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MANDATORY MALPRACTICE INSURANCE

I just read the article in the September issue of NWLawyer about mandatory insurance [“WSBA Board of Governors Explores Mandatory Malpractice Insurance”] and, as a result, I am sending in my first comment in 25 years of practicing law in Washington. Our small office has always maintained insurance for our speeding ticket/DUI practice. We pay $750 for each attorney for $250,000 per claim/$500,000 aggregate of coverage. I hope that you consider small firms such as ours as you continue your investigation. Oregon’s apparent one-size-fits-all $3,500 per lawyer assessment is ridiculous and bears no relation to the true cost of insuring a small firm like ours. Should you adopt a similar requirement, you would be creating an unnecessary financial burden for many small firms.

$3,500 for each lawyer? $7,000 for what currently costs us $1,500? What an outrage that would be.

Valerie Shuman, Tacoma

I searched diligently and filled out numerous applications, but I reached the conclusion that there is no market for malpractice coverage for transactional securities lawyers in solo practice. It appears that from the insurer’s perspective, the underwriting costs exceed the expected profits at anything other than prohibitive rates. The last time I looked into this (and that was a number of years ago), every insurer I contacted refused to give me an offer at any price.

I’d like to note that I was trained in my practice area at Sullivan & Cromwell in New York, am 61 years old, and have never had a claim made against me. I also have impeccable academic credentials, which include an MBA equivalent from MIT.

If Washington decides on mandatory insurance, I would favor a professional liability fund. I fear that otherwise my license to practice in Washington would be worthless.

John A. Myer, Seattle

I am writing in response to the article “WSBA Board of Governors Explores Mandatory Malpractice Insurance” in the September 2017 issue of NW Lawyer.

As an attorney licensed to practice in both Oregon and Washington, I have had the opportunity to compare the professional liability insurance requirements of both states— disclosure in Washington and mandatory coverage in Oregon. I do not support mandatory coverage as it provides a questionable value at substantial cost while reducing the availability of legal services, particularly for moderate income citizens.

The first question to ask is “How much benefit does mandatory coverage actually provide to the average client?” I do not have the statistics but I encourage the Board to obtain this information before passing an expensive “feel good” measure. Although there are certainly horror stories out there about bad lawyers and the damage they cause, I question the value that mandatory coverage would provide to those clients when considered in the context of the aggregate cost and the thousands of clients who receive professional legal representation from lawyers with and lawyers without professional liability coverage.

The second question is “How would mandatory coverage affect low and moderate income citizens who need legal representation?” The difficulty finding pro bono coverage for low-income clients is well known, although there are programs that provide professional liability coverage to enable this important work to be done. From my experience, the great bulk of under-represented citizens are moderate income people who cannot afford an attorney yet do not qualify for pro bono representation.

In addition to my income-producing work, I have represented Washington citizens needing assistance with no-contact orders, a homeowner whose property was eroding due to the failure of a city to properly maintain a storm run-off system, individuals who were presented with scam damage reports by rental car companies, and others who had damaged credit reports due to fraudulent use of their identity. I may soon retire from my “day job” but hope to keep providing this type of unpaid service to moderate-income individuals. I am saving for retirement and certainly am not in the position to divert funds to pay for professional liability coverage. If coverage becomes mandatory, I fear I will be required to become an inactive member of the bar and will no longer be able to serve this under-represented group. I am sure there are many other attorneys in the same situation.

Bill Murphy, Vancouver, WA

PROFILING

Some WSBA members have fallen into the quagmire of lecturing about “white privilege” (“Inbox,” SEP NWLawyer). However, it is unclear from their statements what white persons are supposed to do to atone for the total happenstance of being born white . . . pay reparations, take sensitivity classes, forfeit their law degree to a person of a different race?

No one should be denigrated for the color of their skin, including whites. White privilege is just another imaginary problem being conjured up by some leaders of the WSBA.

Certainly we all owe a duty of politeness and decency to every
other human being. If one fails on that score, the individual should be called to task. But I object to this wholesale racial profiling of whites which smacks of the very bigotry that the WSBA leadership should be opposing.

Original sin may be a part of the Bible but has no place in the WSBA.

Patricia Michl, Lake Tapps

SAVING GRACE

I comment on recent references to “white men” in the NWLawyer and NWSidebar which are discriminatory in nature. Authors lump “white men” into a “dominant group” who believes “they have no role to play in achieving social justice and equity.”

