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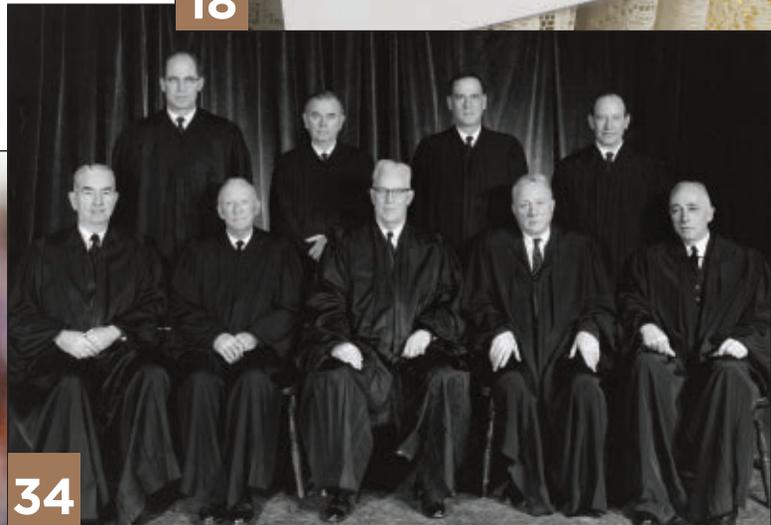


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ON THE COVER: First page of the Fourteenth Amendment. National Archives

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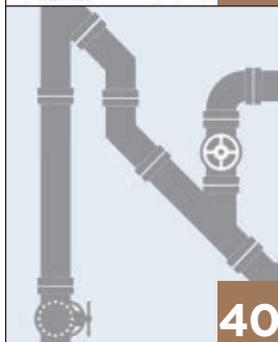
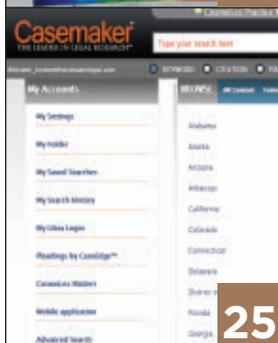
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*NWLawyer will inform, educate, engage,
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connect and to enrich their careers.*

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HANGING YOUR SHINGLE

I want to shout “Brava!” to Katie Ludwick for her article [“Hanging Your Shingle: Diary of a New Law Office,” FEB *NWLawyer*]. Not only does she give new attorneys valuable information and a few laughs along the way, she reminds the rest of us (attorneys and non-attorneys alike) of the obstacles, large and small, one must overcome when building a new business. Our daughter recently opened her own photography business and experiences daily frustration at the unexpected trials and tribulations she encounters. (Why won’t the printer just WORK???) Kathryn L. Ludwick’s frank and funny Diary lets her know she is not alone. Many thanks!

Cathleen Barbee, Medina

PRESIDENT’S CORNER

I am a lady lawyer. Ten percent of my college class was female, 25 percent of my law school class was female, and I was the only female in the Aramco Law Department for most of the time I worked in Saudi Arabia during the 1980s. Then Saudi Aramco made me General Counsel of its first downstream joint venture, giving me the opportunity to build a diverse and successful (based on statistics) law department from scratch. Diversity is not about losing one’s identity to homogeneous equality. It is about ensuring equal opportunity while respecting our gender, racial, religious, ethnic, sexual, and age differences. While there is more equal opportunity to be achieved, we should not sacrifice our identities for it.

Clydia J. Cuykendall, Olympia, WA

I’ve only read a couple issues of *NWLawyer* magazine featuring articles from our current WSBA president and I’m already tired of Robyn Haynes’s single-note, self-serving rant (she calls it a “platform”) about women in the profession—or at least women like her in the profession. She doesn’t represent my views or those with whom I generally associate throughout the legal world. I’ve even found her to be an embarrassment to a number of individuals who would like to help advance female lawyers.

Either way, an agenda to “close” gender gaps or pressure a change in people’s attitudes—a private agenda that is contrary to life experience or conscience, is not a pursuit of justice. It’s merely a pretense to her brand of injustice.

There is nothing wrong with a free market that favors certain characteristics over others as more marketable and, therefore, preferable in that market. There is nothing wrong with a free market that favors certain individuals over others as more marketable and, therefore, preferable in that market. And there is nothing wrong with a free market that favors one gender over another as more marketable and, therefore, preferable in that market. This goes for the legal profession as it does for any other. Self-respecting men—and women—recognize that.

When do we get a new WSBA president again? This one is not a credit to anyone, let alone women in the profession. She’s not my creepy president.

Heath Parker, Auburn

Robin, you are definitely my WSBA president! Gender inequality in the legal profession is a worthy platform for your presidency. We’re all intelligent folk here and surely we can have an

intelligent discussion of the subject together. And to those who feel that this issue is somehow divisive or unseemly, I would say the same thing my mother did when I complained about constantly being asked to get the coffee as a young female associate: “that’s just how it is, dear, you’ll just have to grin and bear it.” Carry on, brave leader!

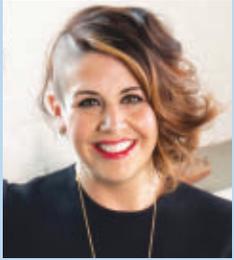
Eva M Luchini, Vancouver

IMAGE OF AN IMMIGRANT

I picked up the May edition [sic] of *NWLawyer* today and was disappointed by the cover art [“Forgotten Children,” cover image by Farnoush Faryabi, MAR *NWLawyer*]. The image feeds the narrative that immigrants are a drain on our society rather than a benefit. I have lawfully immigrated to the USA on three separate occasions and never found myself in the circumstances of the young boy depicted on the cover. Although I recognize that some immigrants do find themselves so situated, it is a serious slight to depict all immigrants in this manner. Most of us are not sitting desperately on a dirty street corner waiting for some well-intentioned activist to come to our rescue. We are making a living and contributing to society; just as the ancestors of most Americans did at some point. *C’est mal joué!*

Tom Prescott, Oakland, CA





12 FELLOWS, 10 BULLETS, 3½ MINUTES, 2 WASHINGTONS

“The whiteyest white place in the history of white places.”

This could have been a description of any number of law firms, as the legal profession continues to be the least diverse profession in the United States.

Instead, this was Native American author Sherman Alexie’s description of Spokane, as he delivered the undergraduate commencement speech at Gonzaga University (GU) on May 14 this year. Alexie, a controversial author whose books have appeared on high school ban lists, told the crowd of millennials, some of whom may become lawyers, that he “almost canceled this speech.

Because of the number of death threats I am getting in this country now, simply because I am a brown-skinned liberal.” He challenged the graduates and their families to not be the person “suspicious of strangers.”

Although I am a GU grad three times over and live fairly close to the campus, I didn’t attend the commencement, but I read Alexie’s words (as I always try to do). They really drove home a set of experiences I had in Spokane and in Washington, D.C., in the weeks preceding the graduation.

Before going further, I will admit upfront that I had hoped to have a colleague write this column—a woman of color. I’ve dedicated the year to discussing gender issues, but as a white woman, my experiences and understanding of bias in the profession are limited based on a level of privilege that women of color or LGBTQ women or Muslim women do not have. Other circumstances got in the way for the guest columnist, and I struggled with how to discuss race and gender as a white woman in the weeks leading up to the column’s deadline.

Then, a few things happened...

First, in April, the Fellows from this year’s Washington Leadership Institute class were in Spokane for one of their

meetings. I had the opportunity to meet them for a dinner while they were in town. The Fellows, primarily women attorneys, attorneys of color, and LGBTQ attorneys from King County, shared real stories of discriminatory behavior in the profession. Those stories were not surprising. But what troubled me were some of their comments about being in Spokane for the day and how the people in the community reacted to them. The Fellows expressed real fears about leaving the safe space of their hotel due to stares

and comments from Spokane residents directed at a dozen professionally dressed minorities. Sadly, I couldn’t disagree with their concerns, but directed them to places I viewed as “safe” for anyone “different” in Spokane to go to for cocktails.

That conversation went beyond Spokane—a few told me that they felt the Washington State Bar Association was failing to promote and educate around diversity issues because the Board and the members were so caught up in the minutiae of their practice areas that they couldn’t be bothered to care about the very real barriers facing attorneys of color in the profession. “Traditional” attorneys could be so self-focused and dismissive of the very real and very negative experiences these attorneys face in the legal profession.

I raised the issue on my private social media the next day, and a number of my fellow white Spokanites downplayed the experiences of the Fellows as mistaking curiosity for denigration. Spokane, like the legal profession, is not racially diverse. Spokane is still reeling from Rachel Dolezal, a white woman with braids who identified as black while holding a leadership position in Spokane’s chapter of the NAACP. Immediately prior to dinner with the Fellows, I read Ijeoma Oulo’s April

**WE NEED TO SPEAK UP AND
ENGAGE WITH THOSE WHO
THINK AN HOUR OF BIAS
TRAINING WILL REMOVE BIAS
IN THE PROFESSION.**



19th story in *The Stranger* about Dolezal, “The Heart of Whiteness.” In it, Oulo describes Dolezal being upset at taking a photo that would put her in a brighter light than Oulo, as it would make Dolezal, a white woman, look whiter. Oulo said Dolezal “could not see that there was no amount of lighting that would make her look whiter than that interaction had.” The social media discussion had divided starkly on racial lines, with the majority of white commenters disagreeing with the experiences shared by the diverse commenters. It was a “not all white people” meme come to life.

Two days later, I attended a portion of the Superior Court Judges Association Conference in Spokane. The group was overwhelmingly white and predominantly male. Federal Judge Richard Jones presented on implicit bias in the profession, and then the group of judges watched the documentary “10 Bullets, 3 ½ Minutes” about the Jordan Davis murder trial.¹ Davis was the victim of a Florida parking lot shooting just after Thanksgiving 2012. He and his three teenaged friends were playing rap music in their SUV when a white man, Michael Dunn, opened fire at their parked car, killing Jordan. Dunn described the “thug” music played by Jordan and attempted a “Stand Your Ground” defense. A couple of judges walked out during the film—all white men. After the movie, Jordan’s father, Ron Davis, spoke with the judges about “Stand Your Ground”² laws, racial profiling, and bias. A judge that I did not know stood up, thanked Mr. Davis, and said that this session was the single most important training he’d ever received as a judge. He was also white, and he was applauded. I couldn’t help thinking, as I drove home that night listening to the new Kendrick Lamar album, that the volume and genre of music I played would never get me shot.

I raised these two stories with my Board and the Executive Committee days later. I was met with lukewarm support and flat-out rejection by certain “leaders.” I am still disheartened that Board members believed that we had “had enough sensitivity training” and that we didn’t need any more. I

think the dedicated WSBA diversity staff is working on great programming and outreach, but that needs the support of leadership and members to be effective.

The very next day, I flew to D.C. While drinking coffee in a congressional office building in the other Washington, I couldn’t help but note that virtually every person in power in the federal government is a white man—but every person working on Capitol Hill in the cafeteria, the taxpayer-funded barber shop, and the janitorial service was a person of color. Slavery may have been abolished, but in D.C. the people cooking and cleaning for the men in power—people working for minimum wage to serve millionaires—are almost all black.

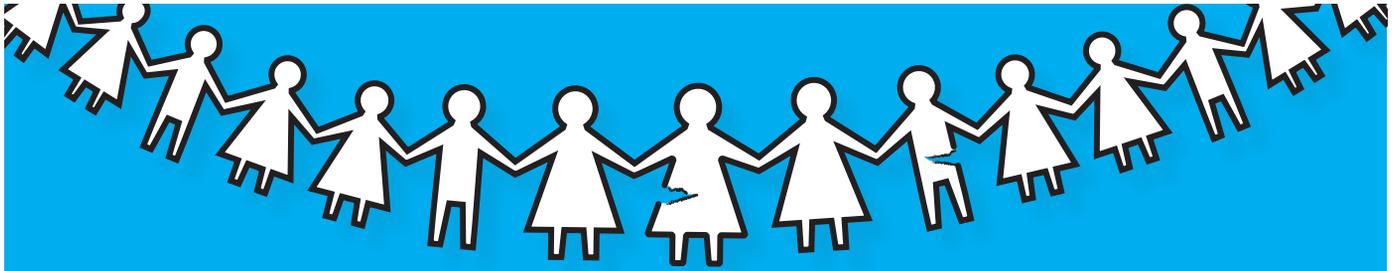
We are not in a post-racial society. We are certainly not in a post-racial profession. We do not move the needle by not talking about it and by not admitting, frankly, that Black Lives Matter. That women’s equality is equality for all. That gay rights are human rights. We, as lawyers, and especially those who are leaders or aspiring leaders in firms or associations, need to speak up and engage with those who think an hour of bias training will remove bias in the profession.

We need to step back every time we think of saying, “It’s never happened to me” or “I’ve never seen it happen” and recognize that the person sharing the story of bias is speaking her truth.

WSBA PRESIDENT ROBIN HAYNES can be reached at robin@giantlegal.net. Follow her personal Twitter and Instagram [@GirlWonder34](https://www.instagram.com/GirlWonder34).

NOTES

1. *Dunn v. State*, 206 So. 2d 802 (Fl. Dist. Ct. App. 2016).
2. <http://criminal.findlaw.com/criminal-law-basics/states-that-have-stand-your-ground-laws.html>.



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WILL MY CLIENT'S COURT APPEARANCE RESULT IN DEPORTATION?

In the March 2017 issue of *NWLawyer*, Matt Adams provided an overview of the impact of and legal challenges to President Donald Trump's recent executive orders on immigration.¹ Following the release of those executive orders² and the highly publicized arrest of a domestic violence victim seeking a protection order at a courthouse in El Paso, Texas,³ there has been widespread confusion about where federal immigration enforcement actions can and cannot take place. Reports of immigration enforcement activity occurring at courthouses across the country⁴ have raised concerns for attorneys and non-U.S.-citizen litigants who utilize the court system to defend or vindicate their rights.

In response to increased immigration enforcement activities in Washington state, on March 22, 2017, Chief Justice Mary Fairhurst of the Washington Supreme Court sent a letter to U.S. Department of Homeland Security (DHS) Secretary John Kelly expressing concern that such activities "impede the fundamental mission of our courts, which is to ensure due process and access to justice for everyone, regardless of immigration status."⁵ Chief Justice Fairhurst continued, citing the fear of apprehension, that even for those with lawful immigration status, immigration enforcement activities may deter individuals from accessing courthouses: "Our ability to function relies on individuals who voluntarily appear to

Immigration Enforcement and the Courts

by Grace Huang

participate and cooperate in the process of justice.” Chief Justice Fairhurst further requested that Secretary Kelly “designate courthouses as ‘sensitive locations’. . . [to] assist...in maintaining the trust that is required for the court to be a safe and neutral public forum.”

In light of the request that DHS designate courthouses as “sensitive lo-

cations,” it remains to be seen whether DHS guidance on sensitive locations, issued in November 2014,⁶ continues in force. DHS sensitive locations policy states that “enforcement actions at sensitive locations should generally be avoided, and require either prior approval from an appropriate supervisory official or exigent circumstances

necessitating immediate action.”⁷ DHS has stated that the guidance on sensitive locations remains in effect and has not changed,⁸ despite courthouse arrests taking place across the country.

Memoranda from DHS agencies Immigration and Customs Enforcement (ICE) in 2011⁹ and Customs and Border Protection (CBP) in 2013,¹⁰ along with FAQs currently posted on ICE and CBP websites,¹¹ define relevant enforcement activities as “any action taken by ICE or CBP to apprehend, arrest, interview, or search an individual, or to surveil an individual for enforcement purposes.” Sensitive locations covered by the guidance include, but are not limited to:

- Schools (such as licensed daycares, preschools, or other early learning programs; primary, secondary, and post-secondary schools including colleges and universities; education-related events and activities; and marked school bus stops when children are present)
- Medical treatment and health care facilities (such as hospitals, doctors’ offices, accredited health clinics, and urgent care facilities)
- Places of worship (such as churches, synagogues, mosques, and temples)
- Religious or civil ceremonies or observances (such as funerals and weddings)
- During a public demonstration (such as a march, rally, or parade)

Notably, courthouses did not fall in the policy’s itemized list of sensitive locations, and recent statements from administration officials indicate that courthouses will continue to be potential locations for immigration enforcement activity. These statements also seemingly indicate that DHS is abandoning earlier pronouncements that “[s]uch enforcement actions will, absent exigent circumstances, not lead to



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arrest of non-targeted individuals and will, wherever practicable, take place outside of public areas of the courthouse,” and that the prior administration’s guidance on enforcement would be considered when contemplating courthouse enforcement.^{12,13}

To the consternation of immigrant and victim advocates,¹⁴ on April 4, 2017, a DHS spokesperson stated to reporters that ICE agents would be authorized to engage in enforcement activities at and near courthouses for a range of reasons, and that victims and witnesses would not be exempt.¹⁵ This statement was reinforced by DHS Secretary Kelly the following day in a hearing before the Senate Homeland Security and Government Affairs Committee,¹⁶ contradicting prior statements that enforcement policies and practices pertaining to victims and witnesses of crimes from the previous administration remained in effect.¹⁷

A July 2011 memo from then ICE director John Morton stated that “[a]bsent special circumstances or aggravating factors, it is against ICE policy to initiate removal proceedings against an individual known to be the immediate victim or witness to a crime.”¹⁸ The 2011 memo went on to state, “[t]o avoid deterring individuals from reporting crimes and from pursuing actions to protect their civil rights, ICE officers, special agents, and attorneys are reminded to exercise all appropriate discretion on a case-by-case basis when making detention and enforcement decisions in the cases of victims of crime,” recognizing the chilling impact of immigration enforcement on victims seeking protections from the legal system, resulting in ongoing abuse and injury.¹⁹

While the current federal administration issues conflicting messages about its policies relating to enforcement against victims and witnesses, there continue to be statutory protections for victims and witnesses in certain circumstances, including at

On April 4, 2017, a DHS spokesperson stated to reporters that Immigration and Customs Enforcement (ICE) agents would be authorized to engage in enforcement activities at and near courthouses for a range of reasons, and that victims and witnesses would not be exempt.



