsba.org. Positions available ads can be found online at the WSBA Career Center at http://jobs.wsba.org.

NWLawyer Submission Guidelines

NWLawyer relies on submissions from WSBA members and nonmembers that are of interest to readers. Please email nwlawyer@wsba.org if you have questions about your submission or to discuss a topic for an article. 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 kept to a minimum. Please include a brief author’s biography, including contact information, 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 (FEB, MAR, APR/MAY, JUN, JUL/AUG, SEP, OCT, NOV, DEC/JAN) on or about the first of the month. The current circulation is approximately 34,000.

Formerly known as the Annual Awards, the APEX Awards (Acknowledging Professional Excellence) celebrate people — attorneys and community members — who represent the legal profession’s core values: integrity, professionalism, diversity, service, justice, and courage.

Join us to celebrate this year’s recipients at the WSBA APEX Awards in Seattle on Sept. 29. Learn more at www.wsba.org/awards.

SAVE THE DATE for the WSBA APEX Awards!

The 2016 WSBA APEX Awards are Sept. 29.

WASHINGTOE STATE BAR ASSOCIATION
Something to look forward to

There is a reflection that I often read about that goes something like this: When you are at the end of your life, do you want to remember all the time you spent at work? This question is often used as a way to remind us that it’s family and friends that matter most, and how you spend your time outside of work will be the memories that you cherish when you look back at it all. Well, sometimes this may not be the whole story for members of the legal community. After practicing law and now hearing from WSBA members as the editor of NWLawyer, I’ve seen how much pride many members have in their legal work, because what they accomplish on the job connects them to people they care about, supports their families, and is the basis for life lessons and lasting memories.

So why share lawyers’ hobbies in NWLawyer? Because in that same group of members, there will always be someone having a difficult stretch of days, and hobbies and interests outside of work can provide a break from routine and an outlet for recharging ourselves to do our best work. When the inevitable bad day comes, it helps to have a plan for your off-hours that involves something lighter, more personal, more you. As you will read in this issue, WSBA members find many different groups and activities to look forward to, including our cover subject: Native American artist and attorney Anthony Jones, a member of the Port Gamble S’Klallam tribe. We also hear about attorneys who are enjoying hobbies ranging from longboarding to hula hooping, sailing to photography. Some members even turn their hobbies into extra income and valuable networking opportunities. And be sure to read about our singing legal professionals, who share their stories of music’s influence on their lives in “Why Sing?”.

Many of us enjoy spending time outdoors in the Pacific Northwest, and in this issue we have two articles featuring our national parks and forests. We also hear from Gonzaga School of Law’s Professor Emeritus George Critchlow, who digs into the justice gap. For our solo and small firm practitioners, we have tips for integrated marketing of your law practice. For those taking the bar exam this month or those who remember it well, we have a 30-plus year proctor’s top 10 memories of exams past. We hear from mother attorneys in an article about the “mommy track,” with insight for keeping mother attorneys in the law.

I hope you will set aside some time to read author Deb Zaha’s thoughtful article on hiring employees with disabilities. Her firm works with a program that helps it employ a young woman with intellectual and developmental disabilities. Zaha writes, “When she is in our office, there is a noted increase in office morale. Not only is there an improvement in staff efficiency because of the work she does, but everyone at the firm is proud of the fact that we have been able to accommodate employees who often have difficulty obtaining employment.”

As always, we welcome your comments. Send your letters to the editor and article ideas to nwlawyer@wsba.org. NWL

Linda Jenkins
NWLawyer Editor

Get published!

See your name in lights (well, in ink, anyway) in NWLawyer! If you have an article of interest to Washington lawyers or a topic in mind, we’d love to hear from you. Need a topic? We have a list of subjects we’d like to cover. For a how-to guide on writing an article for NWLawyer, email nwlawyer@wsba.org. NWLawyer relies almost entirely on the generous contribution of articles from WSBA members and others.

Did You Know?

The WSBA LAWYER ASSISTANCE PROGRAM (LAP) offers consultation, support, peer resources, and connections with addiction and recovery groups for attorneys. See wsba.org/lap or call 206-727-8268.

LINDA JENKINS is the NWLawyer editor and can be reached at nwlawyer@wsba.org.
Inbox

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

Supporting Women Lawyers

Thank you for featuring Linda Fang’s thoughtful and highly personal article “Keeping Women in the Profession” on the cover of the April/May issue, and highlighting many of the challenges faced by women and mothers who practice law. We write to share some resources available to all who seek to improve the retention of women attorneys in Washington.

We are fortunate to have two strong organizations in our state that provide guidance and tools to help support women lawyers, and are committed to the success of women in the law: Washington Women Lawyers (www.wwl.org) and the Mother Attorneys Mentoring Association of Seattle (www.mamaseattle.org). Both of these nonprofit groups offer an array of regular meetings, CLEs, panel discussions, cocktail hours and lunch seminars, all of which provide a platform for women lawyers to connect with each other — and male colleagues of the bar — for networking, mentoring, training, referring business, and brainstorming.

WWL’s eleven chapters throughout the state host regular gatherings, so women attorneys can develop relationships with other practitioners in their regions. MAMA Seattle offers monthly “kid-friendly” networking events on weekends, so parents can combine family fun time with business/client relationship building. With the advent of websites, social media, online platforms such as LinkedIn, and a list serve hosted on the BigTent.com platform, women attorneys from across the state can share insights, post and answer questions (anonymously, if desired), exchange referrals, and create solutions to commonly experienced challenges.

Frequent topics of discussion, online and at meetings, include practical guidance and strategies to help women get career building assignments to high profile matters, understand compensation models and law firm economics to make more effective and strategic choices, build their own books of business, and uncover and counteract pernicious pay inequality and bias. WWL and MAMA Seattle members also share information on parental leave policies and the importance of finding and nurturing “champions” who will actively promote women attorneys to their clients, supervising attorneys and firm management.

Some of our strongest supporters are male colleagues who strive for fulfilling, engaging, and durable careers and manageable work/life/family balance, as well as law firm leaders of both genders who see the significant financial cost of losing women attorneys after years of investment in their growth and development. We encourage all members of the bar to attend WWL or MAMA Seattle events, to consider what law firm or department policies and procedures might need to change to help correct imbalances, and to consider how to promote, encourage, train, and retain the women lawyers in your midst. We are all needed to serve the people of our state.

Robin A. Schachter, MAMA Seattle
Shannon Lawless, Washington Women Lawyers

CORRECTIONS

“Annual WSBA Discipline Report Snapshot” (JUN 2016 NWLawyer): The Annual Report inadvertently underreported Files Closed in Intake when the report was initially published. In June 2016, the figure was amended to 1,302, representing all files closed in intake during 2015.

In the OnBoard article in the JUN 2016 NWLawyer, the photograph related to Local Hero Award recipient Michael Young pictured his nominator, attorney Brian Considine.
Listening to Change in the Legal Profession

In 2013, the Temple of Justice in Olympia turned 100 years old. Home to our State Supreme Court and the State Law Library, the Temple has been the centerpiece of our state’s justice system for a long time. In November 2013, I was privileged to join Justice Debra Stephens in discussing “100 Years of Civil Litigation” during a portion of a daylong Centennial Celebration CLE that focused on changes in the law and our profession. I suggested that each of us can develop our own short list of changes to the civil litigation system that have impacted the hearing of civil disputes, and that no one’s list is perfect by any means.

From my own set of rose-colored glasses, some of the changes that have occurred in civil litigation include the merger of law and equity, the development of the uniform commercial code and other uniform acts that recognize the changing ways of how people live and do business, the use and effect of technology in how we practice law, the proliferation of local rules adopted by courts in our 39 counties and the problems that raise for the practitioner, and the fact that many of us practice law in more than one state or more than one country as a means of supporting our clients whose affairs do not recognize state boundaries in this global age. In many respects, I discussed how we practice law in addition to some actual changes in the law.

This past year, the Washington State Bar Association celebrated its 125th anniversary. The WSBA was formed by a small group of 35 attorneys meeting in Olympia while waiting for their cases to be called for hearing before the State Supreme Court. We have changed dramatically since then. The ranks of the WSBA have grown from the original 35 to more than 38,000 licensed members today. Somewhere in the neighborhood of 10,000 of those members reside outside of state and hold licenses to practice in more than one state.

Closer to home, my mother turned 100 at the end of May. During her centennial celebration, I found myself reflecting on some of the huge changes she has seen in her lifetime. It used to take her parents two days to drive from Douglas County in central Washington (where she grew up) to Seattle; today it only takes about 40 minutes to fly from Spokane to Seattle, not counting the time added for the security lines and related waiting that causes many of us to become impatient. Women at Washington State College (now WSU) held a student strike in the 1930s over rules from the dean of women that included that women could not wear red dresses (and certainly not pants), something thought to be inappropriate at the time. We find this to be absurd today, particularly as we celebrate equality and diversity, but nonetheless that was the state of social affairs at the time.

As a member of the Greatest Generation, my mother saw first hand the long ordeals of the Great Depression and World War II, along with the national sacrifices involved with both. She watched the news as John Glenn circled the globe three times and Neil Armstrong became the first to step onto the moon; today we are looking at whether there is life on Mars! And she saw the invention of computers and the development of the technology age that has transformed our lives in ever-expanding ways. There are countless other examples.

Is the legal profession keeping up with the changes in today’s world? Are we forging our own future as a profession? Are we adapting to changes occurring in society’s need for law and justice today? These are just some of the questions that the Board of Governors and WSBA staff are focused on as we work to serve the public and equip our members for a changing profession. What we know at the outset of this inquiry is that the legal profession in the state of Washington is, and must be, changing to meet our clients’ needs. We are a consumer-driven and client-driven profession. Those we serve with professional legal services will dictate how the legal profession changes with the times to serve our clients more so than how we
may otherwise expect. Technology is a huge driver for the changing needs of how we deliver our services and how clients access information (with or without a lawyer!).

How we litigate disputes for our clients has also been an important focus for the Board this year. Over the past few years, the WSBA’s Escalating Cost of Civil Litigation Task Force has been researching and developing recommendations for how we can reduce the growing cost of litigation while still preserving the fundamental fairness of our justice system. The Board of Governors has devoted much of our meetings to this topic this year, and at its June meeting, the Board voted to support some of the recommendations and not to support others. The Board reviewed all 12 recommendations of the Task Force, voting on whether to support each recommendation. The results will be included in a short report to be sent to the Supreme Court, seeking a non-binding recommendation from the Court regarding whether the Board should form a rule-writing committee to draft proposed Court Rules implementing the recommendations supported by the Board.

For this area of our profession, change comes slowly and deliberately. From my perspective, we should always be addressing how we can achieve justice in a less expensive and faster manner, and we must keep this topic in the forefront.

Governance of the legal profession is another topic the Board has devoted significant time to over the last three years. While the Board of Governors is always working on how to best serve the needs of the members and our profession, many of you, the members, want the organization to be the least intrusive while maximizing the benefit to everyone’s practice as an attorney. After an in-depth look at WSBA governance, the Board is about to consider proposed changes to the WSBA Bylaws. These are an outgrowth of the 2014 Governance Task Force Report and decisions made by the Board of Governors during its 2014–15 sessions. The new bylaws propose changing the name to the Washington State Bar, something much more than just an association of members. The addition of three community members to the Board to be appointed by the State Supreme Court is expected; other state bars and many professional associations find huge benefit from the addition of community members to their governing boards. I believe this will be a welcome addition to governance and will help the Bar’s services remain relevant to the needs of public that all serve.

Ever present as an important issue for all of us is maintaining access to the justice system for all of the citizens of this state and country. WSBA members support pro bono representation for those who cannot afford an attorney, but that is just one piece of the access to justice puzzle. The 2015 Washington State Civil Legal Needs Study update confirms once again that innovative access tools to information for the public to court forms and other information is vital to the ability of people to solve certain civil legal problems. Clearly, an expansion of available full-time civil legal service programs is a centerpiece of change that is needed. How all of this is funded and who is responsible for providing the funds is a discussion that must happen. The provision of equal access to justice is a precept of our country’s legal system for everyone and is much more than a responsibility of the legal profession alone.

We are an ever-changing profession, just as the needs of our clients are ever-changing. Listening to you, the WSBA members, is critical to being prepared to make decisions for the Bar. I hope that you will visit with your representative of the Board of Governors whenever you can to share your views and your ideas. Each of them wants to hear from you and wants to visit with you. By all of us being involved, listening, and contributing, our Bar will be the best we can be.
Intellectual property is valuable, so it’s no surprise that people try to steal it. To protect your ideas you need attorneys with deep expertise in IP law. For 30 years, Marger Johnson has distinguished itself as the premier west coast law firm in IP development and protection, patents, trademarks, copyrights, licensing and litigation.

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by Karen Denise Wilson

The WSBA is currently developing its FY17 budget and analyzing 2018–20 license fee options. In June, the Budget & Audit Committee reviewed the first draft budget and examined license fee options, which the Board of Governors will consider in July. Here is an overview of each.

FIRST DRAFT FY17 BUDGET

The WSBA budget is a policy document and management tool that allocates funds to fulfill our regulatory responsibilities, serve the public, and support nearly 38,000 legal professionals. Each year, we work to build a fiscally responsible budget designed to meet the needs of those we serve in a diverse, rapidly changing profession. We set budget parameters based on current and multi-year projections of revenues, expenses, and reserves.

The first draft FY17 budget assumes expenses of $18.8 million supported by $16.9 million in revenues, and, as anticipated, up to $2 million in reserves.

FTE are reduced to 141.9 (the 2008–09 level). The draft budget includes modest investments in technology to increase our efficiency and enhance online resources for you. These include a redesign of www.wsba.org, introduction of a paperless accounts payable system, and updates or enhancements to the WSBA Admissions, Mandatory Continuing Legal Education, Discipline, and member management systems.

The budget continues to support all aspects of the disciplinary and disability system; licensing services; legal representation; communications and outreach; and WSBA operations. It enables us to provide you with member benefits and professional development opportunities such as the Ethics Line, Ethics School, Law Office Management Assistance Program, Lawyer Assistance Program, Mentorship Program, new and young lawyer training and leadership, and staff support to 850 WSBA volunteers. It supports the WSBA’s efforts to advance diversity and equality in the legal profession. The budget also supports the Access to Justice Board and the WSBA’s public service programs, including the Moderate Means Program, the Call to Duty Program, and other pro and low bono initiatives.

SETTING LAWYER LICENSE FEES FOR 2018–20

License fees are the major source of funding for WSBA programs and operations. In 2017, they will support 70% of this work. Other revenue sources include investment and interest income; donations to the Washington State Bar Foundation; fees related to mandatory CLE, regulatory, and member services; pro hac vice fees; advertising and sponsorships; recovery of discipline costs; and reimbursement from sections.

In 2012, a license fee referendum reduced license fees from $450 to $325 (the 2001–02 license fee level) without regard to the actual cost of programs and services. We kept license fees at that level through 2015 by increasing operational efficiencies (e.g., reducing staff, expenses, and our footprint; reorganizing management; and changing how certain programs are administered), expanding non-license fee revenue, and making a deliberate decision to draw down the reserves, which had grown due to pre-referendum reductions based on efficiencies and member needs.

We also listened to member needs. On a reduced footprint, we introduced and enhanced needed programs while maintaining our regulatory systems to protect the public. Today, your WSBA membership gives you access to all this and more:

• Over 140 credit hours each year of free and low-cost CLE programs, webcast for your convenience
• Free help from our confidential Ethics Line
• Free employment tools, including the Job Seekers Group
• Free legal research on Casemaker, including expanded cite-checking ability
• Free mentorship resources
• Free law practice management guidance on technology, marketing, fi-
At-large Gov. Karen Denise Wilson joined the WSBA Board of Governors in October 2013. She was appointed treasurer in October 2015. Wilson is a deputy public defender with the Skagit County Public Defender’s office. She is a 2012 alumna of the Washington Leadership Institute and attended Tulane University Law School. She can be reached at bog@kdwilsonlaw.com.

At-large Gov. Karen Denise Wilson

Financial management, practice transition, and other areas, all designed to help you achieve and maintain a successful practice

- WSBA Connects, a 24/7 confidential, statewide wellness benefit to help you address issues related to mental health and addiction, career management, family, caregiving, daily living, health and well-being, and more
- Public service programs and training (such as Moderate Means and Call to Duty)
- Financial accommodations through the WSBA Hardship Option and Payment Plan
- Discounts on ABA publications and retirement plans; professional liability insurance; systems for billing, document management, file sharing, conflict check, cloud practice management, and merchant accounting; daily legal summary service; editing software; and live virtual receptionist services

To learn more about the scope and depth of our work over the years, see the WSBA Context Chart found at http://www.wsba.org/about-wsba.

Last year, after considering the level of resources that would adequately support needed programming, examining the WSBA’s reserves, and looking at the comparative total cost to practice in Washington as compared to other unified bars in the western United States, the Board raised 2016 and 2017 license fees to $385. In doing so, the Board acknowledged that this increase would slow down — but would not stop — the need to draw down diminishing reserves to support WSBA programs and operations, and that license fees would need to increase in 2018.

As the Bar’s fiduciaries, the Board must set license fees at a level that enables the WSBA to continue to meet our regulatory obligations, advance our mission, provide value to members at reasonable cost, and preserve a reasonable level of reserves. To continue to support our obligations to the public, to members, and to the profession, while maintaining a prudent level of reserves, the Board will consider models at its July meeting that increase license fees for the period 2018–20. Proposed 2018 license fees range from $434 to $449 in 2018, $453 in 2019, and $458 in 2020.

As your treasurer, I am committed to fiscal stewardship and direct, transparent communication. I encourage you to contact me at bog@kdwilsonlaw.com if you have any thoughts or questions. NWL
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Listening and Fine-tuning

Aside from a jump start in Bellevue commencing this year’s journey, the 2016 Listening Tour focused primarily on central and eastern Washington. We hit double digits in attendance everywhere we went this year, with a high of 52 attendees in the Tri-Cities! Thanks to everyone who took the time to come out — the president and I enjoyed every stop and mused over the common themes throughout each dialogue along with the unique feel that each of your communities has. As a native Washingtonian, I never cease marveling at the amazingly diverse state we live in, from geography to perspectives to weather!

In particular, thank you to WSBA’s Legal Community Outreach Specialist Sue Strachan, who worked with bar leadership in all of these communities to plan these wonderful gatherings. Our stops after Bellevue included Moses Lake, the Tri-Cities, Walla Walla, Pullman, and Spokane. We were joined along the route by many current and former Board members and officers. Thanks to current Board members James Doane and Angie Hayes for joining us, along with numerous former Board members and officers throughout the trip, including past Presidents Steve Toole, Steve Crossland, and the Honorable Ed Shea (ret.), as well as former Board members Marijean Moschetto, Jim Baker, Jerry Moberg, Lee Kerr, Ed Shea Jr., Mike Pontarolo, and the Honorable Paul Bastine (ret.).

