Practice Tips for Representing Same-Sex Couples and Their Families

The Privilege of Pro Bono
Arthur Simpson on the Power of the Profession

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Let us hear from you! We welcome letters to the editor on issues presented in the magazine. Email letters to nwlawyer@wsba.org.

NWLawyer reserves the right to edit letters for clarity and space. NWLawyer does not print anonymous letters, or more than one submission per month from the same contributor.

Diversity Discussion Needed

I have some comments that are responsive to Mr. James A. Winterstein’s, under the heading “Diversity Divides” in the February NWLawyer [Inbox]. Mr. Winterstein’s question about whether “minorities are ‘disproportionately punished’ relative to their percentage of the general population or whether they are, in fact, punished in proportion to the crimes they commit” is a valid question. In fact, in March 2011, a Preliminary Report on Race and Washington’s Criminal Justice System and in March 2012, a report on Juvenile Justice and Racial Proportionality were presented to the Washington Supreme Court by the Task Force on Race and the Criminal Justice System (the video presentations of such reports and supporting documents are available at http://tinyurl.com/adjcc6 and http://tinyurl.com/b62r9eq). Furthermore, Mr. Winterstein’s analogy regarding professional athletes and the WSBA is faulty. First, the country has a long history of racial discrimination in professional sports (I’m happy to support this position if anyone seriously needs it). Second, the WSBA has a history of disparate racial treatment. For example, Takuji Yamashita graduated with a law degree from the University of Washington in 1902 and passed the bar exam with distinction but was not admitted to practice law because he was a native of Japan. The state Supreme Court recognized this injustice when it posthumously admitted Mr. Yamashita as an honorary member of the state bar on March 1, 2001. Now, Mr. Winterstein may ask for proof of recent diversity problems in the WSBA. I admit that the statistic that racial minorities account for 22.7% of the Washington state population, but only 12% of the members of the WSBA, is meaningless without more analysis. Fortunately, the WSBA has a Membership Study that delves into this (available at www.wsba.org/About-WSBA/Diversity/Membership-Study). In addition, there are several other studies that explore this topic, including the 2009-10 Law Firm Diversity Report (for full disclosure, I participated in the drafting of this report and hold board positions on different minority bar associations, but these are my individual comments and may not be representative of such associations or my employer). In addition, and more tangible, studies show that minority lawyers have been disproportionately downsized during the recent economic downturn. (See Aviva Cuyler, “Diversity in the Practice of Law: How Far Have

Mr. Winterstein has also made the assertion that "Diversity, as applied by Ms. Radosevich, is corrosive and divisive and ultimately destructive of our body politic." Our body politic has been historically shaken up by diversity issues, but usually manages to survive. See, e.g., the Civil War. Civil discourse makes us great and I hope that diversity issues continue to be addressed in future editions of the NWLawyer.

— John S. Laney, Bothell

Redo Should Be Undone

The redo of the Washington State Bar News into NWLawyer is disappointing. Was I asleep when our state bar merged with Oregon's and Idaho's? I don't think so. Let's put Washington (with or without an "r") back in the title of our state bar's magazine. NWLawyer sounds like that for-profit magazine, you know which, which pitches "super lawyers."

The font type of the Bar News was perfectly fine. The new NWLawyer is off-putting. The letters to the editor are in a microscopic font. Most lawyers read the letters to the editor and the discipline notices. Make it easier for us to do so.

Finally, set word limits on the memorials, as was the case in the Bar News. The two memorials in the February issue took up two columns. There's plenty happening among our 30,000 members that is worth reading about. How about letting us know what's in and what's out at Bar HQ, now that the dust from the referendum has settled. What programs gained? And why?

— Carole Grayson, Seattle

Editor's Note: There is not a word limit on In Remembrance notices; most are short summaries of newspaper obituaries. Members have always been invited to submit personal remembrances, which may be longer and published as space allows.

Bar Beat Fan

I am a great fan of The Bar Beat [Feb. 2013 NWLawyer]. It is the first thing I read in our Bar's magazine. (I admit I still do not immediately recognize NWLawyer as our Bar Association's magazine when I see it in my inbox). I am relieved that I am not the only person to have a few regrets. I wonder how anyone can live without some regrets. I love the hanging head shadow man that goes with the article.

— Merrie Gough, Olympia

CORRECTION

In the FEB 2013 NWLawyer “President's Corner,” the word “civility” was mistakenly printed instead of the word “incivility” in the last sentence of the 10th paragraph. The sentence should read: “Incivility toward opposing parties and their lawyers is simply not an effective way to win. It is an unpleasant distraction at best, and at worst, has a significant risk of backfiring.” NWLawyer regrets the error.

— Merrie Gough, Olympia
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Security in the Courthouse

How Safe Are We?

On the morning of Dec. 14, I was on my way to a meeting of the Board of Judicial Administration (BJA) in SeaTac. There was a brief item on the radio about a school shooting in Connecticut, but I didn’t pay much attention. At that hour, there were no details about the school, the number of victims, or whether anyone had been killed.

At the BJA meeting, we discussed courthouse security. It was a planned discussion and had nothing to do with Newtown, of which we were still blissfully ignorant. I was surprised at the intensity with which the judges spoke about lax security and their own fears. I was even more surprised by the statistics that Judge Sara Derr presented from the Spokane County District Court (see table below). In 2012, security officers took 1,104 handguns from courthouse visitors, up from 1,046 the prior year. More ominously, the officers took more than 10,000 knives, 1,700 containers of Mace, 1,800 razor blades, and more than 4,400 dangerous tools. While most of the people carrying guns into the courthouse had come to support their ex-husband killed his wife and the friend who had come to support her in the hallway of the courthouse. These things don’t always happen in other places.

We have the power to make our courthouses safer. First, we can make sure our own clients are not contributing to the problem. We often take for granted that our clients know they should not bring guns, knives, or other items that can be used as weapons to court, but the Spokane County numbers suggest we are mistaken. Second, we can let our county or city officials know we support better courthouse security. In Washington, local governments pay for the courts and therefore make budget decisions. Many local governments are strapped for cash, and local lawmakers may not understand the need for security. We can let them know that security is important to us, our clients, and all courthouse employees.

Courthouse security may not seem urgent. I left the BJA meeting without feeling the need to address the problem. Then I got in my car, turned on the radio, and learned that 20 small children and six school staff members had been killed in Connecticut. As I cried for the victims and their families, I realized that vigilance matters. As attorneys, we probably can’t do much about school safety, but we can do something about courthouse safety. If our efforts can prevent one family from experiencing the awful loss of a loved one, isn’t it worth a call or letter to our city and county officials? NWL

WSBA President Michele Radosevich practices in Seattle. She can be reached at michele.radosevich@dwt.com or 206-757-8124. Read more from Michele at nwsidebar.wsba.org, the blog for Washington’s legal community.

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### Spokane County District Court - January–December 2012

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<tr>
<th>Items Confiscated</th>
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Tribal Courts: Practicing Law in Indian Country

by Melissa Simonsen

A quick test.

1. How many Indian Reservations are there in Washington?
2. As a Washington licensed attorney, can you walk into a tribal courthouse and practice law there?
3. If you are not an Indian, and commit a crime on the Reservation, where will you be booked into jail?
4. If you are an Indian and commit a crime on the Reservation, where will you be booked into jail?
5. If you are an Indian and criminal charges are filed against you at the tribal courthouse, do you have the right to an attorney?

Phew. For those of you who graduated with me and took the 2007 Washington State Bar Exam, you may remember the answers to some of these questions. We were the first group required to examine Indian law as a Bar Exam topic.
These questions could certainly elicit a lengthy response and the answers will certainly differ depending on many follow-up questions. For those of us practicing law in Indian Country, we are acutely aware of the civil and criminal maze of jurisdictional issues that routinely arise as the Tribes exercise their sovereign rights. I hope that through this article you will be better informed and that your interest may be sparked in becoming licensed to practice in one of the courts of the 29 federally recognized Indian Tribes in Washington.

The Colville Confederated Tribe, where I practice as a prosecutor, has a land mass that spans over 1.4 million acres and has over 9,000 members. Could a civil action be most advantageously brought in Colville Tribal Court? Similarly, what if a client walked into your office after having been injured in a tribally owned casino? What if a client walked in who had entered into a contract with a tribal member to construct a home on trust land on the reservation and there was a breach of the contract? The proper forum to address these claims would most likely be the tribal court. Are you licensed to practice in tribal court? If not, why not? Many of you are expected to be licensed to practice in both federal and state court, so why not also be expected to practice in those tribal courts that are within the jurisdictional area that your clients hail from?

In civil matters, it is important to you and your community, not to mention your clients, to become members of a tribal bar. It is equally, if not more, important if your area of practice is in criminal law.

The Proper Forum
It is clear that as attorneys, whether practicing in the civil or criminal arenas, we review whether the matter before us is in the proper forum. Does the court have subject matter jurisdiction and personal jurisdiction? In a civil case, we want to make sure we are in the forum best suited to our clients’ needs. Would we rather bring this matter in federal court or state court? Is there diversity jurisdiction? If there is, but the other party filed the matter in state court, do we even want it removed to federal court? Is there more than one county that the matter could be brought before? Would our clients’ interests be best served by a particular court that may have more experience addressing a particular question of law? Have any of you considered whether your case may properly be heard in tribal court?

As you will see from the analysis that follows, in many cases Washington state does not have criminal jurisdiction over offenses that occur within the reservation. If an Indian comes before a court in the state of Washington for a criminal offense, then an immediate question that should arise is whether the state court has subject matter jurisdiction. There may therefore be an appropriate motion to dismiss. If you are representing a client, do you ask about heritage? A member of a federally recognized tribe should be brought before a tribal court for most criminal offenses that occur within reservation boundaries. Navigating the jurisdictional maze can be challenging for me, as a law-school-trained attorney, so imagine how it may appear to an individual appearing in state court who may not have any understanding that the state of Washington does not have jurisdiction over them. It is your duty to recognize this issue.
THE JAMS WASHINGTON STATE PANEL IS PLEASED TO WELCOME

HON. THOMAS MCPHEE

Thurston County Superior Court, Retired

JUDGE THOMAS MCPHEE (RET.) has more than 40 years of legal experience, including 22 years on the Thurston County Superior Court. He conducted hundreds of settlement conferences and, as co-author of the Thurston County ADR rule, required ADR in civil cases assigned to him. Judge McPhee will serve as a mediator, arbitrator, special master and discovery referee in cases involving class action/mass tort, construction, employment, estates/trusts, government/public agency, insurance and torts.
Becoming In-Tune with Indian Country Law

You can see the importance of becoming more in-tune to issues of law in Indian Country. Recognition of these issues will benefit your practice both in the civil and criminal arena and benefit all members of this state, not to mention your clients. To demonstrate an example of the jurisdictional issues that arise for criminal defendants, let’s examine what I know best, the Confederated Tribes of the Colville Reservation. Picture this: You and your family are relaxing on your couch in the quiet and beautiful town of Coulee Dam, where you own property that is held in trust nestled above the Columbia River on the southern edge of the Confederated Tribes of the Colville Reservation. It’s Sunday, Dec. 30, and the last game of the Seahawks season is just starting; you excitedly turn on your new big-screen TV in anticipation of making it to the playoffs. Out of nowhere, your front door bursts open and a young woman enters your home, full of her Seahawks regalia and equally eager to watch the game, she demands that you turn over your new big-screen TV. You look at her in disbelief and then … this is where the story diverges.

In the first scenario, the intruder is not an Indian. In that case, you likely know the drill. A county, or cross-commissioned tribal officer, responds and the eager Seahawks fan is taken into custody to be brought before the Okanogan County court. But let me remind you, what if the person is in fact a tribal member but an officer books the individual into the county court without making the inquiry into their heritage? Will you be the attorney to recognize that Washington state does not have jurisdiction over this matter and that it should properly be handled in the appropriated tribal court?

In the second scenario, the intruder is a tribal member. In that case, she is taken into custody by a tribal officer and booked into tribal jail where she is brought before tribal court. In the Colville Tribal Court, the key players can take many unique faces. The prosecutor, defense counsel and judge could be non-tribal members who have both passed the Colville tribal bar exam and are licensed to practice in the state of Washington (like myself). Alternatively, they could be licensed to practice before the tribal court, but not in the state of Washington. In the majority of cases, the presiding criminal judge is Judge Sheila Cleveland, who has not been to law school but is licensed to practice before our tribal court for over 20 years.

Another unique element to the second scenario is this criminal defendant is provided rights under the Indian Civil Rights Act (ICRA) because the Tribes are not bound by the United States Constitution and Bill of Rights. For the most part the ICRA mirrors the Bill of Rights as you know them, but only provides for a right to counsel at the defendant’s own expense. ICRA also outlines a tribal court’s sentencing authority, providing that a criminal defendant may be sentenced to up to one year in prison and a $5,000 fine.

In 2010, a significant change occurred in tribal criminal jurisdiction with the signing of the Tribal Law and Order Act (TLOA) that allowed
all federally recognized Tribes to increase the punishment for criminal offenses to up to three years in jail and a $15,000 fine. To use this increased sentencing authority, the Tribes are required to provide the defendant additional rights, including the right to free effective assistance of counsel, as is guaranteed by the United States Constitution, and counsel that is bound by ethical rules for their licensure. The Colville Tribes have not yet completed a revision of their laws to increase the punishment available, but it is certainly possible in the foreseeable future. As it stands, the maximum punishment that this individual would receive would be a year in tribal jail.

Consider a third scenario. Again, she is a tribal member, but in this scenario, when she asks you for your supersized television, she pulls out a gun and shoots a hole in the floor near where you are sitting. Now we are looking at the type of serious offense that is properly prosecuted in federal court. Most commonly, she would be booked into tribal jail, arraigned in tribal court with a likely charge of burglary and weapon firing. Simultaneously, the FBI would investigate the matter and the United States Attorney’s Office could file an indictment in federal court.