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courthouses. Provisions of the federal Violence Against Women Act (VAWA) bar immigration officials from relying solely upon information provided by an alleged perpetrator or his or her family to take any adverse action against a victim or in the victim's immigration case. This includes initiating enforcement actions, detention, or removal of a victim, based on information provided by a perpetrator or a perpetrator's family member.²⁰

Furthermore, VAWA prohibits immigration enforcement activities from taking place against a victim at statutorily prohibited locations without prior supervisory approval or exigent circumstances. These locations include victim services programs, community-based organizations, courthouses in victim-related cases, supervised visitation centers or family justice centers.²¹ In the event DHS engages in enforcement activity at a listed "protected" location, if the non-citizen is placed in removal proceedings, DHS must disclose in the Notice to Appear that enforcement took place at such a location and must certify that such action did not violate 8 U.S.C. §1367. Violations may subject officials to "to appropriate

disciplinary action and . . . a civil money penalty of not more than \$5,000 for each such violation."²²

In addition, there are steps that members of the legal community can take to promote local policies that support non-citizens to meaningfully participate in the justice system. King County Superior Court has had a policy restricting immigration enforcement in courtrooms and discouraging enforcement in courthouses since 2008.²³ Washington State Attorney General Bob Ferguson has released a reference guide to "provide general information about limitations on federal immigration enforcement power and the authority of local government agencies related to immigration."²⁴ The guide, along with other resources, describes model practices and policies for local governments and public agencies to respond to immigration enforcement.²⁵

As the federal administration continues to push sweeping changes in immigration policy and enforcement practices, legal community members across the country are monitoring the federal government's actions and will continue to take steps to ad-

vance justice for noncitizen members of our communities. **NWL**



GRACE HUANG is the Policy Director at the Asian Pacific Institute on Gender-Based Violence, and a member of the Washington Supreme Court Gender and Justice Commission. Ms. Huang has worked to advance the legal rights of immigrant survivors of gender-based violence for over 25 years through direct legal representation and statewide and national policy advocacy. She can be reached at ghuang@api-gbv.org.

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hole in the world,
Which I find myself constantly
walking around in the daytime,
And falling in at night.*

Edna St. Vincent Millay

Bostin Otto’s dad, Ken, died working on a defective airbag on a Boeing plane.

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Marching with Pride

by Carol Betts and Rosemarie LeMoine



Illustration by Terri Sharp. Source art: Author photo/istockphoto.com/enjoynz

About 10 years ago, a television commercial featured a testimonial in which the woman declared, “They weren’t just lawyers, they were human beings!” My young daughter saw it and asked, “Mommy, why do people hate lawyers so much?” I struggled with an answer. For me, lawyers stand for justice against exploitation and for equality against oppression. How can we be hated for that?

In 2011, my friend and mentor, Rosemarie LeMoine, put out a call for lawyers to march in the Seattle Pride Parade. She was inspired to stand in support when her son came out. A small group came together that year and, sandwiched between the pet wash float and the Lutherans, we marched in our colorful “Lawyers with Pride” T-shirts. Our group has grown each year and we ask all lawyers, judges, families, and friends to join us on Sunday, June 25, for this year’s celebration of equality and diversity.

It is a gratifying experience to be cheered for being lawyers by the 150,000 to 200,000 attendees as we walk from our gathering place at 1001 4th Avenue up to the Seattle Center. Hearing a teenager call out to her friend, “Look — even the lawyers are marching!” was all it took to keep us coming back every year. Our tireless leader, Rosemarie, holds our spot in the lineup as the rest of us enjoy the creative and colorful display of joyful humanity marching by as we await our turn to step in. Our group includes LGBTQ folks and people who don’t identify in that group, newly practicing lawyers and lawyers practicing for many years, as well as members of the judiciary and the families and friends who want to experience the joy of the Pride parade.

One of our number, who started out at age four scooting along on a bike between his two moms, a pro-tem commissioner and an educator, now delights in tossing candy to the

masses as we go by. He has a good arm and redeems us much better than those who attempt dance steps if we are lucky enough to be in line behind a group blasting some Pride Parade standards like “Born this Way” and “Dancing Queen.”

Over the years, I’ve often found myself moved to tears as we marched. The experience of being among all of these people with a simple message — “We are, and we want love, like everyone

else” — is profound. I remember the year we marched after marriage equality became the law all over the country. We had experienced the most joyful celebration yet in Washington after the will of the people prevailed in 2012. Our group was cheered in recognition of the role lawyers played in supporting Washington’s Referendum 74. As the tide turned and the U.S. Supreme Court declared marriage equality the law of the land in 2015, the work that lawyers do to amplify voices for justice was even more apparent. And the questions that lingered made it clear that we still had an important role to play.

These larger victories are accompanied by smaller signs of hope and joy that inspire us. We’ve seen the Westboro Baptist people surrounded so that their hate-filled messages were not seen by the celebrants. My straight, cisgender daughter, who marched with us on several occasions, was inspired to become a co-leader of the Gay-Straight Alliance club at her high school. We delighted in the literal meaning of “out and proud” when our leader’s son cheered us from the sidelines in all his

glory after riding in the parade with the nude cyclists. Years of hearing shocking stories from clients probably helped her to handle the reveal with humor and grace.

In 2015, a spectator launched a drone near our gathering place, where the wind between the buildings is unpredictable. He lost control and the drone hit two spectators, giving one woman a concussion. The owner’s attempt to spirit the drone away after the crash was thwarted because it landed among

**In these times
when dividing
and demonizing
are the playbook,
it is important
where and how
we show up.**

our group of lawyers, who confiscated it. Police were called, the woman was transported to a hospital, and the drone owner was ultimately convicted of reckless endangerment. And we didn't miss the parade!

This year, perhaps more than any in the recent past, the role of lawyers in securing justice for those who struggle to be seen and heard is readily apparent. We march in this parade because we are human beings. We have a human need to be seen, heard, loved. We know the struggle to be seen, heard, loved because we have lived it or we know somebody who has. This parade is about pride and among all of the jokes and mythology about heartless lawyers, we have an opportunity to show our pride in what we do. In these times when dividing and demonizing are the playbook, it is important where and how we show up. Join us on June 25, and experience the love. Look here for details: <https://www.facebook.com/LawOfficesofCarolDBetts/> or contact Rosemarie Warren LeMoine, at rosemarielemoine@hotmail.com. **NWL**



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ROSEMARIE LEMOINE has practiced family law for over 35 years. She received the Washington State Bar Association's Pro Bono Attorney of the Year award in 2000, and has served on the Board of Trustees for the King County Bar Association. She can be reached at rosemarielemoine@hotmail.com



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by Michael Edwards

FOR those who live in the Puget Sound region, it comes as no surprise when another headline proclaims ours as one of the hottest housing markets in the country. Recently, *The Seattle Times* reported that for five months straight, Seattle registered the sharpest home-price increases of any major market in the U.S. And the trend shows no signs of letting up.

Many factors contribute to this trend. Principally, our home-grown tech companies attract swarms of new homebuyers to the state each year. But another factor is the short-term rental market, driven largely by companies like Airbnb, VRBO, FlipKey, and HomeAway, which provide homeowners and renters with an avenue to rent their homes or apartments to short-term guests. Affordable housing advocates argue that these services reduce the available housing supply by giving homeowners and landlords incentive to rent houses to short-term guests, rather than selling the properties or renting them to long-term tenants.

Short-term rental arrangements present a number of unique legal issues. Whether you are renting a room in your home for a little extra income on the side, or advising a startup client that is about to revolutionize the short-term rental market, there are a number of state and local laws to consider. And while the laws surrounding hotels are fairly well established, residential short-term rental laws are in a state of flux, meaning that there are many ongoing discussions—and open issues—that you and your clients should be aware of before jumping into the short-term rental business.

LEGAL ISSUES SURROUNDING SHORT-TERM RENTALS



THE WASHINGTON DEPARTMENT OF REVENUE PRESUMES IF A PERSON RENTS TO TRANSIENT TENANTS THREE OR MORE TIMES A YEAR, THAT PERSON IS ENGAGED IN A TAXABLE BUSINESS.

State Tax Liabilities

Many first-time hosts are surprised by Washington's taxes on short-term rentals. Before renting out a home or apartment, hosts should be aware of Washington's retail sales tax, Business & Occupation (B&O) tax, and localized hotel/motel, convention and trade center, and regional transit authority taxes.

Washington's retail sales tax applies to those who rent homes or apartments to "transient tenants." Generally, a transient tenant is an occupant who has a license to use real property for less than a month. The Washington Department of Revenue presumes that if a person rents a home or apartment to transient tenants three or more times a year, that person is engaged in a taxable business activity. A host who reaches this threshold is required to register with the Department of Revenue and collect and remit sales tax and lodging taxes on all transient rentals.

In addition to the retail sales tax, hosts may be required to pay B&O tax in connection with a hosting business. If applicable, the B&O tax is calculated based on the gross receipts of the host's short-term rental business. Depending on the nature of the host's business and the number of short-term rentals, though, hosts may qualify for the small business B&O tax credit.

Finally, in some jurisdictions, there are special hotel/motel, convention and trade center, and regional transit authority taxes at rates that vary from one to five percent. Most of these taxes do not affect short-term home or apartment rentals, but instead apply to larger facilities. For instance, Spokane's special hotel/motel tax currently applies to lodging businesses with 40 or more units. But hosts should be aware that these taxes could be expanded to apply to the short-term rental business.

These taxes can come as a surprise to many hosts, in part because online services like Airbnb may assist in collecting and paying the taxes. But even hosts who use online rental services or reputable third-party property managers should be aware of the taxes, because the responsibility to pay these taxes ultimately rests on the host.

State Health Regulations

Hosts who operate facilities with multiple lodging units may

be required to obtain a license from the Washington State Department of Health. This requirement applies to anyone operating a facility with three or more "lodging units," which is defined in the Washington Administrative Code as "an individual room or group of interconnected rooms, intended for sleeping, that are for rent or use by a guest, and [are] individually designated by number, letter, or other means of identification. A lodging unit may or may not include areas for cooking and eating."

This requirement surprises many hosts because of a common misconception that these health regulations apply mainly to hotels. But any host who rents out three or more bedrooms within a home as separate units can fall within the scope of the Department of Health regulations. And since the licensing requirements can be onerous, hosts should carefully consider these regulations when setting up a short-term rental business.

Other State Laws

In addition to the laws outlined above, other state laws could come into play depending on the nature and duration of the rental agreement. For instance, even though Washington's Residential Landlord Tenant Act specifically exempts hotels, motels, and other transient lodging arrangements, it is possible that a short-term guest could fall within the scope of the Landlord Tenant Act if the guest's stay lasts longer than 30 days, in which case the guest may no longer qualify as a "transient tenant."

And of course, since hosting short-term guests for compensation constitutes commerce or trade, hosts should be aware of Washington's Consumer Protection Act and any other laws prohibiting unlawful discrimination.

City Laws and Ordinances

In addition to the state laws discussed above, there are a number of legal issues surrounding short-term rentals at the local level. Local laws and ordinances, rather than state laws, are often at the forefront of short-term rental regulation across the country. Cities have a significant interest in regulating the

short-term rental market, and advocacy groups often target city councils, rather than the state legislature, to pass laws and ordinances related to short-term rentals.

Advocacy groups make a number of arguments in favor of regulating short-term rentals at the city level. They often argue that short-term rentals drive up housing prices and eliminate affordable housing options. Advocacy groups also assert that short-term rentals can harm the character of neighborhoods and the overall sense of community within a city.

In response to these arguments, many cities have enacted restrictions on short-term housing. New York, San Francisco, Los Angeles, Denver, and Atlanta, among others, have either restricted the practice or imposed licensing and registration requirements that are aimed at curbing the prevalence of short-term rentals.

Washington cities, in part because of housing affordability issues, have also implemented or considered restrictions on short-term rentals. Seattle, for instance, initially considered a proposal last summer that would have prevented long-term rental units from being converted to short-term rentals. Under the rules proposed in 2016, residential properties could be used for short-term rentals for up to 90 nights in a 12-month period. Only properties that are the primary residence of the host would be allowed to exceed that threshold. After the proposal was met with a significant amount of public input—and resistance—city council members put the proposal on hold to study the issue further.

In April 2017, city council members returned with an updated proposal that removes some of the key features of the earlier one. The new proposal does not limit the number of nights that hosts may rent properties to short-term guests, but instead limits hosts to renting out their primary residence and a maximum of one additional off-site “dwelling unit,” in theory to discourage investors from buying numerous prop-

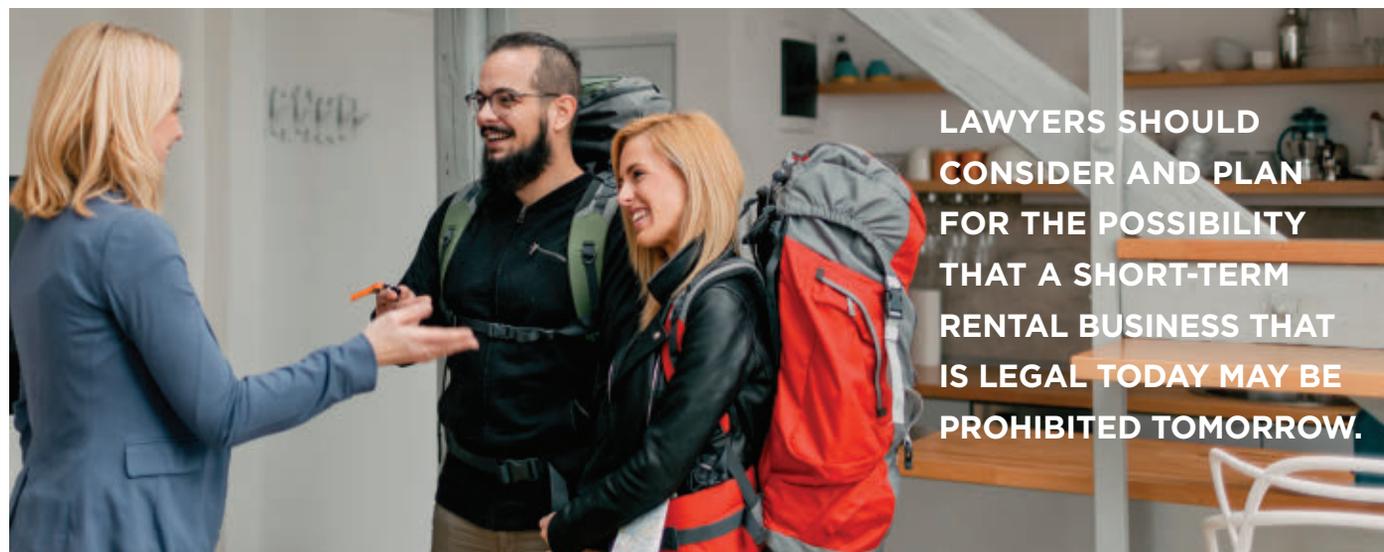
erties to use as short-term rental units. The proposal also requires hosts to register with the city and get a new “Short Term Rental Operator license,” as well as a business license, and to provide, among other things, a signed declaration that the rental unit is up to code. The April 2017 proposal, which also includes certain requirements for short-term rental platforms like Airbnb, will likely be a topic of discussion and debate throughout the summer.

These local laws and ordinances are important to consider when advising clients, particularly clients that depend on short-term rentals as a material part of their income. One major source of concern is that local legislation could change with little warning. Lawyers should keep this in mind when advising clients that are connected to the short-term rental business, even when that connection seems remote.

For example, these laws and ordinances could affect homebuilders, who may want to design and build projects with short-term rentals in mind to make sure that their proposed plans allow for short-term rentals in compliance with city laws and ordinances. Similarly, the possibility that a tenant may want to sublease all or a portion of an apartment or home to short-term guests could affect the provisions that a landlord includes in a lease. And when drafting contracts for any client that derives a material portion of income from the short-term rental business, lawyers should consider and plan for the possibility that a short-term rental business that is legal today may be prohibited or significantly limited tomorrow.

Hyperlocal Regulation

An often overlooked source of rules and regulations that could affect or limit short-term rentals are Covenants, Conditions and Restrictions (CC&Rs) and other restrictive covenants. In recent years, homeowners associations have increasingly looked to their CC&Rs to limit, or in some cases expressly permit, short-term rentals.



**LAWYERS SHOULD
CONSIDER AND PLAN
FOR THE POSSIBILITY
THAT A SHORT-TERM
RENTAL BUSINESS THAT
IS LEGAL TODAY MAY BE
PROHIBITED TOMORROW.**



It is important to consider CC&Rs in advising clients on a short-term rental business, but it is equally important to consider this issue in representing developers and homeowners associations. Since the issue is becoming increasingly prevalent, it is almost inevitable that during the life of a residential homeowners association or condominium association, someone will inquire about short-term rentals. Careful preparation and planning when drafting community association documents can help to protect the interests of community members and avoid potentially costly disputes down the road.

Finally, some hosts are surprised to find that short-term rentals are restricted by their mortgage loan documents, and that some claims related to transient tenants could potentially fall outside the scope of their homeowners insurance policies. Because of this, hosts should review their mortgage documents and insurance policies before hosting short-term guests to avoid any unintended consequences.

Conclusion

For better or worse, the “sharing economy” is here to stay. The short-term rental industry, which is just one subsection of the sharing economy, will continue to present unique legal issues for legislators and lawyers in the coming years. Although online short-term rental companies are relatively new, they are already affecting the business and legal landscape nationwide. The upshot is that the sharing economy will continue to present interesting opportunities — and should make it easier to find a place to stay on your next weekend getaway. **NWL**



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by Jim Corbett

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Federal material is equally comprehensive, with all federal district courts, circuit courts, the U.S. Supreme Court, and many other courts (bankruptcy, tax, military, etc.) included as well. The district, circuit, and Supreme Court cases all go back to the beginning of reported coverage. The other federal court materials vary in their depth of coverage but all represent a good range.