I assume white women of which I am one would be thrown into this same group of “negative whiteness.”

But, wait, I have a saving grace. I’m only half white, I have freckles.

Inez Petersen, Renton

OVERHEARD IN ALASKA

My husband and I are both retired attorneys from the Midwest, on vacation in Alaska. In a quaint coffee hut in Homer, we overheard a conversation between two mature couples who were on vacation from your great state of Washington. Our intent wasn’t to deliberately eavesdrop, so we politely asked to join in on the conversation, which centered on a September 2017 article in the NWLawyer, which was in their possession. [“Be Part of the Solution: How Law Firms and Male Colleagues Can Be Women’s Most Effective Allies,” by Averil Rothrock, SEP NWLawyer.]

There were two attorneys amongst the Washington couples. The subject of discussion was gender inequality within the legal profession, and how attorneys should be apprised to deal with the new formulas as asserted through political correctness. A test for effective alliance for male attorneys accompanied the article.

Excuse my mature age and my inability to join in on the whininess of the moment, but I have never read such a compost of poppycock from an attorney.

Attorneys from my era have always addressed each other through “lady-like” and “gentlemanly” terms of cordiality. Where is the implicit bias in being respectful to a woman by referring to her as a “lady”? This is a compliment, not a denigration to women.

The politics of identity is out of control. Affirming an inequality through a form of political bullying has no underlying contributive value to the profession, and is designed only to brighten a tension between gentlemen and lady attorneys.

Emily Thomasson, Omaha, NE

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Announcing Partner Jamie Walker

McKinley Irvin is pleased to announce that Jamie Walker has been named a partner of the firm. Jamie is known for her relentless pursuit of successful results, whether representing individuals in high asset divorce litigation or negotiating complex property division.

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Growing Up With Privilege...

and a few other traits I didn't know I had

I grew up in the East Bay area. From my earliest years, I learned to love the Giants and the 49ers and—when they arrived in Oakland—the Raiders and the A’s. I never questioned these allegiances. After all, growing up in a family and a culture that rooted for certain teams, my allegiances were unconsciously absorbed.

I also grew up in an area that had almost no people of color, where the dads worked outside of the home and the moms did not, and everybody was straight. Racial and homophobic epithets were commonly used. Black people, Latinos, Asians, and other people of color did not (and likely could not) live near us in our suburb. They seemed to live in poorer, more rundown parts of Oakland, San Francisco, and other urban areas. People of color appeared less well off than my suburban neighbors and made me uncomfortable. When my high school sports teams played schools with significant populations of students of color, we went to those away games with a great deal of trepidation. All my friends were white, as were my parents’ friends.

Meanwhile, I sat almost every night watching Walter Cronkite. The battles over civil rights, as covered by CBS News, took place in front of me from an early age. I was always on the side of “integration,” not realizing at all how my neighborhood, my family, and indeed I was manifestations of the institutional racism more blatantly apparent in Selma, Montgomery, Memphis, and Little Rock. Then the Black Panthers and Brown Berets became active in the Bay area. While the Panthers were portrayed in a way that scared most white residents (WSBA) Board of Governors. Lo and behold, there were African Americans, plenty of women, gay men, and lesbians on the board and working for WSBA. Not only that, WSBA introduced me to something called “diversity training.” I was ready (I thought) for the training. After all, I was a progressive person who believed in treating people of color and other “minorities” equally—indeed, as if they were white. I was proud to be “color blind.” I was completely unprepared for where the diversity training would take me, unprepared for how deeply the manifestations of my “liberal” and “progressive” social attitudes could offend and at times wound my colleagues on the board, unprepared for the depth of changes I needed to confront and how painful those confrontations could sometimes be. But I was also unprepared for how satisfying the feelings would prove to be once I began to grow beyond the person I’d been. Little did I realize that I’d be telling such a personal story to all who are reading this.

If we are to be a profession that moves beyond the legacy of discrimination and marginalization, it will be in large part because those of us with privilege will have looked deeply into our hearts, examined our pasts, and come to recognize and confront our biases.
non-conforming people, around whom I had always experienced a great deal of personal discomfort. As I listened to people from these groups describe their lives as “others” in a white, straight, male-dominated society and profession, I began to see up close the insidious impact of institutional racism, misogyny, and homophobia, and my part in each. I learned what micro-aggressions were and was chagrined to recognize how I had unwittingly used them. I started to learn that “color blindness” is not a useful or appropriate manner by which to treat marginalized people; the failure to acknowledge and embrace the personal and cultural traits of people of color belittles those people and their culture and discounts their value as members of a multicultural society.