Reflecting the diversity of our state and our profession in Washington, we were honored to be joined by Gonzaga University School of Law Dean Jane Korn, the executive director of the Spokane County Bar, Lynn Mounsey, as well as two Limited License Legal Technician (LLLT) candidates and one law clerk reading for the law under Admission and Practice Rule 6.

The topics this year were an intriguing range:

- We heard consistently at each stop about the escalating cost of litigation (including discovery issues and the cost of expert witnesses) and the need for electronic filing. We also heard an appreciation for the Bar not taking stands on so-
cial issues in recent years and continued praise for member benefits such as Casemaker, the Legal Lunchbox series, and the new rules for reporting CLE credits.

- Technology and its impact on the profession came up at many of our stops. One solo talked about how technology had leveled the playing field for him and another in Bellevue talked about using LegalZoom to get his will done. Interestingly, in the middle of the state we heard that lawyers still advertise in the phone book and choose to have retail space for their offices. Technology, local culture, or the nature of rural versus urban practices could be some of many explanations for this difference throughout our state. All agreed, though, that the one constant is change.

- We heard many great ideas for areas to focus on in our continuing education efforts: trial practice how-to’s (often accompanied by an observation that it is difficult to gain trial experience in the civil context); more training on how to offer unbundled legal services; and a desire to learn more about multijurisdictional practice in an effort to lessen calls to the WSBA Ethics Line on this topic.

- At the end of the day, we all shared our enthusiasm and pride in being members of this remarkable profession as well as our desire to serve our clients and the public. We heard about numerous local efforts to increase access to the justice system, including a creative partnership between the Grant County Bar and the Benton-Franklin Bar where Benton-Franklin will provide some infrastructure needs to assist with hosting a local clinic at a law office in Moses Lake this coming fall.

The Listening Tour continues to be a highlight of the year for both the president and me; importantly, the Listening Tour is not the only way to provide ongoing feedback to the WSBA as we develop and fine-tune our regulation and programs designed to serve the public and our members. I look forward to seeing many of you on our Tour next year, wherever those trails will take us, and hope to hear from you throughout the year! NWL

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Paula Littlewood is the WSBA executive director and can be reached at paulal@wsba.org.
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One rainy Seattle day several years ago, I attended a social event for new and young lawyers. I sat at a table with about six other attorneys eager to talk, share, and have some fun. It was, after all, a social event. About 20 minutes into this event, one lawyer stood up to grab the table’s attention. He said, “I have something fun for us to do. I do this at parties all the time.” So of course we all waited with bated breath for this fun party activity. Then he said, “Let’s all name our favorite Supreme Court justice and why.” Crickets. Very. Loud. Crickets. We all stared at this guy in disbelief. That is your fun party activity? Where are these parties that you are going to? Who are these people that find this fun? Yes, we were all lawyers, so clearly we have some level of passion for the law. However, I and many others do not want to talk law at a social event. Before we became lawyers, we were just regular people with interests, skills, and talents. Did they disappear once we were sworn in? I left that event thinking, “If that was his idea as a fun party activity, he really needs to get a hobby.”

If you Google the definition of “hobby,” you will see answers along these lines: “an activity done regularly in one’s leisure time for pleasure” or “an activity or interest pursued for pleasure or relaxation and not as a main occupation.” As lawyers, we are busy people, so trying to find time for a hobby can be difficult. As you are doing something that brings you pleasure or joy, you have achieved something magical.

Several attorneys here in Washington are not only practicing law but also experiencing the magic of doing something they really enjoy as a hobby. For instance, JORDAN COUCH, an attorney in the Seattle area, loves to longboard. He was a skateboarder all through middle school and part of high school. In college, Jordan would longboard everywhere and got a lot of stares when he would ride his skateboard down the street in a suit. While Jordan is no longer skateboarding in a suit (which I think is tragic, since we need more suit-wearing skateboarding lawyers), he does get some skating time in around Green Lake.
nəxʷsƛ̕áy̓əm people, also known as the Port Gamble S’Klallam tribe, enjoys Northwest and Coast Salish Native American arts. Anthony grew up on the Port Gamble S’Klallam reservation in Little Boston on the Kitsap Peninsula, with multiple Native American artists in his family. Two years ago, he started to seriously study Native arts. He has moved from self-study to being able to take art classes with some phenomenal local Native artists, including Tsimshian carver David A. Boxley. Anthony has done wood carvings, cedar bark crafts, prints, and rawhide hand drums. “For me, Native American art is a way to perpetuate my tribal culture and traditions, and it is one part of my holistic approach to understanding S’Klallam culture,” he says. “I’m also learning S’Klallam language and music traditions. I feel that the only way to truly know my culture is to live it and practice it.”

MELISSA WESTBERG, located in South King County, hula hoops — and she’s not just spinning a hula hoop around her waist. Melissa can spin on the shoulders, arms, legs, and feet; she also uses multiple hoops. Melissa’s love of hula hooping began four years ago when, on a whim, she walked into an arts and crafts festival in Oregon. When asked why she loves hula hooping, Melissa says, “I love hula hooping because it is a fun way to exercise and reduce stress while being expressive and entertaining for other people to watch. It has made me a more confident dancer and given me a positive self-image. I also enjoy the social aspect of it and have made a lot of friends through my hoop class and at events.” Melissa has hooped at outdoor concerts, in the Fremont Solstice Parade, as part of a collaborative YouTube hooping video that went viral, and at her own wedding. Recently Melissa has been practicing with a fire hula hoop.

DEVON THURTLE ANDERSON, in Kirkland, spends her spare time planning a sailing trip around the Pacific with her family. Devon grew up sailing. After a conversation with her husband, they both realized that they shared a desire to leave “the grind” and sail the world. So the plan began. In 2013, the couple began planning and saving to sail around the world for a year or more. Devon, her husband, and their two daughters will set sail in June 2017. As part of her sailing hobby, Devon also blogs about the preparations for the trip; you can read her blog at www.andersonsabroad.com.

ANTHONY JONES, a reservation attorney for the Tulalip Tribes and a member of the nəxʷq̓íyt band of the
2. IT PAYS TO HAVE A HOBBY
Some lawyers are so good at their hobbies, they have turned them into extra income. And unless you won that billion-dollar Powerball a while back, you’re not turning your nose up at extra cash.

LISA FINKRAL, an attorney working in risk management, is a live audio engineer and theatrical sound designer. Audio engineering was Lisa’s career prior to law school and it was what inspired her to become a lawyer. While touring with a local band, she saw their hardships firsthand in navigating the entertainment industry. Seeing this, Lisa decided she needed a better way to help the artists she cared about. Lisa continues to work in the industry as a hobby, primarily because she enjoys it. There is also the added benefit that it keeps her close to potential clients. Lisa gets approached with legal questions regarding licensing agreements, performance contracts, etc. She develops a trust with them within the walls of the theatre that also translates into trusting her as an attorney. “If they can trust me with something as personal and intimate as their voices, they can trust me with their legal work as well,” she says. Since 2007, Lisa has been a sound sub at the Triple Door and has worked with artists such as Brandi Carlile, Jerry Douglas, Paula Cole, and Shawn Colvin. As a sound designer for Village Theatre Kidstage, Lisa has worked on seven productions, including As You Like It/Like You Like It, The Wizard of Oz, and How to Succeed in Business Without Really Trying.

VANESSA ISH, an entertainment attorney who is also starting a nonprofit law firm for low-income artists, individuals, and businesses, keeps busy with her many hobbies. Her hobbies mirror what she already loves to do: being involved with great entertainment. Vanessa went to law school to pursue entertainment law after years in the music industry. Vanessa is a cocktail waitress at the Showbox, where she gets to meet all sorts of rock stars, bands, and musicians. She recently worked at a show with a boy band and, considering my love of the Backstreet Boys, that sounds like an awesome night to me. “Music is my passion,” Vanessa says, “so going to shows of widely different genres each night allows me to make that extra dough I need, but more importantly, to stay involved in the arts.” When Vanessa is not at the Showbox, she is a bartender at McCaw Hall and a volunteer PR rep for a music-themed animal-rescue nonprofit called Motley Zoo. As Vanessa puts it, “Basically, I get to go to concerts and shows, make rent, and play with puppies and kittens in order to fund my nonprofit law firm for moderate means individuals, artists, and businesses.” Vanessa has truly found that magic.

3. A HOBBY A DAY CAN KEEP THE DOCTOR AWAY
It’s no secret that the legal profession is near the top when it comes to depression, alcoholism, and suicide. Having a hobby can actually improve your mental health and having better mental health will not only make you a better person, but also a better lawyer.

As one study points out, “Hobbies are often thought of as activities for people who lead quiet, relaxed lives. However, people with full, busy, even stressful lives may need hobbies more than the average person...”1 Busy people do not often take time for themselves. A hobby is a great way to break up the monotony of your work life. It gives you a chance to do something you enjoy, which can increase relaxation and your mood. Having a hobby helps to combat stress, burnout, and fatigue — all afflictions closely associated with being a lawyer.

Do you prefer more quiet solitary hobbies? No problem. They provide health benefits as well. Studies have shown that people who take part in hobbies such as playing board or puzzle games and reading have less memory loss as they get older. A 2009 study revealed a 30–50% decrease in risk of dementia in subjects who regularly engaged in such activities compared to those who do not.2 Other research found that enjoyable activities performed during leisure time were associated with lower blood pressure, total cortisol, waist circumference, and body mass index, along with perceptions of better physical function.

Likewise, a study published in the Annals of Behavioral Medicine found that hobbies were just as important as exercise. Hobbies such as knitting, cross-stitching, and gardening are just as important to good health as exercise. The study found that people who engaged in these types of activities were less stressed, less sad, and had lower heart rates.

The lawyers of Washington have unique and interesting hobbies. Beyond the extra benefits of having a hobby, they are doing it just because it makes them happy. They understand the importance of taking time to do something that they enjoy. So this is not only making Washington lawyers healthier and happier, they are also more interesting at social events. Isn’t it time you got a hobby? NWL

Kristina Larry is the founder and managing attorney of Sassy Litigations, LLC. She also runs The Sassy Litigator blog which focuses on lawyer life from fashion to practice tips and work/life balance. You can reach her at kristina@sassylitigations.com or on Twitter @SassyLitigator. She is pictured here trying one of her new hobbies, the circus arts.

NOTES
LAWYERS AND THEIR HOBBIES

Why Sing?

In this issue, NWLawyer highlights the hobbies and interests of legal professionals. So we asked a few musically talented locals (who happen to work in the legal profession) a simple question: Why sing?

THE MUSICAL TALENTS OF OUR LEGAL COMMUNITY

Singing is something I have been doing for longer than I can remember. It started when I was a young child in a girls’ choir and has since led to opportunities to sing in a wide variety of ensembles. Singing creates connections and is a great unifier. I sing with musicians who are also construction workers, bankers, bartenders, engineers, set designers, and teachers, among others. Singing in a small ensemble is perhaps the best example of something being greater than the sum of its parts. There is something so powerful about creating amazing music with other amazing singers and knowing you could never do it on your own.

— Jessica Martin, family law attorney with Sound Family Law, PLLC, who sings with Vox16, Mägi Ensemble, and the Dickens Carolers

Singing is something that simply makes me happy. I sang with an a cappella group in college and now sing as a tenor (although I’m really a baritone) in the choir at St. Joseph Church on Capitol Hill. When we sing something complicated, and it all comes together, it can actually be thrilling. And I have to rely on a different part of my brain than the part I use practicing law. I started taking singing lessons a few years ago and am realizing how much about singing I didn’t know that I didn’t know. I get incredible fulfillment from singing, although I must admit the demands it puts on my schedule drive my wife nuts.

— Gary Fallon, managing principal of Hillis Clark Martin & Peterson P.S., who is a choir member and cantor at Seattle’s St. Joseph Parish

I was extremely lucky to meet the director of exactly the sort of ensemble I wanted to join right after college graduation. I did what any desperate artist (who had no illusions that choral singing would be a viable financial career) would do. I auditioned and joined...
his group, tried to make myself indispensable, married the director just to lock it down, and then I got a real job as a paralegal so I could afford to keep singing.

I sing because I love it and I love the people I do it with. I've known them over 10 years now and we've become this awesome unit, growing closer every time we perform. It's a cliché, but it's so true that being part of a group of vastly different individuals who come together to achieve a common goal is fulfilling. There is nothing else like the feeling after you've nailed a good concert — the sense of achieving something together, something that you've made good by pulling your own weight, knowing you've done your part. That is incredibly satisfying. The members of The Byrd Ensemble will be my life-long friends and I know just how lucky I was to meet them. I found my people!

— Margaret Obenza, paralegal at Milios Defense and member of The Byrd Ensemble

Practically everyone understands the pleasure of simply listening to good music, of course — it relaxes, restores, and renews the spirit. Actually making music — playing an instrument in a band or orchestra, singing in a chorus, or just singing in the shower — taps into a deeper, creative vein. And a cappella singing is in a whole category unto itself: Whether sacred music like Palestrina’s *Sicut Cervus*, complex modern works, or a snappy barbershop quartet arrangement, there's a transcendent, physiological experience when you connect with your fellow singers and together produce beautiful chords of music, sometimes with incredible overtones rising above your heads. And frankly, it's just pure fun!

I experienced that joy as a young college baritone in the Whiffenpoofs, and much later in life (before public office essentially killed rehearsal time) as a chorister in St. Joe’s Schola Cantorum. I miss group singing, but am seldom without a good tune going on in my head!

And music continues through the generations. Hearing my daughter, Natalie, and son, Paul, perform in their own a cappella groups at Yale made me very proud. Paul, in fact, majored in music and has become a professional vocal musician in New York City — when he's not giving me good political advice!

— Pete Holmes, Seattle City Attorney and former Whiffenpoof

I can't help it. Ask my older brother, who I pestered by constantly breaking into song. Or the legal assistant who sits outside my office. I'm always humming a tune. Singing with others, though, is a special kind of magic — like any team effort. It's great to be a small part of a greater whole.

— Kurt Kruckeberg, real-estate attorney with Hillis Clark Martin & Peterson P.S., who sings with Seattle-based chamber ensembles Vox16 and The Byrd Ensemble
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The National Park Service (NPS) is celebrating its centennial in 2016. Created on Aug. 25, 1916, when Congress passed the Organic Act, the mission of the National Park Service was declared to be the conservation of park resources and providing for their use and enjoyment “in such a manner and by such means as will leave them unimpaired” for future generations.1

Celebratory events at the 59 national parks began in January. To appeal to an increasingly tech-savvy American public, the NPS, through its charitable arm, the National Park Service Foundation, created a website for streamlined planning. First Lady Michelle Obama, Bill Nye, and Laura Bush are just a few celebrities sharing personalized video messages and encouraging us to get outside on www.FindYourPark.com. The website allows users to find activities by park and date, as well as providing a platform to share their park experiences via social media like Facebook, Instagram, Twitter, and YouTube.

In Washington state, special events this summer include the Centennial Speaker Series at Paradise Inn in Mount Rainier National Park and “Music in the American Wild,” a series of specially commissioned music being performed in Olympic National Park. All national parks will have a Fee Free Weekend, Aug. 25–28, 2016, when entrance fees will be waived.

But dampening the effect of marketing buzz that might otherwise prompt families to finally take that trip to Yellowstone or inspire millennials to disconnect from their smartphones long enough to explore a park in their own backyard (or at least share it on Snapchat or Instagram) were media reports early this year that Yosemite — one of America’s most popular national parks, with 4.2 million visitors in 20152 — was in danger of losing its historic name to corporate greed.3 The company at the receiving end of the bad publicity was a subsidiary of Delaware North Corporation, DNC Parks & Resorts, which filed suit in January against the NPS after its contract as the main provider of concession services at Yosemite expired and the NPS, choosing another bidder, failed to require the

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1. For more information, visit www.nps.gov.
3. For more information, see www.nps.gov/pressroom/article.cfm?ID=24413.
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new concessionaire to purchase all of DNC’s interest in Yosemite. That interest, DNC said, included several trademarks that DNC had registered with the United States Patent and Trademark Office (USPTO) during the term of its 15-year contract. DNC’s asking price for the marks is $44 million.4

The names DNC had trademarked include well-known properties such as the Ahwahnee and Wawona hotels, Yosemite Lodge, Badger Pass ski area, and Curry Village motel and cabins. Park employees and environmental groups expressed indignation that these places “belong to the American people” and that the park service was “being held hostage” by a corporation, not the customary topics of publications that usually espouse off-the-trail adventures and healthy living. The NPS’ decision to change the names of several of the sites, and issuing a press release that it was doing so because of the lawsuit and to protect the new concessionaire, only added fuel to the fire.5 The Ahwahnee became “The Majestic Yosemite Lodge,” Yosemite Lodge became “Yosemite Rush Creek Lodge,” the Wawona Hotel became “Big Trees Lodge,” “Curry Village” became “Half Dome Village,” and “Badger Pass Ski Area” became “Yosemite Ski & Snowboard Area.” The cost to taxpayers to change the names of the affected landmarks was $1.7 million.6

Is this really a case of a trademark troll with ill intent? Was NPS bamboozled by a greedy corporation? Or is this a straightforward breach of contract dispute? And if this can happen to Yosemite, could it happen to the national parks in Washington state?

The NPS administers more than 500 concession contracts with companies that employ over 25,000 people, holding gross receipts totaling about $1 billion annually.7 It relies upon concessionaires to run food and retail operations, manage lodges and campgrounds, provide guide services, and even provide medical care. In 2015, the NPS’ contractual obligations to concessionaires were estimated at $500 million. Contracts are awarded by the NPS through a bidding process, but most of the contracts for the country’s 59 national parks are held by a few key players, including DNC, Aramark, and Xanterra corporations or their subsidiaries. Contract negotiations, one might surmise, are not performed between unsophisticated entities.

In DNC Parks & Resorts, Inc. v. United States,8 currently making its way through the Court of Federal Claims, DNC brought suit against the United States for the failure of the NPS “to comply with its contractual obligation to require the successor concessionaire to purchase tangible and intangible property that DNC uses in its operations at Yosemite.”9 Moreover, DNC alleges, by failing to require the new concessionaire — Aramark — to purchase all of DNC’s Yosemite property, the NPS failed to hold a fair competition for the new contract.