Your Knowledge Secures Justice

As WSBA members, your knowledge of these issues can both assist the Tribes in securing justice and can help make our communities and our state a better place to live. I encourage our WSBA members to become licensed to practice before at least one tribal court and complete their pro bono hours in this forum. This is an enriching experience where you learn more about your fellow Washingtonians, their culture, traditions, and philosophy of justice. As a practitioner in Indian Country, your understanding of justice will evolve and you may become an advocate for our tribes and its members. In fact, your area of practice most likely already includes the jurisdictional boundaries of at least one tribe in Washington. I encourage you and your colleagues to learn more about the tribal courts in your area and to keep a keen eye for whether your client can be better served by justice in the tribal courts.
NOTES
1. Indian is a legal term of art. The term “Native American” is, in my view, more culturally appropriate but in this article I have used the term “Indian” because it has a legal significance.
2. For the purposes of criminal jurisdiction, a person is an Indian if he has 1) a substantial percentage of Indian blood and 2) tribal or federal recognition as an Indian. See, e.g., State v. Daniels, 104 Wn. App. 271, 278, 16 P.3d 650 (2001); Goforth v. State, 644 P.2d 114, 116 (Okl. Ct. App. 1982).
3. 18 USC 1151 defines Indian Country as “(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.”
4. Congress delegated to the State authority to handle civil and criminal matters that occur in Indian Country through Public Law 280 whose criminal provisions are seen at 18 U.S.C. § 1162 and the majority of Washington Tribes have agreed to the State assuming jurisdiction in eight limited circumstances: 1) compulsory school attendance; 2) public assistance; 3) domestic relations; 4) mental illness; 5) juvenile delinquency; 6) adoption proceedings; 7) dependent children; and 8) operation of motor vehicles upon the public streets, alleys, roads and highways ... RCW 37.12.010. Generally speaking, if a criminal act occurs in Indian Country and the act occurred on trust land, then the state does not have criminal jurisdiction. State v. Flett, 40 Wn. App. 277, 283, 699 P.2d 774 (1985).
10. See 25 USC §1302(a)(7)(D) (previously only one year and a $5,000 fine maximum).
11. See 25 USC §1302(c) (which may not necessarily require a state bar).
12. To date, the only tribe that has so far adopted the TLOA in full is the Hopi in September 2012.
13. The General Crimes Act, the Major Crimes Act, and Public Law 280 are the three federal laws central to the exercise of criminal jurisdiction in Indian country. See 18 USC § 1152 (codifying the General Crimes Act, as amended, 1153 (codifying the Major Crimes Act, as amended), and 1162 (codifying Public Law 280, as amended).
A Side of Sidebar
What’s happening online at NWSidebar, the blog for Washington’s legal community [nwsidebar.wsba.org].

FDIC Changes for IOLTAs
On Jan. 1, changes to the FDIC insurance available to IOLTA accounts were rolled out. Read up on the changes to make sure your IOLTA funds are covered.

Friday 5
Looking for a gift for a lawyer? A new daily planner? An interesting CLE to attend? Tips for a successful arbitration or finding your ideal job? NWSidebar has you covered with the weekly Friday 5 series.

The Washington Health Benefit Exchange: A Key Part of the Post-PPACA Health Insurance Market
Attorney and Health Law Section member John R. Christiansen explains the development of the Washington Health Benefit Exchange and how the changes to the health insurance market should be of some interest to almost any lawyer.

Enough Said?
Attorney Trent Latta says enough is enough when it comes to using “said” in legal writing. Should you treat “said” like a four-letter word?

LLLT Board Begins Its Work
Immediate Past-president and LLLT Board Chair Steve Crossland discusses the first meeting of the Limited License Legal Technician (LLLT) Board (Jan. 30). The Board created subcommittees and selected family law as a recommended first area to which to apply the rule.

Bloggers Wanted!
Add your voice to NWSidebar! Whether you maintain your own legal blog or have never written a blog post, we welcome submissions from all members of the legal community.
Early autumn. Getting Tim Nodland to sit still for an interview is not easy this time of year. Scratch Monday; he’s got an all-day deposition with a neuropsychologist for a personal injury case. Tuesday won’t work either — arbitration matter. We were set for Wednesday, but lab reports coming in that morning sent him on an unplanned trip to Walla Walla to check on some Carmeneré grapes.

“I had to taste for the balance between acidity and sweetness,” explains the Spokane-based attorney, apologizing for his last-minute cancellation. With the threat of a possible overnight freeze, he needed to know firsthand if the grapes were ready.

“The lab measures pH balance, and usually the lower the sugar, the higher the acid. But, in this case, the sugar was going up and the acid wasn’t going down. And anyway, I never make a decision based on a lab report. A winemaker must taste the vintage.”

Standing amongst the dozens of stacked French oak barrels in his Spokane Valley winery, Nodland is master of all he surveys. Every bottle of wine from Nodland Cellars is made from grapes grown, selected, and crushed by Nodland himself, with, of course, some seasonal help and one full-time employee.

Nodland says (only half-jokingly) that one of his favorite tasks is operating the forklift, which carries the freshly picked and boxed grape clusters to the trucks. The trucks then bring the fruit back to the Spokane Valley Winery for processing.

“I see how it may seem otherwise, but winemaking is first an art, and a business and science second,” he insists. “In that way, it’s actually a lot like practicing law.”

A surprising assertion, but fact is all of Nodland’s professional successes have been a surprising mix of artistry and entrepreneurial moxie.

The 52 year old wasn’t always a successful personal-injury lawyer. (He’s repeatedly obtained six- and seven-figure settlements and jury awards for his clients.) Yes, he started on a rather typical trajectory: announcing in fourth grade to his presumably pleased parents he
“I see how it may seem otherwise, but winemaking is first an art, and a business and science second,” he insists. “In that way, it’s actually a lot like practicing law.”

would be a lawyer, joining debate team in high school, with plans for pre-law study at Washington State University. But then the proverbial “something happened on the way” to campus.

“I saw an electric guitar in the window of a music store,” Nodland recalls. “I became enamored with this instrument. With my lawn-mowing money, I bought the guitar and became obsessed with music. I practiced day and night, getting up at 4 a.m. to play it and staying up until after midnight doing the same. I would sleep with the guitar next to my bed. I listened to Led Zeppelin records while I slept, thinking my subconscious would absorb the genius.”

Nodland’s obsessive personality proved profitable. (This would become a lifelong motif.) Two years after he started playing guitar, he won the audition into the top professional rock band at WSU. In fact, playing those college gigs until 2 a.m. most weekend nights is how he paid for his degree in political science.

“But after graduation, when my college buddies were getting haircuts and learning to put on ties for interviews, I auditioned for touring road bands,” Nodland says. “I won the audition into a band named Fanatic and toured the western states for three years straight, living out of a suitcase and having the time of my life.”

Nodland explains what many new law graduates — those raised on iTunes and synthesized samplings that dominate rap, the neo-swing band “Timmy Swift and the Swingin’ Vinos.”

Around the same time that living large and touring was starting to take its toll, Nodland was offered a job as a talent agent. In short order, his portfolio grew to 18 “hair bands,” he recalls.

“I loved the business side of music, and to reach the top would be securing an artist development position with a record label,” he says. “The best path to that career was to have a law degree.”

The only problem was that when he graduated from Gonzaga University School of Law 21 years ago, bands like Poison, Mötley Crüe, and Quiet Riot were giving way to an entirely new genre that could be summed up in one word: Nevermind. “The music industry fell apart thanks to Kurt Cobain and the Seattle grunge scene,” says Nodland, “and overnight, my
hair bands were obsolete.” He says this without a hint of chagrin. After all, change happens to the best of us. And entrepreneurs don’t quit. They change, too.

The erstwhile Nodland may have initially intended for his legal studies to shore up a gig at a big record label (think contracts, business law, agency, and copyright), but it wasn’t to be. Instead, litigation seduced him. His path was redirected toward this siren’s song. Never one to wait around for opportunity, he hung a shingle immediately. “I took on any case that would get me into court: family law, real estate, personal injury, bankruptcy.”

He recalls awaiting the bar results with a fellow student. “We got our results, and my friend was so relieved, ‘Thank God,’ was his attitude. ‘Now I know if I can practice,’ he said, while I was thinking, ‘Thank God. Now I can deposit those retainer checks and pay my rent!’”

No, it wasn’t that easy; clients didn’t just roll into his low-rent office suite. The point Nodland is making, albeit unintentionally, is that while some people hope life will go their way, he makes it go his way. It wasn’t if he passed the Bar exam, but when he passed the exam, that he would be ready to take off running.

A longtime friend and former district court judge, who didn’t realize he was being questioned for an article and so shall remain unnamed, describes Nodland thus: “He’s the smartest guy I know. Tim’s a belt-and-suspenders kind of guy.” When pressed, he elaborates, “He wears both a belt and suspenders.”

When this is mentioned to Nodland, he laughs, insisting, “Only in court! I got the suspenders from NITA (National Institute for Trial Advocacy),” which he attended in 2002. “[NITA] changed how I approach trial work. The best thing it did was stimulate me into reading a shelf of books on the art of persuasion and jury behavior.”

The suspenders make for a look far removed from his big hair days; however, Nodland insists there isn’t a major difference — not beyond the superficial, at least. “My life has always been a marriage of a love for the law and a passion for the arts,” he says. “Making wine is a lot like practicing law; it, too, is an art.”

He really means this. “You start in the rough,” he explains, “with grapes that need to be picked and brought into the winery for processing,
just like a new case coming into the office. With grapes, you are limited by what Mother Nature gave you, and in your case you are limited by the facts and the law. You take the grapes, your clients, and nurture them, adding yeast and nutrients, aging in fine barrels, putting what you have been given in the best possible light and then presenting your finished product to the judges who write for wine magazines, your case to the jury, the customer who ultimately takes that bottle home.”

To Nodland this all seems second nature, as if inevitable. But perhaps the point isn’t that practicing law, or making wine and song, is art, but rather that living right is the art. Perhaps some people — be they musicians, judges, teachers, winemakers, or even cabbies — are able to raise living to an art form. There do seem to be people who live in such a way they illuminate for the rest of us what a beautiful life looks like. Their ways of seeing and of being — problem-solving, career transitioning, their capacity for sustained creativity and intellectual curiosity — inspire us to go deeper as well, to find and celebrate our own rhythms. To make our own art; to stay inspired.

What Nodland knew for certain was that he needed more art in his life, that something was missing despite the courtroom successes, and that’s how he found his way into winemaking.

“I was so busy in law school and starting a practice that I didn’t play the guitar for years and was creatively starved,” he says. “At the same time, I was exposed to a group of people who made their own wine at home. I was as blown away as I was when I first saw that electric guitar hanging in the window of the store. I had to do it; I had to make my own alcohol. My brother-in-law was a vineyard consultant in Walla Walla, and we decided in 1999 to make one barrel of wine. I bought a French oak barrel, a stainless steel tank to ferment in and made the first barrel with the book open.”

He had wanted to go back to school for winemaking, but exigencies such as a young family and a growing practice complicated things. “And then I saw the movie ‘Good Will Hunting,’” Nodland says. “What influenced me so much was the scene in the college bar where Will, the genius without formal education who was a janitor at MIT, was with his construction worker buddy trying to pick up girls in a bar filled with Harvard students. When he is being almost successful picking up the college girl, a male Harvard student steps in and starts talking economics and makes the construction worker friend look foolish in front of the girl. In short order, Will the janitor genius talks circles around the Harvard student citing advanced economics. The last line is the kicker, when Will Hunting says, ‘The difference between you and me is you paid $200,000 to have someone tell you what book to buy and what chapters to read. I just went and got a library card.'
How do you like them apples? I loved it! I went out and bought the course books for UC Davis Wine School and read them. Then I set up my garage as my 'lab' and started learning by doing.

This past autumn marks Nodland’s fourteenth vintage and the eight-year anniversary of his winery. The wines have received regional, national, and international acclaim. One popular wine is the Nodland Cellars Private Blend, which Nodland explains is a wine made “in the style of the early 1800s with all six allowed Bordeaux varieties.” This wine is part of the “Jazz Series.” There is also a “Rock and Roll Series,” which features the most popular wine, a Merlot/Cabernet Franc blend called “Nodland Cellars Bad Attitude.”

All lawyers wish we could pick and choose the cases we handle. Nodland hopes for the same someday. The winery and tasting room now take up 2,500 square feet of commercial real estate in the Spokane Valley (with an additional 2,500 more during crush), and he tends to four vineyards around the state of Washington. His goal isn’t to make many types of wines, but rather to make a few wines very well. The approach has paid off. His wines are shipped throughout the country to customers and are slowly finding their way on to permanent wine lists of local restaurants.

“I plan to practice the ‘art of law’ for as long as I am able to nurture clients and present their cases,” Nodland says. “It’s something I do and that I care about. But my other love is this winery; I want to keep perfecting our vintages and to be in a position where I can cherry-pick my cases.”

For a guy who saved his lawn-mowing money to buy a guitar and ended up managing 18 bands, success seems likely. He has devoted himself to his art. Which is why, when he isn’t prepping for trial, he can be found in the cellar, tending to each one of his French oak barrels, nurturing the grapes into the “liquid art” he and his patrons enjoy so much. NWL
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Pro Bono Is a Privilege

by Arthur A. Simpson

Arthur A. Simpson was the 2012 recipient of the Washington Young Lawyers Committee Thomas Neville Pro Bono Award, presented in recognition of his commitment to pro bono work in the first stages of his legal career. Simpson’s pro bono service includes work with Yakima County Volunteer Attorney Services and the Northwest Immigrant Rights Project. Here, in his own words, is the story of one of his personal successes and why pro bono matters. Learn more about the WYLC Annual Awards at http://bit.ly/WWdR6u.

Coco and José took great pride in their home. They had spent years using what resources they could muster to improve it with their own hands. When they first moved in, there was nothing in the house but a potbelly stove (which the sellers promptly removed) and a swarm of cockroaches writhing through the walls and into the pantry. Over time, José and Coco installed appliances, exterminated the pests, rebuilt the rotting floors, and planted fruit trees and rosebushes (Coco’s pride and joy). It was a modest home, but it was cozy, and it was theirs. They had taken a derelict property and transformed it into something they could be proud of, something that they could pass on to their children. It wasn’t just a residence, it was supposed to be a legacy — the emblem of José and Coco’s struggle to provide their children with a better life than they themselves had lived. Helping José and Coco keep their home was an experience that will, in many ways, define what the practice of law means to me for the rest of my career.

I had my Bar number for three months before meeting José and Coco. While I’d only been practicing a short time, I decided I needed to fulfill my professional obligation of offering pro bono legal services to indigent members of my new community of Yakima. I called the local attorneys at the Northwest Justice Project (NJP) and Columbia Legal Services to see how I could best serve those in need. The legal aid attorneys told me that they kept seeing cases involving “informal” real estate transactions where unscrupulous sellers were taking advantage of buyers who were Latin American immigrants, unfamiliar with the English language and Washington law. The attorneys from NJP told me that the Yakima County Volunteer Attorney Services had just received such a case.

I agreed to take it on. That’s how I met José and Coco, a Spanish-speaking couple who were agricultural workers originally from Mexico. I met with them and discovered that 13 years earlier, they had bought their home under a real estate installment contract from a family that José had known since he lived in Mexico. José and Coco made every monthly payment for 13 years, but on making what they thought was their last payment, one of the sellers told José and Coco that the contract had been invalid since its inception. José and Coco were merely renters, the seller told them, and they could either continue paying rent or be evicted.

José and Coco balked at the betrayal. One of the sellers began to threaten them and their three children over the telephone. He would tell the children things like, “I’m going to throw your parents out on the street,” and sometimes he would just breathe into the phone. In an effort to have the family’s food stamps discontinued, he even called DSHS and falsely reported...
that José and Coco were not reporting income from tenants at the residence. One of the children became physically ill from the stress and José and Coco were living in constant anxiety.