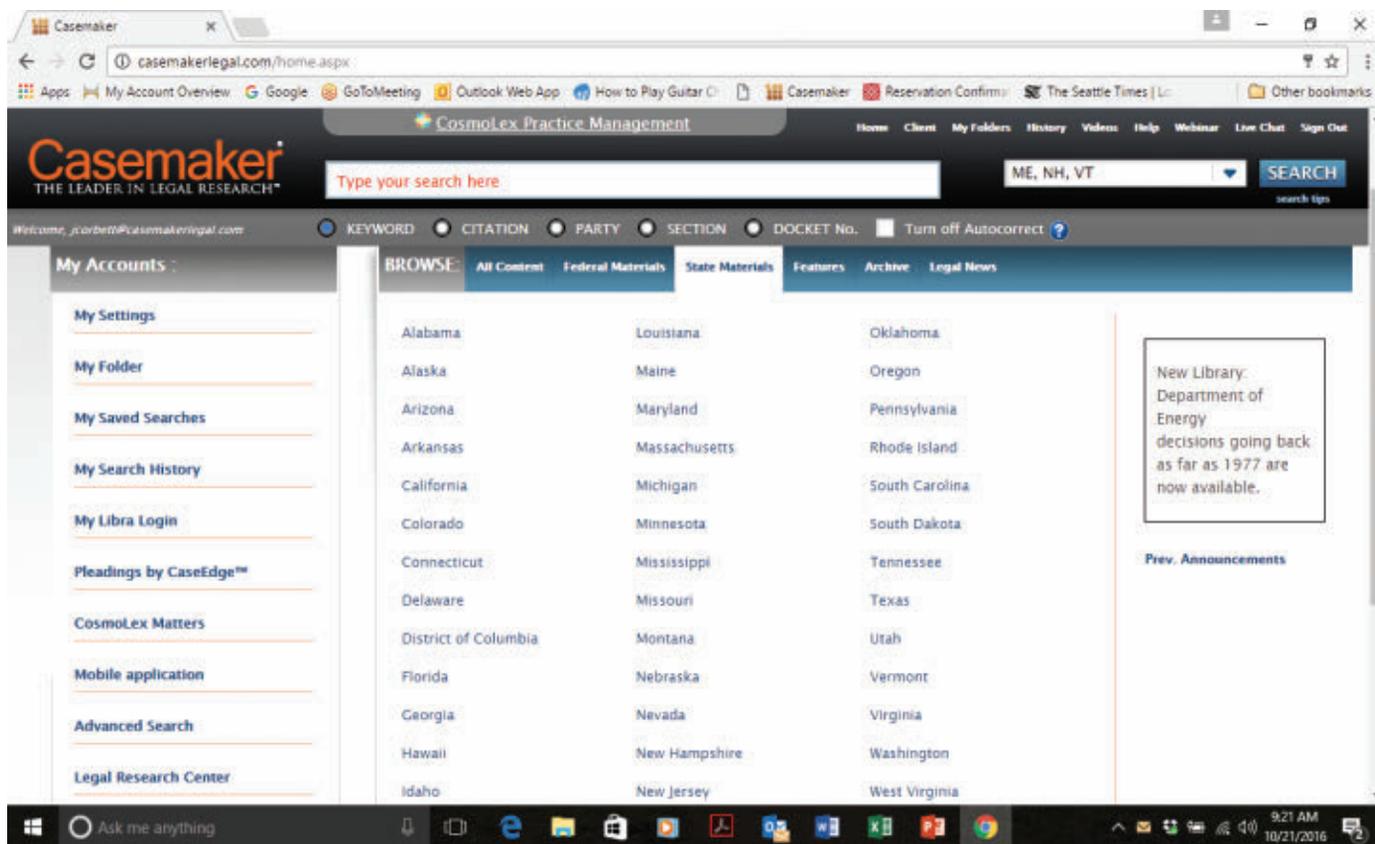
Both federal and state libraries include administrative codes, agency decisions, rules and much more. And if there is a body of material that would be helpful to any user, Casemaker is open to suggestions for expanding any part of the collection. This is how all the online legal research services have grown over the years, through requests and suggestions by users.

The Casemaker collection in Washington state is enhanced with ethics opinions, Attorney General opinions, environmental board decisions, growth management decisions, Pattern Jury Instructions, unpublished appellate opinions, and a wide variety of local law reviews.

Casemaker also works with a number of state bars to provide online versions of CLE materials, deskbooks, handbooks and some other bar-published material. WSBA was the first bar to provide its deskbooks and selected coursebooks online via Casemaker, and since that initial publication, the bar publishing program on Casemaker (called Libra) has steadily grown. (Libra is not part of the free material on Casemaker; these materials are purchased from the bars through Casemaker.)

HOW CURRENT IS THE CONTENT ON CASEMAKER?

Like most of the service providers in the online legal research field, Casemaker keeps its content very current. At the end of



The Casemaker home screen.



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each business day, Casemaker collects the opinions from the courts in all 50 states and federal jurisdictions. Those cases are created by the courts in a wide range of styles and formats. Casemaker sends the daily collection to a team of data editors who “normalize” them—that is, they make sure they are organized and formatted in a standard template so that whether you are looking at a Washington Supreme Court case or a Nebraska lower court decision, the formatting all looks the same. That entire process happens overnight, so Casemaker can keep its case law current — yesterday’s cases are online today.

The statutes on Casemaker are quite special. Casemaker employs a team of “statute editors” in Charlottesville who, on a daily basis, track legislation in all 50 states and the U.S. Congress. As bills are passed and enacted, the editorial team integrates the changes into the codes within four days!

That makes Casemaker the provider of the most current version of the codes online anywhere.

The codes are also “annotated,” which means you can click on any code section and see all the cases that have cited that code section. The statute editors also provide a few other helpful features that make the codes very easy to work with and allow the user to follow research ideas as they develop.



**CAN I USE CASEMAKER TO
DETERMINE IF CASES ARE STILL GOOD
LAW?**

Yes, you can. The tool that allows a user to make that determination is called a “citator.” The classic example of a cita-

tor is Shepard’s Citation Service®, which has been a standard in the legal publishing field for over 100 years. In the modern iteration of online legal research, citators are now integrated into the case displays so a user can see, at a glance, if the displayed case is still good law.

Casemaker’s citator, CaseCheck+ uses two symbols (a green thumbs-up, and a red thumbs-down) to indicate the validity of displayed cases. Obviously, a green thumbs-up means that, throughout the history of that case, there have been no “negative” treatments of that case. (A list of cases that have affirmatively cited that case is also available on Casemaker.) If the user sees a red thumbs-down symbol, it means there has been some negative treatment in the history of the case.

Casemaker tracks about 14 negative treatments of cases: things like overruled, reversed, modified, and superseded are some of the negative treatments provided by Casemaker. But since each case is analyzed by legal editors, and they keep an eye out for more subtle comments within the case, the user will also see treatments like “questioned” or “criticized” as well. Whenever a negative treatment is indicated, the user will be able to click on the link and go directly to the place in that case where the negative treatment takes place.

There is an extra benefit to Casemaker’s citator. Casemaker provides a service called “CiteCheck,” which is associated with its citator. The CiteCheck service allows the user to upload a brief (through a simple standard Windows function); CiteCheck scans the document to find citations in *Bluebook* format and, once the citations are identified, CiteCheck runs them through the CaseCheck+ service to determine if they are still good law. In about 30 to 90 seconds, a 50-page brief can be analyzed and the

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___ P.3d ___, 2017 WL 959551 (2017)
(allowing punitive damages in maritime
unseaworthiness actions)

Arnold v. City of Seattle,

185 Wn.2d 510, 374 P.3d 510 (2016)
(attorney fees recoverable in administrative proceeding
where back pay is awarded)

Coomes v. Edmonds School Dist. No. 15,

816 F.3d 1255 (9th Cir. 2016) (reversed dismissal of
employee’s claim of wrongful discharge in violation
of public policy)

Kim v. Lakeside Adult Family Home,

185 Wn.2d 532, 374 P.3d 21 (2016) (establishing cause
of action for breach of adult abuse reporting statute)

Chism v. Tri-State Construction,

193 Wn. App. 818, 374 P.3d 193 (2016)
(successfully restoring in-house counsel’s RCW 49.52
wage claim for unpaid bonuses)

Segura v. Cabrera,

184 Wn.2d 587, 362 P.3d 1278 (2015)
(TFT submitted successful amicus brief on damages)

Albertson v. State, DSHS,

191 Wn. App. 284, 361 P.3d 808 (2015) (court affirms
CPS abuse investigation duty and reverses CPS verdict
on abuser as alleged superseding cause)

Bright v. Frank Russell Investments,

191 Wn. App. 73, 361 P.3d 245 (2015)
(fee recovery in employment discrimination case)

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user presented with a display of all cited cases and a determination as to the validity of each case. Brilliant!

CAN CASEMAKER HELP ME TO ORGANIZE MY RESEARCH PROJECTS?

Funny you should ask. One of the tools available to Casemaker users is a system of custom folders that allows the user to store links to any material found online within the folders. The folders can be identified by client or any other designation. While looking at a list of cases, for instance, the user can open or create a client folder and then, through a standard “drag-and-drop” procedure, put the link to any relevant cases or codes into that folder. Retrieving the links and managing the folders is very easy and the user can store the folders on Casemaker for any period of time at no charge.

WHAT IS THE BEST WAY FOR ME TO IMPROVE MY CASEMAKER RESEARCH SKILLS?

Casemaker provides several help and support functions that should help any user get better at legal research, regardless of current skill level. There are a few instruction videos on the Casemaker home page that can be used for a “just in time” reminder on a variety of aspects of using

Casemaker. There is also a schedule of webinars posted on the home page that will allow you to sign up for an introductory class or a review at a time convenient for you. The webinars are presented live, so there is an opportunity to ask questions and get clarifications on any issues.

There is an extensive user guide online that is hyperlinked to allow the user to jump to any portion of the manual for easy consultation on questions. And customer service is only a toll-free phone call away. Give them a call with either a technical question or a substantive legal question if you need help in formulating a particularly thorny research request.

But the best way for you to improve your skills on Casemaker is to PLAY!

As a member of the WSBA, you have free access to Casemaker; there is no time charge and there is no fee associated with the searches. That means that you can feel free to experiment: try searching in different ways and using different techniques to get your answers.

If you are accustomed to using the “free text” search method, try the same search using the Boolean Connectors — there is a list of connectors posted on the home page. For example, if you conduct a “free text” search for the term eviction notice, see what results you get, then try again with `evict* w/8 noti*`. (If you are not familiar with those “connectors,” look on the Casemaker home

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page or call customer service.) Try the same search with different connectors—maybe use w/15 to see how the answer set is different. You'll be amazed at the difference in number and quality of the cases you retrieve.

CONCLUSION

Having a free legal research tool available as a bar member benefit provides a luxurious opportunity to experiment. After you have played with the service for a short time, you will start to see how the nuances of searching differently can dramatically impact the quality of your answer sets. Quite soon, you will be an expert at online legal research.

Casemaker is a highly popular member benefit in state and county bar associations across the country. The reason it is so popular is because it is comprehensive and current. But it is also easy to use in a way that makes you very successful at legal research.

Take advantage of this wonderful resource and utilize the power of Casemaker as a comprehensive, current, and affordable legal research tool provided through the partnership between the WSBA and Casemaker. **NWL**



Jim Corbett is vice president of business development at Casemaker. He has been in the online legal research business for

over 30 years. He was a law librarian at a Wall Street firm before relocating to Seattle in 1981 to open the first sales office in the Northwest for Lexis Nexis. He has also worked for several companies involved in legal research. He can be reached at: jcorbett@casemakerlegal.com

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THE "WELCOME TO THE PROFESSION" SPEECH NOBODY ASKED ME TO GIVE

by Jeff Tolman

Ladies and gentleman, congratulations on passing the bar exam. Welcome to the profession.

In a moment, Chief Justice Fairhurst will lead you in the Oath of Attorney and, in the end, will give you the professional designation you have worked so long and hard to obtain. Before that, I would like to speak with you for a moment about being an attorney and the practice of law.

It is important that you remember what an honor it is when a client seeks your advice. No one has ever said, "I have a little extra money and want to give it to a lawyer." Before clients see you:

- They have a problem they can't solve.
- They have a problem their family members can't solve.
- They have a problem their friends can't solve.
- They have a problem their coworkers can't solve.

Someone has told them that with your experience, education, personality, and perspective, you can do what none of those people were able to do: solve their problem. What an honor! And they'll pay you to assist in the process. It doesn't get much better than that.

When you meet clients, be aware that they are burdened. Your job is to lighten that load. In the most basic measure,

law is the easiest profession on the planet. Often there are only two possible answers: the parties agree or they don't agree. If the parties agree, your job is to codify the agreement in terms that reflect the parties' meeting of the minds. If the parties don't agree, a fact-finder (judge or jury) will determine what happens. Agree or disagree. You decide or a fact-finder decides. A pretty simple machine, all-in-all.

Years ago, Bill Gates Sr. and I went around the state giving seminars on what, at the time, studies by the American Bar Association concluded led to lawyer discipline and malpractice. The number one finding, by a wide margin, was that lawyers did not return their clients' phone calls. This is inexplicable to me. First, the client is my boss; I am not theirs. Anyone who doesn't return their boss's call should be fired. Including me. Certainly I would fire my lawyer if she didn't return my calls. Second, we get paid handsomely to speak with our clients. When I didn't know what to do in a situation I always asked my wife, mother, or kids. Though none of them are lawyers, their common-sense approach has often kept me out of bad situations my thinking-like-a-lawyer might have put me in. I am certain that if I had called Freda Tolman in Asotin,

Washington, and said, “Hey, Mom, I need some advice. I have some clients who have called me. They’ll pay me about four dollars a minute for the dialogue, but I am kind of tired. What do you think I should do?” Mom would have said, “Are you crazy?! Of course you call them back. They need your advice. I’d speak with a ranting, psychotic stranger for four dollars a minute, much less someone who has put their trust in me as their lawyer!” And she’d be right.

In life and law, one size does not fit all. People come to us from different backgrounds and viewpoints. Some are engineers, others artists, others members of the clergy. Each person, based on that template, will ingest information differently and have unique needs. Some years ago, I had two DUI clients back-to-back. One was an engineer, the other a clergyman. The facts of the two cases were similar. Had you taped the meetings, you would not have thought so. The engineer needed everything to make sense, to balance. The clergyman needed to know that something good, a life lesson, was going to occur as a result of the incident. In some regards, lawyers are the world’s most highly paid interpreters, changing legal language into human terms, human language into legal terms. Personalize your approach based on each client.

When I worked in the sawmill, workdays were more similar than dissimilar. We turned lots of trees into lots of lumber

with occasional new events in our workday. That will not be your experience as a lawyer. Each day will be unpredictable and unique. Never the same. What a gift that is in any job.

Finally, get a mentor — someone to give you input, suggestions, advice. Living life alone, we mature one day at a time. Incorporating the lessons learned by others before us into our personal and professional lives, we can mature personally and professionally at a faster rate. Fewer bumps and bruises will occur. There are many older lawyers ready to help you as you enter the profession. Combine your wonder and enthusiasm as a new member of the profession with their wisdom and perspective. Synergy will occur. One-plus-one will equal three. Both mentor and protégé will gain from the exchange.

Welcome to the profession. I hope you enjoy it, and find it as human and inspiring as I have over the past 38 years. **NWL**



JEFF TOLMAN has practiced law in Poulsbo since 1978 and has served as the part-time municipal judge since 1994. A former member of the WSBA Board of Governors and ABA House of Delegates, Jeff has published over 350 articles about life and law. He can be reached at info@poulsbolaw.com

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2017 Winter Bar Exam Pass List

Of the 355 candidates who took the Winter 2017 bar exam, 205 candidates passed the exam. Congratulations! The full pass list is below.

A

Ackel, Alexander Elias, Bremerton
Acres, Zachary William, Moses Lake
Adams, Erik Jeffory, Minneapolis, MN
Ahmad, Rabia, Seattle
Ajayi, Anne Hayoun Suh, Happy Valley,
OR
Al-Ansi, Manal Omar, Mountlake
Terrace
All, John David, Bellingham
Allen, Eli Hunter, Portland, OR
Allred, Carl Roger, Lake Stevens
Altenau, Alicia, San Diego, CA
Alvarado Chavez, Diana del Carmen,
Tacoma
Alwazani, Ashraf Mohammed,
Mississauga, ON, Canada
Anouk, Gueroult Fanny Desiree,
Marseille, France
Ard, Philip Michael, Vancouver
Aubrey, Emma Louise, Bainbridge
Island

B

Barrera, Paul Andre, Shoreline
Bartlett, Bradley Henderson, Federal Way
Bash, Lianna, Bellevue
Belke, Abra Leigh Noelle, Spokane
Beverlin, R. Matthew, Tumwater
Beyzavi, Farzin, Issaquah
Bittle, Carlee Ann, Spokane
Bogdan, Matthew Andrew, Seattle
Boire, Rachele, Redmond
Bollentin, Ryan Robert, Seattle
Bowen, Colin Somers, Spokane
Bower, Brook Lyn, Seattle
Bowler, Adam George, Auburn
Brown, Jocelyn Sarah, Olympia
Brown, Laurel Ann, Seattle
Buske, Brian Carter, Seattle

C

Campera, Molly G., Seattle
Casey, William Joseph, Boulder, CO
Caulfield, Amber Dawn, Kelso
Chandra, Alysha Evelyn, Vancouver
Chen, Chen, San Jose, CA
Ching, Jennifer Giu Lin, Seattle
Choi, Min Young, Seattle
Clark, Elizabeth Ryan, Issaquah
Combs, John, Mercer Island
Connell-Flint, Bianca Amoy, Seattle

Cook, Sean Austin, Richland
Cooper, Kindra Lavi Mazal, Shoreline
Corcoran, Rebecca K., Bothell
Cornwell, Gwendolyn Sara, Bellevue
Coulter, Clifton Michael, Camas
Cueva Flores, Sergio Ramon, Tacoma

D

Davis, Laura Yiamouris, Everett
Deacon, Lucia Paz, Seattle
Decker, Jennifer Ann, Fall City
DeLany, Genna, Roseville, CA
Dick, Matthew J., Seattle
Dinca, Emmanuelle, Tustin, CA
Donoghue, Ryan Patrick, Lake Stevens

E

Eick, Francesca Marie, Austin, TX

F

Fargo-Masuda, Christopher G.M.,
Honolulu, HI
Fitchett, Timothy Michael, Portland, OR
Flockhart, Stanley David, Salem, OR
Foster, Angela, Seattle
Foster-Brown, Alexander D.,
Vancouver
Fraser, James Braden, Kirkland
Fujiye, Maria Therese Floresca, Tahuya

G

Gallup, Kiona, Renton
Garcia, Ashley Nicole, Boise, ID
Gestsdóttir, Helga Marín, Seattle
Gilbert, Alexandra Rebecca, Auburn
Glass, Brittany J, Seattle
Gorman, Christopher, Mountain View,
CA
Grant, Alexander David, Tazana, CA
Grecco, Jennifer Ryan, Seattle
Greenfield, Adelle, Los Angeles, CA
Gribble, Elisabeth Marie, Lynnwood
Griffin, Nicholas James, Lakewood
Gross, Matthew Philip, Seattle
Grubbs, Anika Brooke, Seattle
Gruneisen, Aryn, Portland, OR
Gruszecki, Monika Stefania, Edmonds