DNC says it just wants the same treatment that the NPS gave its predecessor, Curry Company. As a condition of being awarded the contract with the NPS in 1992, DNC was required to acquire “other property” of Curry Company for a predetermined price of $61.5 million, as well as assuming approximately $30 million in pension liabilities and unquantified environmental cleanup. DNC’s contract with the NPS also expressly obligated the NPS to require the next concessionaire at Yosemite to purchase DNC’s “other property,” which included its intangible property, such as trademarks. “Had DNC not provided the quality services it did, the value of the trademarks would have suffered… DNC protected these trademarks for itself and for the next concessionaire by obtaining federal registration.”10

DNC says that the NPS not only refused to cooperate with DNC to arrive at a mutually agreeable fair value for the “other property,” but it also rejected DNC’s offer to assign or grant a royalty-free license in the trademarks pending resolution of the litigation and devised a plan with Aramark to negotiate against DNC. By changing the iconic names of properties in Yosemite, they tried to devalue the trademarks in hopes that it “would cre-
ate a public outcry.\textsuperscript{11} The NPS denies DNC's claims for breach of contract and right to compensation for the registered trademarks. It responds, \textit{inter alia}, that DNC failed to provide requested information to the NPS regarding valuation of its Yosemite assets during the bidding process, that the purchase of assets required by the DNC-NPS contract does not include trademarks, and that DNC's fair value of the trademarks is wildly inflated. While the NPS admits that the contract requires the purchase of certain property from DNC, historically it has been standard practice for an incumbent concessionaire and its successor to negotiate and close on the purchase of “other property” after the new concession contract is in place.\textsuperscript{12}

The NPS deflects the question of how DNC was able to register the trademarks without the NPS noticing or objecting. It asserts that DNC never had the right to register the disputed trademarks because it lacked possessory interest in the hotels, restaurants, or recreational infrastructure located within Yosemite.\textsuperscript{13} It also alleges that DNC's breach of its duty of good faith and fair dealing excuses the NPS' performance under the contract.\textsuperscript{14}

Now, the NPS has gone on the offensive. In February, it filed a Petition for Cancellation of the Yosemite National Park, the Ahwahnee, Curry Village, Wawona, and Badger Pass marks with the Trademark Trial and Appeal Board (TTAB),\textsuperscript{15} and by filing a motion to stay DNC's case against the NPS in the Court of Federal Claims pending conclusion of proceedings from the TTAB. The NPS claims that not only did DNC have no possessory interest in the park, its hotels, restaurants, or recreational infrastructure for legitimate trademark registrations,\textsuperscript{16} it intentionally redacted excerpts from the DNC-NPS contract submitted to the trademark examiner that would have shown Yosemite was administered by the NPS and that DNC's rights in Yosemite-related trademarks were limited.\textsuperscript{17}

The NPS's petition does not clearly allege that DNC submitted registrations in bad faith, but asks that the registrations be cancelled because they falsely associate DNC with the NPS. Moreover, because DNC's contract with the NPS has expired (as of March 2016) and it will no longer use the marks in commerce, DNC has effectively abandoned the marks.

DNC has responded by filing a Petition to Suspend the Trademark Action until the Federal Claims suit is resolved,\textsuperscript{18} while NPS asks that the TTAB find that the invalidity of the trademark registrations be determined before valuation of DNC's interests. An attorney for DNC declined to make a comment on the ongoing disputes for this article and an attorney for the U.S. Department of Justice could not be reached before deadline.

\textbf{A Predictable Dispute?} Although the dispute over the Yosemite trademarks, and their value, may prove to be one of a kind, there are likely to be more disputes when other concessionaires depart and seek fair value of their interests.

\begin{quote}
\textit{Loving, Intuitive, Relentless.}
Not necessarily the public's idea of a criminal defense lawyer. Yet to me these qualities are essential. We're all human. People make mistakes. My job is to tell the whole story, the human story. The law must be compassionate to be just.

I recently defended a young man. Terminally ill, with extensive criminal history, he's the sole parent of a toddler. Facing a five year sentence on a four count felony, he likely would have died in prison. I fought for him, asserting that his life is larger than his mistakes. The Judge agreed. He and his family have a second chance.

\textit{- Chloe Anderson}
\textit{Attorney at Law}
\end{quote}
At least one writer surmised (not long before the DNC suit against NPS was filed) that the 1998 National Park Omnibus Management Act, which created a new formula for calculating what concessionaires are owed for investments it makes into park infrastructure, is becoming painful for the NPS. One reason suggested is that the new system is leading to fewer bids and reduced franchise fees.19

The contract between DNC and NPS was made in 1993, before the new bidding structure took effect, but the contract awarded to Aramark in 2015 was bid under the new rules. DNC and Aramark were the only two bidders.

Although these new rules will affect concession contracts for the national parks located in Washington state, Washingtonians can take some solace in knowing that, when NPS entered into a 10-year contract with Rainier Guest Services, LLC, in 2014 for Mount Rainier National Park concessions, Rainier agreed to pay a franchise fee of 9% of its gross revenue,20 twice what it paid under its previous contracts.21 DNC, which contracted for Olympic National Park in 2012, will pay a franchise fee of 6.5%.22

Both agreements contain provisions addressing obligations for transition to a new concessionaire and provide for the right to payment for its leasehold surrender interest, defined as capital improvements within the area on lands owned by the United States.23 Significantly, the NPS has the right at any time during the contract’s term to pay to Rainier Guest Services and DNC the then applicable value of the leasehold surrender interest, thereby reducing the eventual surrender value.24 This ability to reduce a concessionaire’s leasehold surrender interest during the term of the contract is distinct from the DNC-NPS contract.

The Mount Rainier and Olympic National Park contracts also require the concessionaire to “cooperate with the transfer or assignment of all contracts or licenses entered into” and that the new concessionaire “elects to assume.” The concessionaires must also remove or licenses entered into” and that the transfer or assignment of all contracts to “cooperate with the contractual Park contracts also require the concessionaire to “cooperate with the contractual Park contracts also require the.

As of this writing, there are no pending registrations for marks related to Mount Rainier’s Paradise Inn, Sunrise Lodge, National Park Inn, or the Jackson Visitor Center.

Inconsistency, Anyone?

At the same time that the NPS is asking the nation’s courts to shut a door on undesired trademarks, it is opening another to corporate branding of the national parks by other means. The NPS has recently welcomed new corporate alliances that are not limited to travel necessities such as lodging, restaurants, or gas stations. Rather, as one can readily see from the “Find Your Park” campaign, the NPS’ strategic plan is much broader. Campaign sponsors include American Express, Budweiser, Subaru, REI, Humana, Disney, Coca-Cola, and Coleman, each given its own space to tout its excitement about centennial partnerships.

In fact, last year, while the NPS was gearing up for its expected challenge with DNC in the Court of Federal Claims, it was setting a foundation for some of those partnerships, such as waiving its long-time ban on affiliations with alcoholic beverage companies and then signing a $2.5 million contract with Anheuser-Busch.26 And in March 2016, Park Director Jonathan Jarvis issued a directive for the bureau’s new approach to donor partnerships.27 Jarvis even appears in a FindYourPark.com video for REI, proudly announcing that the co-op is the “official outdoor retailer” for the centennial celebration. The NPS says such changes to increase private funds and partnerships are necessary where it currently has an $11 billion need for maintenance projects.28

Where There’s Money To Be Made...

It would be disingenuous to state that DNC is the only entity hoping to profit from recognition of words and names associated with mountains, geysers, canyons, or other national wonders. A quick search of the U.S. Trademark Electronic Search System (TESS) revealed registrations and pending filings for marks that include “Sequoia National Park” (Three Rivers Pharmacy Corporation, Three Rivers, CA), “Grand Canyon National Park Lodges” (Xanterra Parks & Resorts, Inc., Greenwood Village, CO), “Yosemite Pale Ale” (Mammoth Beers, Inc., Mammoth Lakes, CA), “Yosemite” (Apple, Inc.), “Yosemite Bum” (Evolve Sports & Designs Corporation, Buena Park, CA), “Grand Teton Vodka” (Grand Teton Vodka, Inc.), “Zion National Park Blanket” (Pendleton, dating back to 1928), “Yellowstone” (National Steelcrafters of Texas, LLC, Arlington, TX), and “Mount Rainier Coffee Company” (Mount Rainier Coffee Company, Puyallup, WA).

Whatever the outcome of the DNC v. NPS dispute, it appears that the NPS’ reliance on corporate support — whether for concessions to meet visitor demand, necessary maintenance and upkeep, or to keep our national parks relevant for future generations — is likely to grow. Although the immediate knee-jerk reaction to corporate visibility in our national parks may be one of distaste, one can’t help but wonder whether continued presence and the “familiarity effect” — a principal of psychology and marketing that leads us to develop an acceptance for things when we become familiar with them — will over time change that first impression. As campers set up their tents near Half Dome this summer, will they mind, or even remember, that the entrance sign once said “Curry Village”? NWL.
NOTES
NPS is a bureau of The Department of the Interior.
8. DNC Parks & Resorts at Yosemite v. United States, U.S. Court of Federal Claims, Cause No. 15-cv-1034
9. Id., First Amended Complaint, ¶1.
10. Id., at ¶33.
11. Id., at ¶68.
12. Defendant’s Answer to Plaintiff’s Amended Complaint.
13. Id., at ¶151.
15. Consolidated Petition for Cancellation, TTAB, Cancellation No. 92063225.
16. Id., at ¶12.
17. Id., at ¶29
18. All motions are pending as of the writing of this article.
27. Notably, the directive provides that any intellectual property created as a result of any such partnerships will be transferred to the NPS at the end of the alliance. “Director’s Order #21: Philanthropic Partnerships,” Section 6.3.

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“I know that when I refer a client to BECU Trust Services, they will receive top notch services from professionals who really care about their families, regardless of the size of their estate.”

-Rob Pittman, Attorney
Washington state has a powerful new resource for the advancement and enforcement of civil rights. In January 2015, Attorney General Bob Ferguson established the Wing Luke Civil Rights Unit (WLCRU), with a formal dedication held on Sept. 16, 2015. In forming the new unit, he wanted to address the fact that no affirmative civil rights work was being done by his office. Ferguson noted that as the lawyers for the people of Washington state, and the largest law firm in the state, “it is appropriate and important that we have a team dedicated to protecting civil rights.”

Ferguson said that “naming the civil rights unit after Wing Luke is my way of honoring a man I deeply admire and providing a role model for my civil rights team.” Wing Luke was an important figure in the history of Washington state civil rights. Seattle’s Wing Luke Museum of the Pacific American Experience and Wing Luke Elementary are named for him. Born in China in 1925, Luke came to Seattle with his family when he was six. He became student body president at Roosevelt High School and served in World War II. He received a bronze medal and combat stars for his military service. After the war, he studied at the University of Washington, where he earned undergraduate and law degrees. He was an assistant attorney general from 1957 to 1962, and served as chief legal counsel for the precursor of the Washington State Human Rights Commission, the Board Against Discrimination. In 1962, he ran for an open seat on the Seattle City Council and won, becoming the first person of color to serve on the Seattle City Council, and the first Asian American elected to public office in the Pacific Northwest. While on the City Council, Luke was a strong civil rights advocate, especially in the area of housing. He supported a city ordinance that banned discrimination in the sale or rental of housing. Luke also worked for urban revitalization and historic preservation. In 1965, Wing Luke died in a small plane crash in the Cascade Mountains.

The WLCRU is comprised of its director, Assistant Attorney General Colleen Melody; three other assistant attorneys general — Marsha Chien, Patricio Marquez, and Chalia Stallings Ala'ilima; an investigator — Joe Harris; and Chamene Woods, who provides legal and investiga-

THE WING LUKE CIVIL RIGHTS UNIT

by Renée McFarland

Attorney General’s Office Creates a New Resource to Fight Discrimination
Melody, a Spokane native, began to focus on civil rights long before she went to law school. As an undergraduate at the University of Washington, she fielded calls for the Seattle office of the ACLU, prepared and filed immigration petitions during a year abroad in Cádiz, Spain, and helped immigrants find jobs at Casa Latina in Seattle. Melody reported she “heard repeated, disturbing stories about housing and employment discrimination — landlords or employers that rejected immigrants outright or who agreed to take them but then treated them differently from other tenants or employees.” She adds, “[i]n addition to thinking about immigrant rights through an immigration law lens, I started thinking about their experiences through a civil rights lens.”

Melody describes the first year of the WLCRU as exciting, and an adventure. She says, “I tried to use the first year, in large part, as an opportunity to listen to the legal and advocacy communities that have been engaged in civil rights
work in Washington for decades — there are many experienced, dedicated folks who know the state landscape well and have been working on these issues for their entire careers." Melody’s team has engaged in significant outreach, attending more than 100 meetings and events statewide with legal aid lawyers, social workers, civil rights groups, corporate officers, nonprofit leaders, community organizers, church groups, city and county elected officials, and law enforcement officers.

The WLCRU works closely with the HRC and the Consumer Protection Division within the Attorney General’s Office. The HRC is charged with administering and enforcing the Washington Law Against Discrimination, RCW 49.60. Sharon Ortiz, HRC executive director, says the new civil rights unit is a “really good thing for the residents of Washington” and “a really good resource to us.” She reports that discrimination in housing is the basis for the highest number of complaints her office receives. In the time period between July 2014 and April 2016, the HRC opened 1,440 cases. The most frequently reported type of discrimination in HRC cases in that time period was disability.

In roughly 65% of cases opened by the HRC, the agency does not find “reasonable cause” and the case is dismissed. When the HRC cannot settle a case through the administrative process, the HRC refers the case to the WLCRU and the Attorney General’s Office has prosecutorial discretion. Cases involving places of public accommodation, employment, insurance, or credit are heard by an administrative law judge (ALJ). Parties in housing cases can file in superior court and bypass an ALJ hearing. The HRC issues rules providing guidance about discrimination, found in the Washington Administrative Code at chapter 162, as well as maintaining a robust website and offering brochures on a wide range of civil rights issues.

The WLCRU takes special interest in cases in which an alleged pattern of discrimination has occurred, or which...
present evidence that a discriminatory policy has been implemented. Another focus is on cases that allow the unit to fill a gap in enforcement, whether that gap is caused by geography, a case of first impression, or lack of resources. Melody notes that Washington law is broader and more protective than federal law in many areas and the WLCRU would like to ensure that those protections are enforced. For example, the Washington Law Against Discrimination lists more protected classes than federal law does and the Washington definition of “public accommodations” is broader than the federal definition.11

Recent cases taken on by the WLCRU include State v. Flag Hill Lumber Co., et al., involving allegations of sexual harassment by a Spokane employer. A Greenacres Motors employee allegedly posted frequent employment ads seeking young women only for secretarial positions, and allegedly sexually harassed them after they were hired. State v. DSB Investments, LLC, involved allegations of racial discrimination at Glacier View Apartments in Everett and resulted in the state entering into an assurance of discontinuance with DSB Investments. The unit is also litigating Washington State Human Rights Commission v. Haney Truck Line, LLC on behalf of the HRC, a case alleging discrimination against an employee who uses a service animal because of a disability. The WLCRU has a number of active investigations in housing, education, employment, public accommodations, and access to government services.

The WLCRU also contributes amicus briefs. In October 2015, it submitted an amicus brief in Kaiser v. CSL Plasma Inc., a King County Superior Court case in which a transgender woman alleged discrimination on the basis of gender identity at a blood donation center. The unit filed an amicus brief roughly a month later in Wakefield v. City of Richland, et al., a case currently pending before the Washington Supreme Court. Wakefield concerns the question of whether the use by local courts of contempt proceedings to compel indigent defendants to paycourt costs and fines from means-tested public benefits violates federal and state anti-attachment provisions. In March 2016, the unit submitted an amicus brief in J.E.F.M., et al. v. Lynch, a Ninth Circuit Court of Appeals case, arguing that non-citizen children have a constitutional right to be represented by appointed counsel when the federal government places them in deportation proceedings.

When asked about goals for the WLCRU, Melody shares, “Our primary goal, and the one we work on every day, is to continue to build capacity for the Attorney General’s Office to enforce civil rights laws on behalf of vulnerable and underrepresented groups. A closely related goal is to identify those cases that are not currently being pursued, but should be. Civil rights cases can be difficult and expensive to develop and litigate, and every community faces limits on the volume that nonprofits and private firms are able to take on. We also have our own limits, of course, but part of the potential contribution our unit can make will be to identify
Join the conversation

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those areas where there is a capacity gap and work to help fill it.” Attorney General Ferguson adds that the WLCRU’s goals are “for the unit to be a powerful force for upholding civil rights laws and being a known resource for Washingtonians to turn for help.” The new Wing Luke Civil Rights Unit will help Washington move forward as it grapples with an ever-changing civil rights landscape.

RENEE MCFARLAND
lives in Mountlake Terrace, is a longtime school volunteer and a member of the WSBA Editorial Advisory Committee. She can be reached at reneemcf93@hotmail.com.

NOTES
1. Email from Alison Dempsey-Hall, deputy communications director, Washington State Office of the Attorney General, to author (March 25, 2016, on file with author).
2. Id.
4. Supra n. 1.
5. Supra n. 1.
8. Supra n. 7.
10. It should be noted that the WLCRU and the HRC are important parts of a much larger picture of civil rights enforcement. Many local, state, and federal agencies enforce laws against discrimination, and people alleging discrimination can obtain assistance from various nonprofit organizations and private attorneys.
11. Supra n. 1.
12. Id.
Bar Exam Memories from 30 Years of Proctoring

by Paris Dolph

I started proctoring the bar exam in the winter of 1985. I was recruited by my brother, who had been performing these duties for a couple of years as a college gig for extra income. My entire family — parents, wife, three siblings, and three children — has helped the WSBA as proctors for the bar exam at one point or another.

1 By the Numbers
I have proctored the bar exam every year for 30 years and have only missed about three exams, but never a complete year. It is difficult to remember all 61 exams, though some do stand out.

2 My First Time Proctoring
The 1985 winter exam was held at the Seattle Opera House. Back in those early years, the venues changed often. I found out quickly that the applicants were more nervous then I was.

3 Budget and Logistics Nightmare
It was a summer exam held at the Seattle Trade Center. There was no main room, but many, many tiny rooms. Each room required a head proctor and a regular proctor. I recruited my girlfriend (now wife) and my best friend from high school to help.

4 Ted Turner’s Goodwill Games Invade Seattle
For the first time, the Bar examination was moved to Spokane in the summer of 1990. Darkness fell as a power outage on the main floor delayed testing. I learned that applicants and proctors are apparently afraid of the dark.

5 Tacoma Dome for the First Time
At the summer bar exam held in the Tacoma Dome, an adamant gentleman wanted to join us during testing. The authorities finally caught up with him as he was running barefoot on I-5. Meanwhile, back at the Tacoma Dome, applicants had the challenge of protecting their tests from the nesting birds above.

6 Delivery Date
In 1996, my wife was “banned” from being a proctor. To be fair, she was eight-and-a-half months pregnant and the testing administrator did not want to be responsible for delivering the baby. Our son was born a week later.