I reviewed the contract to determine the strength of their case. It was an imperfect instrument, to say the least. For example, the contract did not satisfy the statute of frauds because it lacked a proper description of the real property.

I told José and Coco that while I could not promise we would prevail in a lawsuit, I could promise them that I would work as hard as I could, on nights, over weekends, to see that they received justice. So that’s what I did. Fueled by a sense of moral indignation, I came home from work every night and researched specific performance and real estate contracts until the doctrine permeated my dreams. We filed our complaint against the sellers and circled our wagons.

With the help of their bilingual cousin Cassy — José, Coco, and I met on numerous weekends to prepare our case. As we met, Cassy discovered that José and Coco had been duped into making a number of double payments. Because José would work during the day and Coco at night, the sellers would exploit their schedules by coming to collect house payments twice on each due date.

After being served with the summons and complaint, the sellers retained an experienced local attorney. We determined that our best chance was to fly out of the gate swinging, pursuing the case as aggressively as possible. We pushed for entry of default when the sellers were delinquent in answering and demanded timely responses to our discovery requests in order to maintain control of the litigation dynamic.

We began to wear the sellers down with our indefatigable approach, and about four months after we filed our complaint, the sellers offered to give us the deed in exchange for $2,500. The thought of having to pay the sellers more money after their inequitable conduct inflamed Coco’s sense of fairness, so I informed the sellers’ attorney that his clients could either give Coco and José the deed in exchange for a dismissal of the case, or my clients would continue to pursue the matter up through the appeals process if need be. They finally relented and gave us a statutory warranty deed.

The night that I delivered a copy of the deed to José and Coco, I felt like we had exorcised a ghost from the house. Coco hugged the deed like a teddy bear as we reflected on everything the family had been through. Cassy told me that as Coco slept that night, she kept repeating something in her sleep: “Mi casa. Mi casa.”

This case was one of the most meaningful experiences of my life. I’ll never forget Coco and José’s courage, fortitude, and hospitality. I was privileged to have received the opportunity to pursue justice for José and Coco. I am also truly honored to have received the Thomas Neville Pro Bono Award as a result.

Arthur Simpson practices with Halverson Northwest Law Group, in Yakima. He can be reached at asimpson@halversonnw.com.
Persuading with a Sense of Humor

Now with 99 Percent More Funny!

by Trent Latta

Okay. The legal profession is a justly serious one, given the potential impact that an attorney’s conduct has on other people. But those of us who are only average-minded individuals may have to rely on more than just our analytical powers to win over a judge or a jury. Indeed, my legal arguments have about as much force as a fruit fly has on a bag of anvils.

So, for some attorneys, a sense of humor is worth its weight in spinning bowties. Time and again, it is proven that there is a durable persuasive quality to exercising comic flair inside the courtroom. You can see where this is going. That’s right: attorneys should wear more novelty neckties.

All right, maybe not. But attorneys can gain mileage with judges and juries by cracking a joke or two. Likability and a sense of humor go together like gin and tonic: separate, they’re good, but together, they’re even better. (Indeed, tonic water alone is surprisingly refreshing and gin is a home remedy my grandmother uses to balance her humors.)

These scientific facts aside, it is true that a person with a sense of humor is often more liked. And a person who is better liked is also considered more credible and trustworthy, and thus is more able to persuade. If you’re not convinced, just ask any one of my friends: none think I’m funny, none like me, and none ever believe me. See? It’s science.

Poke Fun at Yourself — Not Others

Washington State Supreme Court Justice Steven González agreed during a recent interview (another good persuasive technique: name-dropping) that a sense of humor can be a valuable persuasive tool. But it must be done properly. An attorney should never make a joke at the expense of another person and should never resort to crude humor: a joke that is not well-received can set an attorney back further than a good joke will move her forward.

Instead, according to Justice González — my good friend, Justice González — self-deprecation is possibly the best, and safest, form of hilarity when addressing a judge or a jury. Justice González recounted for me a situation in which, during a jury trial, he stood for the first time to address the court and jury only to trip, face first, over his briefcase.

Chin up, and rising adroitly, he proudly said, “May it please the court, the jury, opposing counsel, and my briefcase.” Uproarious laughter filled the courtroom and just look where Justice González is now: quoted in NWLawyer!

The Right Time to Use Humor

Using humorous writing in a legal brief, on the other hand, is, much like sarcasm, difficult. So, of course, the rule to follow when writing briefs for the court is this: include jokes, a lot of jokes. Personally, I season all my pleadings with funny words from this list: pro bono, law blawg, penal, koopbrief, hung jury, and usufruct. I also try and cite as often as possible the landmark New York decision United States v. 11 1/4 Dozen Packages of Articles Labeled in Part Mrs. Moffat’s Shoo-Fly Powders for Drunkenness, 40 F.Supp.208 (W D.N.Y. 1941). If neither of these tactics work for you, then you can follow Washington Post columnist Gene Weingarten’s advice and always put the funniest word at the end of the sentence underpants.

But in all seriousness, it is the common advice of judges and practitioners that humorous legal brief writing, again like sarcasm, should not be attempted. Comedy is incredibly dependent on timing and presentation, neither of which an attorney has much control over in a written document. And always keep this in mind: an attorney’s work product is what is paramount. If your briefs are sloppy and not well-written, if your case law is not correctly cited, and if your arguments are not sound, you will never gain traction with a judge or a jury and no amount of balloon animals or squirting boutonnières will prevail for your client.

Why Laughter Helps

According to the humorist Dave Barry, “A sense of humor is a measurement of the extent to which we realize that we are trapped in a world almost totally devoid of reason. Laughter is how we express the anxiety we feel at this knowledge.”

Barry’s definition is accurate. And not just because I couldn’t find a better quote to use for this article, but also because it includes easily understood words, in English.

More importantly, Barry’s definition is apt because as much as the legal profession is a serious one, it is also — and possibly for that reason — an anxiety-provoking one. And when a cornerstone of an attorney’s job is to bring reason to seemingly reason-less situations, what better way to bridge that gap than with a few pratfalls?

So laugh a little. Or better yet, make someone else laugh, preferably a judge or a jury. Perfect your sense of humor and someone else will laugh, preferably a judge or a jury.

Trent Latta is an attorney with the Seattle law firm McDougald & Cohen. He can be contacted at tlatta@mcdougaldlaw.com or 206-448-4800.

Trent Latta
Old Lawyers Never Die, They Just Retire

WSBA’s Changing Demographics = Opportunities for Younger Lawyers

by Joel Matteson

In 2011, the WSBA commissioned a comprehensive membership study to “gain an accurate picture of the profession’s composition [and to] understand the reasons why attorneys leave the profession.” The study’s findings are particularly significant for younger attorneys. The study suggests that over the next 10 to 15 years, approximately half of the WSBA’s lawyers will enter retirement age. This seismic shift in demographics presents a tremendous opportunity for younger lawyers to fill the void left by these outgoing attorneys.

Aging of the Bar
This “graying” of the legal profession is much more pronounced than usual. As the study explains: “To put this finding in perspective, consider that if one assumes an average career span of 40 years, then, all things being equal, one might expect approximately 12 percent of the membership to retire during any given five-year period. In the era of the aging boomer cohort, however, all things are not equal. These findings, within the context of societal trends, point to the overwhelming likelihood that in the next five years, [the] WSBA will face a retirement wave that comes close to doubling the statistically expected average of 12 percent. A retirement rate of this magnitude (4.8 percent annualized) will lead to over 1,400 members leaving the active practice of law each year.”

The study reveals that over half of the WSBA’s members are over 51 and 21 percent are over 61. The mean age for active members is 48 and the largest cohort is the 51–60 age group. A whopping 79 percent of the bar is “over the hill.” In contrast, the number of attorneys under 30 is comparatively small. Twenty-something lawyers account for only seven percent of the WSBA’s lawyers. Compared to baby boomers, the ratio is 7–1 in favor of the boomers.

To Retire or Not to Retire?
Of even greater significance than the uneven age distribution is the percentage of attorneys entering or nearing retirement. Approximately 25 percent of all lawyers in Washington plan to retire in five years. Another 25 percent plan to go part-time within that same time frame. In other words, approximately half of the bar’s membership is expected to leave full-time employment within the next five years.

Exacerbating this phenomenon is the fact that the influx of newer attorneys is not keeping pace with the rate of retirement. WSBA admissions fell 13 percent from 2007 through 2011. This drop in Bar admissions corresponds to a nationwide drop in law school applications.

The impending shortage of lawyers in Washington state runs counter to the much-publicized concern about a nation awash in attorneys.

A Lifelong Career?
Besides the vast aging out of the WSBA’s lawyers and the reduced admissions of younger lawyers, a substantial percentage of lawyers are leaving the profession for non-age-related reasons. Almost half the Bar is not sure they will retire as lawyers. Only 42 percent of the study’s participants agreed with the statement, “Taking everything into account, I believe I will continue to practice as an attorney (or eventually return to practice) for the remainder of my professional career.”

Some leave the legal profession disillusioned, others feel acutely the lack of mentorship and guidance, and still others grow disheartened by the unrelenting demands of the billable hour, high stress loads, and a depressing lack of work-life balance.

The impending shortage of lawyers in Washington state runs counter to the much-publicized concern about a nation awash in attorneys. For the last several years, there has been much talk about too many attorneys and too few jobs. But as the WSBA’s recent study reveals, that trend is likely to be counterbalanced by the impending retirement of the baby boomers. These facts do not suggest that concerns about fewer jobs or a glut of law-
yers are unfounded. Instead, when viewed within the context of the pertinent data, they aid our understanding of the evolving legal landscape and career outlook for lawyers.

**Opportunities for Younger Attorneys**

For those who remain in the profession, opportunities abound. Bellingham attorney and WSBA governor Philip Buri observes that “the opportunities for young lawyers are immense; they just have to be patient for the older lawyers to retire.”

But Buri’s position does not address the question of whether young lawyers will be prepared to fill the shoes of their aging mentors. Common sense dictates that, with the retirement of the baby boomers, more jobs will be available for younger attorneys. The concern, however, is that younger attorneys may not be poised to effectively assume the responsibilities of these higher-skilled positions. To make up for this coming “loss of leadership [and] institutional knowledge,” the study recommends that younger and older attorneys form mentorship relationships. Mentoring will help ease the demographic “changing of the guard” that will occur when the baby boomers retire by helping younger lawyers absorb more of the vast wealth of knowledge possessed by older attorneys.

The study concludes that “this seismic shift in the workforce is now at hand, and the impact on all the professions, including the practice of the law, will be historic.” While the impact is likely to be historic, the aging-out of the baby boomers will not happen overnight. Instead, the WSBA anticipates a substantial but gradual shift in demographics that will take place over several years. In the end, it may be that “old lawyers never die, they just retire.” But what they may leave behind is a wealth of opportunities for younger and newer attorneys.

Joel Matteson is a member of the Young Lawyer Committee and an associate at the Bellingham office of Tario & Associates, P.S. He can be reached at jmatteson@tariolaw.com.

**WebXTras:**

- **Membership Survey:** www.wsba.org/About-WSBA/Diversity/Membership-Study
- **Senior Lawyers Section:** www.wsba.org/Legal-Community/Sections/Senior-Lawyers-Section
- **How to List a Practice Transition Opportunity:** http://bit.ly/WUUfDj
- **Mentorship Programs:** http://bit.ly/XMYi0u

**NOTES**

2. *Id.* at 112.
3. *Id.* at 128.
I Paid Off My Law-School Loans Early!

And You Can Too, By Following This 100 Percent Non-Guaranteed Advice

by Allison Peryea

There are certain significant milestones in the life of a new lawyer, such as passing the bar, winning your first trial, or buying your first new piece of furniture that didn’t come out of an IKEA box. I recently celebrated the biggest milestone of all — I paid off my law-school loans. And I am pretty sure I did this several years early. (I admittedly never checked the payoff date for my loans, since reading boring fine print is a dull task best suited for . . . um, a lawyer.)

Now that my free time is no longer tied up hitting the “Make Payment Now” button on the loan-servicing website, it seemed like a good idea to offer some unsolicited advice about paying off loans to my WSBA brethren still riding the law-school debt train. A few words of caution: several of the following recommendations may be ill-suited for people with logical reasoning skills or a modicum of self-respect. And there are other options I didn’t try: marrying rich (alas, Justin Bieber didn’t accept my proposal) or getting a job at a firm that pays one of those mythical salaries that helped lure us into law school in the first place.

1. Slum

My first tip: lower your lifestyle standards. Get used to ordering bologna in a world that offers prosciutto. For example, my Microsoft buddies belong to a gym with fancy workout equipment and a swimming pool filled with gold coins that would make Scrooge McDuck cry cartoon-waterfowl tears of envy. The pool in my gym is a cloudy, ever-present puddle on the locker-room floor. The air-conditioning unit, which cools the gym to a balmy 87 degrees, once fell apart before my eyes during kickboxing when the duct-tape holding it together melted. And the weights for my lifting class are so old that they are actually leaking sand.

But the critical difference is that my friends’ monthly dues — if they weren’t covered by the Redmond computer-whiz factory that employs them — would cover a good deal of a standard car payment. In stark contrast, my gym’s monthly dues are the same price as a meal for one at Red Robin (if you stick with water but splurge on the Mountain High Mud Pie).

And while other young Seattle professionals hole up in expensive Capitol Hill or Belltown, I live in Eastlake, a neighborhood about five blocks wide jammed between I-5 and Lake Union. Its distinguishing features are cheap rent, vacant commercial real estate, freeway noise, and cement. I have lived in Eastlake for four-plus years. The rent is so low I will probably die here, with notes of interstate exhaust scenting my last breath.

2. Live in Sin

Did you meet a cute guy at the bar last night? Now is the time to ask him to move in. Lease payments take up a huge portion of your monthly budget, and splitting rent frees up hundreds for your loans. It doesn’t matter if you don’t remember his name — you can figure it out from his rent check. (Pro tip: Make sure Mr. Rent Check is gainfully employed before turning over your spare key. If you want to live with someone who can’t pay rent, get a housecat or have a kid.)

But seriously, I was only able to pay off my loans at an expedited rate because my boyfriend moved in and helped with rent. He is a Canadian who decorates with Star Wars Lego spacecraft and doesn’t understand why beds have to be made, since you sleep in them every night anyway. (In other words, serious sacrifices were made to pay off my loans early.)

3. Arrest Development

My Facebook feed is full of weddings and babies. But moving forward with your life is expensive, and often involves mortgages and the purchase of pricey jogging strollers. If you want to tackle those loans fast, the best thing to do is to keep the college mindset for as long as possible. This includes suspending the making of major adult decisions, and approaching every purchase as if it will require checking your account balance before pulling the trigger. Remember Top Ramen, that freeze-dried noodle soup everyone ate in undergrad that’s like 25 cents per package? I do, because I’ve eaten it pretty much every night for dinner for the past five years (oh yeah, and the 20 or so years before that).