H

Hajar, Maria, Bellevue
Ham, Esther Sun, Lynnwood
Hansen, Kendra J., Seattle

Haverty, Daniel, Hokitika, New Zealand
Herrington, Rachel, Los Angeles, CA
Hishida, Toshihide, Tokyo, Japan
Holman, Michael Richard, Lake
Oswego, OR
Howard, Joshua Matthew, Seattle
Hughes, Nicole Grayse, Vancouver
Hulford, Sara Lori Cartwright,
Bellingham

I

Imas, Aleksandr, Seattle

J

Jabbori, Meagan, Royal Oak, MI
Jackson, Kaitlyn Rose, Normandy Park
Jacobs Maccarini, Mariane, Redmond
Jones, Aaron Lee, Spokane
Jones, Dylan Steven, Seattle

K

Kaiser, Frankie, Auburn
Keller, Lynnyetta Olamae, Federal Way
Kim, Denise Cho Rong, Seattle
Kincaid, Anna Raquel Acosta, Mill
Creek
Kincaid, Douglas Michael, Portland, OR
King, Sean Michael, Spokane
Konnai, Kyota, Seattle
Lee, Peter Sang, Portland, OR
Koshkin, Gregory Aluf, Edmonds
Krainz, Kevin Daniel, Seattle
Krusen, Leslie Conard, Seattle

L

Lahdiri, Amira, Seattle
Lathrop, Ashley, Seattle
Latifi, Hamid Reza, Plano, TX
Lazar, Daniela Marina, Issaquah
Lee, Hee-Young, Bellevue
Lee, Heezoung, Seoul, Republic Of Korea
Lee, Peter Sang, Portland, OR
Lee, Robert Thomas, Edmonds
Li, Jingzhou, Beijing, China
Li, William Jake, Dallas, TX
Lindquist, Neil Thomas, Sammamish
Lizaola, Stephen, Kent
Lombino, Joseph Michael, University
Place
Lou-Magnuson, Shirley Shiyi, Renton
Lukjan, Tara Marie, Seattle
Lund, David Eric, Spokane

Lunday, Charlotte Elizabeth, Seattle
Lundgren, Nickolas, Seattle

M

Machynia, Megan Amanda, Spokane
Markley, Cherie, Bremerton
Matsukawa, Jesse Thomas, Puyallup
Matsushita, Takayuki, Seattle
Matter, Molly Peach, Burton
Matusheski, Alicia, Seattle
Maxwell, Lori M, Federal Way
McDowell, Amanda Mariam, Seattle
McFall, Amanda Paige, Porter Ranch,
CA
McHenry, Mariesa Janaye Calderon,
Seattle
McInville, Caleb Matson, Seattle
Mejia Estrada, Adrian, Kirkland
Merrill, Reece Frederick Currie,
Snohomish
Mills, Ryan James, Bellingham
Molnar, Brittany Shea, Seattle
Moore, Christopher David, Seattle
Moore, David James, Seattle
Mord, William Vincent, Bakersfield, CA
Murray, Catherine, Yakima
Muth, Jeremy Leland, Seattle

N

Nichols, Robert Brian, Newberg, OR
Noji, Akira, Tokyo, Japan

P

Parekh, Nikita Bharat, Seattle
Parsadmehr, Payam, Kirkland
Patel, Ankit, Puyallup
Paulich, Sean Patrick, Bellevue
Pearson, Charles Perth, Salem, OR
Pelton, Heather Lee, Woodinville
Perrizo, Michaela Christine, Spokane
Peterson, Elizabeth Louise, Seattle
Phillips, Marie Lynn, Portland, OR
Phillips Hatter, Alexander, Seattle
Pogue, Samuel Harrison, Seattle
Praast, Linda Renee, Silver Spring, MD
Pryde, Lauren Elisabeth, Seattle

R

Rainone, Adam, Seattle
Rao, Rahul, Seattle
Rapp, Marla Maxfield, Vancouver
Reutter, Daniela Lozada, Bellevue

Reyes Chavez, Eduardo, Seattle
 Richards, Stephanie Jane, Spokane
 Ritchie, Jacinta Sara, Oak Harbor
 Robbe, Lisa Jo, Spokane
 Robinson, Kyle Ray, Pasco
 Russo, Anna Kate, Vancouver

S

Santos, Aussie Miko, Seattle
 Schaer, Aaron, Seattle
 Schofield, Christi Lynn, Dallas, TX
 Shaw, Jeffrey Scott, Catonsville, MD
 Shephard, Ryan Patrick, Woodinville
 Sinclair, James, Portland, OR
 Singh, Chanvir, Shelton

Sinkevich, Frederick Adam, Seattle
 Slowiaczek, Peter A., Lakewood
 Snyder, Allan D., East Wenatchee
 Song, Dasha, Tacoma
 Sowder, Nicholas Alexander,
 Vancouver
 Staffa, Frank, Mountlake Terrace
 Star, Adam Mark, Seattle
 Stover, Jason Issac, Seattle

T

Teague, Meghann Kellyshington, DC
 Thompson, Corey Allen, Tacoma
 Tibbetts, Allen Ramsey, Seattle
 Ticknor-Squires, Lauryn Blain, Kirkland

Toth, Jessica, Talent, OR
 Tredway, Jestin Clark, Oakdale, CA

U

Urness, Heidi Nicole, Seattle

V

VanderPol, Aaron, Renton
 Vernon, Gregory Paul, Seattle
 Vieth, Alison A., Issaquah
 Volvovic, Joshua Luke, Portland, OR

W

Walk, Daniel K., Puyallup
 Wambold, Torey Joseph, Puyallup

Watson, Suzanne Taeko, Bellingham
 Weinrich, Bradley Bert, Seattle
 Weller-Kurtz, Taylor Ann, Vancouver
 White, Bryan Charles, Spanaway
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 Winn, Sally Anne, Spokane
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 Wolfe, Jessica Constance, Seattle
 Woodford, Corddaryl Antonio, Seattle

Y

Young, William Alexander, Seattle

Z

Zumalt-Rogers, Katie Washington, DC

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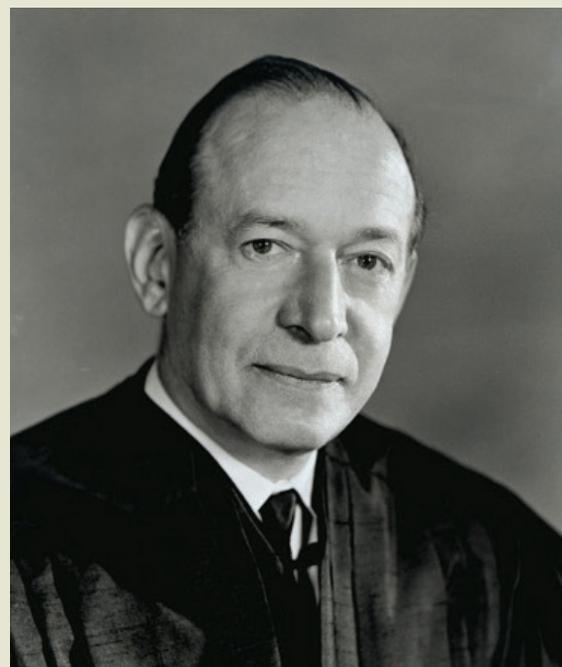
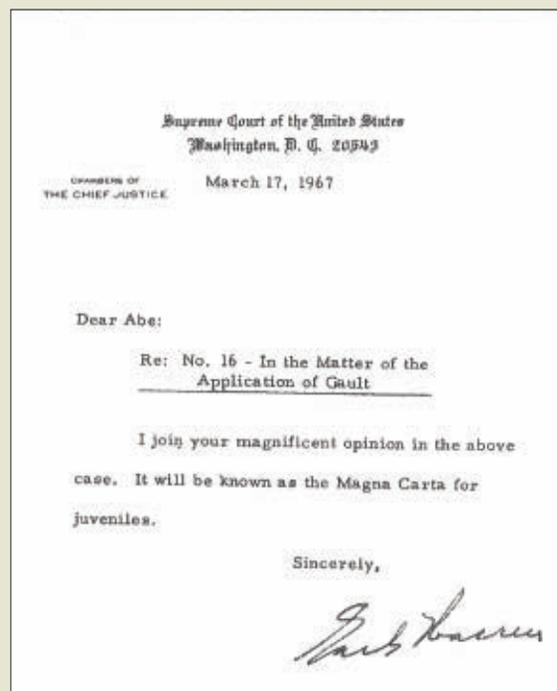
by Kimberly Ambrose and George Yeannakis

1965 Warren Court. Seated, from left: Associate Justices Tom C. Clark and Hugo Black, Chief Justice Earl Warren, Justices William O. Douglas and John M. Harlan. Standing, from left, Justices Byron R. White, William J. Brennan, Jr., Potter Stewart, and Abe Fortas. Photograph by Harris & Ewing, Collection of the Supreme Court of the United States

Imagine coming home from work to find your 15-year-old missing. You learn through neighbors that he was arrested and jailed. There is no note, no phone call. You go down to the juvenile detention facility and discover there will be a hearing the next day. You still get nothing in writing and do not understand exactly why your child is locked up.

This is where Gerald Gault's parents found themselves in 1964 when their son was arrested along with another boy for allegedly making a "lewd phone call" to a neighbor. In the juvenile court judge's chambers the next day, the judge questioned Jerry and took "testimony" from a sheriff who was also the superintendent of the juvenile detention facility. No one was sworn in; no written or other record was made. The judge said he would "think about it." About a week later, after another "hearing," the juvenile court judge found Gerald to be a "delinquent child" and committed him to Fort Grant, the Arizona State Industrial School for Wayward Boys and Girls, a juvenile prison, for six years—until the age of 21. No written notice of charges was given to Gerald or his parents. No record was made of the hearing. No attorneys were present. The complaining witness (the alleged recipient of the offensive phone call) was not present and did not testify even though Mrs. Gault asked that she be there to identify which boy actually spoke on the phone.¹ The only evidence presented was that of the officer who spoke with the complaining witness once over the phone and Gerald's own testimony, in which he denied, at least in part, making the lewd remarks. Gerald was arrested on June 8 and sentenced to six years in a state institution on June 15, 1964.

No appeal was available to juveniles under Arizona law, so Gerald's parents hired an attorney to file a writ of habeas corpus seeking their son's release. The Superior Court of Arizona and the Arizona Supreme Court dismissed the petition but the Gaults and their attorney did not give up. Their persistence led to the landmark U.S. Supreme Court case, *In re Gault*, which established due process rights for children in juvenile court. The landmark 8-1 decision held that children have rights protected by the 14th Amendment, including the right to counsel, the right to notice of charges,



Top: Memo from Chief Justice Earl Warren to Justice Abe Fortas. Abe Fortas Papers (MS 858). Manuscripts and Archives, Yale University Library

Bottom: Justice Abe Fortas. Photo: Wikimedia Commons

the right to confront and cross-examine witnesses, and the right against self-incrimination.

Unfortunately, Gerald spent nearly three years at the Arizona Industrial School before the U.S. Supreme Court granted him relief on May 15, 1967.

The Supreme Court's decision in *In re Gault* was a response to the failed promises of the juvenile court system. The progressive reformers who brought us the juvenile court model in the late 19th century imagined a place where children were treated less formally because they were not being punished as adults. The *parens patrie* model would provide treatment and rehabilitative services rather than punishment for children who had gone astray. Finding guilt or innocence through an adversarial system was thought to be counterproductive to the needs of children. The *Gault* Court acknowledged that this "peculiar" system of justice did not live up to its ideals. Citing high recidivism rates and social science research, the Court concluded that "the appearance as well as the actuality of fairness, impartiality and orderliness—in short, the essentials of due process—may be a more impressive and more therapeutic attitude so far as the juvenile is concerned."² The Court emphasized

**"UNDER OUR
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THE CONDITION
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BOY DOES NOT
JUSTIFY A
KANGAROO
COURT."**

—Justice Abe Fortas

that no matter how "euphemistic" a title was given to the juvenile institution Gerald was committed to for six years, this loss of liberty was significant: "His world becomes 'a building with whitewashed walls, regimented routine and institutional hours * * *'. Instead of mother and father and sisters and brothers and friends and classmates, his world is peopled by guards, custodians, state employees, and 'delinquents' confined with him for anything from waywardness to rape and homicide." (citations omitted.)³

And just like that, juvenile court was constitutionally transformed. Justice Fortas famously held, "Under our Constitution, the condition of being a boy does not justify a kangaroo court."⁴ Children had the right to the "guiding hand of counsel at every step in the proceedings."⁵ Children were entitled to formal notice explaining the charges against them. Children would have the right to require the presence of live witnesses who could be cross-examined by their lawyers. Children would not be forced to provide evidence against themselves through questioning by judges and probation counselors with no procedural protections.

There would be no more Gerald Gaults — robbed of their youth without a fair process.

Or would there?

The protections of *Gault* took time to implement. Washington codified the protections through the Juvenile Justice Act of 1977, Chapter 13.40 RCW, a significant piece of legislation, which fundamentally changed juvenile court. More than any other state, Washington brought its juvenile court in line with adult criminal proceedings: abandoning the label "delinquent" for "offender," making juvenile offender proceedings and records open to the public, emphasizing "accountability" over rehabilitation, and instituting a determinate sentencing scheme.⁶ Still, informality continued to prevail as lawyers grudgingly attempted to adjust to their new roles as zealous advocates for their clients and judges continued to make decisions based on what they believed to be in the best interest of the youth brought before them.

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Less than 20 years after *Gault*, more significant changes came to the juvenile justice system, when the Washington legislature joined a national trend in the 1990s to “get tough” on juvenile crime. A new wave of legislation placed 16- and 17-year-olds charged with certain crimes directly into the adult system without the benefit of a court hearing. Juvenile convictions would remain longer on youth’s records and some would never be eligible for sealing. The juvenile sentencing scheme became less tailored to the developmental stages of youth, and discretion was given to judges and what was then known as the Juvenile Rehabilitation Administration to detain youth for longer periods.

Meanwhile, access to counsel for youth varied across the country and across Washington state. A report issued in 2003 by the American Bar Association (ABA) in collaboration with the Washington State Bar Association (WSBA) and other organizations found inconsistency in access to and quality of counsel provided to youth in juvenile court.⁷ Excessive caseloads, lack of training and supervision, confusion about the role of juvenile defense counsel, limited pretrial investigation, and uneven advocacy were noted in various jurisdictions. In some counties, counsel was not provided to youth at critical hearings, such as the initial hearing following a youth’s arrest. In some counties, children were permitted to waive counsel without understanding the consequences of that decision. The report made several recommendations to improve young people’s access to quality counsel, some of which have been implemented through efforts supported by the WSBA’s Council on Public Defense.

Two changes following the ABA report have had a significant impact on fulfilling a youth’s constitutional right to counsel. The first was the 2008 adoption of Juvenile Court Rule 7.15, which requires that juveniles receive advice from a court-appointed lawyer regarding their right to counsel prior to making a decision to waive that right. Children are no longer vulnerable to making an uninformed decision about what it means to proceed without an attorney in juvenile court. The second change was the Washington Supreme Court’s adoption of Standards for Indigent Defense. These standards, adopted by the Court in 2012, provide minimum qualifications and training requirements for attorneys appointed to represent juveniles as well as adults in criminal proceedings. The standards also set a caseload limit of 250 cases per year for appointed counsel representing juveniles.

In addition to adopting Juvenile Court Rule 7.15 and the Standards for Indigent Defense, the Washington Supreme Court also affirmed a child’s constitutional right to counsel in *State v. A.N.J.*⁸ In that case, the court permitted a 12-year-old child in Grant County to withdraw his plea to a sex offense where his attorney spent only 20 to 30 minutes with him, did essentially no investigation, and misadvised him about the consequences of having a juvenile sex offense record. In a rare finding of ineffective assistance of counsel, the court concluded that the attorney’s “representation fell below the objective

THE 14TH AMENDMENT

SECTION 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

SECTION 3

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

standard guaranteed by the constitution and that A.N.J. was prejudiced.”⁹ The court was particularly concerned with the structural problem presented, stating, “While the vast majority of public defenders do sterling and impressive work, in some times and places, inadequate funding and troublesome limits on indigent counsel have made the promise of effective assistance of counsel more myth than fact, more illusion than substance.”¹⁰ By articulating the specific areas where A.N.J.’s counsel fell short, the court provided useful guidance to juvenile defenders and reinforced that a child is entitled to competent and qualified counsel.

The Washington Supreme Court’s decision in *A.N.J.* highlighted the need for attorneys to understand the particulars of juvenile law and to have the skills to communicate with their young clients. The ABA report also shed light on the unique nature of juvenile offender practice and the need for lawyers representing youth to have specialized training. Youth who are brought into the juvenile court system have high rates of mental health problems and more likely than not have experienced significant trauma. They are more likely than other youth to be eligible for special education services. They may be involved in multiple systems, including the child welfare system. Most come from poor families. They are disproportionately youth of color.¹¹

Attorneys representing children in juvenile court must be able to recognize the mental health and educational needs of youth. Attorneys must learn how to interview children and assist them in making legal decisions, and how to advocate for youth in capacity, competency, and decline hearings (hearings where youth may be transferred to adult court). Creating a representational relationship with children also means understanding the stages of development of the adolescent mind and how child clients relate to their families and their communities, which is often very different from an adult.