All this led to the realization that I was not who thought I was. Just as with my beloved Giants, I had an allegiance to a way of life, a privileged life, that was created subconsciously by my upbringing (and occasionally by my tolerance of my family’s and friends’ blatant racism and homophobia). With additional support of some very insightful family members, I recognized my own limitations and, rather than avoid them for sake of comfort, decided to change my game plan and deal with my own bias. It was not always easy, for me or for others.

The most pain arose when, in a deep conversation about my own implicit bias, I felt accused of being racist. I was stunned and profoundly hurt. I told my colleagues that I was no George Wallace or Lester Maddox and how deeply hurt I was to be lumped into such a category. My colleagues of color had little sympathy, which hurt even more—after all, these were friends. As one African American put it, however, “You just scraped your knee; my arm feels like it is cut off almost daily.” I was shaken by that day. With some excellent counsel from my family and others, including some very insightful WSBA staff, I began to understand that the “white discomfort” associated with awakening to the depth and effects of implicit bias is natural and not others’ problem. It was my problem, and I had to deal with it.

The experience that day opened my eyes to the extent and components of my own privilege as a cisgendered, straight, white man. My privileged existence has shielded me from others’ experience and kept me from noticing just how well off I am. I don’t walk down the street as a person of color, a woman, a gay man, or a disabled person. I haven’t experienced any of the sometimes harsh realities that come from these experiences. Certainly, I can claim some credit for my success, but when I walk through the city, into a conference room, or into a courtroom, I do so with a penumbra of privilege built not on personal merit, but on how I appear.

If we are to be a profession that moves beyond the legacy of discrimination and marginalization, it will be in large part because those of us with privilege will have looked deeply into our hearts, examined our pasts, and come to recognize and confront our biases. It will be when we recognize our implicit and explicit bias and how it affects others—not because we are told to, but because we each truly want to. It will be when we develop a heartfelt desire to be allies and to use our privilege in a positive way to help our sisters and brothers obtain equitable treatment. It will occur when those of us with privilege have chosen to embrace, not fear, otherness. Indeed, equity results when we accept that we all are “other” to someone and when, in our hearts and through our actions, we embrace all the differences in culture and paths upon which our colleagues are traveling.

I’m still waist deep in this process, with a long (maybe endless) way to go, but I can assure you, it is way too important and satisfying to turn back. I know it can be tough, but if our allegiance really is to a fully equitable profession, then together let’s step up to the plate, keep our eyes on the ball, and swing for the fences. NWL.

WSBA President Brad Furlong is a partner at Furlong-Butler Attorneys in Mount Vernon. He can be reached at brad.wsba@furlongbutler.com.
Treasurer's Report

by G. Kim Risenmay

Each year the Board of Governors elects a new treasurer. I am honored to serve you in this capacity for fiscal year 2018. For the past two years I have been a member of the Bar’s Budget & Audit Committee, and I have been deeply impressed by the skill and dedication of the three people who most recently preceded me in this position: Ken Masters, Karen Denise Wilson, and Jill Karmy. Each of them has been a careful steward of the Bar’s funds, and I promise to follow their good examples.

WSBA’s Chief Operations Officer Ann Holmes, Controller Mark Hayes, and the WSBA staff do an excellent job of handling WSBA funds in accordance with the annual budget. This is demonstrated by the clean audit reports that WSBA has received from independent financial auditors for over a decade.

Deciding how to spend WSBA’s funds is, ultimately, the job of the Board of Governors, informed by the recommendations of the treasurer and the Budget & Audit Committee. Again this year, we will have important decisions to make. It is incumbent upon us to find the right amount of services that the Bar provides to its members and the public, while being mindful that every task the Bar performs comes at the expense of its members in the form of license fees.

It is a Bar tradition for a new treasurer to introduce himself/herself to our members. I’d like to give you a little information about my background, beginning with a comparison. A good friend of mine tells me that he has had only one employer in his entire life. When he graduated from a prestigious law school he joined a midsized Washington law firm, and he has continued to work there for nearly 40 years. That firm has grown to become one of the biggest in the Pacific Northwest, and he now sits on its Executive Committee.

That is not my life’s story and I imagine it is not yours either.