4. Exploit Family

I love my family, especially when my parents have a spare bedroom in the Florida condo they rented and my stepdad has frequent-flier miles that would cover my airfare. Family members care
about you and want to spend time with you. This is a weakness you can take advantage of when squirreling away your income for student-loan payments. For example, I spend a lot of my summer weekends at my parents’ house in Wenatchee, where the food is free and Lake Chelan is a 35-minute drive away. Bonus points if you can guilt your stepmom into joining the Verizon family plan. (If your siblings are on there already, the path has been paved. Welcome to the land of unlimited texting and affordable data packages.)

5. Abandon Shame
No depth is too low to shave off pennies from even minimal expenses. I still save a buck (and unwanted calories) by getting kids’ meals during road trips. (I conceal the fact that I am actually old enough to have a kid too old for the “children 10 and under” menu by hiding in a booth while my boyfriend orders.) And I throw a fit whenever anyone suggests eating out without a Groupon when non-happy-hour pricing is in effect. I don’t care if it is your birthday and you want to have your celebratory feast when normal people consume meals — we will wait until the late-night specials kick in and my house white is $1.50 off.

6. Embrace “Vintage”
There are people out there who replace expensive things that are neither broken nor irreversibly soiled. I, on the other hand, live in an apartment furnished with family castoffs (including my teenage bedroom set, which is older than my first kiss) and Craigslist finds sold by the people described above. It is like living in a yard sale without price tags. If my boyfriend was capable of buying me gifts other than electronics, my laptop and camera would still hail from the first half of the past decade. And I drove my college car — a 1998 Acura with whom I had an emotional connection — until 2011, a year after the mechanic warned that it would self-destruct at any moment. My replacement vehicle was such a thrifty pick that the paint scratches when I cough on it.

There is something to be said about waiting to get the newest, best thing until it is no longer new or the best. Indeed, trading up may mean that your daily commute no longer involves driving to Kirkland in a ticking time bomb — but it costs money you could put toward your loans.

7. Go Public
The last time I attended a private school, I was about five and still refused to wear pants. My rule of thumb is not to earn credits at an institution of learning whose tuition is not government-subsidized. Going to public school in undergrad and law school helped me avoid an insurmountable debt load. And I also got to spend seven years living in Seattle’s U-District, which exposed me to the finer points of urban living (e.g., don’t keep anything in your garage that isn’t locked up or nailed down).

I continue to take advantage of the government in other (tax-evasion-unrelated) ways to save money. The minute it is “sunny” (i.e., not raining) in Seattle, I visit one of our many free public parks, which feature things like walking trails and beaches with signs about how to avoid swimmer’s itch. And I get all my books from the library — a year’s worth of late fines is still less than a paperback copy of 50 Shades of Grey or similar literary masterpiece.

8. Ignore Other Financial Responsibilities
I have no retirement savings except some mutual fund thing my dad put money into when I turned 17. Other than that, all of my investments are tied up in my collection of Express party dresses. I am not a financial-planning rock star, and I don’t think you have to be to pay down your loans quickly. Here’s how I did it: whenever my bank account exceeded the “I can live off this amount for a few months if I get canned” level by a healthy amount, I would put the excess into my student loans. The result: my student loans are paid off. Now I just have to work until I am 89, because my nest egg is a pile of sequined mini-dresses.

9. Live a Little
My final word of advice is to make sure you do not let your drive to pay off your loans get in the way of having fun and treating yourself every once in a while. It takes years to pay off these loans — let your hair down every once in a while, and pay $150 every other month to get it cut and colored.

Allison Peryea is an associate with Leaky McLean Fjelstad, located in Kirkland, which provides general counsel services to community associations. She lives in Seattle and loves commuting and her cat, Orca. She is a member of the WSBA and YLC Editorial Advisory Committees and the Community Associations Institute Communications Committee. She is also the WSBA Young Lawyer liaison to the Litigation Section, and a member of the Litigation Section Newsletter subcommittee. She can be reached at allison.peryea@leahyps.com.
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WSBA
Saying Goodbye
Documenting the End of a Representation

by Mark J. Fucile

Lawyers often spend considerable energy on the front end of an attorney-client relationship — ranging from marketing to drafting their fee agreement. By contrast, the end of a representation frequently receives little attention beyond sending a final bill. In many instances, a key question left lingering is whether the client remains a current client or has become a former client. The distinction can have important practical consequences, both in terms of our continuing duties to the client involved and our ability to take on new work that may be adverse to the client concerned. These practical considerations are heightened when the client may not necessarily be a “repeat customer.” In this ambiguous but comparatively common situation, it is particularly important to document the end of a representation. In this column, we’ll first look at the practical implications of the way we bring a matter to a close and then turn to the equally practical ways we can document the end of a representation to avoid problems later.

Practical Implications
Under the current client conflict rule, RPC 1.7, current clients have a very broad right to “veto” any proposed representation adverse to them for any reason — or no stated reason at all. This broad right is grounded in our fiduciary duty of loyalty to our current clients. Under the former client conflict rule, RPC 1.9, however, former clients have a much more constricted “veto” right because our continuing fiduciary duties are focused primarily on the specific matters we handled for them and the confidential information we acquired on those matters.

Determining whether a client falls into the “current” or “former” category turns largely on the client’s subjective belief that an attorney-client relationship exists and whether that subjective belief is objectively reasonable under the circumstances. This test, which the Court of Appeals in Hipple v. McFadden, 161 Wn.App. 550, 559, 255 P.3d 730 (2011), applied to the end of a relationship is similar to the standard the Supreme Court outlined in Bohn v. Cody, 119 Wn.2d 357, 363, 832 P.2d 71 (1992), for defining the beginning of an attorney-client relationship. This is where documenting the end of a representation can play a critical role. If you’ve told a client (preferably in writing) that you’ve completed your work and are closing your file, it will be difficult for the client to credibly claim later that the client has a continuing subjective belief that you are still representing the client because that belief, even if true, will not be objectively reasonable under the circumstances.

Broadly put, failing to clearly demarcate the end of a representation can have two important practical consequences. First, it can expose lawyers and their firms to civil and regulatory risk when taking on new matters adverse to people or entities that you or your firm have represented before. Oxford Systems, Inc. v. CellPro, Inc., 45 F. Supp.2d 1055 (W.D. Wash. 1999), illustrates the civil risk. The law firm in Oxford had periodically — but not continuously — represented an out-of-state company on Washington matters over several years. The law firm had no active matters for the company when it then took on a case adverse to the company. The law firm, however, had not conclusively ended the relationship and the client asserted in a motion to disqualify that it had a continuing relationship with the firm. Absent clear documentation that the relationship had ended, the court disqualified the firm using the Bohn standard.

In re Egger, 152 Wn.2d 393, 98 P.3d 477 (2004), illustrates the regulatory risk. The law firm in Egger had represented a client on a bankruptcy claim against two debtors but was unable to recover the amount owed. The law firm later represented a second client in making a loan to the debtors to pay off the first client. The family of the second client, who was an elderly widow, sued the law firm, asserting that it had mishandled her business affairs — including the loan. Her grandson also filed a bar grievance against the firm lawyer who did the loan work. The firm settled the civil suit and the lawyer was disciplined. In defending the disciplinary
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charge, the lawyer argued that the first client was no longer a current client at the time of the loan. The disciplinary hearing officer found, however, that there had been no definitive conclusion to the relationship and the first client was still shown as being a current client in the firm’s conflict system at the time of the loan work. The hearing officer recommended discipline and the Supreme Court concurred. In doing so, the Supreme Court used the Bohn test.

The second major practical consequence of failing to delineate the end of a representation is that it leaves lingering both our ongoing duties to a client and the limitation period for claims arising from past work.

On the former, as noted above, our remaining fiduciary duties to former clients are generally limited to the specific matters we handled for the former client and resulting confidential information we obtained. By contrast, we have many broad duties to our current clients ranging from loyalty to competence. In short, failure to document the end of a representation may continue to leave you responsible for things that occur (or don’t occur) in the client’s legal life (at least in those areas your work involved) because they may still be deemed to have taken place “on your watch.”

On the latter, the statute of limitations for legal malpractice is generally three years — tempered by both a discovery rule and a “continuous representation” rule. The continuous representation rule tolls the limitation period as long as the lawyer (or firm) continues to represent the client on the matter involved (see Cawdrey v. Hanson Baker Ludlow Drumheller, P.S., 129 Wn.App. 810, 819, 120 P.3d 605 (2005), for a detailed discussion of the contours of the rule). The primary issue on appeal in Hipple was the timeliness of the plaintiff’s legal malpractice claim. The plaintiff argued that he continued to believe that two lawyers whose work he claimed was negligent represented him until June 2006, when new counsel appeared. The two lawyers, by contrast, contended that their work had concluded in 2005. Plaintiff did not file his legal malpractice claim until June 2009, but argued that it remained timely under the continuous representation rule.

The two lawyers moved to dismiss under the statute of limitation, but didn’t have any documentation to rebut the plaintiff’s contention that he continued to subjectively believe that they were representing him until June 2006. The trial court denied the lawyers’ motion to dismiss and the Court of Appeals affirmed. In doing so, the Court of Appeals adopted the Bohn-like test for fixing the conclusion of a representation. Hipple provides apt illustration of how failing to clearly define the end of a representation can effectively extend the limitation period under the continuous representation rule.

**Practical Solutions**

The simplest practical solution is to send the client a “file closing” letter (or email) upon completion of a matter. The letter need not be either elaborate or off-putting. It can thank the client for the work while making clear that you are “closing your file” or something similar.

The letter or email needs to be sufficiently definite, however, to clearly convey that the work you agreed to do is done. In Qwest Corp. v. Anovian, Inc., No. C08-1715SRM, 2010 WL 1440765 at *5-*6 (W.D. Wash. Apr. 8, 2010) (unpublished), for example, the court found that what appeared to be an interim status report on one phase of a project before beginning another was not sufficient to constitute a documented end to an attorney-client relationship — or to prevent the disqualification of the lawyers who tried unsuccessfully to rely on it.

If you have indeed completed your work and told the client that (preferably in writing), it will be very difficult for the client to credibly argue later that the relationship continued. The Court of Appeals, citing Bohn, put it this way in affirming the denial of a disqualification motion in State v. Siriani, 103 Wn.App. 1054, 2000 WL 1867632 at *7 (2000) (unpublished): “When an attorney makes clear disclaimers regarding representation and does not act inconsistently with those disclaimers, such disclaimers may establish that the . . . former client’s] subjective belief is unreasonable.”

**MARK FUCILE**

Mark Fucile, of Fucile & Reising LLP, handles professional responsibility, regulatory, and attorney-client privilege matters for lawyers, law firms, and legal departments throughout the Northwest. He is a past chair of the Washington State Bar Rules of Professional Conduct Committee, a past member of the Oregon State Bar’s Legal Ethics Committee, and a member of the Idaho State Bar Professionalism and Ethics Section. He is a co-editor of the WSBA’s *Legal Ethics Deskbook* and the OSB’s *Ethical Oregon Lawyer*. He can be reached at 503-224-4895 and mark@frllp.com.
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The last time I wrote about civility, it was several months after attending an international continuing legal education class in Tuscany, Italy, titled “The Civility Promise.” And now, over a year later, with my feet firmly planted in reality on U.S. soil, I still see the merits of continuing the civility conversation. I say this because of the behavior I continue to observe in courtrooms by judges, court staff, attorneys, and the users of the criminal justice system. As a practicing public defender for more than 20 years, I can sadly attest to the fact that the Golden Rule — treat others as you would like to be treated — is simply not being followed.

My mother taught each of her eight children the golden rule. All these years later, I not only try to follow this rule every day, but I assume others will do so as well, even as it becomes more and more apparent to me that this is not the case.

Over the last several years, a lot of attention has been given to the lack of civility in the courtroom. Information about this subject is easily accessed on the Internet, immediately giving you an idea of how prevalent the problem has become.

Sometimes as I sit in court, I find myself wondering whether this new phenomenon has anything to do with the ever-present technology in the courtroom, individuals focusing more on themselves, or a combination of both. As I explore these questions, I will continue my civility conversation with you.

Technology in the Courtroom
Everywhere I look in a courtroom, people are connected to some type of technology. I have watched judges, court staff, attorneys, clients and the general public as they check their emails, their texts, or a missed phone call. Those who are connected to their devices appear to be oblivious to what is going on around them. I can’t help believing that the ever-growing demands on our time have contributed to this lack of civility, which, in turn, has contributed to so many of us being disconnected to how we interact with those around us.

If the courtroom is quiet, you can just hear the quiet sound of keyboarding, even though all wireless devices are supposed to be turned off! But why would the general public or litigants obey such a rule when those who are supposed to establish the proper courtroom decorum are not abiding by the rules posted that clearly state, “Please Turn Off All Wireless Devices Before Entering the Courtroom”? It truly goes back to the Golden Rule, doesn’t it? In my opinion, it is no wonder that those who have business before the court leave feeling that they are not being respected, not being listened to, and perhaps not being taken seriously, since their presence before the bench, counsel, and court staff is at times being overshadowed by technology.
I can’t help believing that the ever-growing demands on our time have contributed to this lack of civility, which, in turn, has contributed to so many of us being disconnected to how we interact with those around us.

The Rules That Guide Professional Conduct

Attorneys and judges are commonly thought to be knowledgeable on the matter of civility. As lawyers, we are governed by the Washington Court Rules of Professional Conduct (RPC) and judges are governed by the Code of Judicial Conduct (CJC). Both codes clearly state expectations for civility by outlining what is expected from us in both our personal and professional lives once we enter our profession.

The codes address in their preambles what the outlining codes’ intentions are for judges and lawyers. Pursuant to the Code of Judicial Conduct, the Code is intended:

. . . to state basic standards which should govern the conduct of all judges and to provide guidance to assist judges in establishing and maintaining high standards of judicial and personal conduct.1

Conversely, pursuant to the RPC Preamble:

Lawyer’s Responsibilities (5). A lawyer’s conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer’s business and professional affairs. A lawyer should use the law’s procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials . . . .2

But, to be even more exact, for the judicial officer, the Code of Judicial Conduct, Canon 3(A)(3) notes:

Judges should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom judges deal in their official capacity, and should require similar conduct of lawyers, and of the staff, court officials, and others subject to their direction and control.3

Similarly, the Rules of Professional Conduct are unambiguous as to what extent an attorney can pursue due diligence without crossing the line of being uncivil. RPC 1.3 Comment 1 reads in part:

. . . the lawyer’s duty to act with reasonable diligence does not require the use of offensive tactics or
So we have a clear indication of what the expectations are from the court rules that govern our conduct. These rules leave little doubt that we have an obligation to conduct ourselves in a manner that best represents our profession.