Some recent progress has been made to equip attorneys who represent youth to better ensure that their constitution-

al rights to effective counsel are protected. Last year, federal funding allowed the State Office of Public Defense (OPD) to train over 60 defenders on adolescent development and behavioral effects of childhood trauma. OPD also produced webinars to educate lawyers, clients, and their families about the consequences juvenile proceedings and records can have on education, employment, and housing.¹² These are promising steps, but much more can be done.¹³

As expected in a state with a patchwork of county-based juvenile courts, there exists a wide variation in the provision of competent counsel in juvenile proceedings. There still are courts where attorneys do not appear at initial court hearings after youth are arrested or when youth are detained for violating probation. Although some counties have more resources

and provide specialized training for juvenile defenders, many counties do not have adequately trained attorneys representing young offenders, nor do they provide necessary resources such as social workers and investigators. Without resources and training for defense attorneys, it is not possible for all youth through-

ACCESS TO COUNSEL FOR YOUTH VARIES ACROSS THE COUNTRY AND ACROSS WASHINGTON STATE. EXCESSIVE CASELOADS, LACK OF TRAINING AND SUPERVISION, CONFUSION ABOUT THE ROLE OF JUVENILE DEFENSE COUNSEL, LIMITED PRETRIAL INVESTIGATION, AND UNEVEN ADVOCACY WERE NOTED IN VARIOUS JURISDICTIONS.

out the state to gain equal access to quality legal representation in order to fulfill *Gault’s* guarantee of due process. In fact, a recent lawsuit filed by the American Civil Liberties Union of Washington against the Washington State Office of Public Defense alleges just that: the constitutional rights of children are being violated in Grays Harbor County juvenile court as a result of “systemic and structural deficiencies” in the county’s juvenile public defense system.¹⁴

Despite these challenges, there are good reasons to be optimistic about youth and their counsel. In Washington state and nationally, youth arrest rates are at an all-time low. Fewer children are being referred to juvenile court and fewer children are being held at state-run juvenile institutions. With fewer cases being processed in juvenile courts, we should be able to guarantee that all children receive the guiding hand they deserve. **NWL**



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available at <https://www.dshs.wa.gov/ra/office-juvenile-justice/2014-juvenile-justice-annual-report>.

12. These webinars are available to the public at <http://www.opd.wa.gov/>. See also Ethical Considerations While Representing Juvenile Clients (recorded Feb. 28, 2017), available for purchase at www.wsbacl.org (enter LL170228-FSV in search field).
13. There still remain 16- and 17-year-old youth

throughout the state who are deprived of any process at the critical determination of whether they should be treated as adults or juveniles—an enduring vestige of the 1990s legislation that did not take into account the research on adolescent brain development.

14. *Davison v. State of Washington and Washington State office of Public Defense*, complaint, filed April 3, 2017, Thurston County Superior Court.

NOTES

1. Gerald asserted that he was not the one who made the remarks, which were “of the irritatingly offensive, adolescent, sex variety.” *In re Gault*, 387 U.S. 1, 3 (1967).
2. *Id.* at 26.
3. *Id.* at 27.
4. *Id.* at 28.
5. *Id.* at 36 citing *Powell v. Alabama*, 287 U.S. 45, 69 (1932).
6. RCW 13.40 actually predated the adult Sentencing Reform Act’s determinate sentencing scheme by seven years.
7. ABA Juvenile Justice Center et al., “Washington: An Assessment of and Access to Counsel and Quality of Representation in Juvenile Offender Matters” (2003), available at <http://njdc.info/wp-content/uploads/2013/11/Final-Washington-State-Assessment-Report.pdf>. Last accessed 04/03/2017.
8. 168 Wn.2d 91 (2010).
9. *Id.* at 118.
10. *Id.* at 98.
11. See Washington State Office of Juvenile Justice, 2014 Juvenile Justice Annual Report

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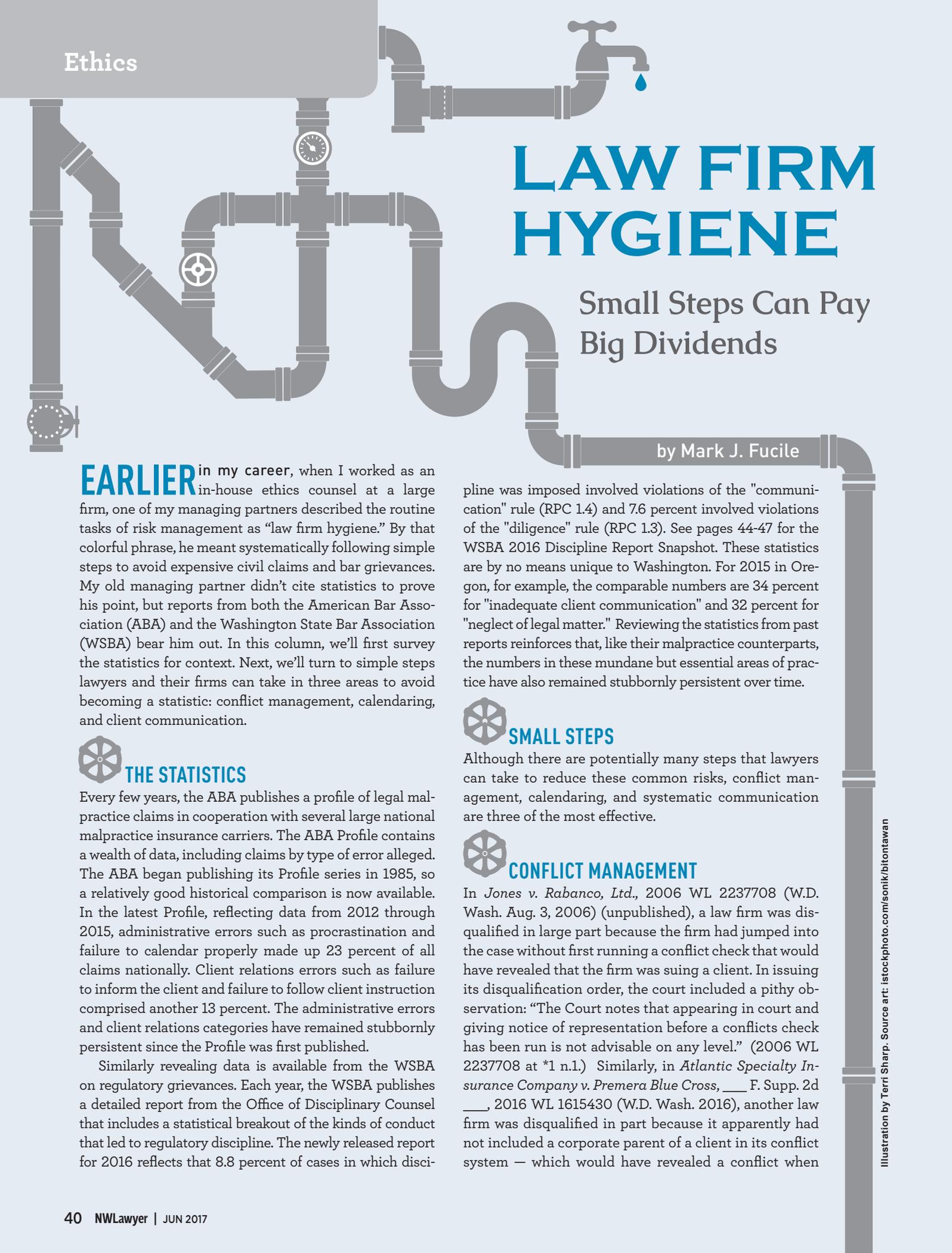
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LAW FIRM HYGIENE

Small Steps Can Pay Big Dividends

by Mark J. Fucile

EARLIER in my career, when I worked as an in-house ethics counsel at a large firm, one of my managing partners described the routine tasks of risk management as “law firm hygiene.” By that colorful phrase, he meant systematically following simple steps to avoid expensive civil claims and bar grievances. My old managing partner didn’t cite statistics to prove his point, but reports from both the American Bar Association (ABA) and the Washington State Bar Association (WSBA) bear him out. In this column, we’ll first survey the statistics for context. Next, we’ll turn to simple steps lawyers and their firms can take in three areas to avoid becoming a statistic: conflict management, calendaring, and client communication.

THE STATISTICS

Every few years, the ABA publishes a profile of legal malpractice claims in cooperation with several large national malpractice insurance carriers. The ABA Profile contains a wealth of data, including claims by type of error alleged. The ABA began publishing its Profile series in 1985, so a relatively good historical comparison is now available. In the latest Profile, reflecting data from 2012 through 2015, administrative errors such as procrastination and failure to calendar properly made up 23 percent of all claims nationally. Client relations errors such as failure to inform the client and failure to follow client instruction comprised another 13 percent. The administrative errors and client relations categories have remained stubbornly persistent since the Profile was first published.

Similarly revealing data is available from the WSBA on regulatory grievances. Each year, the WSBA publishes a detailed report from the Office of Disciplinary Counsel that includes a statistical breakout of the kinds of conduct that led to regulatory discipline. The newly released report for 2016 reflects that 8.8 percent of cases in which disci-

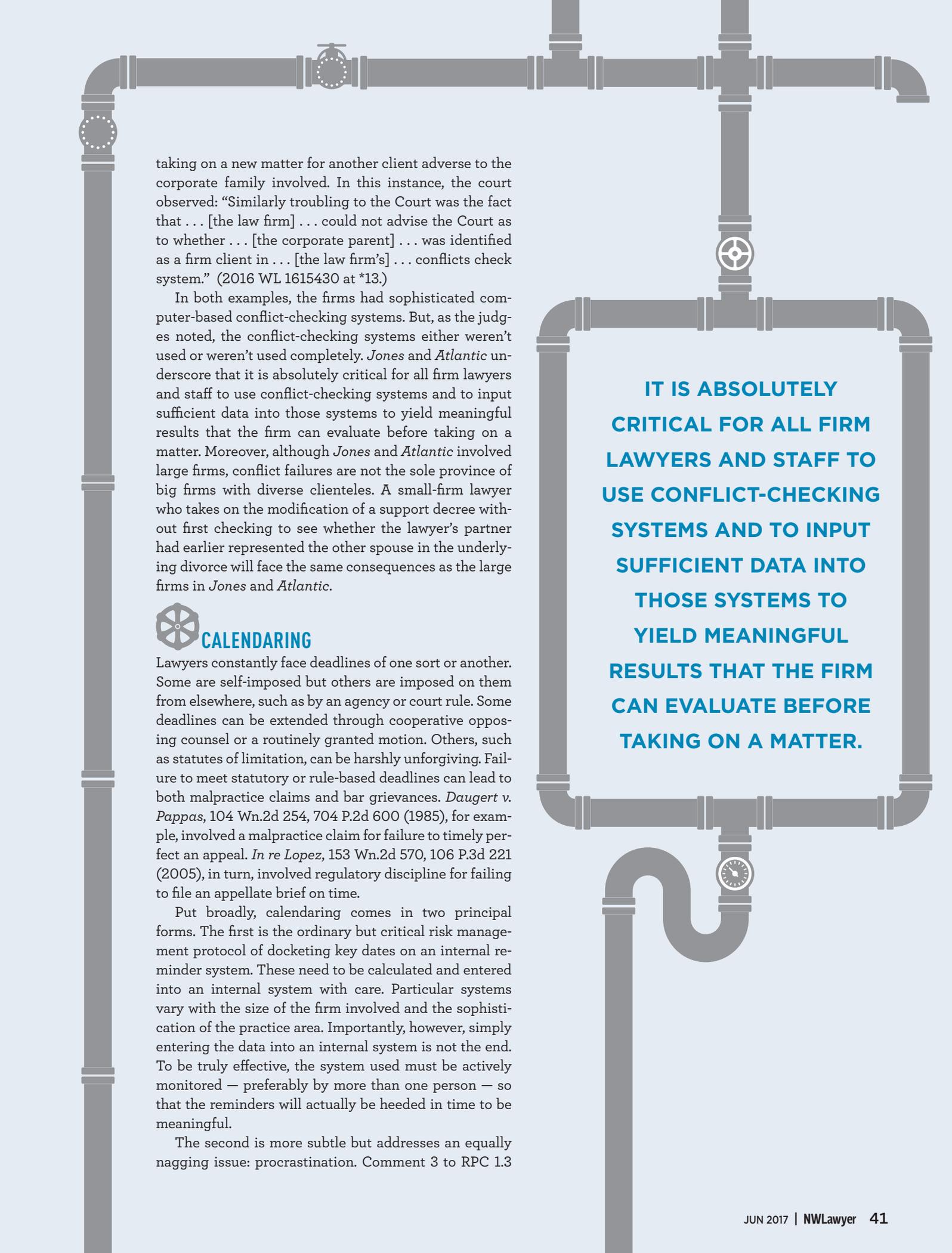
pline was imposed involved violations of the “communication” rule (RPC 1.4) and 7.6 percent involved violations of the “diligence” rule (RPC 1.3). See pages 44-47 for the WSBA 2016 Discipline Report Snapshot. These statistics are by no means unique to Washington. For 2015 in Oregon, for example, the comparable numbers are 34 percent for “inadequate client communication” and 32 percent for “neglect of legal matter.” Reviewing the statistics from past reports reinforces that, like their malpractice counterparts, the numbers in these mundane but essential areas of practice have also remained stubbornly persistent over time.

SMALL STEPS

Although there are potentially many steps that lawyers can take to reduce these common risks, conflict management, calendaring, and systematic communication are three of the most effective.

CONFLICT MANAGEMENT

In *Jones v. Rabanco, Ltd.*, 2006 WL 2237708 (W.D. Wash. Aug. 3, 2006) (unpublished), a law firm was disqualified in large part because the firm had jumped into the case without first running a conflict check that would have revealed that the firm was suing a client. In issuing its disqualification order, the court included a pithy observation: “The Court notes that appearing in court and giving notice of representation before a conflicts check has been run is not advisable on any level.” (2006 WL 2237708 at *1 n.1.) Similarly, in *Atlantic Specialty Insurance Company v. Premera Blue Cross*, ___ F. Supp. 2d ___, 2016 WL 1615430 (W.D. Wash. 2016), another law firm was disqualified in part because it apparently had not included a corporate parent of a client in its conflict system — which would have revealed a conflict when



taking on a new matter for another client adverse to the corporate family involved. In this instance, the court observed: “Similarly troubling to the Court was the fact that . . . [the law firm] . . . could not advise the Court as to whether . . . [the corporate parent] . . . was identified as a firm client in . . . [the law firm’s] . . . conflicts check system.” (2016 WL 1615430 at *13.)

In both examples, the firms had sophisticated computer-based conflict-checking systems. But, as the judges noted, the conflict-checking systems either weren’t used or weren’t used completely. *Jones* and *Atlantic* underscore that it is absolutely critical for all firm lawyers and staff to use conflict-checking systems and to input sufficient data into those systems to yield meaningful results that the firm can evaluate before taking on a matter. Moreover, although *Jones* and *Atlantic* involved large firms, conflict failures are not the sole province of big firms with diverse clienteles. A small-firm lawyer who takes on the modification of a support decree without first checking to see whether the lawyer’s partner had earlier represented the other spouse in the underlying divorce will face the same consequences as the large firms in *Jones* and *Atlantic*.



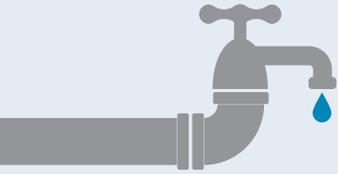
CALENDARING

Lawyers constantly face deadlines of one sort or another. Some are self-imposed but others are imposed on them from elsewhere, such as by an agency or court rule. Some deadlines can be extended through cooperative opposing counsel or a routinely granted motion. Others, such as statutes of limitation, can be harshly unforgiving. Failure to meet statutory or rule-based deadlines can lead to both malpractice claims and bar grievances. *Daugert v. Pappas*, 104 Wn.2d 254, 704 P.2d 600 (1985), for example, involved a malpractice claim for failure to timely perfect an appeal. *In re Lopez*, 153 Wn.2d 570, 106 P.3d 221 (2005), in turn, involved regulatory discipline for failing to file an appellate brief on time.

Put broadly, calendaring comes in two principal forms. The first is the ordinary but critical risk management protocol of docketing key dates on an internal reminder system. These need to be calculated and entered into an internal system with care. Particular systems vary with the size of the firm involved and the sophistication of the practice area. Importantly, however, simply entering the data into an internal system is not the end. To be truly effective, the system used must be actively monitored — preferably by more than one person — so that the reminders will actually be heeded in time to be meaningful.

The second is more subtle but addresses an equally nagging issue: procrastination. Comment 3 to RPC 1.3

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“Perhaps no professional shortcoming is more widely resented than procrastination.”

on diligence puts it this way: “Perhaps no professional shortcoming is more widely resented than procrastination.” The reasons for procrastination are many and varied. In some instances, lawyers have simply taken on too much work to give individual files the attention they deserve. In others, the client who sounded great during an initial conference turned out to be so difficult that the lawyer simply ignores the matter concerned. Whatever the reason, firms need to use systems to ensure that work is done in a timely manner. Although particular systems will vary by firm size and practice sophistication, these are more often human rather than electronic — such as a practice group leader in a larger firm or peers in smaller firms who actively monitor progress on cases. The solutions are also more often human rather than electronic — with some variant of “Do you need help with that?” often opening a welcome door.



COMMUNICATION

With communication, the shortcoming that most often leads to problems is not the content, but the speed and frequency. A wonderfully written 10-page letter that arrives three months too late in the client’s view will do little to salve the all-too-human feeling of being ignored. Lawyers also need to acknowledge that in an age of instant communication client expectations of responsiveness have changed accordingly. Communication failures can lead to both civil claims and regulatory discipline. *Shoemake v. Ferrer*, 168 Wn.2d 193, 225 P.3d 990 (2010), for example, involved a legal malpractice claim centered on a lawyer’s failure to convey a settlement offer. *In re Longacre*, 155 Wn.2d 723, 122 P.3d 710 (2005), in turn, involved regulatory discipline imposed for, in relevant part, failing to inform a client about plea offers.

Neither the standard of care nor the communication rule (RPC 1.4) necessarily requires that every client question be answered instantaneously. But, if it will take some time to get back to the client because, for example, you are heading off to court or it will require some research, a quick reply back to the client acknowledging an email and giving a realistic timeline for a substantive response will often head off problems.



SUMMING UP

The civil claim and regulatory discipline statistics are both discouraging and encouraging. They are discouraging in that practice management failures continue to make up a substantial portion of claims and grievances. At the same time, they are encouraging because firms that take very simple steps toward law firm hygiene can reap big dividends in the form of reduced risk. **NWL**



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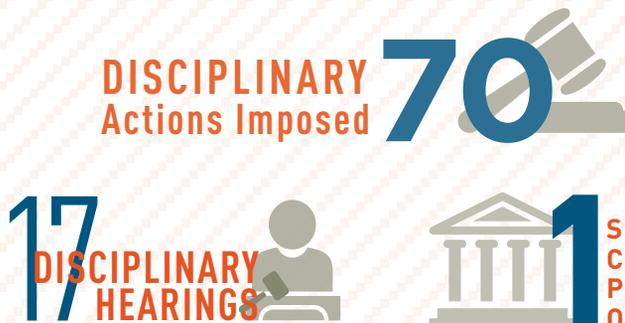
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2016 Discipline Report Snapshot

2016 BY THE NUMBERS

Annually, the Washington State Bar Association (WSBA) publishes a report on Washington's discipline system. This report summarizes the activities of the system's constituents, including the Office of Disciplinary Counsel (ODC), the WSBA's Office of General Counsel (OGC), the Disciplinary Board, hearing officers, and the Lawyers' Fund for Client Protection. The report also provides statistical information about discipline for those licensed to practice law in Washington for the calendar year. These pages provide an informal overview of the 2016 Discipline System Annual Report, which is now available on the WSBA website at www.wsba.org.