7 The Spawn Invade
I introduced the WSBA to my three children as proctors when they came of age. They proctored their first exams in 2005, 2008, and 2014.

8 Shake, Rattle, and Roll
During the 2001 winter exam, a 6.8 earthquake rocked the Puget Sound area. I was in a dorm room to proctor an exam with special accommodations. The room was so small that even monks would find it a bit tight. When the earthquake hit, it was the only time that testing materials were allowed to be taken out of the testing room during the Bar exam.

9 Should I Retire?
Before starting an exam, a mother was helping her child get set up for special accommodations. She recognized me as one of her proctors when she sat for her own bar exam. I am proud to see that both of them accomplished this goal.

10 Words of Wisdom
If I have any words of wisdom for examiners to take away from my time serving the Bar, it would be this:
Take a deep breath and relax. Do the work, trust in yourself, and try your best. It is all that can be expected. NWL

The summer bar exam will be July 26–27 at the Tacoma Convention and Trade Center. Best of luck test-takers! — NWL

Paris Dolph is a supervisor of phlebotomy and specimen processing in a large health care system. He is an avid collector of books and movies, and a lot of his free time is taken up in the organization of his collections. He is redesigning and remodeling a converted garage into a home theater. He also dabbles in amateur photography, and always tries to look at the world through the view of a camera lens. Contact him at paris.dolph@comcast.net.
Four years ago, while driving home from work to pick up my son, I had to pull over to the side of the road to cry. I was crying because I had resigned as a partner from my law firm earlier that day, saying goodbye to my dream job, the job that I had poured my heart and soul into for the last seven years where the partners felt like family. This was never part of my career plan, but here I was. I didn’t know it then, but I’d somehow steered my way off the “partnership track” and onto the “mommy track” — a winding path with many detours and no destination.

Like many lawyers, I finished law school in my late 20s and dove headfirst into learning the ropes as an associate attorney. I immersed myself deeply into the practice — working nights and weekends, and worrying about my cases in the middle of the night. I also fell in love with the father of my two kids, spending many “date nights” on the floor of my office eating sushi.

Within a year after becoming a partner, I was pregnant. I hadn’t given much thought to how my work life might change after having the baby; I assumed I’d take a few months off, find child care, and return to work. My old life, plus a baby. But after Cooper was born, a return to full-time lawyering didn’t seem so appealing.

My firm was amazing and allowed me to come back to work part-time while retaining my partnership. I worked three days a week, but I felt I couldn’t let my emails and calls go unanswered, so I was tethered to my phone on my days off. After managing a project that required working crazy hours for several weeks straight, I was losing my stamina and feeling like a failure on all fronts: I wasn’t a good enough mom, I wasn’t a good enough lawyer, and I wasn’t a good enough partner.

I kept telling myself that I had the perfect setup — a firm I loved, a wonderful son, and a part-time schedule to boot. But my heart was telling me otherwise. I had no concept of how to take care of my own needs and I was running myself ragged. After a couple weeks of insomnia, I figured there must be something seriously wrong with me and I went to see my doctor. He told me there was no medical issue, but that I needed to make a decision about where to put my energy. He left me with these words: “I’ve never had a patient tell me at the end of their life that they regretted not spending enough time at the office.”

Later that night, I decided to leave my job and I slept like a baby. I was delighted with my new life as a stay-at-home mom (SAHM). I spent my days going to the park, working out, cooking fancy meals, and hanging out with my newfound SAHM friends and their kids. I learned what my body needed to feel good: eating right, getting enough exercise and sleep, and losing the constant feeling of being in a rush. I felt like I had found a “new normal” where I could truly enjoy my life. My daughter Norah was born a few weeks after Cooper started kindergarten, and now that I was starting all over with a second kid, I began to think I might never go back to the law.

To my surprise, when Norah was al-
most one, I got the itch to go back. Some of my SAHM friends who had been out of the workforce longer than me were finding it hard to get back in. Other friends were struggling in their marriages, which left me feeling vulnerable about not having my own source of income. Although my partner fully supported my decision to stay home, I began to notice some subtle but uncomfortable shifts in the dynamic of our relationship as we found ourselves in the very traditional gender roles of breadwinner and homemaker.

I was lucky enough to re-enter the workforce at a family-friendly boutique firm without billable hours that was willing to let me set my own part-time schedule. Taking on new cases and clients, I find myself falling in love with lawyering all over again.

When I encounter fellow mom/lawyers, our conversation always gravitates to the elusive concept of work-life balance. I decided to reach out to a few local attorneys and was excited to see the variety of ways in which local lawyers are creatively navigating this challenging terrain.

**FREE-RANGE LAWYERING**

**MELISSA WEILAND** started her career with a vision of becoming a trial attorney, but quickly realized that litigating at a large D.C. firm was not for her. She made a 180-degree change of course — moving to Seattle to do corporate work for the small firm where she had worked as a summer associate. She eventually took an opportunity to go in-house, working as general counsel of a local startup. It was a stressful but invigorating gig requiring lots of hours and travel. Five years in, when her father got sick, Melissa reduced her hours and found a lawyer who could step in and job-share with her so that she could spend weeks at a time with her dad in Chicago. Shortly after he passed away, Melissa and her husband found out they were expecting. She quickly realized that going back to the startup would not be conducive to the lifestyle she wanted as a new mom, so she resigned just before her son Luke was born without a solid plan as to how she would re-enter the workforce.

When Luke was a few months old, she got a call from her old firm asking if she had any time to help out. She started taking on some contract gigs, working from home, and covered for a couple of in-house lawyers’ maternity leaves. The demand for her services grew organically, and she formed Legal Adjunct LLC, got an office space, and now works about 30–35 hours a week for both large and small companies who value her expertise in digital licensing and advertising and marketing law. With her flexible, self-directed work, Melissa is able to run carpool several times a week, volunteer at her son’s school, squeeze in a workout most days, have breakfast and dinner with her family, and take extended vacations, including a month in Italy. A self-proclaimed “free-range lawyer,” she misses the camaraderie of working at a firm or in-house, but loves the balance she has found between work and family. And, with a low overhead, she is better compensated for her working hours.

**FLYING SOLO**

**RACHEL HUNERYAGER** always knew she wanted to be a mom, but didn’t know how motherhood would fit into her career plan when she started working as an associate at a full-service Seattle firm. She regularly worked 50-plus hours a week under the constant pressure of the firm’s billable-hour expectation. After getting married and starting to envision parenthood, she felt that if she continued working the way she was, “there would be no point in having kids because I’d never see them.” She also worried about how having children might affect her chances of becoming a partner and eventually started to question whether partnership was even her goal, feeling that time with family and friends might be more valuable. She began to explore other options, eventually meeting with another attorney who encouraged her to start her own firm. She had never considered flying solo, but the idea became more and more appealing and she made the leap. Six years and two kids later, she is loving life as a solo practitioner. She works mostly from home and has a lot more time to spend with family and friends. Rachel cherishes the flexibility that comes with having her own firm, not having to worry about meeting billable-hour requirements. While running her own firm has its challenges — like when she stopped to file a brief with the immigration court on the way to the hospital to deliver her daughter — Rachel has no regrets about getting off the partnership track and paving her own way.
BREAKING THE MOLD

CHRISTINA SMITH worked within the traditional law firm structure for several years before becoming pregnant with her son, Wilson. While on maternity leave, she realized that she wanted to come back to work on a part-time basis. Since this wasn’t an option at her firm, she began to explore, and was able to leverage her years of experience working in family law to land a unique gig with Integrative Family Law, a boutique firm founded by a mom who prioritized spending time with her own family and wanted to offer the same opportunity to other lawyers. Christina was shocked when the firm offered to let her set whatever schedule she wanted. She now happily works three days a week. Her compensation is based on a percentage of the money she brings into the firm, so she can set her own billing goals without the pressure of meeting a billable-hour requirement. Giving up the stress of managing her own caseload, she provides support on other attorneys’ cases, writing motions and focusing on the day-to-day work so that the lead attorneys can focus on hearings and trials. She loves the culture of her firm, with several part-time attorneys who all step in to support each other in balancing the demands of work and home. Christina loves the fact that “work doesn’t feel like my entire life anymore. It’s a really important part of my life and I take a lot of pride in doing a great job for my clients, but I also really value my time with my family,” she says. She doesn’t feel like she’s sacrificed her career at all and is happier than ever with her job.

STAYING THE COURSE — THE CHANGING LAW FIRM LANDSCAPE

While getting off the partnership track works great for some, others are finding satisfaction within firms as they are finding new ways to support working moms. CORY JOHNSON never veered off the partnership track: starting her career as an associate for Colvin & Hallett, a boutique tax firm, having twin daughters as a third-year associate, returning to work three weeks later, and becoming a partner a few years after that. She feels she was able to accomplish this because of two key factors: no billable-hour requirement, which allowed her time for business development, and a supportive husband who was able to stay at home with the twins while she worked full-time. Looking back, she feels that having kids did not impact her path to partnership at all. She feels lucky that she was able to have children without having to sacrifice her career, in large part because her firm valued work-life balance. She has found support in her involvement with Mother Attorneys Mentoring Association of Seattle, which sponsors kid-friendly networking and informational events for attorney moms in Seattle. Although she doesn’t find much spare time to focus on herself these days, she is happy to prioritize spending her downtime with her daughters for now.

When PAT CHAR became the third-ever woman partner at Bogle & Gates in 1984, about a year before her first son was born, “children and the partnership track were not discussed in the same conversation.” At that time, the fact that her law firm offered a partially-paid maternity leave was considered extremely progressive. Although she loved her work as a litigator, she found it extremely taxing with two young kids, especially since her attorney husband had a work and travel schedule that was equally demanding. She was pleasantly surprised when her firm was supportive of her desire to transition to a more family-friendly trust and estate
practice, allowing her to work part-time while taking courses in tax law. Recalling staying up all night with a vomiting kid while preparing for trial the next morning, or telling clients she would be at an “out-of-office meeting” in order to attend preschool events, she reflects, “There were times I felt I was making compromises with my career and my kids, but it all has worked out just fine and I wouldn’t change a thing.”

It is interesting to compare Char’s story with that of KRISTY HARLAN, who became a partner at a global law firm over two decades later. While Char reflected that at the time she became partner in the 1980s, she “wouldn’t have imagined it was possible for a pregnant woman to become a partner,” that’s exactly what Harlan did. She made partner at her current firm K&L Gates LLP when she had a young son and was pregnant with her daughter. Six weeks after her daughter was born, Harlan’s path took an unexpected turn as her daughter was diagnosed with an aggressive brain cancer. Facing “the biggest challenge I could imagine,” Harlan was overwhelmed by the support that her partners offered. She recalls receiving an email from the office managing partner shortly after her daughter’s diagnosis, telling Harlan that he had discussed her situation with firm management and that the firm would allow her to keep her partnership and support her in whatever way it could. Reading the email, she says she “felt a huge rush of emotion and relief because I knew they had my back.” She got through the next few years, spending much of her time at the hospital, working fewer hours, and finding creative ways to work where and when she could. The firm has continued to make itself friendly to working parents, offering a “balanced hours” program to lawyers seeking a reduced schedule in order to spend more time with their families, as well as a dedicated nursing room for new moms. Having weathered the storm of her first few years as a partner, Harlan has found that things have slowly gotten easier. She is able to work from home when needed, balancing conference calls while attending most of her children’s doctor appointments, baseball games, and school plays.

Both Char and Harlan emphasize that technology has been a great thing for working parents, allowing flexibility while remaining accessible and responsive to their clients. We can safely say it is no longer taboo to discuss law firm partnership and motherhood in the same conversation.

DIFFERENT PATHS

If there’s one thing I’ve learned over my years of law practice, it’s that no two cases are alike — each one has its own unique twists and turns. Similarly, there is no one right career path for lawyer moms. Rather than viewing my career as a journey with a set path and desired destination, I’ve come to view it as a constant process of creation — accepting and responding to the inevitable joys and challenges that come with lawyer and mothering, without being afraid to change course as many times as needed. One step at a time.

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ELIZABETH POH has worked in immigration law since 2002 and currently practices at Cowan Miller & Lederman in Seattle. As the daughter of a Chinese immigrant, she has a passion for working with people from around the world pursuing their dreams. Poh’s work focuses on visas and green cards for highly skilled individuals in tech, research, business, and the arts. When she sneaks away from her work and her family, you can usually find her in the yoga studio or out on a walk. She can be reached at epoh@cmlseattle.com.
On a recent morning, I arrived at the Davis Wright Tremaine (DWT) Bellevue office and greeted our newest employee, Paige, a 22-year-old woman with intellectual and developmental disabilities, as she was performing her duties. Although somewhat shy, Paige would greet me with a warm smile. On this particular day, Paige walked up to me with her usual smile and placed her hand on my wrist, holding on for a few seconds. Because Paige is non-verbal, I was not sure what to think. Had I done something wrong? Perhaps she was trying to set a boundary with me, signaling me to back off?

When I described the exchange to Paige’s mom, who drives her to our office for her Tuesday and Thursday shifts, she smiled and explained that her daughter felt attached to me. It was an indication she wanted me to lead her somewhere. It was then that I knew we were successful in our working relationship with Paige. Not only was she a great employee, providing a valuable service to us during her hours at the firm, but she felt connected to us.

Deciding to Hire Employees with Disabilities

In early 2013, one of our partners suggested that our law office hire an employee with developmental disabilities through AtWork, an organization whose mission is to empower people with disabilities to become productive and integrated members of their communities. He asked if I would consider taking a meeting with AtWork to learn more about the program. As someone who is proud to work for a firm that embraces diversity, I was excited at the idea of hiring an employee with disabilities, but had my reservations. As a law firm administrator, I am challenged to “staff smarter,” motivate our employees to work to their full potential at all times, and provide top-notch customer service to our attorneys and clients. While I thought this was an interesting idea, I had some concerns. How could I bring in an employee with developmental disabilities without it being a distraction and affecting productivity in our office? Would our lawyers and staff embrace such a program and what could we expect from our new employee? Would he/she enjoy the work?

I quickly learned after that first meeting that although certain considerations are necessary in order to hire an employee with disabilities, it was not as difficult as I had thought. The AtWork team guided us through the hiring process. They helped us develop a job that fit with our office’s needs, and provided training, coaching, and support along the way. We hired our first AtWork employee in March 2013, and she quickly became an important DWT team member, delivering office supplies to individual workstations. Because of her contributions, our Services Department was able to accomplish more on the days she worked, and we were able to provide additional services that we otherwise would not have had time for. After working with us for over a year, she needed more hours than we could provide — she had literally outgrown her DWT role. She went on to obtain a full-
time food service position at Microsoft. We were pleased to play a small role in her employment success.

In early 2016, we hired Paige into a job similar to our prior AtWork employee. Once again, the benefits were immediate. When she is in our office, there is a noted increase in office morale. Not only is there an improvement in staff efficiency because of the work she does, but everyone at the firm is proud of the fact that we have been able to accommodate employees who often have difficulty obtaining employment.

The Benefits of Hiring Employees with Disabilities

Statistics show that employees with disabilities have a lower-than-average rate of absenteeism. This has proven to be true in our experience. Labor costs are minimal, and because of AtWork’s involvement, the process for us has been seamless. Amazingly, AtWork’s service is 100% free. These experiences have been so successful in our Bellevue office that I am actively campaigning to hire employees with disabilities in our other offices. Fortunately, there are agencies like AtWork all across the country and my proposal to hire employees with disabilities has been well-received.

Our partner-in-charge, Mark Berry, reinforces my perspective. He says, “Our experiences over the past few years have been extraordinarily positive for the office and those who work here. I encourage any employer to consider employees through programs like AtWork.”

Five Steps for Law Firms

If your organization is considering hiring an employee with developmental disabilities, I recommend the following five steps:

- Enlist the guidance of an agency like AtWork. A great place to learn more and to find a local agency is the Association of People Supporting Employment First (APSE).
- Take the time to develop a job position that works for your organization — a job that provides a valuable service, improves morale, etc. Consider what type of employee would fit best for the position and for your organization — such as outgoing, quiet, or other traits that could fit well in your office.
- Prepare to spend a little more time than is typical in getting to know the employee with disabilities to make sure his/her interests and abilities effectively match the appropriate job skills.
- Make adjustments as necessary to be certain the job is beneficial to the employee and your organization.
- Enjoy the benefits: Be ready to experience an increase in employee morale and a sense of pride that your organization has established a working relationship with a person with a disability.
The justice gap is an embarrassment in Washington and throughout the country. We are embarrassed because we like to think of “equal justice” or “justice for all” as something more than pretentious rhetoric. It is awkward to admit that civil legal services are primarily for affluent individuals, government entities, and business. The inequity is not lessened or made more palatable by the fact that lawyers have business overhead and rightly expect a fair return on the education, time, and labor they invest in their careers.

As the updated Washington Civil Needs Study shows, the justice gap continues to widen and deepen. We must continue to focus on increased support for free and low-cost legal services. We must also continue to explore the gains that can come from redefining the practice of law and creating new models of how legal professionals are trained, licensed, and regulated. Washington state has taken the lead by introducing the Limited License Legal Technician (LLLT) program. Rather than resting on our laurels, we should continue to challenge the pervasive notion that the only people equipped to provide legal services are those who have passed a bar exam after obtaining a juris doctor degree following three years of prohibitively expensive study in beautiful buildings on pristine campuses populated mostly by tenured academics.

There is no doubt that many legal problems are best handled by trained lawyers whose judgment and critical thinking skills are honed by years of formal professional schooling and tested by a bar exam. But to say that only lawyers can provide competent legal services in all matters, or even most matters, is not only a difficult proposition to prove, it is unimaginative and manifestly protective of traditional law schools and lawyer monopolies. Desirable as it might be for every legal services provider to have a background in commercial or international or patent law, the low-income person who needs help getting Medicaid or veteran’s benefits may be well served by a person trained primarily in the law and procedure of public benefits.

Consider a hypothetical Latina student raised in poverty in central Washington, whose Spanish-speaking parents immigrated to the United States, and who is the first in her family to graduate from college. She is disciplined, intelligent, and academically capable. Her ambition is to become a legal professional so she can work with low-income clients in immigrant communities. She hopes to obtain relevant professional training without incurring educational debt that might force her to work simply for financial gain.

What can legal educators, the bar association, and the courts do to provide a realistic and practical path for this hypothetical student to become an educated legal professional capable of fulfilling her career aspirations by addressing the unmet legal needs of low-income people? How can we provide her a meaningful range of opportunities to participate in much-needed social justice legal work without having to take on the expense and burden of becoming a licensed lawyer? What does “practicing law” mean in the age of information technology, globalization, and market disruptions that are transforming everything from health care to the music industry?