**Incivility in the Courtroom**

When did it become OK for a judge to speak out loud his/her prejudices or biases without fearing a backlash for such inapprehensible behavior? Did the behavior start occurring because of reality television and the judge’s individual hopes of becoming the next Judge Judy? These questions started running through my head after watching and listening to one particular judge during an arraignment. The judge’s voice was full of disdain towards the defendant. It appeared the judge was beside himself because the Latino male had asked for a Spanish interpreter. The judge began questioning the authenticity of his request, not by asking him how long he had been in the country, but by saying in an accusatory tone, “You have been in this country for a long time and you are telling me you don’t understand? I don’t believe it!” My colleagues and I looked at each other uneasily, realizing that this defendant’s due process was being violated. Before we could react, his attorney entered the courtroom. The judge suddenly seemed to realize that the defendant no longer could be treated in such a demeaning and disrespectful manner, because he now had someone to advocate for him.

What if the system had failed the defendant and he was not provided legal counsel at his initial hearing? Is this the experience we want for those who must go before the court on legal matters? Is this how we want the general public to perceive our legal system?
canons. The judge in the incident I just wrote of did not treat the defendant with respect or civility and did not give the judicial office the respect that is mandated by the Code of Judicial Conduct (Canon 3(A)(3)).

Additionally, Canon 3(A)(5) further states, “Judges shall perform judicial duties without bias or prejudice.” Here, in this example, the judge clearly violated these canons on two fronts. First, by not addressing the defendant in a respectful manner and by making an assumption about the defendant himself, the judge did not treat the defendant in a dignified and courteous manner. In fact, he did just the opposite. Second, the judge made a point of the defendant’s language and culture and did not give the defendant the benefit of being from another country and not understanding our legal system. Rather, this judge chose to have his bias and prejudice reign supreme. This example clearly shows a judge violating the Code of Judicial Conduct and a client who was not treated in a civil manner. But, most importantly, the scene demonstrated to the defendant and those who watched it unfold that the courtroom may not be a place where one can seek equality and justice.

Although this is certainly not the general rule regarding how most judges run their courtroom and how they communicate to parties before them, it is something that, as a long-time courtroom attorney, I am seeing more of. Sad to say, this incivility is not just isolated to the person in the black robe. I have also witnessed it among my colleagues.

**Lawyers Acting Badly**
The Preamble of the RPC Section 5 states in part:

A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer’s duty, when necessary, to challenge the rectitude of official action, it is also a lawyer’s duty to uphold legal process.

In May 2012, I sat in the courtroom listening to an attorney give a very passionate review of his client’s life story. The attorney talked about the most recent research on how long-term controlled substance abuse adversely

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CLOSE JUST DOESN’T CUT IT

When civility becomes second nature, we will all reap the rewards in our professional and personal lives.

affected rational reasoning and how this research should be considered by the Court to mitigate how much time his client should serve. The Court’s response to this argument was not well received by counsel. Counsel’s response took the Court and many of the spectators by surprise. He began to use a very dismissive tone to the Court, and while continuing to address the Court, he turned his back to the bench. The Court, in response to his actions, was still being very respectful toward counsel; she even said, “I don’t know why you are responding this way and I am trying to understand.” He might not have heard, but either way, he kept talking over the judge. Seeing that she was not being listened to, she added, “Let’s continue this to another date, and if you have materials I will take a look at them then.”

This conversation is just a paraphrase of what I heard, but what it hopefully demonstrates is that the lawyer’s conduct demonstrated no respect for the court and maybe even less for his client. Perhaps if the judge had received materials regarding the latest research, she could have incorporated them into her findings and the client would have received less time or a more satisfactory resolution. Because of the breakdown of communication and the attorney not being civil, a teaching moment was lost here for those watching and, more importantly, for the judge, who could have made a difference if the information was conveyed more in a civil manner.

The Solution

As children, we are hopefully taught the basics of how to get along with one another. What we generally learn as children — from family, friends, and teachers — is to be polite, kind, and respectful to others. I believe that even though we may have forgotten some of these lessons along the way, we can easily relearn them, one person at a time. In our profession, where individual lives and freedoms are at stake, we can ill afford not to get back to the basics of the rule of civility, which is another word for just being polite and treating people as you would like to be treated — with respect. Where else should one feel of value but in the courtroom, where individuals are eager to see that justice is done and justice equals fairness?

For justice to occur, we must hold judges who decide to have bias and prejudices in the courtroom accountable. If that means filing judicial complaints, then that is what must happen in order to prevent the behavior from continuing. Individuals who hold power over freedom and life must learn that incivility will not be tolerated. The same goes for our colleagues; bad behavior equates lack of professionalism, which does not echo well on our noble profession.
I truly believe if we all go back to the golden rule, civility would follow naturally. Maybe, for others, the definition is as stated by Nicole Billante and Peter Saunders in their article “Six Questions about Civility”: “Civility is behavior in public which demonstrates respect for others and which entails curtailing one’s own immediate self-interest when appropriate.”

If change is going to occur in the courtroom, in our daily lives, or in our interactions with one another then I believe the civility conversation must continue with all of us. When civility becomes second nature, we will all reap the rewards in our professional and personal lives.

Karen W. Murray is a senior staff attorney and Seattle Municipal Court supervisor at the Associated Counsel for the Accused, where she has worked for 20 years. Murray’s work, volunteerism, service, and leadership on significant Bar and community committee and projects exemplify civility as she devotes her life to serve the interests of justice and social change. She has received numerous awards in recognition of the countless contributions she has made to the profession, including the King County Bar Association’s 2010 President’s Award and the 2012 LMBA Ronald R. Ward’s President Award. The opinions expressed in this article are those of the author.

NOTES
3. Supra n. 1 at 46.
4. Supra n. 2 at 89.
5. Supra n. 2 at 46.
6. Supra n. 2.
WSBA Board of Governors Meeting
Jan. 17, 2013 — Olympia

BY MICHAEL HEATHERLY

At its meeting on Jan. 17, 2013, in Olympia, the WSBA Board of Governors approved two new member services involving legal writing and research that will be offered by third-party vendors. The programs are part of a WSBA effort to provide additional low-cost member services that also will generate income for the Association. The Board also revamped the WSBA committee appointment process and voted to support a Congressional bill and an ABA resolution.

New Vendor Services
The services approved by the Board are the Washington Daily Decision Service (WDDS) and WordRake. WDDS will provide subscribers with daily email reports of all Washington appellate opinions published the prior day. WSBA members who wish to subscribe will pay $25 per month, with the fee fixed for three years. In exchange for WSBA’s sponsorship, the WDDS developers will pay the association a percentage of each subscription purchased. The rate will be 20 percent the first year, decreasing to 17 percent and 15 percent the following years.

WordRake is a subscription service that allows users to download a plug-in to Microsoft Word designed to improve the quality of written content. The plug-in identifies extraneous words in documents and gives the user options to delete words or substitute more concise language. The software was authored by WSBA member Gary Kinder, who teaches legal writing as a consultant to law firms. WSBA members who wish to subscribe will receive a five percent discount from the $99-per-year WordRake fee. In exchange for WSBA’s sponsorship, WordRake will rebate to the association 10 percent of the price of each subscription.

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scott.andrews@hubinternational.com
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Teri Murphy
teri.murphy@hubinternational.com
425.368.1230

Committee Appointment Process
The Board approved an overhaul of the process used to appoint members to WSBA committees and boards. Rather than relying primarily on individual Board members to recruit and nominate committee and board members, the new system will use a team approach designed to more directly link recruitment and nomination of potential committee members to WSBA’s diversity goals and the particular needs of each committee.

Under the new program, each committee will create a nominating team consisting of the committee chair, the vice chair or chair-elect, the staff liaison to the committee, and the Board liaison. The team will consult with the WSBA diversity program manager to set recruitment goals and prepare an outreach plan aimed at attracting potential new committee members who will meet both the WSBA diversity goals and the committee’s needs. Early each July, the nomination teams will provide to the Board a report including

OnBoard
information about each committee's returning members and proposed applicants for appointment to the slots being vacated. The Board will then appoint committee members at its meeting each July. The nomination teams will continue to draw heavily from WSBA members' applications received during the annual application process for committees and boards.

Support of Tax Relief Bill
The Board voted to reaffirm its support of a proposed Congressional bill that would end taxation of noneconomic damages and lump-sum settlements for back/front pay in employment and civil rights cases. Board members differed, however, on whether the bill has sufficient connection to the administration of justice in Washington state to qualify as an issue in which WSBA should take a position.

The Board had previously voted to support the tax relief effort in 2004, but the legislation remains under debate in Congress. The bill has bipartisan support in Congress and is endorsed both by organizations that represent employees and those that represent employers.

Co-sponsorship of ABA Resolution on “Unbundling” Legal Services
The Board voted to co-sponsor the American Bar Association’s proposed Resolution 108, which would encourage lawyers to use limited scope representation as a tool to increase access to pro bono and low-cost legal assistance when such “unbundling” would be appropriate and would maintain competent service to the client. “Unbundling” generally refers to such things as a lawyer agreeing to prepare certain documents for a client without undertaking to represent the client in court. The practice is already common in Washington and other jurisdictions, particularly in areas such as family law. It likely will expand further because of Washington’s new Limited License Legal Technician rule, which will focus on providing limited services in family law. NWL

Michael Heatherly is the editor of NWLawyer and can be reached at nwlawyer@wsba.org or 360-312-5156. For more information on the Board of Governors and Board meetings, see www.wsba.org/bog.
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Board of Governors Elections Begin March 15
On March 15, all WSBA active members in the 2nd, 9th and 10th Board of Governors districts will have the opportunity to once again help determine the WSBA’s future direction and leadership by electing three new governors. Information about the candidates will be posted at www.wsba.org/elections by March 15.

As in recent years, members in these districts will be asked to cast their votes online, rather than through the traditional paper ballot process. This online voting, which is secure, confidential, and convenient, will begin on March 15 and must be completed by 5 p.m. PDT on April 15. Because the WSBA encourages members to vote online, those with valid email addresses on file with the WSBA will not receive a paper ballot, although they will be given the option to request one.

The WSBA will send eligible members without email addresses on file the traditional paper ballots. The ballots will include instructions on how to access the online voting system, so those members can vote online if they prefer. Members submitting paper ballots must make certain to print and sign their name, including their address and Bar number on the return envelope, and deliver it to the WSBA offices by 5 p.m. PDT on April 15.

Members may cast votes either online or by paper ballot, but they may only vote once. The WSBA’s secure voting process used prevents a member from casting multiple votes. Please contact Pam Inglesby at pami@wsba.org, 206-727-8226, or 800-945-9722, ext. 8226, if you have any questions.

WSBA Committees, Boards, and Panels
Application deadline: March 11, 2013
Applications are now being accepted through mywsba.org from members interested in serving on WSBA’s committees, boards, and panels. Committee service gives you a chance to get involved with issues you care about, connect with other lawyers from around the state, and make a contribution to the legal community and your profession. There are openings on the Legislative Committee, the Disciplinary Board, the Court Rules and Procedures Committee, the Professionalism Committee, the Hearing Officer Panel, and many more. Most appointments are for two years and begin Oct. 1, with some exceptions. For more information, see www.bit.ly/wsbaapplication, email barleaders@wsba.org, or call Pam Inglesby, WSBA member and bar leader relations manager, at 206-727-8226 or 800-945-9722, ext. 8226.

Disciplinary Advisory Round Table
Application deadline: April 1, 2013
The WSBA Board of Governors is accepting letters of interest and résumés from WSBA members interested in serving on the Disciplinary Advisory Round Table (DART). Available positions include: one WSBA member, two respondent’s counsel, one minority bar association member, and two citizen representatives. Member terms are for two years and meetings are generally held five to six times per year. DART was formed in 2010 by the BOG in consultation with the Washington State Supreme Court. The purpose of DART is to act as a forum for the discussion of issues affecting the lawyer discipline system in Washington. The DART reports annually to the BOG and the Supreme Court on recommendations for change and identification of issues concerning the discipline system. More information can be found at www.bit.ly/wsbadart. Please submit letters of interest and résumés to Darlene Neumann, WSBA Office of General Counsel, 1325 4th Ave., Ste. 600, Seattle, WA 98101, or email darlenen@wsba.org.

Board for Judicial Administration Best Practices Committee
Application deadline: April 10, 2013
The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving on the Board for Judicial Administration Best Practices Committee. The WSBA will nominate one member who is appointed by the Supreme Court to serve a two-year term, beginning June 1, 2013. The committee’s activity is narrowly focused on creating, testing, and evaluating court performance audit measures. Each measure is designed to evaluate a court’s performance based on standards that can be reasonably met by courts at all levels. Approximately 15 measures will ultimately be integrated into a comprehensive court performance audit plan.

Call for Applications for WSBA Board of Governors At-Large Position
Application deadline: 5:00 p.m., April 19, 2013
One of the three at-large positions on the WSBA Board of Governors is up for election. Under WSBA’s Bylaws, the purpose of this position is to increase diversity and representation on the Board, and the position is to be filled by a WSBA member who has “the experience and knowledge of the needs of those lawyers whose membership is or may be historically under-represented in governance, or who represents some of the diverse elements of the public of the State of Washington.”

The Board of Governors will elect the at-large governor at their meeting on May 31, and the governor’s three-year term will start at the end of the Sept. 26-27 BOG meeting. For more information about the position and how to apply, see our website at www.wsba.org/elections. The WSBA Bylaws are posted at www.bit.ly/wsabaylaws. Applications will be accepted until 5:00 p.m. on April 19, 2013. Letters of endorsement will be accepted through May 13, 2013. If you have questions, please contact WSBA Diversity Program Manager Joy Eckwood at joye@wsba.org or 206-733-5952.

Opportunities for Service
WSBA Presidential Search
Application Deadline: May 1, 2013
The WSBA Board of Governors is seeking applicants for the position of WSBA president for 2014-15. Pursuant to Article VI (D)(2) of the WSBA Bylaws, the 2013-14 president-elect may be an individual from anywhere within the state. The WSBA member selected to be president will have an opportunity to provide a significant contribution to the legal profession.

Applications for 2014-15 WSBA president will be accepted through May 1, 2013, and should be limited to a current résumé, a concise application letter stating interest and qualifications, and no fewer than five or more than 10 references. The Board of Governors will consider endorsement letters received by May 13, 2013. Applications and endorsement letters should be sent to the WSBA Executive Director, 1325 4th Ave., Ste. 600, Seattle, WA 98101.

Direct contact with the Board of Governors is encouraged. All candidates will have an interview with the full Board of Governors in open session at the May 31, 2013, Board of Governors meeting in Seattle. Following the interviews, the Board will select the president. Although prior experience on the WSBA Board of Governors may be helpful, there is no requirement that one must have been a member of the Board of Governors or had previous experience in Bar activities. The candidate must be willing to devote a substantial number of hours to WSBA affairs and be capable of being a positive representative for the legal profession. The position is unpaid. Some expenses, such as WSBA-related travel, are reimbursed.

The commitment begins in June 2013, following selection. A one-year term as president-elect will begin at the Annual Awards Dinner on September 26, 2013. The president-elect is expected to attend the two-day board meetings held approximately every six to eight weeks, as well as numerous subcommittees, section, regional, national, and local meetings. In September 2014, at the WSBA Annual Awards Dinner, the president-elect will assume the position as president. During his or her service, the president-elect and president will also be required to meet with members of the Bar, the courts, the media, and public and legal interest groups, as well as be involved in the Bar’s legislative activities. Appropriate time will need to be devoted to communication by letter, email, and telephone in connection with these responsibilities.