NUMBER AND NATURE OF 2016 GRIEVANCES

ODC's intake staff receives all phone inquiries and written grievances and conducts the initial review of every grievance. After initial review, some grievances are dismissed, and others are referred for further investigation by ODC investigation/prosecution staff. Grievances that are not dismissed or diverted after investigation may be referred for disciplinary action. When warranted and authorized by a review committee of the Disciplinary Board, these matters are prosecuted by disciplinary counsel with the assistance of professional investigators and a support staff of paralegals and administrative assistants. In 2016, ODC received more than 1,800 grievances.

Disciplinary Grievances Received	1,830	DISCIPLINARY GRIEVANCES, MEDIATED MATTERS, AND PUBLIC INQUIRIES
Disciplinary Grievances Resolved	1,902	
Non-Communication Matters Mediated	100	
File Disputes Mediated	57	
Public Inquiries, Phone Calls, Emails & Interviews	5,466	

STRUCTURE OF THE LAWYER DISCIPLINE AND DISABILITY SYSTEM

SUPREME COURT	<ul style="list-style-type: none"> • Administers the system • Conducts final appellate review • Orders sanctions, interim suspensions, and reciprocal discipline
DISCIPLINARY BOARD (administered by OGC)	<ul style="list-style-type: none"> • Reviews recommendations for proceedings and disputed dismissals • Serves as intermediate appellate body • Reviews hearing records and stipulations
HEARING OFFICERS (administered by OGC)	<ul style="list-style-type: none"> • Conduct evidentiary hearings and other proceedings • Conduct settlement conferences • Approve stipulations to admonition and reprimand
WSBA OFFICE OF DISCIPLINARY COUNSEL	<ul style="list-style-type: none"> • Answers public inquiries and informally resolves disputes • Receives, reviews and may investigate grievances • Recommends disciplinary action or dismissal • Diverts grievances involving less serious misconduct • Recommends disability proceedings • Presents cases to discipline-system adjudicators

The Washington Supreme Court has exclusive responsibility and inherent authority over regulation of the practice of law in Washington. This authority includes administering the discipline and disability system. Many of the Court's disciplinary functions are delegated by court rule to the WSBA, which acts under the supervision and authority of the Court. Consistent with the Supreme Court's mandate in General Rule 12.1, the WSBA administers an effective system of discipline in order to fulfill its obligations to protect the public and ensure the integrity of the profession. The prosecutorial and investigative functions of the discipline system are discharged by ODC, while the adjudicative functions are handled by the Disciplinary Board and hearing officers, which are administered by OGC.

NATURE OF GRIEVANCES



In 2016, the most common grievance allegations against Washington lawyers related to unsatisfactory performance, personal behavior concerns, and interference with the administration of justice.

WHO FILED GRIEVANCES



In 2016, the majority of grievances against Washington lawyers originated from current and former clients, and opposing clients. Discipline files are opened in the name of the Office of Disciplinary Counsel when potential ethical misconduct comes to the attention of a disciplinary counsel by means other than the submission of a grievance (e.g. news articles, notices of criminal conviction, trust account overdrafts, etc.) or through confidential sources.

2016 Discipline Report Snapshot

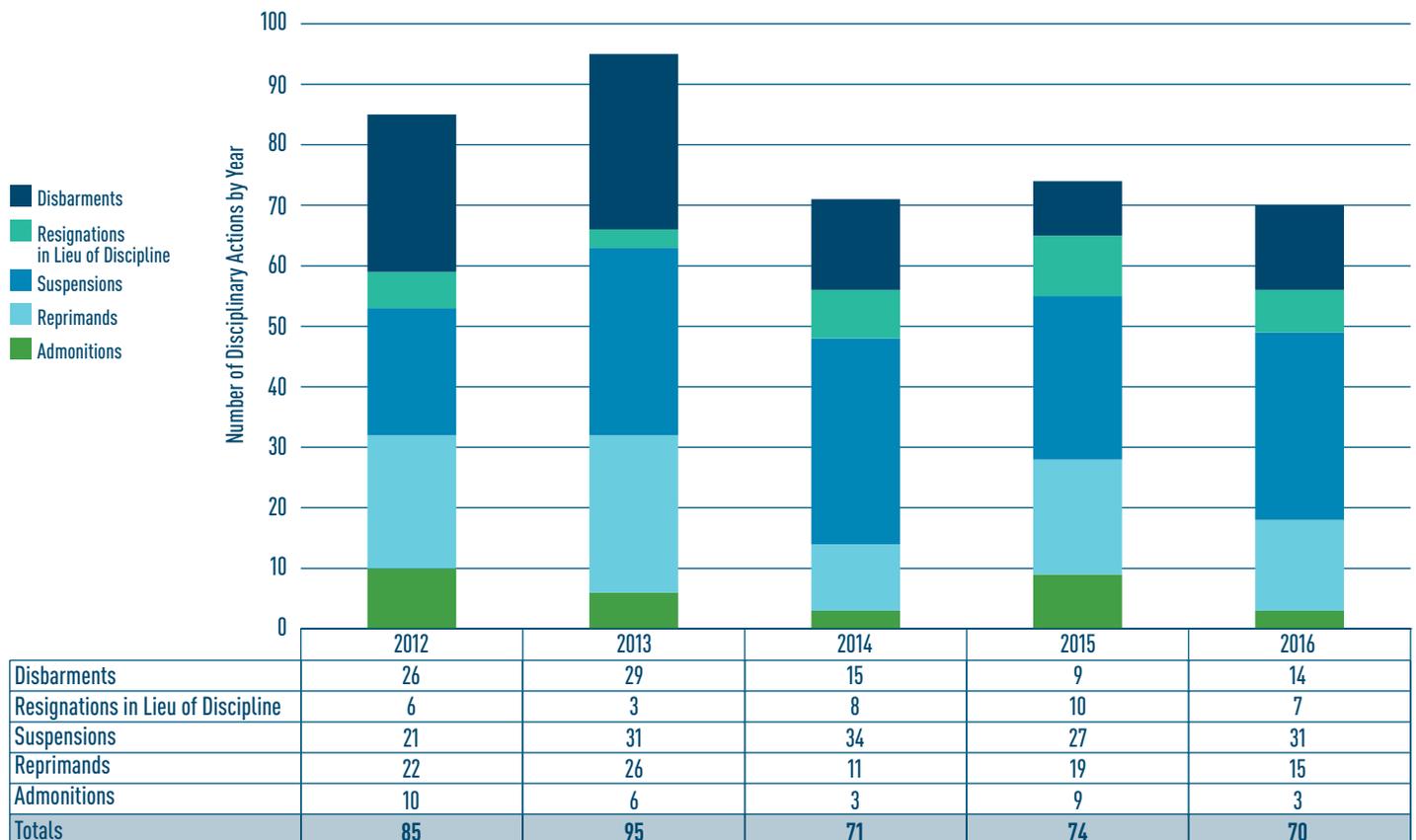
PRACTICE AREA OF GRIEVANCES Most grievances arise from criminal law, family law, and tort matters.

Criminal Law	31%	Real Property	4%	Bankruptcy	2%
Family Law	19%	Administrative Law	4%	Juvenile Matters	1%
Torts	9%	Immigration	3%	Contracts/Consumer Law	1%
Unknown	6%	Commercial Law	3%	Foreclosures	1%
Estates/Probates/Wills	6%	Labor Law	2%	Collections	1%
Other	5%	Landlord/Tenant	2%		

DISCIPLINARY ACTIONS

Disciplinary “actions” include both public disciplinary “sanctions” and admonitions. Disciplinary sanctions are, in order of increasing severity: reprimands, suspensions, and disbarments. In Washington, admonitions are also a form of public discipline. Lawyers may also resign in lieu of discipline if they do not wish to defend against allegations of misconduct. Review committees of the Disciplinary Board also have authority to issue advisory letters if a lawyer should be cautioned. An advisory letter is neither a sanction nor a disciplinary action and is not public information. For less serious misconduct, ODC may divert a grievance from discipline if a lawyer agrees to a diversion contract, which if successfully completed, results in dismissal of the grievance. In 2016, 15 matters were referred to diversion.

In 2016, 70 lawyers were disciplined. The chart below tracks the number of disciplinary actions imposed over the last five reporting years.



LAWYER DISABILITY MATTERS

Special procedures apply when there is cause to believe that a lawyer is incapable of properly defending a disciplinary proceeding, or incapable of practicing law, because of mental or physical incapacity. Such matters are handled under a distinct set of procedural rules. In some cases, the lawyer must have counsel appointed at the WSBA's expense. In disability cases, a determination that the lawyer does not have the capacity to practice law results in a transfer to disability-inactive status. In recent years, the number of transfers to disability-inactive status has increased. In 2016, eight lawyers were transferred to disability-inactive status based on an incapacity to practice law.

OTHER LICENSED PROFESSIONALS AND THE DISCIPLINE SYSTEM

Limited practice officers (LPOs) and limited license legal technicians (LLLTs) are also authorized to practice law in Washington, through regulatory systems administered by the WSBA. A Washington Supreme Court-mandated regulatory board oversees each limited license. Each licensee is subject to license-specific admission and practice rules, rules of professional conduct, and disciplinary procedural rules. The WSBA administers a discipline system for each of these licenses. At the end of 2016, there were 766 LPOs and 19 LLLTs actively licensed to practice. In 2016, the WSBA received three disciplinary grievances against LPOs with no disciplinary action imposed against LPOs. In 2016, the WSBA did not receive any grievances against LLLTs.

RESOURCES

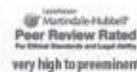
For more information on the discipline system and to read the full 2016 Discipline System Annual Report, go to www.wsba.org. To view the full 2016 Discipline System Annual Report, go to <http://bit.ly/2pcjciVa>. **NWL**



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

James C. Ausum

Born in 1938 in Flat Rock, Michigan, in 1960, James Ausum attended Notre Dame University, where he obtained a Bachelor of Arts degree in English. After graduating, he taught English at Portsmouth Priory School in Rhode Island for two years before enrolling in the U.S. Navy's officer training school. He served in Vietnam as a navigator on the ammunition ship USS Mount Baker and, upon completing his service, enrolled in the University of Michigan School of Law, where he graduated with honors in 1968. He practiced law for 30 years in both Alaska and Washington. He also had a farm that he managed in Camden, Michigan, for 25 years. He had a love of traveling, studied cooking in France, and enjoyed winemaking and attending Seattle's Gilbert and Sullivan Society productions.

James C. Ausum died on April 11, 2016, at the age of 77.

Gregory A. Bell

Gregory Bell was born in 1957 in New Haven, Connecticut. He graduated from El Cerrito High School in El Cerrito, California, and attended California State University East Bay, where he received a degree in communications. While attending college, Greg joined the Air Force through ROTC at the University of California, Berkeley, and received a commission as a second lieutenant after graduation. He then earned a Master's in Public Administration from Troy State University. He and his wife moved to San Antonio, Texas, and were then stationed at the 48th Fighter Wing of the Royal Airforce (RAF) Lakenheath in Suffolk, England. After leaving the

Air Force in 1992, he attended the University of Washington School of Law and upon graduation, joined the firm of Foster, Pepper & Shefelman (now Foster Pepper). He then worked with the City of Seattle Office of Civil Rights for 12 years before joining the Washington State Department of Transportation as the External Civil Rights Branch Manager.

Gregory A. Bell died on December 7, 2015, at the age of 58.

Janis Phillips Bianchi

Janis Phillips Bianchi was born in Wichita, Kansas. In 1955, her family moved to Seattle. While she loved living in the Pacific Northwest, she also spent time in the Peace Corps in eastern Nigeria and, upon graduating from law school, lived in Sao Tome and Portugal before moving back to Seattle. Her law career began at Evergreen Legal Services. She also had her own practice in Columbia City and toward the end of her career was employed at the Washington State Department of Revenue. She devoted much of her free time to social justice and equal rights causes, such as ensuring women in Washington had full access to legal abortion, and LGBTQ equality. She also found time for woodworking and, in addition to creating her own handcrafted furniture, built a cabin near the ocean with friends and family, complete with a handmade wood-fired hot tub.

Janis Phillips Bianchi died on August 20, 2016, at the age of 72.

Cheryl A. Bleakney

Cheryl Bleakney was born in Salt Lake City, Utah, and attended the University of Utah. She lived in New York City, New York, and then moved to Seattle. In the late 1970s, after raising her five children, she returned to school, first completing a bachelor's degree and then a law degree from the University of Puget Sound (now Seattle University School of Law). After graduating in 1984, she worked as a law clerk, first for the Washington Supreme Court and later in federal district court in Seattle, where she remained until her retirement in 2006. Cheryl had a longtime involvement with the League

of Women Voters and also worked with the Friends of Discovery Park and Metropolitan Democratic Club. In addition, Cheryl was a past member and president of the Seattle School Board.

Cheryl A. Bleakney died on Aug. 20, 2016, at the age of 84.

Daniel C. Blom

Daniel Blom was born in 1919 in Portland, Oregon, and grew up in Aberdeen and Olympia, Washington. He graduated magna cum laude from the University of Washington in 1941. He served as a second lieutenant in World War II on the staff of General Douglas McArthur in Australia, New Guinea, and the Philippines and was awarded the Bronze Star and the Asiatic Campaign Ribbon. After attending Harvard Law School, he served as law clerk to Justice Walter B. Beals of the Washington Supreme Court. He was also a Rhodes scholarship finalist. His career spanned 53 years, during which he was an associate of Graves, Kizer and Graves and Martin Shorts & Bever, a partner in Case & Blom, and general counsel for Northwestern Life Insurance Company and Rainier National Insurance Company. From 1956 until 2001, he had roles of associate, partner, and of counsel for Ryan, Swanson & Cleveland. He chaired several committees of the King County Bar Association and the Washington State Bar Association and chaired the WSBA's Board of Bar Examiners. He also chaired six committees of the American Bar Association, as well as serving four years on the governing Council of the Tort and Insurance Practice Section.

Daniel C. Blom died July 29, 2016, at the age of 96.

Charles D. Brown

Charles Brown was born in Omaha, Nebraska, in 1948. His family moved to the Pacific Northwest in 1953, and he graduated from Bellevue High School in 1966 with varsity letters in a number of sports. He continued to play college basketball at Western Washington University, where he earned a Bachelor of Arts. In 1974, he received his J.D. from the University of Washington School of Law. Over the course of his law career, he held

numerous positions, including assistant city attorney for the City of Seattle and assistant general solicitor for Burlington Northern Railroad. He also practiced law in partnership with his father at their firm, Brown & Brown. Towards the end of his career, he was senior counsel with the Washington State Office of Insurance Commissioner in Olympia, a position he held for 12 years.

Charles D. Brown died August 12, 2016, at the age of 68.

Jeffrey M. Cheyne

Jeffrey Cheyne was born in 1946, in Klamath Falls, Oregon, and grew up on the family farm. After attending Sacred Heart Grade School and Mt. Angel Seminary High School, he went to the University of Oregon. Following his studies, he was employed as a juvenile corrections officer in Trenton, New Jersey, and then did graduate work in St. Louis, Missouri. He attended the University of San Diego School of Law, graduating in 1975 and then opening his law practice in Escondido, California. He obtained an L.L.M. in taxation from the University of San Diego School of Law in 1984 and returned to Oregon in 1991 and, with his family, built a home in the rural Sherwood area. He practiced estate and trust law and business and real estate planning, and was licensed to practice in Oregon, California, and Washington, as well as the United States Tax Court. A partner at the law firm of Samuels Yocelin Kantor LLP, he was a well-regarded speaker who was influential in the passage of important revisions to the Oregon estate tax law and who also gave educational presentations to lawyers and certified public accountants.

Jeffrey M. Cheyne died July 5, 2016, at the age of 69.

Tena M. Foster

Tena Marie Foster was born in Idaho Falls, Idaho. She received her J.D. in criminal law from the University of Idaho and served as an attorney for many years in Utah, and later in Washington. She also worked for the Colville Confederated Tribes. She was a member of the Utah, Washington, and Idaho bar asso-

ciations; and the Colville Confederated Tribes. She had many hobbies, including playing the piano, doing puzzles, reading, cooking, and traveling.

Tena M. Foster died on October 16, 2016, at the age of 60.

Erik O. Giese

After graduating from Garfield High School in Seattle in 1958, Erik Giese attended the University of Washington, graduating from the School of Law in 1964. Early in his career, he practiced maritime and personal injury law in Seattle before moving to Aspen Colorado, in the early 1970s. In 1973, he founded Comfort Products, Inc., which developed a number of products including the Footwarmer, the Flexon ski boot for Raichle Ski Boot Company of Switzerland, and Easy Spirit shoes. Along with friends, he also invested in businesses in Hawaii, Puerto Rico, and Florida, among them: Blockbuster Video, Starbucks, Jamba Juice, and P. F. Chang's. For the past 25 years, he was involved with RBC Technologies, or Exothermic of College Station, Texas, as it is known today. He was known for his great athleticism, having competed at the national level in skiing and water skiing. He was also an avid sailor.

Erik O. Giese died October 10, 2016, at the age of 76.

George L. Grader

George Grader was born in Coalgate, Oklahoma. In 1930, his family left Oklahoma for Seattle, where he spent most of his life. After attending Broadway High, he attended the University of Washington, during which time he had an 18-month tour of duty in World War II. In 1949, he left Seattle to attend Gonzaga University School of Law, where he graduated with honors. He then moved to Olympia and worked for the Department of Institutions, where he became administrative assistant to the director. He played an instrumental role in the creation of the Washington State Employees Credit Union, which is now one of the largest credit unions in the state. In 1962, he returned to practicing law,

first spending two years as an assistant attorney general under John O'Connell and then in private practice at Culp, Dwyer, Guterson and Edwards. He retired as a senior partner with Culp, Dwyer, Guterson and Grader.

George L. Grader died on July 19, 2016, at the age of 88.