As a law professor and lawyer, I am mindful of the need to protect consumers of legal services from incompetence and malfeasance by providers who lack professional training and oversight. Nonetheless, I grow impatient waiting for political change, legislative largesse, and charity to even the playing field for people whose economic circumstances preclude enjoyment of rights and opportunities otherwise taken for granted by those who can afford lawyers. After spending my career as a clinical law teacher talking about social justice and trying to sensitize law students to the needs of low-income people, I am now convinced that bridging the justice gap requires structural change in the
profession and a new understanding of what it means to practice law. I appreciate that many lawyers, including my former students, contribute generous amounts of pro bono time and money to help provide access to justice. But this is not enough. It is time to transform our understanding of what it means to be a legal professional.

This is not a radical political statement or a repudiation of conventional lawyering. Mainstream commercial interests and the concerns of affluent people will always support and attract skilled lawyers trained in traditional law schools. I am talking about expanding the pool of legal professionals so that a low-income mother faced with a mortgage foreclosure can obtain legal help to save her home. I am talking about equipping the elderly and disabled with the means to secure life-saving health and income benefits, or providing affordable alternatives to the thousands of poor single parents who feel hopeless in the face of family crises and financial disruption. Of course, a growing pool of such trained and regulated legal professionals will also offer an alternative for higher-income people who do not want to overpay for routine legal services.

In Washington, in addition to the new LLLT program, we have for decades benefited from limited practice officers (LPOs) who expedite real estate closings at a competitive cost to consumers.5 We also have locally funded courthouse facilitators to advance the ability of pro se litigants to understand and utilize family law procedures and forms.6 Arizona, California, and Nevada have established programs to authorize “document preparers” to provide limited assistance to help pro se clients handle their own legal matters without the cost of an attorney.7 Japan has a group of regulated non-lawyers known in translation as “quasi-lawyers.”8 The UK has several categories of legal services providers who are not lawyers.9 Some are essentially paralegals who are legally permitted to own an interest in business ventures with lawyers. In Ontario, Canada, the legislature approved a new program that allows nonlawyer legal professionals to represent clients in limited adversarial proceedings.10 Canada, Australia, and the United Kingdom allow licensed nonlawyers to provide immigration assistance.11 Our challenge in Washington is to perfect and expand LLLT licensing and identify additional models that can reliably offer affordable legal service or improve the ability of low-income people to represent themselves.

The lines separating unauthorized practice of law and authorized law practice have blurred. Online legal information, legal documents, dispute resolution, and direct representation are not just an inevitable part of the future, they are here and growing at an exponential rate.12 The concept of a law office being an entity owned and run exclusively by lawyers is changing.13 Multi-jurisdictional practice is an inescapable consequence of technology. The traditional idea of the lawyer-client relationship is changing as disciplines start to merge and innovate to find more effective and efficient ways to solve complex problems that have a legal component. Like it or not, the culture is rapidly and continually producing innovative business models that promise more competitive services and products. The practice of law, as defined by the judiciary and regulated by the state bar association, must adjust to changing conditions by exploring ways to expand access to justice while protecting the public from the risk of harm. As technology marches forward and people look for cheaper and more efficient legal services, the organized bar should be a central player. The same can be said of legal education.14

The ABA’s Commission on the Future of Legal Services is charged with “recommending innovations to improve the delivery of, and the public’s access to [legal] services.” The Commission recently solicited comments on two issues: 1) whether the concept of “legal services providers” should include lawyers and non-lawyers; and 2) whether state judicial authorities should create new categories of legal service providers to facilitate greater access to justice.15 In Washington, the Supreme Court has charged the resurrected Practice of Law Board (POLB), which advises the Court on practice of law issues, with “considering new avenues for nonlawyers to provide legal and law-related services.”16

In the end, we must rigorously face the question: what is the goal of the organized bar, law schools, and the courts with regard to access to justice? Is it to protect the status quo or find effective ways to close the justice gap and promote the public good? The quick answer, for all licensed lawyers, is set forth in paragraph 6 of the Preamble to the Rules of Professional Conduct:

A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.

We must honestly evaluate our assumptions about who should be qualified to help needy people with their legal problems. While monitoring and regulating the unlicensed practice of law is in the public interest, so is the public’s right to have meaningful choices in civil legal representation. Individual lawyers and the organized bar should look beyond the hollow rhetoric of equal justice to the reality of what is needed to serve people in need. Law school administrators and professors should ask whether the traditional legal education model — a model that has served the status quo for generations —
has any relevance for the large sector of society that cannot afford lawyers. One thing is clear — the future delivery of legal services is going to be very different from what it is today. The organized bar, legal educators, and individual lawyers can have a voice in this or we can sit back and watch an unregulated potpourri of technological innovators, predators, confused but well-intended lay people, and legislative ideologues define the new world of legal services.18

I am an aging lawyer who readily admits to being intimidated and challenged by all of this. Nonetheless, I welcome the opportunity to move beyond rhetoric and embrace modern possibilities for helping more people obtain the legal help they need and deserve. NWL

GEORGE CRITCHLOW
is professor emeritus, former interim dean, and former director of clinical programs at Gonzaga University School of Law. He has written extensively about the topic of access to justice in “Beyond Elitism: Legal Education for the Public Good,” 46 U.Tol.L.R. 311 (2015) and “The Call for Lawyers Committed to Social Justice to Champion Accessible Legal Services,” 16 Nevada.L.J. 251 (2015) (co-authored with Brooks Holland and Olympia Duhart). Professor Critchlow is a member of the Washington Practice of Law Board. He can be reached at critchlow@gonzaga.edu.

NOTES
4. See “Task Force on the Future of Legal Education Final Report,” American Bar Association at 3. A central recommendation of the report is for the ABA to encourage innovation in licensing legal services providers, including “licensing persons other than holders of a J.D. to deliver limited legal services. The current misdistribution of legal services and common lack of access to legal advice of any kind requires innovative and aggressive remediation.”
5. See Washington Admission to Practice Rule 12.
6. For a description of Washington courthouse facilitators, see www.courts.wa.gov/committee/?fa=committee_home&committee_id=108. For California, see www.courts.ca.gov/selfhelp-facilitators.htm.
11. Id. at 2608–09.
16. Id. at 11–12.
17. The Practice of Law Board (POLB) was suspended for a period of six months during 2014–15 so that the Washington Supreme Court, through a work group chaired by Justice González, could evaluate the status of GR 25. The Court issued Order No. 25700-B-559, which reinstated the POLB and directed the Board to “increase its focus on educating the public about how to receive competent legal assistance and considering new avenues for nonlawyers to provide legal and law-related services.”
18. The ABA has developed helpful model regulatory objectives for guiding courts and regulatory agencies in their development of new legal services models. See ABA Model Regulatory Objectives for the Provision of Legal Services, dated February 2018. www.americanbar.org/content/dam/aba/images/office_president/final_regulatory_objectives_resolution_november_2015.pdf.

SPEEDING TICKET? TRAFFIC INFRACTION? CRIMINAL MISDEMEANOR?

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2015 was officially the warmest year on record. 2016 is hot on its heels: NASA recorded this January, February, and March as the warmest for their respective months since the agency began recording temperatures in 1880. Scientists attribute the record-setting temperatures to a weakening El Niño event combined with gradual temperature rise caused by greenhouse gas emissions.

Warming temperatures mean faster glacial melt, accelerated sea-level rise, stronger storms, increased flooding, harsher droughts, greater fire risk, and reduced freshwater supplies. For Washington, the new normal will be warmer temperatures and more precipitation falling as rain instead of snow. This is bad news for Washington’s seven national forests — and particularly bad news for the bull trout that depend on the cool, clean waters of those national forests.

Effects of climate change in Washington
A sometimes-overlooked impact of climate change is the way it alters the natural systems that moderate carbon pollution, such as forests, permafrost, and oceans. In a recent study, scientists created a mathematical model to identify forests at the greatest risk from future environmental stressors. The model predicts that as the Pacific Northwest gets warmer and wetter, forest conditions will be more akin to southeastern China or sub-Saharan Africa.

Wildlife, snow pack, and infrastructure like bridges, roads, and campgrounds on Washington’s national forests are all vulnerable to the effects of a warming climate. We saw some of these effects over the past year through below-average precipitation, exceptionally poor snowpack, early snowmelt, infrastructure damage, and an extended wildfire season that burned more than a million acres in the state and resulted in tragic loss of life.

People who enjoy our national forests, and the Forest Service that is charged with managing their use, are seeing longer camping seasons and the need to head to higher elevation for winter activities. They are also seeing a loss of access to popular trailheads and recreation areas on the national forests as bridges and roads get washed out in major storm events. Sediment-laden runoff from forest roads reduces the water quality in receiving waters, harming downstream communities that rely on clean water as a drinking source.

Climate change also has major implications for imperiled salmonid species that call Washington home. Bull trout are especially vulnerable because this top-level predator is picky about its habitat: it requires cold-water temperatures in upper watersheds for spawning and rearing. Water temperature above 59°F (15°C) limits bull trout distribution. Listed as threatened under the federal Endangered Species Act (ESA), bull trout exists in less than half of its historic range. All seven national forests in Washington have designated bull trout critical habitat — waters containing features essential for the conservation of bull...
trout, and which therefore require special management and protection — within their borders. Given bull trout’s specific requirements for cold, clean, complex, and connected habitat, they are excellent indicators of water quality. Therefore, a decline in bull trout should give pause for concern not only to fishermen and conservationists, but to the public as well — clean water is a human health concern.

Existing threats to bull trout survival include habitat destruction, splintering of habitat into smaller pieces, roads and culverts that block fish migration, poor water quality, and past fisheries management practices. As a consequence of the climate change effects described above, the U.S. Fish and Wildlife Service predicts additional stressors to bull trout in the form of more intense spring stream flows, lower summer stream flows, and loss of cold-water habitat which will result in increased competition with other fish species. Together, these threats paint a grim outlook for bull trout survival.

**Limits of existing environmental laws**

Polls show that more than 80% of Americans surveyed believe environmental protection should be a high priority for the government. Traditionally, environmental law school courses cover the National Environmental Policy Act, Administrative Procedure Act, Clean Water Act, Clean Air Act, ESA, etc. But we are now facing more complicated environmental issues — namely, climate change — that traditional environmental statutes only indirectly address.

For example, the ESA was designed to protect and recover imperiled species and the ecosystems that they depend on to survive. The U.S. Fish and Wildlife Service listed bull trout as a threatened species in 1999. In 2004, 2005, and 2010, the Service designated critical habitat for the bull trout.

But due to climate change, bull trout distribution is likely to change. Especially cold habitats may provide important refugia — an isolated area to act as a type of shield, protecting bull trout from the threats of climate change effects. In 2015, the Forest Service established a Climate Shield website¹ to track information about important refugia locations and allow public land managers to better protect watersheds that are likely to be key to bull trout survival. In fact, many of the measures developed to protect or defend against the effects of climate change are likely to draw on ingenuity and creativity to build resilience for the future.

**How is Washington building resilience?**

Planning for the effects of climate change is much like planning for a disaster — albeit one with a slow, gradual onset. In his March 2016 NWLawyer article, “The Dawning of Disaster Law,” Clifford Villa explained that disasters are defined in reference to effects and the efforts needed to recover. What really matters, he said, is how you respond during a disaster, recover afterwards, and most importantly, prevent the next disaster from happening in the first place. This logic applies equally to climate change and its effects.

So how do you plan for or prevent the effects of climate change? Rewilding, or restoring natural ecosystems, is one important way the U.S. Forest Service hopes to make national forests more climate-resilient, ensuring adaptive forests that can mitigate the effects of climate change.

This year, the Forest Service issued a permanent ecosystem restoration policy that aims to restore ecosystems on National Forest System lands so that they are self-sustaining and have the ability to reorganize and renew themselves if subject to disturbances or environmental change. 81 Fed. Reg. 24785 (April 27, 2016) (Forest Service permanent ecosystem restoration policy). This policy focuses on recreating the ecosystem conditions that were present prior to European influences. Where that is ecologically or economically infeasible, the goal is to create functioning ecosystems in the context of changing conditions through “functional restoration.”

For forests, this could mean managing them to promote old-growth characteristics and create “microrefugia” for temperature-sensitive species. A recent study from Oregon State University and the Forest Service found that old-growth forests in the Pacific Northwest do a much better job of mitigating the effects of climate change than less com-
plex forests. In the context of bull trout, this means managing and protecting key watersheds likely to withstand some of the adverse effects of climate change and provide cold-water microrefugia.

Other ways to prevent the effects of climate change include building resiliency into roads, trails, water delivery systems, and campgrounds. For example, many forest roads in Washington are remnants from legacy logging activities and are in a state of disrepair. Extreme weather events add stress to those resources. When infrastructure fails in the national forests, it blocks public access and presents public safety issues. Washouts also cause accelerated damage to adjacent resources. Increased sediment flows into rivers and streams, smothering young fish developing in spawning gravels, changes stream dimensions, and increases stream temperatures, harming bull trout and polluting municipal water supplies.

Reducing the size of the Forest Service’s road system — by returning unneeded roads that pose a high risk to water quality and aquatic life to the wild — is key to establishing resilient national forests. The Legacy Roads and Trails Remediation Program helps to fund those efforts. Because the Forest Service works with an extremely limited budget, this program provides critical funding to fix environmental problems resulting from the agency’s massive and aging road network.

Some believe even more drastic hands-on conservation measures are necessary to ensure bull trout survival in the face of climate change. In Montana, for example, fisheries biologists at Glacier National Park have resorted to backpacking bull trout into new higher-elevation habitat, or refugia, with the hopes of insulating the fish from rising temperatures.

Spurred by litigation (see below), the state of Washington and local communities are also working to build resiliency. Even though the U.S. Supreme Court put a stay on implementation of the federal Clean Power Plan — which sets Washington’s target at a 37.2% reduction in carbon emissions by 2030 — the state is continuing to work to reduce the state’s greenhouse gas emissions under its own Clean Air Rule. This year Washington’s Department of Ecology developed a new statewide carbon-capping proposal to address roughly two-thirds of the state’s emissions by regulating emissions from power plants. 70% of the state’s electricity comes from hydropower. It has 11 power plants, 10 of which are fired by natural gas.

In addition to air and water quality standards, Washington’s State Environmental Policy Act (SEPA) ensures state agencies and local governments consider the potential environmental impacts of a proposed action. Environmental impacts include surface water quality, runoff, wildlife habitat, and fish migration routes, whether short- or long-term. Regulations created under the Growth Management Act protect sensitive areas such as waterways, fish and wildlife conservation areas, and aquifer recharge areas. And the Washington Department of Fish and Wildlife (WDFW) protects bull trout as a species of concern and a priority species under the WDFW Priority Habitats and Species Project. Restrictive sport fishing regulations also help to protect bull trout
populations in Washington.

At the same time, information gathering will also continue. Under the North Cascadia Adaptation Partnership, the Forest Service and National Park Service are collaborating to increase awareness about climate change and assess the vulnerability of cultural and natural resources to climate change. The partnership is working on a vulnerability assessment that will synthesize the best available science on how a changing climate is impacting natural resources on our national forests, and will identify ways to best manage landscapes, ecosystems, and recreation areas in response. In Washington state, local tribes, cities, and counties are conducting studies to identify climate vulnerabilities in the natural and built environment.

**Changing climate, changing legal context**

With greater understanding of the very real effects from climate change, we are also seeing more climate-focused litigation.

One new phase of legal action moves the focus from federal agencies to holding private companies accountable for their greenhouse gas emissions and associated damages. For example, attorneys general in New York and California are investigating ExxonMobil to determine whether it lied to investors and the public as to what it knew about climate change threats to its business. The investigations could lay the groundwork for litigation alleging the fossil fuel company of misleading the public about science showing the dangers of climate change.

Tracing a plaintiff’s injury resulting from increased greenhouse gases to the emissions of a particular defendant was a major hurdle in prior litigation. For example, in *Washington Environmental Council v. Bellon* (2013), clean air advocates tried to get the Department of Ecology and local clean air agencies to regulate greenhouse gas emissions from Washington’s five refineries — the second-largest stationary source of climate change pollutants in the state. Dismissing for lack of standing, the court noted, “There is limited scientific capability in assessing, detecting, or measuring the relationship between a certain GHG emission source and localized climate impacts in a given region.”

But recent scientific improvements make it easier to trace greenhouse gas emissions with finer resolution and greater confidence. Improved traceability could eliminate the previous barriers to establishing a causal connection between a plaintiff’s individualized harm and emissions from a particular defendant’s action.

Another new form of legal climate action is the recent win by Our Children’s Trust in Washington state court, premised on a broader legal theory of public trust. After the Department of Ecology withdrew its draft greenhouse gas emissions reduction plan early this spring, King County Judge Hollis Hill ordered the agency to create a plan by the end of the year. Our Children’s Trust alleged the atmosphere is part of the public trust and thus regulators must protect it from climate change for future generations. Judge Hill had previously ruled that the state had a mandatory duty to protect air...
quality for future generations, and noted “[t]he scientific evidence is clear that the current rates of reduction mandated by Washington law cannot achieve the [greenhouse gas] reductions necessary to protect our environment and to ensure the survival of an environment in which Petitioners can grow to adulthood safely.”

Whether out of good faith or to reduce liability, companies will need to get more serious about reviewing their contribution to greenhouse gas emissions as a result of these legal challenges. Any movement in this direction will be a positive change for public health and provide a sliver of hope to bull trout in our national forests.

Bottom line: Are we doing enough?

Over time, America’s views of nature have morphed from seeking to conquer the wilderness through Western development in the 19th century to appreciating wilderness in the 20th century. Today, we are moving beyond appreciation as we begin to understand the very real need for wilderness in ensuring an adaptive, climate-resilient future.

Whether we are doing enough to create a climate-resilient future depends on what we seek for the future. As we look ahead, we should ask ourselves: What kind of a world will our children see? What kind of a world do we want them to see? I envision healthy communities visiting lush forests and rivers brimming with thriving bull trout populations. Getting there may require more decisive action, given current climate projections. And because climate change is continual, the actions must be enduring.

RESOURCES


U.S. Fish & Wildlife Service, “Biological Opinion on Effects to Bull Trout from the Divide Travel

NATIONAL FOREST BULL TROUT HABITAT FACTS AND FIGURES

MT. BAKER-SNOQUALMIE NATIONAL FOREST — Home to more glaciers and snow fields than any other National Forest in the lower 48.

OKANOGAN-WENATCHEE NATIONAL FOREST — At over 4 million acres, it is the largest National Forest in the Pacific Northwest.

COLVILLE NATIONAL FOREST — Shaped by Ice Age glaciers more than 10,000 years ago.