The duties and responsibilities of the president are set forth in the WSBA Bylaws. The Bylaws can be found at www.bit.ly/wsbabylaws. For further information, contact WSBA member and bar leader relations manager Pam Inglesby at pam@wsba.org or 206-727-8226.

WSBA New Lawyer Education Seeks Your Input for CLE Programming
The New Lawyer Education program invites new or young lawyers to join one of our upcoming focus groups to help create relevant CLE programs that build skills and confidence. Your input will directly influence content for programs within the next year. Participating in the focus group may also open opportunities for you to suggest faculty and shape a program as a part of the program development team.

Pick a date and topic below to share your perspective on steps and challenges for new attorneys.

Feb. 28: Criminal Practice
March 14: Personal Injury
March 28: Client Development
May 9: Corporate Counsel or TBD

May 23: Law Firm Management (Business, Finance, Budgeting, Scaling)

All focus groups will run from noon to 1:30 p.m. Attend in person in Seattle or by conference call. Please RSVP to Mikaron Fortier at mikaronf@wsba.org. As an added benefit, participants in this year’s focus groups are eligible to receive a complimentary half-hour consultation with WSBA’s Law Office Management advisors, Lainie Patterson and Pete Roberts. Learn more about their services by visiting www.wsba.org/LOMAP.

New $25 MCLE Comity Certificate Fee Information
As a result of the WSBA Board of Governors’ (BOG) and staff’s extensive review over the past few months aimed at ensuring the Bar is operating in the most effective and efficient manner, WSBA began charging a handling fee for comity certificates to cover the processing time and resources required for each. There will be a fee assessed for ordering comity certificates and another fee assessed to submit a comity certificate for MCLE compliance. Ordering comity certificates can be done online or via mail. See http://tinyurl.com/comitycert for more information.

Celebrate the Best in the Legal Community!
Deadline: April 30, 2013

Nominations are now open for the 2013 WSBA Annual Awards, which celebrate the luminaries of the legal community. The awards are presented at the Annual Awards Dinner in September to those who have made outstanding contributions in public service, government service, professionalism, pro bono work, diversity, and other areas. The WSBA’s highest honors are the Award of Merit, which recognizes a recent, exceptional achievement, and the Lifetime Achievement Award. Both lawyers and non-lawyers are eligible to make nominations and receive awards. Nomination forms and further information are available on the WSBA website at wsba.org/awards.

2013 Licensing and MCLE Information
Deadline was Feb. 1, 2013.

If you have not completed all mandatory portions of your license renewal, including MCLE requirements, if applicable, you are delinquent and are at risk of suspension. You may complete licensing requirements, including MCLE certification, either online at mywsba.org or by using the License Renewal and Mandatory Continuing Legal Education Certification forms. Visit wsba.org/licensing to learn more.

Judicial Member Licensing. The deadline was Feb. 1, 2013. If you have not filed your renewal within 60 days of the date of the written notice, your eligibility to transfer to another membership class upon leaving service as a judicial officer will not be preserved. You may complete your renewal either online at mywsba.org or on the Judicial Member Licensing form.
License Renewal form. Please note that a 30 percent late fee of $15 was assessed on Feb. 2. Visit wsba.org/licensing to learn more.

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

Grab and Go Webinars
Tune in to our free 30- to 60-minute webinars on using software such as Outlook and Word, time and billing applications, and the Casemaker legal research tool. Topics on a rotating basis also include staff, fee agreements, and trust accounts. There is no charge and no CLE credit. See the list of topics at http://tinyurl.com/7c98wus and RSVP to peter@wsba.org for login information. Upcoming topics are:

- March 4 — Outlook and Word (noon to 1 p.m.)
- March 11 — Fee Agreements (noon to 12:30 p.m.)
- March 18 — Outlook and Word (noon to 1 p.m.)
- March 25 — Time and Billing Applications (noon to 12:30 p.m.)

LOMAP Lending Library
The WSBA Law Office Management Assistance Program (LOMAP) Lending Library is a service to WSBA members. We offer the short-term loan of books on the business management aspects of your law office. How does it work? You can view available titles at www.wsba.org/resources-and-services/lomap/lending-library. Books may be borrowed by any WSBA member for up to two weeks. LOMAP requires your WSBA ID and a valid Visa or MasterCard number to guarantee the book’s return to the program. If you live outside of the Seattle area, books can be mailed to you; you will be responsible for return postage. For walk-in members, we recommend calling first to check availability of requested titles. To arrange for a book loan or to check availability, contact Peter Roberts at peter@wsba.org.

Just Starting a Practice?
Think “outside the box” and consider purchasing “Law Office in a Box®.” For $119, you receive an hour of consultation time plus everything you see here: http://tinyurl.com/3rn75hj. Questions? Contact Peter Roberts at peter@wsba.org, 206-727-8237, or 800-945-9722, ext. 8237.

Individual Consultation
The WSBA Lawyers Assistance Program provides individual consultation services for those struggling with depression, work stress, addiction and life transition, among other topics. The initial consultation appointment costs $20, and any additional sessions are on a sliding scale based on your financial situation. Consultations are an opportunity for assessment of the problem(s) you may be facing, identifying useful tools you may utilize to address these issues, and referral resources to find the right resources for you. Our licensed counselors can offer up to six consultation sessions. We also provide consultations with job seeking and can offer informational and referral resources on a range of topics. Contact us at 206-727-8268, 800-945-9722, ext. 8268, lap@
Peer Advisor Training

Peer advisors are a group of more than 50 attorneys statewide dedicated to supporting attorneys in their careers. The WSBA Lawyers Assistance Program (LAP) often introduces attorneys to peer advisors for support with mental health or addiction issues, although sometimes a peer advisor is helpful for discussing topics such as career transition. LAP will be hosting a training on April 3 from 10:30 a.m. to 1:00 p.m. at the WSBA offices. If you are interested in joining our community of peer advisors or would like to be introduced to one, contact us at lap@wsba.org or 206-727-8268 or 800-945-9722, ext. 8268.

Weekly and Bi-Monthly Job Search Group

On Wednesday, March 13, from noon to 1:30, the Lawyers Assistance Program welcomes back attorney John Clynch, of the University of Washington Federal Tax Clinic, to speak at our Bi-monthly Job Search Group meeting. Clynch will offer straightforward advice, based on his own experience, about how to handle the job search, including interviewing, networking, pro bono work, identifying one’s ideal job, and self-care in the process. No RSVP is required; the group will meet on the sixth floor of the WSBA offices. The Weekly Job Search group provides strategy and support to unemployed attorneys. The group runs for seven weeks and is limited to eight to ten 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. For more information about monthly and weekly job group programming or to schedule a career consultation, contact Dan Crystal at dan@wsba.org, 206-727-8267, or 800-945-9722, ext. 8267.

Solo/Small Firm Support Group

Starting in February, the Lawyers Assistance Program started offering a new group service: the Solo/Small Firm Support Group. This is a weekly drop-in group for attorneys wanting to address the major challenges facing professionals in solo or small-firm settings. It takes place on Thursdays from noon to 1:00 p.m. For questions or more information, contact Heidi Seligman at 206-727-8269, 800-945-9722, ext. 8269, or heidis@wsba.org.

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 at the Lawyers Assistance Program from noon to 1:00 p.m. For more information, contact Sevilla Rhoads at srhoads@gsblaw.com or go to http://wacontemplativelaw.blogspot.com.

Struggling with Alcohol or Drugs?

The Lawyers Assistance Program is closely connected to addictions communities, AA and otherwise, across the state. For instance, there is an “Unbar” AA group for attorneys that meets every Wednesday in downtown Seattle. If you would like someone to walk you to a meeting, or simply need a referral, don’t hesitate to contact us confidentially at 206-727-8268, 800-945-9722, ext. 8268, or lap@wsba.org.

Anger Management

Got rage? Does your temper cause problems for staff, family, or friends? Learn constructive ways to handle your anger before you lose someone or something you value. If you’d like suggestions on how to proceed, call the Lawyers Assistance Program at 206-727-8268 or 800-945-9722, ext. 8268, to schedule a confidential consultation.

Upcoming Board of Governors Meetings

April 26–27, Spokane; May 31, Seattle; July 25, Cle Elum

With the exception of the executive session, Board of Governors meetings are open, and all WSBA members are welcome to attend. RSVPs are appreciated but not required. Contact Pamela Wuest at 206-239-2125, 800-945-9722, ext. 2125, or pamelaw@wsba.org. The complete Board of Governors meeting schedule is available on the WSBA website at www.wsba.org/bog.

Usury Rate

The average coupon equivalent yield from the first auction of 26-week treasury bills in February 2013 was 0.112 percent. Therefore, the maximum allowable usury rate for March is 12 percent.
Starting with this issue, you will see a change in how the Disciplinary Notices are presented. Now, you’ll find links to actual decisions and orders online instead of the summaries previously published. This change means less detail on these pages and significantly more information available online. Online access allows you to see and compare decisions from the hearing officer, the Disciplinary Board, and the Supreme Court’s final order. Online access is easy. You can either go to WSBA’s Lawyer Directory online and type in the respondent’s bar number, or view the online version of NWLawyer (nwlawyer.wsba.org) and click on the live links found in each disciplinary notice.

These notices of imposition of disciplinary sanctions and actions are published pursuant to Rule 3.5(d) of the Washington State Supreme Court Rules for Enforcement of Lawyer Conduct, and pursuant to the Feb. 18, 1995, policy statement of the WSBA Board of Governors. As some WSBA members share the same or similar names, please read all disciplinary notices carefully for names, cities, and bar numbers.

Disbarred

Rolando Martinez Adame (WSBA No. 16006, admitted 1986), of Moses Lake, was disbarred, effective 11/21/2012, by order of the Washington State Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.4 (Communication), 1.5 (Fees), 1.15A (Safeguarding Property), 8.1 (Bar Admission and Disciplinary Matters), and 8.4 (Misconduct). Debra Slater represented the Bar Association. Rolando Adame represented himself. Anthony Angelo Russo was the hearing officer. The online version of NWLawyer contains links to the following documents: Findings of Fact, Conclusions of Law, and Hearing Officer’s Recommendation; Disciplinary Board Order Adopting Hearing Officer’s Decision; and Washington State Supreme Court Order.

William Bechold (WSBA No. 21896, admitted 1992), of Edmonds, was disbarred, effective 12/12/2012, by order of the Washington State Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.2 (Scope of Representation and Allocation of Authority Between Client and Lawyer), 1.3 (Diligence), 1.4 (Communication), 1.15A (Safeguarding Property), 5.7 (Responsibilities Regarding Law-Related Services), and 8.4 (Misconduct). Craig Bray represented the Bar Association. Martha Finn represented herself. Barbara Ann Peterson was the hearing officer. The online version of NWLawyer contains links to the following documents: Findings of Fact, Conclusions of Law, and Hearing Officer’s Recommendation; Disciplinary Board Order Adopting Hearing Officer’s Decision; and Washington State Supreme Court Order.

John P. Brownlee Jr. (WSBA No. 36432, admitted 2005) of Herlong, California, was disbarred, effective 11/21/2012, by order of the Washington State Supreme Court imposing reciprocal discipline based on an order of the Supreme Court of the State of Tennessee. For more information, see the decision of the Supreme Court of the State of Tennessee available at: http://tbprr.org/consumers/attorneysearch/attorneydetails.aspx?id=fe47c68-f660-de11-8b1d-00221913b451. Joanne S. Abelson represented the Bar Association. John Brownlee represented himself. The online version of NWLawyer contains a link to the following document: Washington State Supreme Court Order.

Martha D. Finn (WSBA No. 33449, admitted 2003), of Mancelona, Michigan, was disbarred, effective 11/21/2012, by order of the Washington State Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.15A (Safeguarding Property), 8.4 (Misconduct). Craig Bray represented the Bar Association. Martha Finn represented herself. Barbara Ann Peterson was the hearing officer. The online version of NWLawyer contains links to the following documents: Findings of Fact, Conclusions of Law, and Hearing Officer’s Recommendation; Disciplinary Board Order Adopting Hearing Officer’s Decision; and Washington State Supreme Court Order.

Dean Dinh Nguyen (WSBA No. 30148, admitted 2000) of Seattle, was disbarred, effective 11/21/2012, by order of the Washington State Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.2 (Scope of Representation and Allocation of Authority Between Client and Lawyer), 1.4 (Communication), 1.15A (Safeguarding Property), and 8.4 (Misconduct). Linda B. Eide and Kathleen A.T. Dassel represented the Bar Association. Dean Nguyen represented himself. James Myron Danielson was the hearing officer.

The online version of NWLawyer contains links to the following documents: Findings of Fact, Conclusions of Law, and Hearing Officer’s Recommendation; Disciplinary Board Order Adopting Hearing Officer’s Decision; and Washington State Supreme Court Order.

Paul Eugene Simmerly (WSBA No. 10719, admitted 1980), of Bellevue, was disbarred, effective 08/02/2012, by order of the Washington State Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.4 (Communication), 1.5 (Fees), 1.15A (Safeguarding Property), 115B (Required Trust Account Records), 3.3 (Candor Toward the Tribunal), and 8.4 (Misconduct). Joanne S. Abelson represented the Bar Association. Kurt M. Bulmer represented respondent. William Scherer Bailey was the hearing officer. The online version of NWLawyer contains links to the following documents: Findings of Fact, Conclusions of Law, and Hearing Officer’s Recommendation; Disciplinary Board Order Modifying Hearing Officer’s Decision; and Washington State Supreme Court Order.

Ryan J. West (WSBA No. 29745, admitted 1999), of Bellingham, was disbarred, effective 08/23/2012, by order of the Washington State 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), 116 (Declining or Terminating Representation), 3.2 (Expediting Litigation), and 8.4 (Misconduct). Linda B. Eide and Kathleen A.T. Dassel represented the Bar Association. Ryan West represented himself. William Edward Fitzharris was the hearing officer. The online version of NWLawyer contains links to the following documents: Stipulation to Disbarment; Disciplinary Board Order Approving Stipulation to Disbarment; and Washington State Supreme Court Order Approving Stipulation to Disbarment.

Resigned in Lieu of Disbarment

Terri D. Sloyer (WSBA No. 34571, admitted 2003), of Veradale, resigned in lieu of disbarment, effective 12/03/2012. The lawyer’s conduct violated the following Rules of Professional Conduct: 115A (Safeguarding Property), and 8.4 (Misconduct). Jonathan Burke represented the Bar Association. Terri Sloyer represented herself. The online version of NWLawyer contains a link to the following document: Affidavit of Terri D. Sloyer Resigning from Membership in Washington State Bar Association.