Robert B. Leslie Jr.

Robert Leslie Jr. was born in 1930 in St. Paul, Minnesota. After attending Breck Military Academy in Minneapolis and Bay Village High School in Cleveland, Ohio, he enrolled in Carleton College in Northfield, Minnesota. Upon fulfilling his military obligation as a Navy fighter pilot, he moved to Seattle, where he studied law at the University of Washington while still flying as a naval reservist. His legal career began with work for King County and in 1960, he moved to a boutique law firm founded by Willard Hatch, where he practiced for 30 years. Following the sale of his practice, he consulted independently in the 1990s. From his early years, he was attracted to history, poetry, literature, and classical music. He also played offensive tackle in both his high school and college football years.

Robert B. Leslie Jr. died on June 28, 2016, at the age of 85.

Patricia A. McCarthy

Patricia McCarthy was born in Toledo, Ohio, in 1954 and grew up in Bellevue, Washington, where she practiced law for over 25 years. She attended Stanford University in California as an undergraduate and received her J.D. from Santa Clara University. She was known for her nurturing, fun-loving character. She enjoyed gardening, quilting, and spending time with her family.

Patricia A. McCarthy died on October 10, 2016, at the age of 62.

Jeanne E. McNeil

Jeanne McNeil grew up in Compton, California. After high school, she went into the convent, where she earned a Bachelor of Arts degree in addition to becoming a nun. (She later left her status as a nun to marry.) After obtaining a Master's degree

in international agriculture from the California Polytechnic State University in San Luis Obispo, she worked at the California Men's Colony teaching inmates basic education. She moved to Bainbridge Island in 1980 and embarked on a 20-year career as a landscape designer/builder, before enrolling in Seattle University School of Law. After she earned her law degree and became an attorney, she took a role as executive director of the Washington State Nursery & Landscape Association, where she worked on legislation and education programs for the horticulture industry. She is credited with helping to create education programs on horticultural and sustainable practices in the Northwest, and she also contributed large quantities of her own produce — grown on her local farm — to the local food bank.

Jeanne E. McNeil died April 15, 2016.

George E. Merker III

George Edward Merker III was born in 1952 in Harvey, Illinois. After graduating from

high school in Normal, Illinois, he earned a Bachelor of Science in business administration at Illinois State University and then a Master of Business Administration from the University of Nebraska in Lincoln, Nebraska. He then studied law at the University of Illinois at Urbana-Champaign, Illinois, where he received his J.D. He practiced law in both King and Kitsap counties — at Reaugh Fischnaller Oettinger Merker & Luppert — and then at his own firm, Merker Law Offices, in Poulsbo.

George E. Merker III died August 19, 2016, at the age of 64.

Bruce L. Mowery

Bruce Mowery was born in Sheridan, Wyoming, in 1947. A dedicated trial attorney based in Portland, Oregon, he will be missed by those who knew him.

Bruce L. Mowery died August 16, 2016, at the age of 69.

Ronald D. Ness

Ronald Ness was born in 1948 in Bremer-

ton, Washington, and grew up in Port Orchard. He graduated from South Kitsap High School in 1966 and then attended the University of Puget Sound (UPS) on a football scholarship. After graduating, he studied at the University of Montana School of Law, where he obtained his J.D. He then returned to his hometown and began practicing law as a member of the Kitsap County Bar in 1973. He worked for the county's Public Defenders office before returning to private practice. He served as the vice-president of the Washington Association of Criminal Defense Lawyers (WACDL), and was recognized with both the WACDL President's Award and the Kitsap County Bar Association's President's Award for his work in the legal community. Following his football career, first with UPS and then with the Seattle Cavaliers, he continued to pursue his passion for sports through slow pitch and basketball, and later as a member of the Kitsap Golf and Country Club, where he was on the board of directors.

Ronald D. Ness died on August 8, 2016, at the age of 68.

Martha Ries

Martha Ries was born in St. Louis, Missouri in 1959. She attended Boston College, where she graduated magna cum laude in psychology and French. In 1986, she became a judicial clerk for the Missouri Supreme Court and then joined the U.S. Department of Justice as a trial attorney for the commercial litigation branch, international trade unit. She then became a partner with Bogle & Gates in Seattle, focusing on international trade regulatory law and litigation, before joining The Boeing Company in 1997. There, she was chief counsel for both Army Systems and Commercial Aviation Services and subsequently had roles as vice president of Ethics and Business Conduct and as vice president of Intellectual Property. In 2013, she joined Dow Corning as corporate vice president, chief ethics and compliance officer. She was also general counsel of iPCreate, an intellectual property venture firm. She founded Seattle Women in International Business, was a

APPEALS

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JASON W. ANDERSON | LINDA B. CLAPHAM*

MICHAEL B. KING*^o | JAMES E. LOBSENZ*^o

GREGORY M. MILLER*

^oFellow, American Academy of Appellate Lawyers

*Founding Members, Washington Appellate Lawyers Association

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NAFTA Chapter 19 panelist for 16 years, and also chaired the Fellows Program at Ethics Resource Center.

Martha Ries died on May 29, 2016, at the age of 56 years.

Justice Charles Z. Smith

Justice Charles Smith was Washington's first African-American state trial judge and Supreme Court justice. He was born in 1927 in Lakeland, Florida. He served as a court reporter in the U.S. Army Air Corps during World War II, and attended Temple University in Philadelphia, Pennsylvania, graduating in 1952. After moving to Seattle, he attended the University of Washington (UW) School of Law, graduating in 1955. His first job out of law school was as a law clerk for the Washington Supreme Court, followed by employment at the King County Prosecutor's Office. In 1961, U.S. Attorney General Robert Kennedy hired him as a special assistant U.S. attorney to help investigate corruption in the Teamsters' pension fund, which led to the indictment of Jimmy Hoffa. Four years later, in 1965, he became the first African-American municipal court judge in Washington, and in 1966, he was appointed to the King County Superior Court by Governor Dan Evans. In 1973, he became a professor and associate dean at UW's law school, and in 1988, he became a Washington Supreme Court Justice. Justice Smith was known for his dedication to a number of programs and issues, among them education, human rights, family and children, religion, health, prison reform, military justice, and racial, ethnic, and cultural awareness.

Justice Charles Z. Smith died August 28, 2016, at the age of 89.

F. Gwynn Townes

Gwynn Townes was born in Wilmington, North Carolina, in 1928. After graduating from Virginia Episcopal High School, he served in the U.S. Occupational Army in Japan. He studied at the University of Virginia, earning Bachelor of Arts and LL.B degrees, and then practicing law in King County, where he also served as Judge Pro-Tempore. He was also involved with voluntary desegregation on the Seattle Central Area School

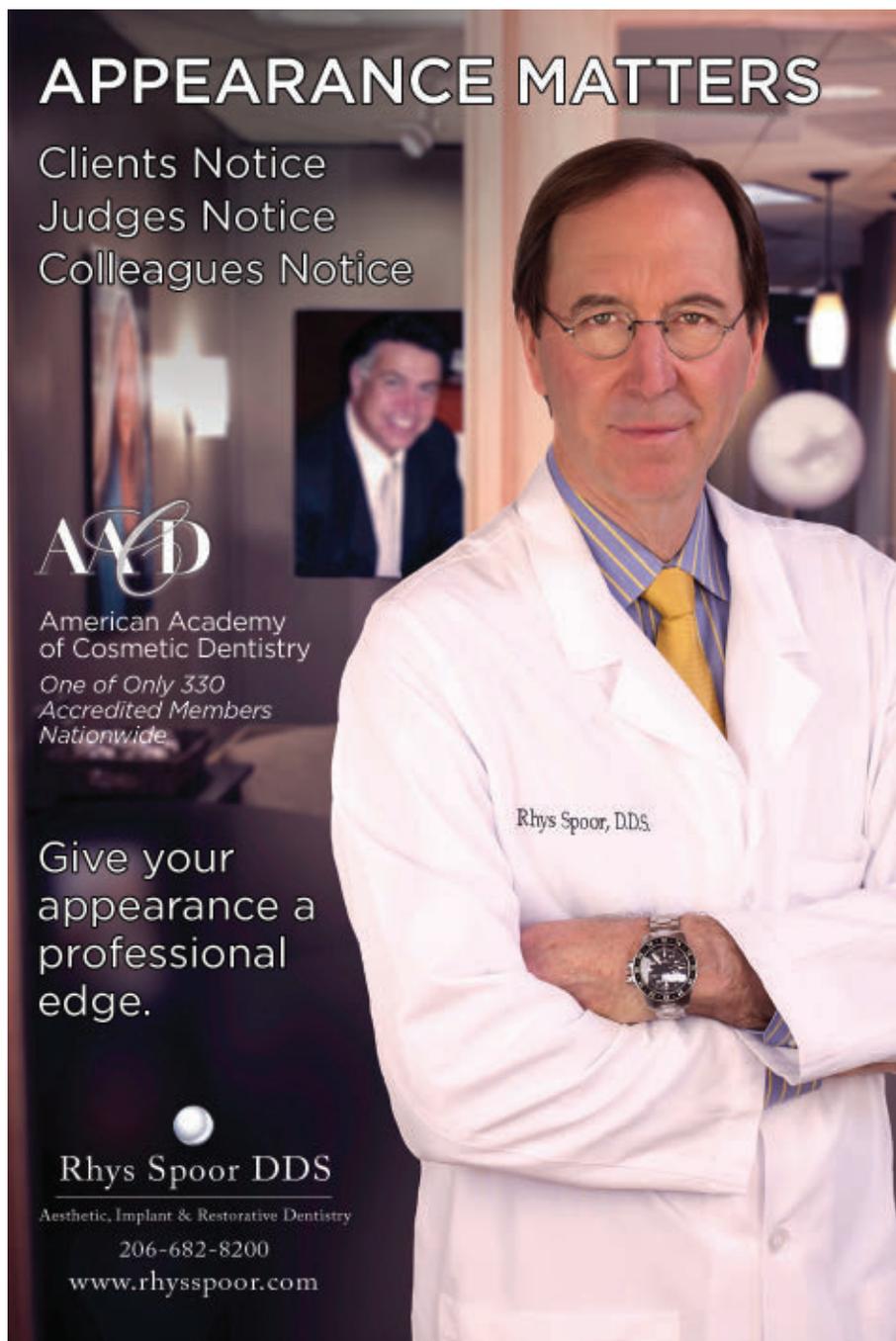
Council and the Democratic Party. He enjoyed classical and jazz music and was known for his curiosity and interest in history and politics.

F. Gwynn Townes died July 19, 2016, at the age of 88.

Leslie R. Weatherhead

Leslie Weatherhead was born in 1956 and earned his bachelor's degree at the University of Oregon Honors College in 1977,

and his J.D. at the University of Washington School of Law in 1980. A member of the bar associations of Washington, Oregon, Idaho, and Hawaii, he was a partner at Witherspoon Kelley Davenport & Toole (now known as Witherspoon Kelley) in Spokane for 30 years. More recently, he was a partner at Lee & Hayes, an intellectual property law firm, where he concentrated on litigation of complex commercial and regulatory disputes, white-collar



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defense, and pro-bono work. Included in the 2016 edition of *Best Lawyers in America* in the practice of commercial litigation, he was also an adjunct professor at Gonzaga University School of Law for many years, a member of the Washington Appellate Lawyers Association, a board member of the Federal Public Defenders group in Spokane, a member and former Chair of the Ninth Circuit Advisory Board, and a Fellow of the American College of Trial Lawyers.

Leslie R. Weatherhead died May 9, 2016, at the age of 59.

Karen J. Zimmer

Born in 1957 in Seattle, Washington, Karen Zimmer graduated from Mercer Island High School. She attended both the University of Washington and the University of Puget Sound (now Seattle University) School of Law. She has been described as a business owner and personal injury attorney who was pas-

sionate about helping and advocating for others. She enjoyed spending time with friends and family, exploring her ancestral roots, and cooking, and had an appreciation for the arts. Before she passed away, she asked Dean Standish Perkins, a colleague with whom she had worked for 30 years, to continue her practice. The law offices of Karen J. Zimmer, P.S., now operate as Dean Standish Perkins & Associates.

Karen J. Zimmer died on July 4, 2016, at the age of 59.

The WSBA has also been notified of the passing of the following members: D. Douglas Titus, Robert J. Verzani, Edward A. Ritter II, and William G. Jeffery.



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STEVE SCOTT
Former King County
Superior Court Judge



GEORGE FINKLE
Former King County
Superior Court Judge

WSBA BOARD OF GOVERNORS MEETING

MAY 18-19, 2017, SEATTLE

The Washington State Bar Association Board of Governors met on May 18-19 in Seattle.

Thursday, May 18

Breakfast with the Washington Leadership Institute (WLI) Fellows

The Board enjoyed breakfast with the Washington Leadership Institute (WLI) Fellows Friday morning for the annual joint breakfast. The WLI is a leadership training program run in partnership between WSBA and the University of Washington School of Law.

Interview and Selection of 2017-2018 WSBA President-Elect



The Board elected Bill Pickett to the 2017-2018 President-elect seat on the Board of Governors. His term will start at the conclusion of the Board meeting on September 29, 2017. Pickett was elected to the Board of Governors from the 4th District in September 2015. He is a solo practitioner in Yakima, where he focuses his practice on trial advocacy in personal-injury and wrongful-death matters, civil rights and police misconduct, and medical negligence issues. Pickett will follow 2017-2018 President Brad Furlong.

Interview and Selection of 2017-2020 WSBA At-Large Governor



The Board elected Alec Stephens to the 2017-2020 At-Large Governor seat on the Board of Governors from a field of eight candidates. His term will start at the conclusion of the Board meeting on September 29, 2017. Stephens is a former chair of the Civil Rights Law Section and served on last year's Sections Policy Workgroup as the small sections representative. He concentrates on civil rights, human rights, and equal opportunity laws and policies. Stephens will replace Mario Cava, who finishes his term as an At-Large Governor this fall.

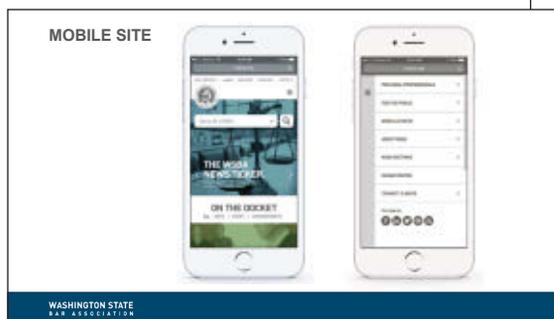


Preview of Updated wsba.org



Left: Communications Manager Jennifer Olegario
Below: Screenshots of updated wsba.org

Communications Manager Jennifer Olegario provided the Board and guests with a preview of the updated wsba.org website. Improved features include an audience-based navigation bar, better search functionality, and more visibility for key links and pages. The new website is expected to launch this summer. Executive Director Paula Littlewood updated the Board and guests on the realignment of the Communications and Outreach Department in order to better reach out and engage with members and the public.



Friday, May 19

Limited License Legal Technician (LLLT) New Practice Area and Enhancements to Family Law Practice

LLLT Board Chair Steve Crossland, and LLLT Board Family Law Advisory Committee Chair Nancy Ivarinen discussed the LLLT Board’s suggested amendments to APR 28 regarding enhancements to the family law practice area. The proposed amendments adjust the scope of the family law LLLT’s ability to work with contested major modifications of parenting plans, nonparental custody, and division of single-family residential dwellings with a limited amount of equity. The proposed amendments would also permit family law LLLTs to attend alternative dispute resolution proceedings; work with any protection orders that arise in a family law case; and communicate with opposing parties and their representatives regarding procedural matters, among other enhancements. LLLTs would also be able to accompany clients into court in a limited fashion in order to provide support to their clients and answer questions from the judge.



Nancy Ivarinen and Steve Crossland of the LLLT Board

Generative Discussion – Mandatory Malpractice Insurance

Governor Kim Risenmay and WSBA Chief Disciplinary Counsel Doug Ende led a discussion regarding mandatory malpractice insurance. Although many U.S. jurisdictions, including Washington state, have disclosure rules requiring reporting and/or disclosure of whether a lawyer is covered by professional liability insurance, only Oregon and Idaho (effective January 2018) require that lawyers have such insurance as a condition of licensing. Presentation and discussion topics included Washington’s 1986 effort to propose a mandatory malpractice insurance rule, the Washington state insurance disclosure rule, Washington state statistics on coverage, mandatory malpractice insurance systems worldwide, the Oregon and Idaho systems, and potential system models. The Board’s Executive Committee will evaluate the ideas generated and consider whether further exploration by WSBA is warranted.



Governor Kim Risenmay and WSBA Chief Disciplinary Counsel Doug Ende



Chris Newbold, ALPS Executive Vice President



Attorney Geoff Revelle comments on mandatory malpractice insurance

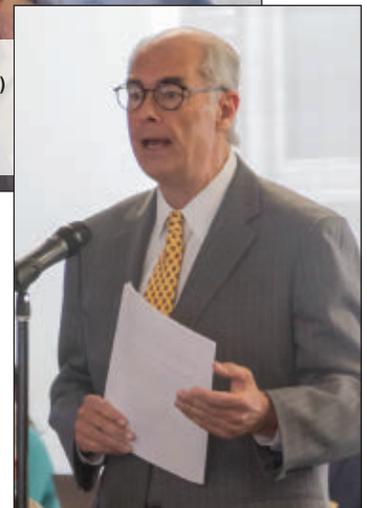
Proposed ABA Resolution Opposing 9th Circuit Restructuring



James Williams, ABA Washington State Delegate



Attorneys Margaret Boyle (above) and Mike McKay (right) address the Board and ABA Washington State Delegate James Williams



In response to various legislative proposals to split the federal Ninth Circuit, the American Bar Association's (ABA's) Standing Committee on the American Judicial System intends to request that the ABA House of Delegates reaffirm its existing policy opposing restructuring of the Ninth Circuit. The WSBA Board of Governors was invited by the Chair of the relevant ABA subcommittee last month to co-sponsor or support the resolution. After a presentation by James Williams, the Washington State Delegate to the ABA, and comments from other guests, the Board discussed the issue and voted to co-sponsor the proposed ABA Resolution opposing the Ninth Circuit restructuring. The Board will also direct the WSBA's delegates to the ABA to vote in support of the resolution.

Proposed Charter for Referendum Process Work Group

The Board approved the creation of a Referendum Process Review Work Group to review the WSBA referendum process. The Board delegated nomination of work group members to President Robin Haynes.