IDAHO PANHANDLE NATIONAL FOREST — Mostly within the “panhandle” of northern Idaho, this national forest stretches into eastern Washington and western Montana.

OLYMPIC NATIONAL FOREST — Surrounding Olympic National Park, this forest hosts an extensive network of 270 miles of trails.

GIFFORD PINCHOT NATIONAL FOREST — Set aside in 1908 as the Columbia National Forest, it is one of the oldest national forests in the United States.

COLUMBIA RIVER GORGE NATIONAL SCENIC AREA — Designated under the National Scenic Area Act just 20 years ago in 1986, this area is a bit of a greenhorn.

UMATILLA NATIONAL FOREST — Spanning southeast Washington and northeast Oregon, this forest contains many diverse landscapes.


Marla Nelson is the rewilding attorney in WildEarth Guardians’ Portland, Oregon, office, where she develops strategic legal advocacy to reclaim places for the wild and reconnect wildlife habitat and waterways across the American West. She is a member of the WSBA Editorial Advisory Committee. She spends her free time exploring the West on backpacking trips and running trails. She can be reached at mnelson@wildearthguardians.org.

NOTE
A n eventful day for me was March 29, 2010, when my first digital 35mm camera arrived in the mail. It’s the day my long-dormant passion for photography finally came out of hibernation. Since then, I have ventured frequently outside the I-5 and I-90 corridors with my trusty camera and tripod, hitting all four corners of our state and many places in between. My mission? To explore and photograph the plethora of historic county courthouses in Washington. Besides being fun, discovering these hidden gems up close has enhanced me professionally by helping me connect with our legal past.

The iconic role of the courthouse in our society
The historic county courthouse is one of the most solid and enduring symbols of our legal system. In the preamble to the U.S. Constitution, our founding fathers identified six reasons for establishing this precious document. The first and most well-known reason, one that some of you may remember from grade school, is to “form a more perfect Union.” Immediately following that is to “establish Justice.” Given this transcendent goal, thousands of courthouses have been built across this great land to safeguard and provide access to our civil and criminal justice systems.

Local Government 101
As far as courthouses go, the U.S. Supreme Court Building in Washington, D.C., built between 1932–35, rightly sits at the top of the heap. However, to better understand the role and significance of the courthouses at the local level, as well as their ubiquitous nature, a quick refresher course on local government might be helpful.

The basic terms are “county” and “county seat”
Our founding fathers didn’t provide for
local government in the U.S. Constitution, instead reserving such matters to the states. Even in colonial times, however, counties were the earliest units of local government. There are presently 3,142 counties in the U.S., ranging from three in Delaware to 254 in Texas.

So can you quickly tell me the number of counties in Washington? If you answered 39, go to the head of the class. Except for five — Benton, Chelan, Ferry, Grant, and Pend Oreille — all were formed during Washington's territorial period. A county seat, meanwhile, is an administrative center for a county and one of its perks is the right to host the county courthouse, which means there are 39 county courthouses in Washington.

**County seat designations were often very competitive**

Although state capitals like Olympia have bragging rights, so do county seats. Our early pioneers well knew that besides prestige, designation as the county seat meant a huge boon for the local economy. Consequently, early on there were intense rivalries in Washington between neighboring towns competing for the county seat designation.

For example, in Lincoln County, the town of Davenport was named temporary county seat in 1883 by the territorial legislature. After losing to Sprague, its much larger neighbor, at the ballot box in 1884, Davenport initially refused to relinquish its year's worth of official records, and only capitulated when confronted by a raiding party sent by its rival. Davenport got its sweet revenge 12 years later, though, regaining the seat after Sprague suffered a major conflagration that destroyed almost the entire town.

Ever heard of South Bend? I'm not referring to the Indiana home of the Fighting Irish of Notre Dame, but to the county seat of Pacific County in southwestern Washington. Following an election in the early 1890s, South Bend wrested the county seat away from Oysterville, its rival across the bay. After Oysterville residents balked at releasing the county seals and records, two boatloads of South Bend residents crossed the bay in the early morning hours and took the county records by force.

**1887–1917: The golden age of courthouse construction**

Although Washington didn’t attain statehood until 1889, the oldest working county courthouse in the state dates back to 1887. This honor belongs to Dayton (pop. 2,535), the seat of Columbia County in southeastern Washington. In the three decades between 1887 and 1917, a total of 16 county courthouses still in use today were built throughout the state. It’s been my great pleasure to visit and photograph all but two of them. This is not to say the list of post-1917 courthouses includes no other jewels. Few, however, match the scale and grandeur of those built in our early years of statehood.

Statewide, Washington’s population is over 6.7 million. Five counties in the Puget Sound region — King, Kitsap, Pierce, Snohomish, and Thurston — account for over 3.9 million residents, nearly 59% of the state’s total population. When you add Spokane and Clark counties, the population share increases to over 64%. And when you factor in the next three largest counties (Yakima,
Whatcom, and Benton), the 10 most populous counties in the state account for almost 5.5 million residents, or just over 81 percent. This means the remaining 29 counties in Washington — almost three quarters of the total — account for less than 20% of the population.

No correlation exists between the population of our county seats and the historic nature of their courthouses. If anything, the numbers suggest otherwise. Here are population figures for 11 of the county seats where courthouses were built during the golden age:

<table>
<thead>
<tr>
<th>County Seat</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waterville</td>
<td>1,280</td>
</tr>
<tr>
<td>Pomeroy</td>
<td>1,425</td>
</tr>
<tr>
<td>South Bend</td>
<td>1,637</td>
</tr>
<tr>
<td>Davenport</td>
<td>1,734</td>
</tr>
<tr>
<td>Newport</td>
<td>2,126</td>
</tr>
<tr>
<td>Friday Harbor</td>
<td>2,162</td>
</tr>
<tr>
<td>Dayton</td>
<td>2,535</td>
</tr>
<tr>
<td>Okanogan</td>
<td>2,552</td>
</tr>
<tr>
<td>Montesano</td>
<td>3,976</td>
</tr>
<tr>
<td>Ephrata</td>
<td>7,664</td>
</tr>
<tr>
<td>Port Townsend</td>
<td>9,335</td>
</tr>
</tbody>
</table>

Have you heard of every county seat on this list and can you match them to their respective counties? As for the remaining five county seats with courthouses built during this time, only two — Seattle and Spokane — have populations exceeding 100,000.

My personal favorite of these is Montesano, the seat of Grays Harbor County in western Washington. If you’ve ever been to Aberdeen, which is 15 miles west on Highway 12, you probably zoomed by the exit without even knowing it. Montesano has exactly one intersection controlled by a traffic light, with the venerable Bee Hive Restaurant on the southeast corner. Just three blocks away is one of the finest courthouses in the state. Built in 1911 for $193,470.84, the imposing three-story structure, with arched windows and classical columns, is crowned by a stately dome. The interior features brass rails, marble sheathing, varnished walnut and oak panels, terrazzo and ceramic tile floors, and beveled glass windows. When you peer up from the first floor and see the stained glass ceiling atop the rotunda, surrounded by four colorful murals, you would swear you had entered a cathedral, not a courthouse.

The diversity of architectural style is another remarkable aspect of our histor-

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Did you know?

1. SAN JUAN COUNTY, consisting of 176 named islands and reefs, was formed shortly after Kaiser Wilhelm I of Germany arbitrated a boundary dispute between the U.S. and the British Empire in 1872. This officially ended the Pig War, so named because the only casualty was a British pig.

2. Goldendale, the county seat of Klickitat County, is the home of the MARYHILL MUSEUM, which has a world-class collection of sculptures and drawings by Rodin and a replica of the original Stonehenge in England.

3. After Washington attained statehood in 1889, PASCO, the county seat of Franklin County, entered a race for the location of the state capital. Its grandiose plans went awry, as Pasco received only 130 votes out of over 55,000 votes that were cast.

4. The statue of Justice that caps the clock tower on the courthouse in Pomeroy, the county seat of GARFIELD COUNTY, is one of only 20 statues nationwide where the justice figure isn’t blindfolded.

5. FRIDAY HARBOR, the county seat of San Juan County, is named after a Hawaiian sheepherder who went by the name Friday.

6. The huge IRON BELL in the tower atop the courthouse in Port Angeles, the county seat of Clallam County, has a distinctive tone, thanks to the unconventional clapper which strikes it from the outside.

7. South Bend, the county seat of Pacific County, is the self-proclaimed “OYSTER CAPITAL OF THE WORLD” and the birthplace of comedian Pat Paulsen, who ran six times for the U.S. presidency.

8. KING COUNTY SUPERIOR COURT is the 12th-largest judicial district in the U.S. In 2014, its budget was just under $53 million, while court filings totaled 52,224 and its hardworking bench oversaw almost 2,200 trials, including 402 jury trials.

9. Clark County was originally named Clarke County in 1849 in honor of explorer WILLIAM CLARK, of Lewis and Clark Expedition fame. The misspelling wasn’t corrected until 76 years later, in 1925.

10. The county courthouse in Spokane, known fondly by locals as “THE CASTLE,” closely resembles two 16th-century chateaux in France’s Loire Valley. W.A. Ritchie, the 29-year-old who submitted the winning design, had no prior formal training in architecture.
ic courthouses. No two are even closely alike. Here’s a partial list of the styles on display in our county seats:

- Beaux Arts (South Bend)
- Classical Revival (Ephrata)
- Colonial Revival (Shelton)
- French Renaissance (Spokane)
- Greek Revival (Walla Walla)
- Late Victorian (Pomeroy)
- PWA Moderne (Goldendale)
- Romanesque (Port Townsend)
- Second Renaissance (Friday Harbor)

Like anything else, courthouses sometimes wear out or otherwise need to be replaced. Six county courthouses were built in Washington between 1936–1941, and several of them, including the courthouses in Republic (Ferry County), Ritzville (Adams County), and Vancouver (Clark County), were influenced heavily by the Art Deco architectural style then in vogue.

**Eye-opening experiences and travels**

An observation from my travels relates to how friendly and accommodating courthouse staff — judges included — can be in our smaller county seats. For example, I like to photograph old courtrooms, and there is a very cool courtroom in the South Bend courthouse which dates back to 1910. When I went to the court administrator’s office and sheepishly asked whether the judge would mind if I photographed his courtroom, she suggested that I ask him myself. I promptly walked to his chambers, knocked on the massive open door, and popped the question to His Honor. The judge not only granted permission to photograph his courtroom, but also gave me a quick tour of the unoccupied third floor where recent exterior renovation work could be better viewed.

In Waterville, whose courthouse first opened its doors 111 years ago, my photographic composition was spoiled by a lone vehicle parked in the worst possible spot. Not a problem, as the car owner, whom I tracked down in the court clerk’s office where she worked, readily agreed to move it elsewhere.

My favorite story involves Friday Harbor, the picturesque seat of San Juan County that is only accessible by boat or plane. The first time I photographed its 106-year-old courthouse, my images were sharp and well-composed — but the landscaping left something to be desired, especially the unkempt lawn and two out-of-control holly bushes next to the walkway leading to the entrance. I decided a reshoot was necessary, so I called the court administrator and politely inquired about the condition of the grounds. She put me through to Greg the facilities director, who quickly confided that he couldn’t stand the holly bushes. Greg not only told me they would soon be history, but later emailed me an “after” shot that he took with his smartphone. It should suffice to say that when I returned to Friday Harbor a few days later, the reshoot was successful.

I should add that my photography trips around the state haven’t exactly been all work and no play. I’ve enjoyed gorgeous scenery, stayed at wonderful B&Bs, discovered many great eateries, and made new acquaintances.

**Washingtonians still love their historic courthouses**

Besides being a source of civic pride, the county courthouse of the last century has been a cornerstone of the community. It has served not only as the local center of law and government but also as a meeting ground, cultural hub, and social gathering place. Nowadays, especially in our larger metropolises, the county courthouse has become more disconnected from public life — a place citizens don’t often visit unless compelled to do so. But even in these contemporary times, our historic courthouses have not
been forgotten.

The courthouse in Dayton, the oldest working courthouse in the state, provides a compelling example. In the late 1930s, the courthouse underwent a dramatic face-lift, including a black-and-white paint job. The modernization trend continued in the 1950s when stucco was liberally applied to the exterior, which had been stripped of its wooden ornamentation. But happily, thanks to a nine-year restoration program ending in 1993, the Dayton courthouse has been returned to its 19th-century splendor. Amazingly, this happened in a county with only 4,078 residents!

In Davenport, tragedy struck just before Christmas in 1995, when the courthouse was gutted by an arson fire. Miraculously, the courthouse reopened exactly 365 days later, its exterior painstakingly restored to its original appearance and its interior completely modernized.

In 2005, our state Legislature established the Historic County Courthouse Rehabilitation Grant program. Based on findings from an earlier survey, 33 of our 39 counties were found to possess courthouses of historic and architectural merit. To date, 56 grants have been awarded to 26 counties statewide.

Ideally you’ll soon find an opportunity to experience Washington’s historic courthouses in person. No matter where you practice, one of these hidden gems isn’t too far away! NWL.

Andrew Bergh, former prosecutor and insurance defense attorney, now limits his solo practice to plaintiff’s personal injury cases, including medical malpractice and insurance bad faith. A former columnist for the Seattle Daily Journal of Commerce and long-time columnist for WSAJ’s Trial News, Bergh has over 650 published articles. He has a photography website, www.berghimages.com, specializing in fine art photography for lawyers. He can be reached at andy@berghlaw.com.

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“When my client suffered a serious injury from medical care in Seattle, I looked for the best medical malpractice firm in Seattle to associate with me on the case. I was fortunate to be referred to Chemnick Moen Greenstreet. The firm did a terrific job evaluating and pursuing the claim, and as a result of the settlement, my client will have his lifetime needs taken care of. I wouldn’t hesitate to recommend Tyler Goldberg-Hoss & Gene Moen to anyone who needs help on a catastrophic injury malpractice case.” - Karl Knuchel, Livingston, Montana

Andrew Bergh, former prosecutor and insurance defense attorney, now limits his solo practice to plaintiff’s personal injury cases, including medical malpractice and insurance bad faith. A former columnist for the Seattle Daily Journal of Commerce and long-time columnist for WSAJ’s Trial News, Bergh has over 650 published articles. He has a photography website, www.berghimages.com, specializing in fine art photography for lawyers. He can be reached at andy@berghlaw.com.

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We’ve all likely read articles on the importance of establishing an online presence to help market our legal practice. While insightful, most of this information gets presented in snapshots that simply focus on an isolated online tool. I’m sure the majority of us have read articles like “How to Create a More Effective Website” or “The Importance of Using LinkedIn to Bolster Business.”

The truth of the matter is that successful online marketing drives and grows business for lawyers. But to reap the true fruits of this success, this marketing cannot take place among one or a few loosely connected online outlets. Despite the tendency to use these outlets as isolated capsules, the true legal marketer must find a way to weave them together into one dynamic and strategic marketing plan.

An integrated online marketing strategy, with a very short investment of time, is actually easy to operate and maintain. The strategy incorporates a website, blogs, and some essential social media platforms. While each element of this strategy is important on its own, the act of integrating them into a workable whole provides pure marketing poetry.

An Attorney’s Website is the Hub for Integration

Before delving into the particularities of a lawyer’s website, let’s run a few numbers on the matter. As presented by Nicole Black, in her article “The Biggest Mistakes Lawyers Make With Their Websites,” consider the following:

- More than 35% of legal consumers start their search for an attorney using online resources.
- Approximately 30% of clients seeking a lawyer start their research by viewing the law firm’s website.
- Approximately 11% of potential clients searching for an attorney online indicate that the initial impression of a website is the most important factor when it comes to hiring that attorney.

There is no question that a lawyer’s website plays a fundamental role when it comes to marketing. A properly constructed website informs, educates, and eases stress — all in one compact online presence. This can easily lead to making existing clients happy and bringing in new business. In terms of an integrated marketing online strategy, the value of a website is tremendous.

The reasoning here is twofold. First, a marketing-optimized law firm website will include tabs or links to the other social media platforms utilized by the firm. With these tabs or links, viewers can easily gather more information about an attorney or firm simply by clicking on the desired link.

Second, when an attorney utilizes other social media platforms, all of these platforms arm the attorney with the capability to provide a link back to their actual website. For example, a lawyer’s LinkedIn or Facebook profile easily provides a link to that attorney’s website. With links taking readers to other social media outlets and external links directing viewers to a lawyer’s website, the website itself truly serves as an online marketing hub. These links are critical in an online marketing strategy because they all broaden a lawyer’s overall online exposure — which can capture new clients and strengthen an attorney’s brand and reputation.

Blog Posts Provide the Key to the Dissemination of Information

Despite some critics, legal blogging is not a thing of the past. According to LexBlog’s 2015 “Am Law 200 Blog Benchmark Report,” 18 of the top 25 law firms are blogging and 82% of firms in the top 200 are blogging. According to Kevin O’Keefe, founder of LexBlog, blogging can lend credibility to a law practice.

When done well, blogs continue to help attorneys and firms bolster and grow business. But they must be done well — meaning that the blog is well-written on matters of direct importance to current
and potential clients. Blogs are very important for integrated marketing because they provide the key to a lawyer’s dissemination of information among other social media platforms.

Keep in mind that it’s fine for a lawyer or firm to recycle information. For instance, if a lawyer crafts an informative blog post and places it on the law firm’s website, that post can easily be shared via a simple link on Facebook, LinkedIn, and Twitter. Keep in mind that an attorney’s social media followers often do not include the same audience viewing that attorney’s blogs or website. Thus, using the same blog post among different social media platforms is an efficient way to utilize one piece of information to garner maximized attention.

Outlet #1 — LinkedIn
With an integrated marketing approach, a lawyer’s goal is to create useful nuggets of information and then push them out to useful “outlets,” or popular social media platforms. One of the most popular is LinkedIn. Many lawyers already have LinkedIn profiles that explain their education and identify their practice areas.

One of the best LinkedIn features is the site’s “Updates” tool. This tool allows users the capability to publish articles or create posts that get received by all members within a user’s specific network. More practically, a lawyer can publish a blog post via his firm’s website and then repost it on LinkedIn via a simple update. Or if a lawyer learns of information important to his clients or industry, he can simply provide a link to the information and send it via a LinkedIn update.

As with the other following outlets, LinkedIn includes a member’s profile—which includes a link to that member’s website. When an attorney pushes out information, readers not only capture that information, but they are also exposed to a direct link that will bring them back to the legal website. Recall a website being a hub? Now we’re getting somewhere.

Outlet #2 — Facebook
Many of us are familiar with Facebook as a means to reconnect with old acquaintances or share family photos. But a person can create a business Facebook page that is separate from their individual page. With a business page, lawyers have the opportunity to present a link to their website and other useful information about that attorney, practice areas, industry, etc.