Suspended

Bakary Fansu Contehe (WSBA No. 35098, admitted 2004), of Seattle, was suspended for...
Disciplinary Notices

Michael Ray Karber (WSBA No. 24044, admitted 1994), of Phoenix, Arizona, was suspended for six months, effective 11/7/2011 (retroactive), by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Arizona. For more information, see State Bar of Arizona decision, available at: www.azbar.org/FindALawyer?name=Michael+Ray+Karber&keyword. Joanne S. Abelson represented the Bar Association. Michael Karber represented himself. The online version of NWLawyer contains a link to the following document: Washington State Supreme Court Order.

Kimuel Wayne Lee (WSBA No. 18644, admitted 1989), of Baton Rouge, Louisiana, was suspended for two years, effective 11/16/2012, by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of Louisiana. For more information, see the Louisiana Supreme Court decision, available at www.ladb.org/NXT/gateway.dll?template$fn=default.htm$vid=ladb:ladbview. Joanne S. Abelson represented the Bar Association. Kimuel Lee represented himself. The online version of NWLawyer contains a link to the following document: Washington State Supreme Court Order.

Thomas F. McGrath Jr. (WSBA No. 1313, admitted 1970), of Bellevue, was suspended for 18 months, effective 7/12/2012, by order of the Washington State Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 3.5 (Ex Parte Communication) and 8.4 (Misconduct). Francesca D’Angelo represented the Bar Association. Kurt M. Bulmer represented Respondent. Timothy James Parker was the hearing officer. The online version of NWLawyer contains links to the following documents: Second Amended Findings of Fact, Conclusions of Law, and Hearing Officer’s Recommendation; Corrected Disciplinary Board Order Modifying Hearing Officer’s Decision; and Washington State Supreme Court Order.

Donald Roy Morrison (WSBA No.18998, admitted 1989), of Spokane, was suspended for a period of 60 days, effective 12/20/2012, by order of the Washington State Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.15 (Safeguarding Property), 3.2 (Expediting Litigation), 3.3 (Candor Toward the Tribunal), 8.1 (Bar Admission and Disciplinary Matters), and 8.4 (Misconduct). Erica Temple represented the Bar Association. Donald Morrison represented himself. The online version of NWLawyer contains links to the following documents: Stipulation to 60-Day Suspension; Disciplinary Board Order Approving Stipulation to 60-Day Suspension; and Washington State Supreme Court Order Approving Stipulation to 60-Day Suspension.

Andrea Salinas (WSBA No. 40057, admitted 2008), of Kennewick, was suspended for three years, effective 5/1/2012 (retroactive), by order of the Washington State Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.16 (Declining or Terminating Representation), 3.2 (Expediting Litigation), 3.3 (Candor Toward the Tribunal), 3.4 (Fairness to Opposing Party and Counsel), 8.1 (Bar Admission and Disciplinary Matters), and 8.4 (Misconduct). Erica Temple represented the Bar Association. Andrea Salinas represented herself. Malcolm L. Edwards was the hearing officer. The online version of NWLawyer contains links to the following documents: Stipulation to Suspension; Disciplinary Board Order Approving Stipulation to Three Year Suspension; and Washington State Supreme Court Order Approving Stipulation to Suspension.

Christopher Dobbs Schwindt (WSBA No. 31963, admitted 2001), of Portland, Oregon, was suspended for two years, effective 12/12/2012, by order of the Washington State Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.2 (Scope of Representation and Allocation of Authority Between Client and Lawyer), 1.4 (Communication), 1.7 (Conflict of Interest: Current Clients), 1.8 (Conflict of Interest: Current Clients: Specific Rules), 5.5 (Unauthorized practice of Law; Multijurisdictional Practice of Law), and 8.4 (Misconduct). Francesca D’Angelo represented the Bar Association. Peter R. Jarvis represented Respondent. The online version of NWLawyer contains links to the following documents: Stipulation to Two-Year Suspension; Disciplinary Board Order Approving Stipulation to Two-Year Suspension; and Washington State Supreme Court Order Approving Stipulation to A Two-Year Suspension.

Robin Lee Scott (WSBA No. 18274, admitted 1988), of Snohomish, was suspended for three years, effective 12/12/2012, by order of the Washington State Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.15A (Safeguarding Property), 1.15B (Required Trust Account Records), and 1.16 (Declining or Terminating Representation). Randy Beitel represented the Bar Association. Kirt M. Bulmer represented Respondent. Gregory John Wall was the hearing officer. The online version of NWLawyer contains links to the following documents: Stipulation to Suspension; Disciplinary Board Order Approving Stipulation to Suspension; and Washington State Supreme Court Order Approving Stipulation to Suspension.

Reprimanded

Brian J. Baker (WSBA No. 34380, admitted 2003), of San Luis Obispo, California, was reprimanded, effective 11/15/2012, by order of the Washington State Supreme Court imposing reciprocal discipline based on an order of the Supreme Court of the State of California. For more information, see the State Bar of California decision, available at http://members.calbar.ca.gov/fal/Member/Detail/257228, Joanne S. Abelson represented the Bar Association. Brian Baker represented himself. The online version of NWLawyer contains a link to the following document: Washington State Supreme Court Order Pursuant to ELC 9.2.

Michael Joslin Davis (WSBA No. 25846, admitted 1996), of Tacoma, was reprimanded, effective 11/13/2012, by order of the Disciplinary Board. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence) and 1.4 (Communication). Randy Beitel represented the Bar Association. Michael Joslin Davis represented himself. The online version of NWLawyer contains links to the following documents: Stipulation to Reprimand and Disciplinary Board Order Approving Stipulation to Reprimand and Reprimand.

Admonished

All foster Garrett Jr. (WSBA No. 31044, admitted 2001), of Seattle, was ordered to receive an admonition, effective 8/23/2012, by a Review Committee of the Disciplinary Board. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence) and 1.6 (Confidentiality of Information). Marsha Matsumoto represented the Bar Association. All foster Garrett Jr. represented himself. The online version of NWLawyer contains links to the following documents: Review Committee Order and Admonition.
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Seattle, WA 98104
206-390-4160
edward@epseattlelaw.com

MEDIATION
Mac Archibald
Mac has been a trial lawyer in
Seattle for over 40 years. He
has tried a wide range of cases
including maritime, personal injury,
construction, products liability,
consumer protection, insurance
coverage, and antitrust law.
Mac has over 20 years of
experience mediating cases in
Washington, Oregon, and Alaska.
He has mediated over 1,500
cases in the areas of maritime,
personal injury, construction,
wrongful death, employment, and
commercial litigation.
Mac has a reputation as not only
being highly prepared for every
mediation, but also for providing as
much follow-up as is necessary to
settle a case.
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- Workplace misconduct
- Whistleblower claims
- Adequacy of investigation
- Adequacy of training
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CLAIRE CORDON
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MEDIATION
Mac Archibald
Mac has been a trial lawyer in
Seattle for over 40 years. He
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We handle or assist in all types of immigration representation for businesses, families and individuals seeking new or renewed status.

The firm has years of experience in all areas of immigration law, with particular expertise in employer workplace compliance, immigration consequences of crimes, removal defense, and federal court litigation.

Languages include: Spanish, Chinese, Russian, Hindu, Punjabi

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Robert Pauw
Gibbs Houston Pauw
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We handle or assist on all types of civil appeals in state and federal courts, from consulting with trial counsel to post-mandate proceedings.

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Tom Richardson
Over 30 years of commercial litigation and mediation experience, including business torts, securities, intellectual property, trusts and estates, real estate and boundary disputes, and product liability.

University of Puget Sound Law School (now Seattle University), Assistant Professor – Alternate Dispute Resolution 1982–1989

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Anne I. Seidel
is available for representation in lawyer discipline matters and advice on legal ethics issues.

206-284-2282
1817 Queen Anne Ave. N., Ste. 311
Seattle, WA 98109
anne@anneseidel.com
www.anneseidel.com
Davies Pearson, P.C.
is pleased to announce that

John E. Wallace

has become an associate of the firm practicing in workers’ compensation, personal injury, and employment law.

Mr. Wallace graduated from Seattle University School of Law, summa cum laude, in 2006. He received his Bachelor of Arts in Communication from University of Puget Sound, magna cum laude, in 2000. Prior to joining the firm, Mr. Wallace was a partner in the law firm Rumbaugh, Rideout, Adkins, and Wallace.

Direct: 253-238-5141 | jwallace@dpearson.com

920 Fawcett Ave | PO Box 1657 | Tacoma, WA 98401
T 253-620-1500 | F 253-572-3052
www.dpearson.com

McKay Chadwell, PLLC
is pleased to announce that

Thomas M. Brennan
Krista K. Bush
Patrick J. Preston

formerly Senior Associate attorneys, are now Members of the Firm.

For 18 years, McKay Chadwell has provided exceptional legal assistance in state and federal criminal defense matters, complex civil litigation and appeals, and confidential internal investigations.

Tom, Krista, and Pat look forward to continuing McKay Chadwell’s commitment to champion each client’s needs.

1601 One Union Square
600 University Street, Seattle, WA 98101
Tel: 206-233-2800 • Fax: 206-233-2809

Hillis Clark Martin & Peterson P.S.
is pleased to announce that

Gary M. Fallon

has been elected Managing Principal.

Gary represents commercial and real estate lenders in connection with construction loans, permanent loans, borrowing base loans, revolving credit lines, loan syndications and participations, loan modifications and restructurings, and workouts and enforcement actions, and supervises other attorneys providing a full range of lender services.

Hillis Clark Martin & Peterson P.S.
1221 Second Avenue, Suite 500, Seattle, WA 98101
Tel: 206-623-1745 • 206-623-7789
www.hcmp.com

Shaun Watchie Perry
announces that she is moving back to solo practice in downtown Seattle, effective February 1, 2013.

Law Office of Shaun Watchie Perry
1325 Fourth Avenue, Suite 940
Seattle WA, 98101
206-729-7442
www.swp-law.com
**McGavick Graves, p.s.**

is pleased to welcome

**Judge Rosanne Buckner,** Retired
to the law firm. Judge Buckner will draw upon 32 years of experience as a judicial officer in offering arbitration, mediation, and related services. Her practice also will include civil litigation consultation and representation.

The firm also is pleased to announce that

**Brian L. Green**

has been admitted as a Shareholder of the firm. Mr. Green joined the firm in 2006 and his practice focuses on business, real estate, and creditors’ rights.

Finally, the firm offers its congratulations to its former member

**Jennifer A. Forbes**
on her election to the Kitsap County Superior Court bench.

**McGavick Graves, p.s.**

1102 Broadway, Suite 500
Tacoma, WA 98402
253-627-1181

[www.mcgavickgraves.com](http://www.mcgavickgraves.com)

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**Forsberg & Umlauf, p.s.**

is pleased to announce that

**Matthew S. Adams**
and

**Patrick C. Sheldon**

have become our newest Shareholders.

Matt’s practice emphasizes insurance coverage litigation. Patrick defends medical providers and attorneys in malpractice and disciplinary matters.

901 Fifth Avenue, Suite 1400
Seattle, WA 98164
Tel: 206-689-8500 • Fax: 206-689-8501
[www.forsberg-umlauf.com](http://www.forsberg-umlauf.com)

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**Etter, McMahon, Lamberson, Clary & Oreskovich, p.c.**

is pleased to announce that as of January 1, 2013,

**Daniel E. Stowe**

has become a partner in our firm.

Mr. Stowe has 15 years of experience primarily representing defendants in civil litigation. He will continue his practice in Washington and Idaho with a focus on tort liability, lender liability, municipal defense, and medical malpractice.

**Etter, McMahon, Lamberson, Clary & Oreskovich, p.c.**

618 W. Riverside Avenue, Suite 210
Spokane, WA 99201
Tel: 509-747-9100 • Fax: 509-623-1439
**CLE Calendar**

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

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### Business Law

**Bankruptcy: How and When to File a Chapter 13**
March 7 — Seattle. 6.25 CLE credits, including .75 ethics. By KCBA CLE & Events Department; 206-267-7057; www.kcba.org/secure/cleregistration.aspx.

**The New Standard: What You Should Know When Drafting Shareholder Agreements**
March 15 — Seattle. 3 CLE credits, including .5 ethics. By KCBA CLE & Events Department; 206-267-7057; www.kcba.org/secure/cleregistration.aspx.

**New Business Lawyer Summit 2013: Advising the New Tech Startup**
April 16 — Seattle and webcast. 4.5 CLE credits. By NLE, WSBA Young Lawyers Committee, and WSBA Business Law Section; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org/nle.

**Advertising and Marketing Law**
April 25 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

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### Criminal Law

**The Defender Initiative’s Third Annual Conference on Public Defense**
March 8 — Seattle and webcast. 7 CLE credits pending. By Seattle University School of Law’s Fred T. Korematsu Center for Law and Equality; www.law.seattleu.edu/continuing_legal_education.xml.

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### Elder Law

**Elder Law: Updates and Unique Circumstances**
March 1 — Seattle and webcast. 6.5 CLE credits. By the WSBA Elder Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

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### Ethics

**Strategizing Your Online Presence and Related Ethical Issues**

**Community Property**
April 11 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Annual Ethics in Civil Litigation Institute**
April 19 — Seattle and webcast. 6.25 CLE ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

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### Family Law

**The New Standard: What You Should Know About How to Use Prenuptial Agreements to Protect Closely Held Business Interests**
March 21 — Seattle. 3 CLE credits, including 1 ethics. By KCBA CLE & Events Department; 206-267-7057; www.kcba.org/secure/#aspx.

**Community Property**
April 11 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

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### Health Law

**Ins and Outs (and Pros and Cons) of Health Care Benefits under the Affordable Care Act**
March 22 — Seattle and webcast. 3.5 CLE credits. By the WSBA Health Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Marijuana Law Update**
April 10 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

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### Intellectual Property

**18th Annual Intellectual Property Section Seminar**
March 8 — Seattle and webcast. 6 CLE credits, including 1 ethics. By the WSBA Intellectual Property Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

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### Immigration Law

**2013 NW Regional Immigration Law Conference**

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### Now What?! Looming Issues in Serious Felony Cases

### Marijuana Law Update
April 10 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

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### General

**YLC Bridging the Gap**
March 8 — Seattle. 6 CLE credits, including 1 ethics. By KCBA Young Lawyers Division; 206-267-7057; www.kcba.org/secure/cleregistration.aspx.

**7th Annual Best Practices in Winery Operations: Risks and Rewards**
March 14–15 — Napa. 10.5 CLE credits. By The Seminar Group; 1-800-574-4852; www.theseminargroup.net/seminar/lasso/seminar=13.wineca.

**Buying and Selling a Solo or Small Law Practice**
March 19 — Seattle and webcast. 6 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Looking Down the Road in Your Auto Case**
April 12 — Seattle and webcast. 6 CLE credits, including .5 ethics. By WSAJ Legal Educational Seminars; 206-464-1011; www.washingtonjustice.org.