Immigration and Customs Enforcement (ICE) Activities at Courthouses

The Board approved a written request from counsel at the American Civil Liberties Union to send a letter to the Department of Homeland Security (DHS) urging DHS agents to refrain from conducting immigration enforcement actions at or near state courthouses. Supreme Court Chief Justice Mary Fairhurst sent a similar letter earlier this year.

Other Discussion

The Board introduced a new standing agenda item at BOG meetings, called Other Discussion, whose purpose is to provide time for the Board and guests to raise issues of interest. Governor Risenmay provided information and raised concern about the efficacy of the Washington State Bar Foundation. This matter will be considered at the June 29, 2017 Budget & Audit Committee meeting. [NWL](#)



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Need to Know

News and information of interest to WSBA members

Email nlawyer@wsba.org if you have an item you would like to share.

WSBA News

WSBA Launches CLE Faculty Database

If you are currently serving as CLE faculty, or are interested in working with the WSBA as a future CLE faculty member, we encourage you to register in our CLE faculty database. Serving as a faculty member provides you with the opportunity to engage with other attorneys across the state, give back to your profession, and 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. We hope to capture the information of all those who plan to teach – both current CLE faculty and those interested in future opportunities. Please log on and register in the CLE faculty database today at www.mywsba.org/CleFacultyApplication.aspx.

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.

Washington Young Lawyer Committee Meeting

June 10, Kennewick

The Washington Young Lawyer Committee is holding its next meeting in Kennewick on June 10. New and young lawyers are encouraged to attend to learn about the work of the Committee and upcoming WSBA New Lawyer Programs. For details, contact newlawyers@wsba.org.

ALPS Attorney Match

Attorney Match is a free online networking tool made available through the WSBA-endorsed professional liability partner, ALPS. This resource allows attorneys to set up a profile and indicate whether they are looking for or available to act as a mentor. Mentorship programs that meet requirements are 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 Board of Governors Meeting

July 28–29, Union

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.

Volunteer Custodians Needed

The WSBA is seeking interested lawyers as potential ELC 7.7 volunteer custodians. An appointed custodian is authorized to act as counsel for the limited purpose of protecting a client's interests whenever a lawyer has been transferred to disability inactive status, suspended, disbarred, dies, or disappears and no person appears to be protecting the clients' interests. The custodian takes possession of the necessary files and records and takes action to protect clients' interests. The custodian may act with a team of custodians and much of the work may be performed by supervised staff. If the WSBA is notified of the need for a custodian, the WSBA would affirm the willingness and ability of a potential volunteer and seek his or her appointment as custodian. Costs incurred may be reimbursed. Current WSBA members of all practice areas are welcome to apply. Contact Sandra Schilling at sandras@wsba.org, 206-239-2118 or 800-945-

9722, ext. 2118 or Darlene Neumann at darlenen@wsba.org, 206-733-5923 or 800-945-9722, ext. 5923.

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

WSBA Lawyers Assistance Program (LAP)

WSBA Connects

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 1-800-765-0770, a telephone representative will arrange a referral using a network of clinicians throughout the state of Washington. There is no need to let problems build up unnecessarily. We hope you make the most of this valuable resource.

Virtual Job Group

The Virtual Job Group is a recent WSBA offering helping unemployed or dissatisfied attorneys throughout the state to find jobs. Utilizing our Zoom videoconferencing software, attorneys can participate online. The group meets on Thursday mornings from 9 to 10 a.m., runs for six weeks, and costs \$30. If you would like to participate, email Dan Crystal at danc@wsba.org.

Weekly Job Search Group

The Weekly Job Search Group provides strategy and support to unemployed or dissatisfied attorneys in person at the WSBA. The group runs for seven weeks and is limited to eight attorneys. We provide the comprehensive WSBA job search guide, "Getting There: Your Guide to Career Success," which can also be found online at www.tinyurl.com/7xheb8b. If you'd like to participate or would like to schedule a career consultation, contact Dan Crystal at danc@wsba.org.

Judicial Assistance Services Program

The purpose of the Judicial Assistance Services Program (JASP) is to prevent or alleviate problems before they jeopardize a judicial officer's career. JASP provides confidential support and treatment for judges struggling with medical or mental health challenges, addiction, grieving, stress, or isolation. If you are a judge or are concerned about a judge, you are encouraged to contact the Judicial Assistance Services Program at 415-572-3803 or contact clinical consultant Susanna Kanther, Psy.D., at susanna@drkanther.com.

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 WSBA in the LAP group room from noon to 12:45 p.m. For more information, contact Greg Wolk at greg@rekhivolk.com

The "Unbar" Alcoholics Anonymous Group

The Unbar is an "open" AA group for at-

torneys that has been meeting for over 25 years. Meetings are held Wednesdays from noon to 1:30 p.m. at the Skinner Building at 1326 Fifth Avenue, 7th Floor. Also, 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.

WSBA Law Office Management Assistance 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 or 206-733-5914.

Casemaker Online Research

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

Learn More About Case-Management Software

The WSBA Law Office Management Assistance Program maintains a computer for members to review software tools designed to maximize office efficiency. LOMAP staff is available to provide materials, answer questions, and make recommendations. To make an appointment, contact lomap@wsba.org.

Usury Rate

The maximum allowable usury rate can be found on the Washington State Treasurer's website at www.tre.wa.gov/investments/historicalUsuryRates.shtml.

Legal Lunchbox Series



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The WSBA invites you to lunch and learn while earning 1.5 CLE credits. And the tab is on us! The WSBA will host a 90-minute, 1.5 credit, live webcast CLE at noon on the last Tuesday of each month.

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Spring Swearing-In Ceremony for New Lawyers at the King County Courthouse, April 27, 2017

New bar members, guests, representatives of the Court, the King County Bar Association and the Washington State Bar Association gathered April 27 for the spring swearing-in ceremony. Photos courtesy of KCBA



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FREEDOM OF SPEECH

(See, e.g.):

Yates v. Fithian,

2010 WL 3788272 (W.D. Wash. 2010)

City of Seattle v. Menotti,

409 F.3d 1113 (9th Cir. 2005)

State v. Letourneau,

100 Wn. App. 424 (2000)

Fordyce v. Seattle,

55 F.3d 436 (9th Cir. 1995)

LIMIT v. Maleng,

874 F. Supp. 1138 (W.D. Wash. 1994)

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ETHICS and LAWYER DISCIPLINARY INVESTIGATION and PROCEEDINGS

Stephen C. Smith,

former Chair of the Washington State Bar Association Disciplinary Board, is now accepting referrals for attorney disciplinary investigations and proceedings in Washington, Idaho, Hawaii, and Guam.

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Masaki James Yamada

has become a partner of the firm

Saki Yamada regularly represents and advises general contractors, subcontractors, real estate developers, business and property owners, sureties and insurers, and design professionals in a wide range of complex legal cases and issues. He has extensive trial experience, which includes multiple successful multi-million dollar jury trials. Mr. Yamada also regularly gives seminars on construction contracts, insurance/bonds, and public works law.

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CARSON | NOEL PLLC

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has joined the firm as an Associate.

Bethany concentrates her practice on real estate transactions and general business matters. She has experience in commercial leasing, easements and construction, as well as small business formation.

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REED LONGYEAR MALNATI & AHRENS, PLLC

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Elizabeth A. Hanley

has joined the firm as a Member.

Elizabeth works in the areas of general litigation, employment law, civil rights and personal injury.

Carry R. Porter

has joined the firm as an Associate.
Carry works primarily in family law.

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

Disbarred

Chris Crew (WSBA No. 42452, admitted 2010) of Lakewood, was disbarred, effective 4/03/2017, 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), 1.15A (Safeguarding Property), 1.16 (Declining or Terminating Representation), 8.4 (Misconduct). Debra Slater acted as disciplinary counsel. Leland G. Ripley represented Respondent. William Fitzharris, Jr. was the hearing officer. Seth A. Fine was the settlement hearing officer. The online version of *NWLawyer* contains links to the following documents: Disciplinary Board Order Approving Stipulation; Stipulation to Disbarment; and Washington Supreme Court Order.

Eric Carl Einhorn (WSBA No. 18890, admitted 1989) of Mosier, OR, was disbarred, effective 2/16/2017, 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 https://www.osbar.org/members/membersearch_display.asp?b=021569. Joanne S. Abelson acted as disciplinary counsel. Eric Carl Einhorn represented himself. The online version of *NWLawyer* contains a link to the following document: The Washington Supreme Court Order.

Mark Christian Quinn (WSBA No. 22924, admitted 1993) of Salt Lake City, UT, was disbarred, effective 3/16/2017, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Utah. For more information, see <https://services.utahbar.org/Member-Directory/Profile/customercd/6782>. Joanne S. Abelson acted as disciplinary counsel. Mark Christian Quinn represented himself. The online version of *NWLawyer* contains a link

to the following document: The Washington Supreme Court Order.

Resigned in Lieu of Discipline

George Edensword-Breck (WSBA No. 394, admitted 1972) of Bainbridge Island, resigned in lieu of discipline, effective 2/28/2017. 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: 1.15A (Safeguarding Property). Benjamin J. Attanasio acted as disciplinary counsel. George Edensword-Breck represented himself. The online version of *NWLawyer* contains a link to the following document: Resignation Form of George Edensword-Breck (ELC 9.3(b)).

Marcine Miller Miles (WSBA No. 9100, admitted 1979) of Vancouver, resigned in lieu of discipline, effective 4/12/2017. The lawyer agrees that she is aware of the alleged misconduct in disciplinary counsel’s Statement of Alleged Misconduct and rather than defend against the allegations, she wishes to permanently resign from membership in the Association. The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 1.8 (Conflict of Interest: Current Clients: Specific Rules), 8.4 (Misconduct). Debra Slater acted as disciplinary counsel. Sam Breazeale Franklin represented Respondent. Randolph Petgrave, III was the hearing officer. Evan Schwab was the settlement hearing officer. The online version of *NWLawyer* contains a link to the following document: Resignation Form of Marine Miller Miles (ELC 9.3(b))

Suspended

Shawn E. Abrell (WSBA No. 41054, admitted 2008) of Waianae, HI, was suspended for one year, effective 2/20/2017, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. Joanne S. Abelson acted as disciplinary counsel. Shawn E. Abrell represented himself. The online version of *NWLawyer* contains a link to the following document: The Washington Supreme Court Order.

Matthew W. Butler (WSBA No. 27993, admitted 1998) of Vancouver, was suspended for six months, effective 3/02/2017, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.5 (Fees), 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of Law), 5.8 (Misconduct Involving Disbarred, Suspended, Resigned, and Inactive Lawyers), 8.4 (Misconduct). Joanne S. Abelson acted as disciplinary counsel. Matthew W. Butler represented himself. Joseph Mano was the hearing officer. The online version of *NWLawyer* contains links to the following documents: Disciplinary Board Order Approving Stipulation to Six-Month Suspension; Stipulation to Six-Month Suspension; and Washington Supreme Court Order.

Bakary Fansu Conteh (WSBA No. 35098, admitted 2004) of Everett, was suspended for two years, effective 2/23/2017, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.1 (Competence), 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees). Scott G. Busby and Debra Slater acted as disciplinary counsel. Bakary Fansu Conteh represented himself. David Wiley was the hearing officer. Timothy Parker was the settlement 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.

CLE Calendar

Reprimanded

Scot D. Stuart (WSBA No. 10933, admitted 1980) of Colville, WA, was reprimanded, effective 2/15/2017, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Court of Appeals of the Confederated Tribes of the Colville Reservation. Craig Bray acted as disciplinary counsel. Scot D. Stuart represented himself. The online version of *NWLawyer* contains a link to the following document: The Washington Supreme Court Order.

Interim Suspension

Mona Lisa Cuarte Gacutan (WSBA No. 39344, admitted 2007) of Federal Way, is suspended from the practice of law in the State of Washington pending the outcome of disciplinary proceedings, effective 2/22/2017, by order of the Washington Supreme Court. This is not a disciplinary sanction.

Mitch Harrison (WSBA No. 43040, admitted 2010) of Seattle, is suspended from the practice of law in the State of Washington pending the outcome of disciplinary proceedings, effective 8/09/2016, by order of the Washington Supreme Court. 2/22/2017, by order of the Washington Supreme Court. This is not a disciplinary sanction.

Sandra Wilton (WSBA No. 22891, admitted 1993) of Carlsborg, is suspended from the practice of law in the State of Washington pending the outcome of disciplinary proceedings, effective 3/16/2017, by order of the Washington Supreme Court. This is not a disciplinary sanction.

Transfer to Disability Inactive Status

Steven James McLellan (WSBA No. 13586, admitted 1983) of Tucson, AZ, was by stipulation transferred to disability inactive status, effective 3/10/2017. This is not a disciplinary action.

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.

CONSTRUCTION LAW

Washington Statutes Affecting Construction

June 9, Seattle and webcast. 7 CLE credits (6 Law & Legal Procedure + 1 Ethics). Presented by the WSBA in partnership with the WSBA Construction Law Section; 800-945-WSBA or 206-443-WSBA. www.wsbackle.org

FAMILY LAW

2017 Family Law Section Midyear Meeting and Conference

June 23-25, Walla Walla. 14 CLE credits (13 Law & Legal Procedure + 1 Ethics). Presented by the WSBA in partnership with the WSBA Family Law Section; 800-945-WSBA or 206-443-WSBA. www.wsbackle.org

HEALTH LAW

Technological Innovations in Health Care Through the Legal Lens

June 6, Seattle and webcast. 6 CLE credits (5 Law & Legal Procedure + 1 Ethics). Presented by the WSBA in partnership with the WSBA Health Law Section; 800-945-WSBA or 206-443-WSBA. www.wsbackle.org

LABOR AND EMPLOYMENT LAW

Avoiding and Litigating Duty of Fair Representation Claims: Plaintiff, Union, and Management Perspectives

June 15, Seattle. 1 Law & Legal Procedure CLE credit. Presented by the WSBA in partnership with the WSBA Labor and Employment Law Section; 800-945-WSBA or 206-443-WSBA. www.wsbackle.org

LEGAL LUNCHBOX SERIES

June Legal Lunchbox

June 27, webcast. 1.5 CLE credits. Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbackle.org

July Legal Lunchbox

July 25, webcast. 1.5 CLE credits. Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbackle.org

REAL PROPERTY

The 2017 Real Property, Probate and Trust Section Midyear Meeting and Conference

June 9-11, Walla Walla. 11.5 CLE credits (10.5 Law & Legal Procedure + 1 Ethics). Presented by the WSBA in partnership with the WSBA Real Property, Probate and Trust Section; 800-945-WSBA or 206-443-WSBA. www.wsbackle.org

SOLO AND SMALL FIRM PRACTICE

2017 WSBA Solo and Small Firm Conference

July 14-15, Lynnwood and webcast. 12.25 CLE credits (3.75 Ethics + 8.5 Other). Presented by the WSBA in partnership with the WSBA Solo and Small Practice Section; 800-945-WSBA or 206-443-WSBA. www.wsbackle.org

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Beyond the Bar No.

Clark D. Silliman

Bar No. #3784

Law School: University of Washington



- ▶ **I became a lawyer because** I wanted to help people with their legal problems.
- ▶ **Before law school, I was** an officer in the U.S. Navy. I graduated from the U.S. Naval Justice School before I enrolled in law school. I served as Executive Officer of the USS Tillamook (ATA-192) during the Vietnam War.
- ▶ **My greatest talent as a lawyer is** my ability to find creative solutions to my clients' problems.
- ▶ **My greatest accomplishment as a lawyer** was successfully defending a client charged with second-degree murder, prevailing on the defense of self-defense.
- ▶ **My long-term professional goal, now that I**



am no longer actively practicing law, is to further my career as a professional musician.

- ▶ **The most rewarding part of my job** as a musician is making music with my friends and entertaining audiences.
- ▶ **I wish that more lawyers would** treat one another with respect and professional courtesy, as was the norm when I began practice in 1968.
- ▶ **During my free time, I** volunteer with five veterans' service organizations.
- ▶ **The most memorable trip I ever took was** to Oktoberfest 175 in Munich in 1985, where my band performed. My wife and I were also guests on the "Oprah Show" in 2016, her 25th and final season on the NBC network.
- ▶ **I absolutely can't live without music.**
- ▶ **My best recipe I make at home is** lasagna. It was the first dish I prepared for my wife-to-be.
- ▶ **My favorite place in the Pacific Northwest is** our cabin on Whidbey Island that has been in our family for 105 years!
- ▶ **In my life, I work on** improving my musicianship.
- ▶ **I worry about** the effects of Agent Orange (to which I was exposed in Vietnam) on my health.
- ▶ **I am happiest when** making music with my band.
- ▶ **My fondest childhood memory is** playing outdoors with the 30 kids who lived on our block.
- ▶ **My best parenting advice is** to set a good example. Children learn by example!
- ▶ **I care about** my fellow human beings and our environment.
- ▶ **I am thankful that** my parents gave me a great start in life.
- ▶ **Items I will never throw out** are my library of printed music and my various musical instruments.

- ▶ **My favorite restaurant is** Jalisco in Lake City.
- ▶ **You'll find me outside in the Northwest doing this:** hard physical work at our place on Whidbey.
- ▶ **My favorite band/musical artist is** my band, the Bavarian Village Band, now in its 45th year of performing.
- ▶ **My all-time favorite movie or TV show is** "Slapshot." (I played or organized ice hockey for 50 years, including the World Senior Olympics Ice Hockey Tournaments in Santa Rosa, California).
- ▶ **I have been telling others** not to miss my band's public performances.
- ▶ **I'd like to see this in NWLawyer because** I am a bit different from many of my WSBA colleagues.



My name is **CLARK SILLIMAN**. I began practice in 1968 with an admiralty defense firm, trying cases from the outset. During my career, I also practiced intellectual property law, plaintiff's personal injury, criminal defense, workers' compensation, Social Security disability, estate planning, and probate—in other words, a general and eclectic practice. I taught law in the paralegal program at Edmonds Community College for 23 years.

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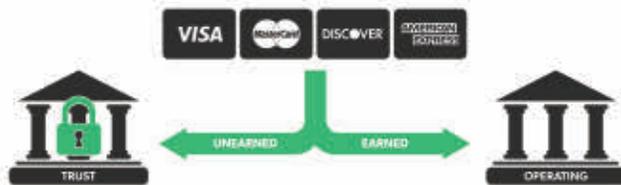


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