Facebook is somewhat similar to LinkedIn, insofar as an attorney can use a blog post or other industry knowledge and repost it so that it gets read by a broader audience. The integrated marketing approach generates business by spreading your name/brand/expertise/experience to as many followers as possible. Facebook works perfectly in line with this approach.

Outlet #3 — Twitter
Twitter provides an attorney with the opportunity to disseminate information about a previously written blog or tweet information from a different source. If high in quality, these tweets will attract other viewers to follow a lawyer’s Twitter account. Followers will receive every new tweet. Typically, an increased number of followers means that an attorney can better establish a brand and reputation while also hopefully expanding business and gaining additional clients.

Putting Poetry into Motion
Let’s put all of our newly-integrated knowledge into practice for a moment. As lawyers, we all love fact patterns, right? Well, consider the following: Meet Joe. Joe is a solo practitioner in the area of real estate — assisting both residential and commercial clients. On a Thursday morning, after advising a couple on preparing for a complex closing, Joe realizes how valuable other soon-to-be home buyers (and potential clients) would find his information. That afternoon, Joe also reads a journal article and learns of a possible change in zoning laws that could likely affect commercial builders.

Joe wonders how he can push both sets of information and knowledge out to generate leads. He also believes this information will assist existing clients. Further, Joe feels the information will establish him as a leader in his field.

Joe’s thoughts are interrupted as he remembers he will run a 5K on Saturday morning for a notable charity. “See,” he says to himself, “I’m more than an attorney. I’m a caring man who believes in his community and building greater awareness for special causes.” Joe ponders how he can communicate this to colleagues and clients and even use his commitment to his community to attract new business.

Suddenly Joe remembers the secret of integration. On Thursday evening, he writes a blog post: “Important Things to Remember When Preparing for a Residential Closing.” He posts the blog on his firm’s website and sends a link to the blog to his LinkedIn members via an update. He recalls the journal article on zoning laws and reposts this article to his Facebook account and tweets on the same topic.

On Saturday morning, while stretching for the 5K, Joe tweets about his excitement at being able to contribute to a worthwhile charity. After crossing the finish line, Joe takes some photos with his mobile phone and posts them on his firm’s Facebook page with the comment, “Not only capable to withstand miles for a cause, but equally motivated to withstand the same for my clients.”

In just three short days, Joe utilized his website, blog, and social media outlets to communicate his message, relay information, express his personality, and hopefully strengthen and grow his business.

Sometimes It Takes Help
Yes, it takes some time to properly learn the intricacies of marketing integration, but the time invested will definitely pay off. You may not enjoy the benefits of a large firm with a gigantic marketing budget, but solutions still abound. However, some solo practitioners and small firms don’t have the time to fully grasp the art of integration and reap its rewards. That’s okay. Simply ask for help. The main goal is to put integration on your horizon and the benefits will undoubtedly come.
by Charity Anastasio

I am retiring. What do I do with all these old files?

This is probably how 60% of my conversations about transitioning out of the practice start: “We have a ton of old files!” I usually ask, “What is your current retention policy?” About 85% of the time, there is no retention period, or it is “everything, forever.”

Then I ask, “What practice areas did you work in?” The retention period is generally by practice area, but there is no formal guidance except on trust account records, which must be kept for seven years (RPC 1.15B (a)), and records of client property held by the lawyer, also seven years (RPC 1.15A (c) (3)).

Generally, though, most practitioners keep their records for seven years with some case-specific variations. Some family law lawyers keep files until any children involved reach the age of majority plus three years. Criminal law lawyers do the same with juvenile defendant files, and they may keep capital case records forever. There is debate, too, as to when the period starts running in criminal law. Some prefer a period that runs from sentencing, but others begin the period from completion of sentence. Estate planning and probate lawyers often keep their files for 10 years, but they keep tax basis information permanently. Also, there is always the “weird client exception” If something does not feel right or you do not trust the client, keep the file past its period if you wish.

There is more detail on this point in the “WSBA Guide to Best Practices of Client File Retention and Management” (http://tinyurl.com/BestPracDocRetention) and the ABA book The Lawyer’s Guide to Records Management and Retention (2nd Edition) (available in the LOMAP lending library). One important point that comes as a great relief to many: Keeping files in an electronic format is sufficient for document retention purposes, as set out in WSBA Advisory Opinion 2023 issued in 2003. Scanning and shredding, while time-consuming, can be a much more compact and affordable way to retain the files. Whether retained electronically or not, in any decision for the disposition of a client file, the lawyer should ensure all steps are taken to return all original client documents to the client.

It is common, also, to be asked what constitutes “the file.” The lawyer’s file may include information publicly available: Just because it can be accessed elsewhere does not mean it should be culled from the file (unless you are willing to recreate that file if a past client needs it within the retention period). But usually only the final version must be retained, so previous versions and duplicates should be discarded. The lawyers’ notes and observations belong in the file, but may not be something that would be turned over to the client upon request, so it makes sense to scan and keep these apart electronically. A resource for evaluating your response to a former client’s request for files is WSBA Advisory Opinion 181.

Finally I ask, “Did you keep any originals for clients?” If the answer is yes, there are heightened obligations of care to address under RPC 1.15A when client property is involved. It is a best practice to return all client property (e.g., X-rays, estate planning documents, deeds, contracts, etc.). If there are originals, which are client property, one must try to return them. This can be burdensome, but the following resources are a place to start:

- Search the probate court through JISLink (Judicial Information System). Info about JISLink can be found at www.courts.wa.gov/jislink.

I am retiring and I work for a law firm. I’ve heard I need tail insurance to cover work I have done during my career, but the law firm tells me it has that in hand. Can I get a tail insurance policy on my own?

In the insurance industry, tail insurance is called an extended reporting endorsement (ERE) and permits one to report claims that are generated from work done while you were practicing law. This is sometimes included in a malpractice policy, but often with limitations. For example,
Most require that one fully retire from the practice of law, none of them will cover any practice of law after retirement (some carriers include pro bono work in emeritus status, while others do not), and some say you get different durations of a tail based on your age (e.g., graduated scale that generally starts with one year if in early retirement and unlimited tail if older). The bad news is that if it is not included in the policy, it is usually expensive (between 225% and 350% of current annual premium), cannot be financed over time because it is for work already completed, and limits are set by current policy at retirement. In other words, you cannot change a $500,000 policy to a $3 million tail.

There is no stand-alone tail policy. The law firm is correct: It is up to the firm to get the tail insurance, because insurance companies insure the law firm as a whole. A few permit ERE to be purchased at time of retirement, but most are structured so that you have insurance through the firm’s policy on previous acts unless that firm cancels the policy or winds up. At that time, there is sometimes a term in the policy that says one has a window to purchase ERE coverage (anywhere from only on same day of cancellation to within 30 days of cancellation). This means it is crucial to understand what the policy says and to stay abreast of the goings-on at the law firm one has retired from.

**Recently I have noticed all my friends retiring and it made me think. Should I be thinking of retiring, too?**

We lawyers have a reputation of not wanting to leave the profession, of staying in “too long” and not being able to give up our professional life gracefully. My time at the WSBA has shown me that is not everyone’s story. I talk to many lawyers about retiring and the ones who are the most excited about it have these things in common.

**They thought about it early.** Folks who plan retirement well in advance do not feel so rushed out the door. Not every plan works and not every life plan goes the way it’s expected, so it does not mean their plans get executed perfectly. I believe this is evidence more of their not being in a state of denial about the future.

**They got a hobby.** Those lawyers who leave the profession leave to do something else. Maybe they buy a house and start fixing it up, or they take up sailing, knitting, cooking, or spending time with friends. Whatever it is, there is a conscious effort to fill the potentially blank space in their lives with something new and fulfilling.

**They have enough money to retire.** This is a tough one, because not all of us make the big bucks or have the economic footing we did pre-recession. I talk with many lawyers who have put off retiring because their investments are not what they used to be. But the fact remains those who have enough appear to be more at ease with making the step.

**They do it in their own time.** Many do not leave the profession instantly. An ongoing cultural shift has older workers staying on part-time and mentoring the newer workers for a longer period. If tensions are addressed in a healthy, communicative way and the client transitions are done in a purposeful, intentional manner, this can be a boon for the law firm and all parties involved.

**They are in touch with reality and their inner workings.** Lawyers who are ready to leave the profession know they are ready to go. They say things like, “I noticed I don’t have the energy I used to,” or, “I am just more interested in things outside of my practice.” They are in touch with their and their family’s relative health and preparedness as well, and take it into account in an honest, frank manner.

There is no perfect way to do this and far be it from me, a Generation Xer, to tell folks when they should retire. But these are a few of my observations and I hope they help you to ask the questions of yourself and your loved ones that make a decision to retire (or not) a positive one. NWL
WSBA BOARD OF GOVERNORS MEETING

JUNE 2–3, 2016, SEATTLE

BY LINDA JENKINS

The WSBA Board of Governors (Board) met on June 2–3 in Seattle. On June 2, the Board met in executive session, where it approved the March executive session meeting minutes, considered the report and recommendations of the APEX Awards Committee, considered and acted on judicial recommendations, addressed the election interview time allotments for the next day’s elections for president-elect and at-large governor, and heard various reports from the president, executive director, and general counsel.

In public session on June 3, the Board reviewed and voted on the recommendations of the Escalating Cost of Civil Litigation (ECCL) Task Force, heard a briefing from the Education Work Group about defining 21st-century skills for the legal profession, interviewed candidates for 2016–17 president-elect and 2016–19 at-large governor, heard a briefing on the proposed 2016–18 Strategic Plan updates, discussed a potential joint resolution with King County Bar Association (KCBA) to the American Bar Association (ABA) regarding legal financial obligations (LFOs), had an update and discussion regarding the Bylaws Work Group, and discussed WSBA’s Mentorship Programming.


ECCL Taskforce

The Board chartered the Escalating Cost of Civil Litigation (ECCL) Task Force in 2011. The Task Force presented its final recommendations in July 2015. Since then, the Board has considered a process for review of the recommendations and heard comments and input from Task Force participants, stakeholders, and members of the legal community.

President Hyslop asked for a motion to adopt the process, which was moved and seconded, then voted in favor. Governor Phil Brady moved that the Board pass the Task Force report to the Supreme Court with all of the comments the Board has received, but without any recommendation from the Board. Governor Brady’s motion was seconded. After discussion, the motion failed.

The Board then reviewed all 12 recommendations of the Task Force, voting on whether to support each recommendation. The results will be included in a short report to be sent to the Supreme Court, seeking a non-binding recommendation from the Court regarding whether the Board should form a rule-writing committee to draft proposed Court Rules implementing the recommendations supported by the Board. That report to the Supreme Court is to be reviewed at the Board’s July 22–23 meeting in Walla Walla. Specific information about the ECCL’s 12 recommendations is available on the ECCL webpage at www.wsba.org/legal-community/committees-boards-and-other-groups/escalating-cost-of-civil-litigation-task-force.

President Hyslop thanked the Task Force for its work, particularly ECCL Task Force Chair Russ Aoki, attorney Isham Reavis, Judge Marcine Anderson, and Judge Richard McDermott.

Education Work Group

WSBA Chief Communications Officer Debra Carnes, Director of Advancement Terra Nevitt, and Director of Human Resources Frances DuJon-Reynolds gave a briefing on the Education Work Group. The work group was tasked with defining 21st-century skills needed for the legal profession, particularly related to planning subject matter for CLEs and education programming. The work group’s recommendations are intended to add to, but not replace, the WSBA CLE programming related to ethics and substantive areas of law.

Carnes explained that the process included a 12-member team across multiple WSBA departments. The group has developed a working definition of the skills legal professionals will need in the 21st century: leadership, technological fluency, inclusive mindset, business acumen, problem solving, communications, and personal well-being.

Election of President-elect and At-large Governor

President-elect candidates G. Geoffrey Gibbs and Bradford E. Furlong presented their interest and qualifications for the position and answered questions from Board members. Meeting attendees spoke in support of candidates.

The Board discussed each candidate and voted current District 2 Governor Bradford E. Furlong as its 2016–17 president-elect.

The Board also gave at-large governor candidates Lisa M. Saar, Krista van Amerongen, and Athensios P. Papailiou each 10 minutes to present their interest and qualifications for the position and answer questions from Board members.

The Board discussed each candidate and voted Athensios P. Papailiou as the next at-large governor for 2016–19.

2016-2018 Strategic Goals

WSBA Chief Operations Officer Ann Holmes and Governor Jill Karmy presented information about the proposed strategic goals for 2016–18:

1. Equip members with skills for the changing profession.
2. Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay, and thrive in the profession.
3. Explore and pursue regulatory innovation and advocate to enhance the public’s access to legal services.

It was the consensus of the Board to place the proposed strategic goals on the consent calendar for its July 22–23 meeting in Walla Walla.

Potential Joint Resolution with KCBA Regarding LFOs

Executive Director Littlewood ex-
1. Governor Sean Davis listens to a point of discussion. 2. Members of the public are offered the opportunity to comment. 3. Isham Reavis, of Aoki Law PLLC, answers questions during the ECCL presentation. 4. Russ Aoki, of Aoki Law PLLC, Hon. Marcine Anderson, and Isham Reavis present the results of the ECCL Taskforce. 5. Athanasios Papailiou expresses his interest and explains his qualifications for the governor-at-large position. 6. Governor Brad Furlong speaks on his candidacy for the WSBA presidency. 7. 2016–17 WSBA President Robin Haynes offers a congratulatory hug to 2016–17 WSBA President-elect Brad Furlong. 8. Governor Karen Denise Wilson offers words of congratulations to newly selected Governor-At-large Athanasios Papailiou. Photos by Linda Jenkins.
plained that this discussion was intended to gauge the Board’s interest in the WSBA working with KCBA on a proposed resolution to the ABA regarding LFOs.

The Board discussed concerns regarding LFOs being a contentious issue in Olympia and how victim restitution should be treated when considering the handling of LFOs.

Littlewood advised that development of the resolution will be done through the Board’s Legislative Committee and the Board will be kept apprised of developments on the joint resolution. The final proposed resolution will be brought back for Board approval.

Bylaws Work Group Update
Immediate Past President Anthony Gipe and WSBA General Counsel Jean McElroy presented the status of the Bylaws Work Group. The Board discussed proposed updates, including adding legal professionals with limited licenses to the Board and whether a change should be made to the referendum process to require a greater percentage of members to bring and pass a referendum.

The Bylaws Work Group will bring back its recommendations for the Board’s consideration in a first reading at its July 22–23 meeting in Walla Walla.

Mentorship Programming
Director of Advancement Nevitt gave an update on the WSBA’s mentorship programming. She stated that following a discussion with interested Board members, staff have been working on the website presence to better connect members with mentorship opportunities through WSBA and its partners, and the creation of a downloadable curriculum to be available by the end of the year. NWL

LINDA JENKINS is the editor of NWLawyer. For more information on any of these topics, email questions@wsba.org. For more on the WSBA Board of Governors and future meeting dates, see wsba.org/about-wsba/governance.
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Disbarred

David Merrill Herman (WSBA No. 20650, admitted 1991), of Denio, NV, was disbarred, effective 3/28/2016, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. For more information, see www.osbar.org/publications/bulletin/15jul/discipline.html. Joanne S. Abelson acted as disciplinary counsel. David Merrill Herman represented himself. The online version of NWLawyer contains a link to the following document: The Washington Supreme Court Order.

Disbarred

Jany K. Jacob (WSBA No. 30722, admitted 2000), of Seattle, was disbarred, effective 3/24/2016, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.16 (Declining or Terminating Representation), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), 8.4(d) (Prejudicial to the Administration of Justice), 8.4(i) (Moral Turpitude, Corruption or Disregard of Rule of Law), 8.4(l) ELC violation. Scott G. Busby acted as disciplinary counsel. Jany K. Jacob represented herself. Sidney Stillerman Royer was the hearing officer. The online version of NWLawyer contains links to the following documents: Hearing Officer’s Decision; Disciplinary Board Order Declining Sua Sponte Review; and Washington Supreme Court Order.

Resigned in Lieu of Discipline

Michael John Gainer (WSBA No. 20219, admitted 1990), of Spokane, resigned in lieu of discipline, effective 3/28/2016. 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: 1.3 (Diligence), 1.4 (Communication), 1.15A (Safeguarding Property), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation). Jonathan Burke acted as disciplinary counsel. Michael John Gainer represented himself. The online version of NWLawyer contains a link to the following document: Resignation Form of Michael John Gainer (ELC 9.3(b)).

Resigned in Lieu of Discipline

Charles Philip Mortimer (WSBA No. 30759, admitted 2000), of Seattle, resigned in lieu of discipline, effective 2/23/2016. 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: 1.4 (Communication), 1.5 (Fees), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation). Craig Bray acted as disciplinary counsel. Anne I. Seidel represented Respondent. The online version of NWLawyer contains a link to the following document: Resignation Form of Charles Philip Mortimer.

Suspended

Christopher Lee Neal (WSBA No. 33339, admitted 2003), of Kennewick, was suspended for one year, effective 3/24/2016, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.15A (Safeguarding Property), 1.15B (Required Trust Account Records). Jonathan Burke acted as disciplinary counsel. Anne I. Seidel represented Respondent. The online version of NWLawyer contains links to the following documents: Disciplinary Board Order Approving Stipulation; Stipulation to One-Year Suspension; and Washington Supreme Court Order.

Suspended

Sean Elliot Nyberg (WSBA No. 43797, admitted 2011), of Bellevue, was suspended for three years, effective 2/25/2016, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.15A (Safeguarding Property), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation). Sachia Stonefeld Powell acted as disciplinary counsel. Sean Elliot Nyberg represented himself. The online version of NWLawyer contains links to the following documents: Disciplinary Board Order Approving Stipulation; Stipulation to Three-Year Suspension; and Washington Supreme Court Order.

Suspended

John Graham Pattullo (WSBA No. 5939, admitted 1974), of Phoenix, AZ, was suspended for three years, effective 2/24/2016, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Arizona. For more information, see www.azbar.org/lawyerconcerns/conservatorships. Joanne S. Abelson acted as disciplinary counsel. John Graham Pattullo represented himself. The online version of NWLawyer contains a link to the following document: The Washington Supreme Court Order.

Other Regulatory Notices

Interim Suspensions

S. Christopher Easley (WSBA No. 28029, admitted 1998), of Tacoma, is suspended from the practice of law in the State of Washington pending the outcome of disciplinary proceedings, effective 3/17/2016, by order of the Washington Supreme Court. This is not a disciplinary sanction.
**Transfers to Disability Inactive Status**

**Eric Carl Einhorn** (WSBA No. 18890, admitted 1989), of Mosier, is suspended from the practice of law in the State of Washington pending the outcome of disciplinary proceedings, effective 2/17/2016, by order of the Washington Supreme Court. This is not a disciplinary sanction.