Like many of you, the practice of law was not my first profession, or even my second. My parents and grandparents were all farmers and I grew up working on the family farm. I continued to farm with my family, and earned both a bachelor’s and master’s degree in accounting, until shortly before I turned 25. My second career was in the United States Air Force. I received my officer’s commission through ROTC and went to Oklahoma for pilot training in 1976. I was assigned to fighter planes and flew the F-4E Phantom in the Alaska Air Command for the rest of my six years of active duty. Most of our excitement came from chasing Soviet Union spy planes across the Bering Sea and the Arctic Ocean. (Yes, it was still the Soviet Union back then.) In 1982 I resigned my Air Force commission to begin my third career. I attended law school and came to Seattle after I graduated in 1985. I am licensed as both an attorney and a certified public accountant (CPA) in Washington. Since that time, I have had a wide variety of Seattle-based legal and accounting experience, serving as a tax partner and of-counsel in several large law firms, an accounting partner in a Big Four accounting firm, and the owner of a solo tax practice. I bring the knowledge gained from all of these experiences in my service as your treasurer.

The world around us is changing. The practice of law is changing. And we must learn to adapt. Technology is driving many of those changes, and both we as individuals and the Bar must keep up to remain relevant. Let me illustrate this point from my early legal career. When I first practiced law, computers were viewed as little more than glorified word processors shared by secretaries. Today, no client would be willing to pay an attorney for the hours necessary to write a document out in long hand, or to dictate it, and then manually correct paper drafts prepared by a secretary to arrive at a finished document. Another example: When I was sworn in as a lawyer in 1982, a legal library with a few hundred books was a law firm’s pride and joy (and one of the firm’s most expensive assets). Many law firms had one or more full-time librarians on their staff, just to keep the library up to date. Today, we have a world of legal references at our finger-
tips, in digital form, and for a small fraction of the cost.

Like a swimmer testing the water’s temperature with her toe rather than diving in, WSBA is testing the efficacy and the efficiency of providing technology services to its members. An example: Prior to my election to the Board of Governors, I paid one of the national legal services more than $3,000 per year for access to a small part of its digital database for my legal research. Only after I became a governor did I learn that, as a WSBA member, I already had unlimited access to a much larger database through the use of WSBA’s Casemaker service, and all for free. The money I now save each year on digital research would easily pay my annual WSBA license fee for the next six years. This year we will explore other opportunities to assist WSBA members with appropriate types of technology assistance. We are already developing an improvement to WSBA member information listings that was suggested to us by the Utah Bar Association. In addition to listing member contact information, the new system will allow each member to provide customized information about his/her experience and training, areas of practice, hourly rates, and other information of interest to possible clients. At no extra cost to members, WSBA’s membership listing service will allow clients to find and choose a legal professional in their neighborhood who offers the type of legal service the client needs.

In the coming year, the Board of Governors will make several important policy decisions that will affect the budget and your license fees in future years. I hope to provide insight to the membership on these issues, and I will always solicit your feedback. Please don’t hesitate to contact me.

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G. Kim Risenmay was elected to the Board of Governors in September 2015. He can be reached at kim@risenmaylaw.com.

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According to statistics compiled by the Washington State Bar Association (WSBA), each year around 5 percent of all grievances against Washington lawyers stem from their withdrawal from ongoing representations. Withdrawal also figured prominently in a significant Washington Supreme Court legal malpractice decision within the past year. Washington Rules of Professional Conduct (RPC) 1.16(a) and 1.16(b) govern the grounds for, respectively, mandatory and permissive withdrawal. From the perspective of law firm risk management, however, the mechanics of withdrawal can be as sensitive as the basis for withdrawal. The reason is simple: in many cases, the attorney-client relationship has unraveled and emotions on both sides are raw. This dynamic can create a particularly fraught situation that may spawn bar grievances or claims over the withdrawal if not handled professionally.