**Overseas CJE: Civility Promise Seminar for Judges**
April 12–20 — Tuscany, Italy. 30 CJE credits, including 20 ethics credits pending. By Seattle University School of Law and Robert’s Fund; 206-398-4140; www.law.seattleu.edu/continuing_legal_education/civilityxml.

**Lawyer’s Emergency Kit — A Succession Planning Workshop to Protect Your Clients, Your Business, and Your Family**
April 17 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

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**Marijuana Law Update**
April 10 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

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**Bankruptcy: How and When to File a Chapter 13**
March 7 — Seattle. 6.25 CLE credits, including .75 ethics. By KCBA CLE & Events Department; 206-267-7057; www.kcba.org/secure/cleregistration.aspx.

**The New Standard: What You Should Know When Drafting Shareholder Agreements**
March 15 — Seattle. 3 CLE credits, including .5 ethics. By KCBA CLE & Events Department; 206-267-7057; www.kcba.org/secure/cleregistration.aspx.

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**New Business Lawyer Summit 2013: Advising the New Tech Startup**
April 16 — Seattle and webcast. 4.5 CLE credits. By NLE, WSBA Young Lawyers Committee, and WSBA Business Law Section; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org/nle.

**Advertising and Marketing Law**
April 25 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**The Defender Initiative’s Third Annual Conference on Public Defense**
March 8 — Seattle and webcast. 7 CLE credits pending. By Seattle University School of Law’s Fred T. Korematsu Center for Law and Equality; www.law.seattleu.edu/continuinglegal_education.xml.
March 21–22 — Seattle. 14 CLE credits, including up to 2 ethics. By Seattle University School of Law, co-hosted by AILA Washington and Oregon Chapters. www.law.seattleu.edu/continuing_legal_education.xml.

**Litigation**

**Depositions**

**WSJA’s Annual Legal Team CLE**

**Annual Ethics in Civil Litigation Institute**
April 19 — Seattle and webcast. 6.25 CLE ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.

**19th Annual Trust and Estate Litigation Seminar**
April 25 — Seattle and webcast. CLE credits pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.

**Webcast Seminars**
**Elder Law: Updates and Unique Circumstances**
March 1 — Seattle and webcast. 6.5 CLE credits. By the WSBA Elder Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.

**The Defender Initiative’s Third Annual Conference on Public Defense**

**18th Annual Intellectual Property Section Seminar**
March 8 — Seattle and webcast. 6 CLE credits, including 1 ethics. By the WSBA Intellectual Property Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.

**WSJA’s Annual Legal Team CLE**

**Buying and Selling a Solo or Small Law Practice**
March 19 — Seattle and webcast. 6 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.

**Lawyer’s Emergency Kit — A Succession Planning Workshop to Protect Your Clients, Your Business, and Your Family**
April 17 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.

**Urban Zoning: Current Issues and Future Challenges**
March 21 — Seattle and webcast. 6.25 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.

**Annual Spring Real Estate Seminar**
April 18 — Seattle and webcast. CLE credits pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.

**Trust and Estates**

**Estate and Gift Tax Updates: More “Permanent” Estate Planning?**
March 28 — Seattle and webcast. 3 CLE credits pending. By the WSBA Taxation Section, the WSBA Estate Planning Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.

**Annual Spring Real Estate Seminar**
April 18 — Seattle and webcast. CLE credits pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.

**19th Annual Trust and Estate Litigation Seminar**
April 25 — Seattle and webcast. CLE credits pending. By the WSBA Real Property Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.

**Marijuana Law Update**
April 10 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.

**Community Property**
April 11 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.

**Looking Down the Road in Your Auto Case**
April 12 — Seattle and webcast. 6 CLE credits, including .5 ethics. By WSJA Legal Educational Seminars; 206-464-1011; www.washingtonjustice.org.

**New Business Lawyer Summit 2013: Advising the New Tech Startup**
April 16 — Seattle and webcast. 4.5 CLE credits. By NLE, WSBA Young Lawyers Committee, and WSBA Business Law Section; 800-945-WSBA or 206-443-WSBA; www.wsba.org/nle.

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April 18 — Seattle and webcast. CLE credits pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.

**Annual Ethics in Civil Litigation Institute**
April 19 — Seattle and webcast. 6.25 CLE ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.

**Advertising and Marketing Law**
April 25 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.

**19th Annual Trust and Estate Litigation Seminar**
April 25 — Seattle and webcast. CLE credits pending. By the WSBA Real Property Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaCLE.org.
Court Commissioner — The Court of Appeals, Division I is recruiting for the position of Court Commissioner. Appellate court commissioners are judicial officers appointed by the judges of their respective courts to act as judges in deciding appeals, deciding procedural matters, and performing other duties as provided in the Rules of Appellate Procedure (RAP), Court of Appeals Administrative Rules (CAR), and as assigned by their courts. At Division I, the commissioner’s primary responsibilities are hearing and deciding motions for discretionary review, procedural motions, petitions for attorney fees and costs, matters requiring emergency decisions, and appeals from orders of dependency and terminating parental rights. As judicial officers, appellate court commissioners are subject to the Code of Judicial Conduct and are responsible to the Chief Judge of the division in which they serve. Minimum qualifications: Pursuant to Court of Appeals Administrative Rule 16, Commissioners must be a member in good standing of the Washington State Bar Association and have five years experience in the practice of law or in a judicially related field. A complete description of the position, including salary information and application instructions, can be found at www.courts.wa.gov/employ.

Lateral partner: Smith Alling, P.S. seeks a lateral partner to join the firm’s sophisticated and diverse business, estate planning, real estate, construction, and litigation practice at its office in Tacoma. Successful candidates will have portable business, excellent credentials, at least 10 years’ experience, a good reputation in the legal community, and, most importantly, a willingness to be part of a collegial work environment. Smith Alling, P.S. is widely recognized throughout the Pacific Northwest for the superior legal work it performs on behalf of its corporate clients and individuals. For confidential consideration, send résumé and cover letter to mmc@smithalling.com.

Business Partner — Pacific Law Recruiters is representing a full-service, people-centric, Seattle-based business firm with an impressive client roster in the search for its next compatible partner. Ideally, this person is looking to join a group of colleagues with an open door/open book approach, who enjoys his or her work, and follows a conviction of collegiality within and beyond the practice of law. A minimum of 10 years’ experience (with an emphasis on business and commercial transactions) is necessary, as is a respectable (and transferable) client portfolio and a fixed resolve to carry forward a successful practice in a mutually respectful, drama-free environment. Candidates with an interest in pursuing this position are encouraged to forward a résumé and cover letter in strict confidence to Greg Wagner, Principal, for immediate consideration at: gww@pacificlawjobs.com. Visit our website: www.pacificlawjobs.com.

Attorney — Busy, three-attorney Kennewick, WA, firm seeks to add a fourth attorney. Our private practice includes personal injury, family law, criminal defense, estate planning, general civil litigation, etc. We have an excellent and experienced support staff. This opening is available to be filled as soon as we find the right person. Please fax your cover letter and résumé to Lori G. Alvarez, Office Manager, Bolliger Law Offices, 509-734-2591. You must be admitted to the practice of law in Washington state. We prefer an experienced attorney; however, if you can make up for your present lack of experience with energy, ambition, enthusiasm, legal skills, attention to detail, and personality, we would be happy to interview you. You will not be required to engage in advertising or other client-generating activities, we do all that. However, you must be good at selling yourself and
your lawyering capabilities, so potential clients meeting with you for the first time will feel secure with you and want to hire you for their cases. You should be looking for a long-term opportunity with us, because that is what this position offers. We are a close-knit team — and want you to join us in competently serving our clients’ legal needs. This is an excellent opportunity!

Attorney — Seattle Family Law Firm. Growing downtown practice seeks highly motivated individual with minimum five years’ experience and strong writing skills. Candidate must be a self-starter and have experience handling their own caseload. Lateral hire preferred. Collegiate atmosphere, rewarding salary/bonus structure, and benefits. For more information, visit http://www.tlcclawco.com/jobs.html. No phone calls, please.

PT or FT Workers’ Compensation Attorney. K-Solutions Law in Bellevue is seeking an experienced attorney to handle workers’ compensation and workplace safety cases. Our firm offers a respectful and supportive work environment with competitive compensation, generous bonuses, benefits for full-time staff, and free parking. Please provide a letter outlining your workers’ compensation experience and your resume to kforner@k-solutionslaw.com.

Spokane law firm of Kirkpatrick & Startzel, P.S. is seeking an associate attorney for civil litigation practice. 3+ years of litigation experience required. Applicants should have strong research and writing skills. Position is available immediately. Salary will DOE. Benefits included. Send cover letter and resume immediately. Contact Seattle of Kirkpatrick & Startzel.

Associate Attorney — Civil Litigation. Kroontje Law Office, PLLC, a downtown Seattle civil litigation law firm, is currently seeking an associate attorney. The ideal candidate will be a member of the Washington State Bar with excellent research, writing, and oral advocacy skills. Applicants should be committed to providing quality representation to clients involved in civil lawsuits in state and federal courts. The job requires a positive and professional attitude. Salary depends on experience. Please send a cover letter, resume, and writing sample to Michaela Morrison at michaela@kroontje.net. Firm details at www.kroontje.net.

Commercial Litigation Associate Attorney. Pacific Law Recruiters has commenced a search on behalf of one of Seattle’s finest law firms for a rising associate to join its team of accomplished litigators. Practice areas will focus on a variety of business matters, including employment, intellectual property and white collar defense, requiring a minimum of three years’ major law firm experience, with an emphasis on commercial litigation. Also necessary are top law school standings and though not required, special consideration will be given to those candidates serving a federal clerkship. Recognized locally and nationally for outstanding achievements in legal representation, the firm comprises top legal talent and will provide strong compensation, excellent benefits, and high quality work. To be immediately considered for this position, qualified candidates are encouraged to submit a confidential resume and cover letter to Greg Wagner, Principal, at: gww@pacificlawjobs.com. Visit our website: www.pacificlawjobs.com.

Civil Litigation Associate — BPM is seeking a WA-licensed general civil litigation associate with one to two years of professional experience. Successful candidates will have outstanding verbal, written, and legal analysis skills, a strong academic record, and solid references. We offer a competitive salary, great benefits and the opportunity to build a solid legal career with a dynamic litigation and business law firm. Please submit your resume, cover letter, and writing sample via email to Sonya Baker, Human Resources Manager, at sbaker@bpmlaw.com.

Patent Litigation — Boutique litigation practice is seeking to add an associate and/or contract attorney. Computer science background and one-plus years of patent litigation experience a plus. The successful candidate for this position should have experience investigating infringement, drafting infringement contentions, responding to discovery requests, and document review. This is a unique opportunity to join a successful practice in a casual environment, with flexible hours and opportunity to work from home. Please send resume to patentlitigationposition@gmail.com.

Associate — commercial litigation and white collar criminal defense. A Seattle, AV-rated, 19-lawyer firm that focuses on complex commercial litigation and white collar criminal defense seeks associate with up to three years of litigation experience. This is an excellent opportunity for a motivated individual who desires a challenging and rewarding practice. Candidates should possess excellent interpersonal, writing, and research skills, strong academic credentials, and a desire to take on significant case responsibility. Send resume to Randall Thomsen, 999 Third Avenue, Suite 4400, Seattle, WA 98104. All inquiries kept confidential.

Position Wanted

Young attorney seeks position with small firm or solo in Western Washington. Transitioning to law practice. Background includes 10 years in legislative and regulatory policy, judicial clerkship, Seattle U. law degree. Open to any type of practice in encouraging atmosphere. I take a Christian approach to my calling. Strengths: legal writing, public speaking, calm under pressure, dependability, initiative, fast learner. Resume, writing samples, references available: 206-459-1645 or cooper.alumni@plu.edu.

Services

Virtual Independent Paralegals, LLC provides comprehensive 24/7/365 litigation support with expertise in: medical record summaries, document review, redaction projects, and deposition digests. We hit the ground running, providing highest quality results at unbeatable rates. Locally owned, nationally known, virtually everywhere! VIP, we’re here when you need us, just a phone call or email away! 206-842-4613; www.viphelpme.com.

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Wills Search

Searching for law firm or attorney who may have drawn up a will for Irving Gary Buchanan between 2009 and 2012. If you have any information, please contact Randy Buchanan at randybuchanan61@gmail.com.

Looking for Last Will and Testament of Merton M. Maas in the Pierce County or King County area. DOB 07/06/1927 or 1926. Merton passed away and his family wants to contact his probate attorney. Please contact Jason: 509-216-0740.

Looking for a will for Donald Chester Weed, Jr. Born 10/17/1947. If you or your firm has knowledge of this will, please reply to Box #752.

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Recently I was sitting in a bar listening to a band — an activity you’d think I would have outgrown 20 years ago, but never did.

This band was playing in Ferndale near my home in Bellingham, and the bass player is a fellow local lawyer. During a break, we were talking about pre-amplifier tubes, or tone-control knobs, or whatever when we got onto the subject of our college days in Seattle. Although we didn’t know each other back then, it turns out we used to frequent the same places and listen to the same bands. If you’re kind of old and from Seattle, you’ll know what I’m talking about: The Rainbow in the U District, The Firehouse in Ballard, The Gorilla Room downtown. If you’re kind of young, well, believe it or not, you’ll soon be eulogizing all the hip places where you hang out now. Like rock stars themselves, the great music venues tend to burn brightly, but not for long.

One place my buddy mentioned really resonated in my memory: Astor Park. It was a beautiful day.

They paved paradise to put up a parking lot.
— Joni Mitchell, Big Yellow Taxi, 1970

Rainier and smoke of all kinds. (In light of the current legal status of smoking various things in Washington, it’s fascinating to recall that in 1981, you could legally smoke 25 cigarettes at once in the middle of a children’s museum, but go to jail for having half a joint in your pocket.)

There was probably a warm-up act or two, but I don’t remember them. Eventually the headliners took the stage, and we were taken aback at how youthful they looked — in fact, they were a couple of years younger than us, and we were barely old enough to be in a bar. But despite appearances, they put on a polished performance. Most memorable of all, they had the kind of energy and self-assurance that convinced us they might indeed make something of themselves, despite their generally poor reception by critics.

Particularly brash was the frenetic lead singer, Paul Hewson. And the guitarist, David Evans, had a unique style for which he relied not on guitar-god fancy finger work, but on embellishing simple figures and chords with layers of electronic effects. The band was influenced partly by the punk movement, and the two leaders followed the punk band practice of adopting aliases — in this case “Bono” and “The Edge.” Together with actual-named Adam Clayton and Larry Mullen Jr., they soon became the biggest thing from Ireland since James Joyce.

Yeah, we saw U2 play in a bar.

Honesty, I never developed into a huge U2 fan. I’ve bought some of their music, but I’ve never seen them play live since that Astor Park show. As a general proposition, I prefer seeing a new artist, or someone I know personally, playing in an intimate venue, as opposed to taking in an arena rock extravaganza. Apparently, at any age, it remains true that when I’m sitting in a bar listening to some decent musicians playing their hearts out on stage, it’s a beautiful day. NWL
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