**Paul Hurley** (WSBA No. 38282, admitted 2006), of Seattle, is suspended from the practice of law in the State of Washington pending the outcome of disciplinary proceedings, effective 4/21/2016, by order of the Washington Supreme Court. This is not a disciplinary sanction.

**Arleta E. Young** (WSBA No. 32784, admitted 2009), of Kingston, was by stipulation transferred to disability inactive status, effective 5/09/2016. This is not a disciplinary sanction.

**Charles William Bailey** (WSBA No. 5032, admitted 1973), of Seattle, was by stipulation transferred to disability inactive status, effective 3/22/2016. This is not a disciplinary action.

**Michael L. McKenzie** (WSBA No. 23258, admitted 1993), of Beaverton, OR, was by stipulation transferred to disability inactive status, effective 5/09/2016. This is not a disciplinary action.

**David C. Reed** (WSBA No. 24663, admitted 1995), of Mountlake Terrace, was by stipulation transferred to disability inactive status, effective 5/09/2016. This is not a disciplinary action.

**Opportunity for Service**

**Northwest Justice Project Board of Directors**

**Application deadline: Sept. 9, 2016**

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving on the Northwest Justice Project (NJP) Board of Directors. The WSBA Board will appoint up to three attorneys to three-year terms commencing January 2017. Two incumbents are eligible for reappointment. The NJP is a statewide not-for-profit law firm providing free legal services to low-income individuals and communities throughout Washington. The NJP’s Board is responsible for setting program policy; assuring adequate oversight of NJP operations and finances; and supporting, partnering with, and overseeing the executive director in his/her leadership role. Board members are expected to attend quarterly meetings in Seattle, attend an annual board retreat, and serve actively on two standing committees. Board members are expected to participate in and support NJP legal community activities and support fund-raising efforts for the organization. Board-related travel and lodging expenses are reimbursed as appropriate. For more information, please contact César Torres, NJP executive director, at cesart@nwjustice.org, or Monica Langfeldt, board development committee chair, at langfeldtm@hotmail.com. Please submit letters of interest and résumés to WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; or email barleaders@wsba.org.

**WSBA News**

**WSBA Receives Kenya’s Judicial Service Commission**

In collaboration with the UW Law School, on May 24, the WSBA received a delegation from the Kenyan Judicial Service Commission, a 12-member body comprising the chief justice, judges from the Supreme Court, Court of Appeal, and High Court; the attorney general; the chief magistrate; a representative from Kenya’s Public Service Commission; and two representatives of the public who are not lawyers.

For the sake of promoting public confidence in the courts, the Kenyan delegation was interested in learning about best practices in judicial appointments (even while noting Washington state judges are ultimately elected), the vetting process the governor uses to appoint judges, and judicial discipline and training. Representatives from the King County Bar Association, including Judge Bob Alsдорf (ret.) and Carl Forsberg, discussed KCBA’s candidate evaluation system, judicial conferencing, and performance assessment surveys. District 10 Gov. Phil Brady, Board liaison to the WSBA’s Judicial Recommendation Committee, Paula Littlewood, and Staff Liaison/Communications Manager Jennifer Olegario shared insights regarding the WSBA’s role as a regulatory organization, the JRC’s composition, and the confidential procedures for evaluating candidates. In appreciation, the delegation presented the WSBA with Kenyan tea and a lovely scarf, which will be displayed in the WSBA’s reception area.
Need to Know

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 now 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.

WSBA-CLE Annual Summer Sale Runs July 12–26
WSBA members may now earn all their required CLE credits from recorded seminars. Stock up and save 40% on selected recorded seminars at www.wsbacle.org.

WSBA Real Property Deskbook – Real Estate Set Now Fully Updated
With the release of the 2016 Supplement to Volume 4, all four volumes of the Real Estate Set have now been supplemented: Volumes 1 & 2, Real Estate Essentials (Supp. 2014); Volume 3, Real Property Interests and Duties of Third Parties (Supp. 2015); and Volume 4, Causes of Action, Taxation, Regulation (Supp. 2016). Purchase the set or individual volumes at wsbacle.org.

Experience Exchange
WSBA’s first annual Experience Exchange mentorship event was a great success. The event matched new lawyers from historically underrepresented groups with seasoned attorneys. Michele Storms, assistant dean of students at UW School of Law, gave an engaging and wisdom-filled keynote encouraging mentees to broaden their thinking and perspective on who a mentor could be. We look forward to hosting this event again next year. If interested in participating as a mentor or mentee, please contact diversity@wsba.org.

WSBA Launches CLE Faculty Database
The WSBA is pleased to announce the launch of a faculty database to better support the delivery of quality CLE programming. It will provide a single repository to access information about current faculty and those interested in becoming faculty, so the WSBA can best match expertise/qualifications to program needs. If you are currently serving as CLE faculty, or are interested in working with the WSBA as a future CLE faculty member, we ask that you register in the database. Serving as a faculty member provides you the opportunity to engage with other attorneys across the state, give back to your profession, and expand 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. If you are current CLE faculty or are interested in future opportunities, please register in the CLE Faculty database today at https://www.mywsba.org/clefacultyapplication.aspx.

Nominate a New or Young Lawyer for the WYLC’s Public Service and Leadership Award
This year, the Washington Young Lawyers Committee will honor five new or young lawyers with the Public Service and Leadership Award. This is a great opportunity to recognize the achievements of a new or young lawyer. Nominate someone who you think deserves to be recognized for their long-term public service and extraordinary contribution to the community. Applications are due July 15. Award recipients will be selected in August. Learn more at http://bit.ly/ylcaward.

YLC Committee Meeting
The Washington Young Lawyers Committee will be meeting on Saturday, Aug. 6, at the WSBA offices in Seattle. If you would like to attend, email newlawyers@wsba.org.

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

New Recorded Seminar Bundles from WSBA-CLE
WSBA-CLE seminars are now available in bundles — collections of recorded CLEs in specific practice areas offered at discounted prices. Each bundle provides both Law & Legal Procedure and Ethics CLE credit. Go to wsbacle.org and click on “Bundles” to view the collections in business, creditor-debtor, elder, estate planning, family, Indian, and litigation law, plus professionalism.

Volunteer Custodians Needed
The WSBA is seeking interested lawyers as potential ELC 7.7 volunteer custodians. An appointed custodian is authorized to act as counsel for the limited purpose of protecting a client’s interests whenever a lawyer...
Legal Community

Washington Association of Criminal Defense Lawyers Announces 2016 Awards Recipients

The Washington Association of Criminal Defense Lawyers (WACDL) presented its 2016 awards recipients on June 10, 2016. Seattle attorney Neil Fox received the 2016 William O. Douglas Award for his many years of tenaciously fighting with deep passion and concern for his clients at the trial and appellate levels. Spokane attorney Kevin Curtis and Seattle attorney Jeff Steinborn received the President’s Award, recognizing achievement in a particular case or series of related cases or long-time service to the criminal defense bar. Steinborn is being recognized for his leadership in drug and forfeiture defense as well as his many years of service to WACDL. Curtis received the award in recognition of his tireless work on a variety of cases and his many contributions to WACDL, including as a board member and president. Seattle attorney Alison Holcomb received the Champion of Justice Award for her work to legalize marijuana in Washington, as the prime mover of initiative 502, and in recognition of her important work in drug policy and other criminal justice reform efforts. For more information about WACDL, contact Fred Rice, program coordinator, at 206-623-1302 or fred.rice@wacdl.org.

NW Injury Law Center Announces Mitchell S. Jackson Scholarship for Writers of Color

The NW Injury Law Center of Vancouver, Washington, is awarding a college scholarship to an incoming college freshman of color who is an aspiring writer. The $1,500 scholarship is named for Portland-born author Mitchell S. Jackson, best known for his novel The Residue Years. “When I was a senior at Jefferson High, I won a $1,000 academic scholarship from Rotary. It made me so proud,” says Jackson. “Writing has helped me transform my life, and I want another young person to have that experience, too.” Scholarship applications should be in essay format and are due by Sept. 1. Finalists’ essays will be read and judged by Jackson, who will make the final determination on the winner. Application details are available at www.nwinjurylawcenter.com/mitchell-s-jackson-scholarship.

Access to Justice Board Technology Symposium

The Access to Justice Board is planning a Technology Symposium for Sept. 9, 2016. Held at the University of Washington School of Law, the event will bring together representatives from the tech community, legal aid providers, nonprofits, law firms, and stakeholders to engage at the intersection of technology and justice. The goal is to drive implementation of the Access to Justice Technology Principles through conversations and connecting individuals from a variety of backgrounds. The full-day symposium will explore current court technology, legal tech innovation, and the Technology Principles through a series of workshops, flash talks, and small group sessions. We hope members of the Washington legal community will be able join us for this important event.

WSBA Board of Governors Meetings

WSBA Board of Governors Meetings

July 22–23, Walla Walla; Sept. 29–30, Seattle

With the exception of the executive session, Board of Governors meetings are open and all WSBA members are welcome to attend. RSVPs are appreciated but not required. Contact Margaret Shane at 206-727-8244, 800-945-9722, ext. 8244, or margarets@wsba.org. The complete Board of Governors meeting schedule is available on the WSBA website at www.wsba.org/bog.

Ethics

Facing an Ethical Dilemma?

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

Search WSBA Advisory Opinions Online

WSBA advisory opinions are available online.
WSBA Lawyers Assistance Program (LAP)

WSBA Connects Offers Free Counseling
WSBA Connects provides free counseling in your community. All Bar members are eligible for three free sessions on topics as broad as work stress, career challenges, addiction, anxiety, and other issues. By calling 800-765-0770, a telephone representative will arrange a referral using APS’s network of clinicians throughout the state of Washington. We encourage you to make the most of this valuable resource.

Weekly Job Search Group
The Weekly Job Search Group provides strategy and support to unemployed attorneys. The group runs for 6–8 weeks and is limited to eight attorneys. We provide the comprehensive WSBA job search guide, “Getting There: Your Guide to Career Success,” which can also be found online at www.tinyurl.com/7xhe88b. If you’d like to participate or would like to schedule a career consultation, contact Dan Crystal at danc@wsba.org or 206-727-8267.

Mindful Lawyers Group
A growing number of legal professionals across the nation are applying mindfulness-based skills and training to lawyering. The Washington Contemplative Lawyers group meets on Mondays on the 6th floor of the WSBA offices in the LAP group room from noon to 12:45 p.m. For more information, contact Greg Wolk at greg@rekhiwolk.com.

The “Unbar” Alcoholic Anonymous Group
The Unbar is an “open” AA group for attorneys that has been meeting for over 25 years. Meetings are held Wednesdays from 12–1:30 p.m. at the Skinner Building at 1326 Fifth Ave., 7th Floor. If you are seeking a peer advisor to connect with and perhaps walk you to this meeting, the Lawyers Assistance Program can arrange this and can be reached at 206-727-8268.

Got Rage?
Does your temper cause problems for staff, family, or friends? Learn constructive ways to handle your anger before you lose someone or something you value. If you’d like counseling for this problem, call WSBA Connects at 800-765-0770.

WSBA Law Office Management Program (LOMAP)

LOMAP Lending Library
The WSBA LOMAP and LAP Lending Library is a service to WSBA members. We offer the short-term loan of books on health and well-being as well as the business management aspects of your law office. How does it work? You can view available titles at www.wsba.org/resources-and-services/lomap/lending-library. Books may be borrowed by any WSBA member for up to two weeks. If you live outside of the Seattle area, books can be mailed to you; you will be responsible for return postage. For walk-in members, we recommend calling first to check availability of requested titles. To arrange for a book loan or to check availability, contact lomap@wsba.org.

Casemaker Online Research
Casemaker is a powerful online research library provided free to WSBA members. Read about this legal research tool on the WSBA website at www.wsba.org/casemaker. As a WSBA member, you already receive free access to Casemaker. Now, we have enhanced this member benefit by upgrading to add Casemaker+ for you. Just like Shepard’s and KeyCite, CaseCheck+ tells you instantly whether your case is good law. If you want more information, you can find it on the Casemaker website, or call 877-659-0801 and a Casemaker representative can talk with you about these features. For help using Casemaker, call the WSBA Service Center at 800-945-WSBA or 206-443-WSBA.

Usury Rate
The average coupon equivalent yield from the first auction of 26-week treasury bills in June 2016 was 0.437%. Therefore, the maximum allowable usury rate for July is 12%.

Classifieds

Positions Available Ads Are Online
Job Seekers and Job Posters, positions available ads can be found online at the WSBA Career Center. To view these ads or to place a position available ad, go to http://jobs.wsba.org.

To Place a Print Classified Ad
Rates, Deadline, and Payment:
WSBA members: $50/first 50 words; $1 each additional word. Non-members: $60/first 50 words; $1 each additional word. Email text to classifieds@wsba.org by the first day of each month for the following issue (e.g., Jan. 1 for the Feb. issue.) Advance payment required. For payment information, see http://bit.ly/NWlawyerAds. These rates are for advertising in NWLawyer only. For questions, email classifieds@wsba.org.

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Song Mondress PLLC
is pleased to announce that

E rick D. Reitz
has joined the firm as an Associate.

Mr. Reitz will practice in ERISA and employee benefits law, representing retirement and health plan sponsors, fiduciaries and institutional service providers in both the private and public sectors.

Mr. Reitz served as a judicial clerk for the Honorable William Jay Riley, Chief Judge of the U.S. Court of Appeals for the Eighth Circuit. Mr. Reitz received his J.D. degree from the University of Nebraska College of Law, where he was Executive Editor of the Nebraska Law Review. His undergraduate degree is from the University of Nebraska–Lincoln.

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CLE Calendar

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.

ANIMAL LAW

Animal Law Summit
Aug. 12, Seattle and webcast. CLE credits pending. Presented by the WSBA in partnership with the WSBA Animal Law Section; 800-945-WSBA or 206-443-WSBA. www.wsbar.org.

ANTITRUST/CONSUMER PROTECTION

Identity Theft: What Lawyers Need to Know
July 13, Seattle. 1 Law & Legal Procedure CLE credit. Presented by the WSBA in partnership with the WSBA Antitrust, Consumer Protection and Unfair Business Practices Section; 800-945-WSBA or 206-443-WSBA. www.wsbar.org.

CIVIL RIGHTS

Civil Rights Law
Sept. 23, Seattle. CLE credits pending. Presented by the WSBA in partnership with the WSBA Civil Rights Law Section; 800-945-WSBA or 206-443-WSBA. www.wsbar.org.

CRIMINAL LAW

Criminal Justice Institute
Sept. 22–23, Burien. CLE credits pending. Presented by the WSBA in partnership with the WSBA Criminal Law Section; 800-945-WSBA or 206-443-WSBA. www.wsbar.org.

ELDER LAW

Elder Law
Sept. 16, Seattle and webcast. CLE credits pending. Presented by the WSBA in partnership with the WSBA Elder Law Section; 800-945-WSBA or 206-443-WSBA. www.wsbar.org.

ETHICS

Ethics, Professionalism & Civility
Sept. 15, Seattle and webcast. CLE credits pending. Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbar.org.

Ethics in Civil Litigation
Sept. 19, Seattle and webcast. CLE credits pending. Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbar.org.

GENERAL PRACTICE

Washington Law and Practice Refresher

GENERAL PRACTICE

IP Licensing
Aug. 16, Seattle and webcast. CLE credits pending. Presented by the WSBA in partnership with the WSBA Intellectual Property Section; 800-945-WSBA or 206-443-WSBA. www.wsbar.org.

IP Basics
Sept. 26, Seattle and webcast. CLE credits pending. Presented by the WSBA in partnership with the WSBA Intellectual Property Section; 800-945-WSBA or 206-443-WSBA. www.wsbar.org.

LAW PRACTICE MANAGEMENT

Plan, Promote, Propel Your Practice: The 2016 WSBA Solo and Small Firm Conference
July 22–23, Seattle and webcast. 11.5 CLE credits (4 Ethics, plus 1 Law & Legal Procedure, plus 6.5 Other). Presented by the WSBA in partnership with WSBA Solo & Small Practice Section; 800-945-WSBA or 206-443-WSBA. www.wsbar.org.

LEGAL LUNCHBOX SERIES

Legal Lunchbox
July 26, webcast. 1.5 CLE credits. Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbar.org.

August Legal Lunchbox
1.5 CLE credits. Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbar.org. Free recorded seminar available for download during the month of August starting Aug. 1.

September Legal Lunchbox
Sept. 27, webcast. 1.5 CLE credits. Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbar.org.

LITIGATION

Pro Tem Training

Litigation Section Annual Seminar
Sept. 21, Seattle and webcast. CLE credits pending. Presented by the WSBA in partnership with the WSBA Litigation Section; 800-945-WSBA or 206-443-WSBA. www.wsbar.org.

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Jerry M. Gray
WSBA No. 35628
Gonzaga University School of Law

I became a lawyer because my dad is a lawyer.
Before law school, I worked for the development department of the Sundance Film Festival, thinking I would help “develop” the festival with Robert Redford.
The best advice I have for new lawyers is to learn what to do and what not to do from other attorneys, even (especially) the difficult ones.
My long-term professional goal is to work a long time.
The most rewarding part of my job is getting people on with their lives.
The worst part of my job is having a case drag on forever.
Since I graduated from law school, the legal profession has become more familiar and more challenging at the same time.
Successful attorneys return calls, even if it takes a while.
In 10 years, I see myself taking care of my family and my community.
During my free time, I try to keep up with my kids.
If I took one day off in the middle of the week, I would go to the movies.
I have recently tried sailing on Puget Sound.
I enjoy reading Stephen King, Ed Abbey, the newspaper, and most other things lying around.
If I could do something over, it would be high school basketball.
My favorite place in the Pacific Northwest is the nearest harbor or Safeco Field.
I worry about my folks, my kids, and my wife.
I am happiest when my wife and I are checking things off the to-do list.
Friends would describe me as funny, hardworking, and someone who loves his family (I hope).
I regret not getting the most out of my time.
This is on my bucket list: writing a decent novel.

This makes me roll my eyes: people who think they know everything.
If I could pick a superpower, it would be teleportation.
My favorite musical artist is Ben Harper.
My first car was a brown LTD Ford Lincoln.
If $100,000 fell into my lap, I would try to stop my wife from buying a boat.
If I have learned one thing in life, it is to try and stay busy.
I would like to learn to play the violin.

My name is JERRY GRAY. After five years of practicing insurance defense in Salt Lake City, I returned to Olympia, where I practice in personal injury, litigation, and criminal defense at Connolly, Tacon & Meserve. My wife, Addie, and I are the proud parents of Logan and Juliet and make our home in Olympia. I can be reached at jgray@olylaw.com.

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