In this column, we’ll look at two primary elements of the mechanics of withdrawal. First, we’ll examine the steps a lawyer should take if the withdrawal occurs in the context of public court proceedings. Second, we’ll survey issues that often arise when transitioning the withdrawing lawyer’s file. These two areas largely mirror RPC 1.16(c) and 1.16(d). At the same time, court rules—such as Washington Civil Rule (CR) 71—play an equally important role in any litigation-related withdrawal.
PUBLIC PROCEEDINGS

RPC 1.16(c) requires that a lawyer seeking to withdraw “comply with applicable law requiring notice to or permission of a tribunal when terminating a representation.” Civil Rule 71(c)(3) allows withdrawal by notice alone if the client (or the opposing party) does not object within the 10-day period provided. Similarly, CR 71(d) allows withdrawal simply by simultaneous substitution of new counsel. But, if there is no immediate substitution of new counsel and there is an objection to the lawyer’s withdrawal, CR 71(c)(4) requires the lawyer seeking withdrawal to obtain the court’s permission. The state court criminal rule—CrR 3.1(e)—also requires court permission to withdraw once a trial has been set. Local Court Rule 83.2 and Local Rule 83.2 in, respectively, the federal district courts for the Western and Eastern Districts also generally require court permission if the withdrawal will leave the client unrepresented.

When a lawyer is in a situation where court approval is required, that creates a corresponding issue under the “confidentiality rule”—RPC 1.6: what can the lawyer reveal in public court papers and related public proceedings? Both the WSBA and the America Bar Association (ABA) recently issued very useful ethics opinions on this sensitive point that are available on their websites: WSBA Advisory Opinion 201701 and ABA Formal Opinion 476.

Assuming the client has not consented to having otherwise confidential information aired in public or the public record already makes plain the reason for the withdrawal, the WSBA and ABA ethics opinions counsel a two-step process. First, in public motion papers or public proceedings, the opinions suggest that the lawyer simply state that “professional considerations” provide the basis for withdrawal without including further detail that would reveal confidential information. This approach is patterned on Comment 3 to both Washington RPC 1.16 and its ABA Model Rule counterpart. Both formulations of the comment note that this or an analogous phrase “ordinarily should be accepted as sufficient.”

Second, if the court concerned nonetheless wants more, the opinions counsel that the lawyer can generally comply if ordered to do so by the court because Washington RPC 1.6(b) (6) and the parallel ABA Model Rule permit lawyers to reveal otherwise confidential information in response to a court order. In that circumstance, however, the opinions suggest that the lawyer should use available procedural protections such as sealed filings and in camera review to protect the client’s confidential information from the opposing party.

If the court denies withdrawal or rejects the lawyer’s efforts to protect the client’s confidential information in the process, the only practical avenue for appeal is discretionary review in state court (see, e.g., Robbins v. Legacy Health System, Inc., 177 Wn. App. 299, 311 P.3d 96 (2013)) or mandamus in federal court (see, e.g., Mallard v. U.S. District Court for Southern Dist. of Iowa, 490 U.S. 296, 109 S. Ct. 1814, 104 L. Ed.2d 318 (1989)).

Two practical considerations also enter the mix in the litigation setting. First, if you conclude you need to withdraw, don’t delay. The Washington Court of Appeals in Kingdom v. Jackson, 78 Wn. App. 154, 158, 896 P.2d 101 (1995), and Robbins v. Legacy Health System, Inc., 177 Wn. App. at 310, both noted that courts may deny motions where “withdrawal will delay
trial or otherwise interfere with the functioning of the court[.]” RPC 1.16(c) concludes that “[w]hen ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.” Particularly when the reason for withdrawal is nonpayment, a lawyer who delays until the eve of trial may find him or herself performing “involuntary pro bono” if the court denies a late motion to withdraw.

Second, in situations that are especially fractious, a lawyer may wish to consider affirmatively seeking court permission even if it is not technically required by the applicable court rule. In Schibel v. Eymann, ___ Wn.2d ___, 399 P.3d 1129 (2017), the Washington Supreme Court held that a court order permitting withdrawal precludes a subsequent legal malpractice claim.

**TRANSITIONING THE FILE**

RPC 1.16(d) addresses transitioning the matter concerned on withdrawal. It takes the high road: “Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect the client’s interests, such as giving reasonable notice to the client, allowing time for employment of another legal practitioner, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred.” Comment 9 to RPC 1.16 underscores that lawyers must take these steps regardless of the particular circumstances that led to the withdrawal: “Even if the lawyer has been unfairly discharged by the client, a lawyer must take all reasonable steps to mitigate the consequences to the client.”

One particular flashpoint can be the lawyer’s file. RPC 1.16(d) recognizes that a lawyer may have possessory lien rights over a file for unpaid fees: “The lawyer may retain papers relating to the client to the extent permitted by other law.” At the same time, WSBA Advisory Opinion 181 concludes that the lawyer’s continuing fiduciary duty to the client during a transition “trumps” the lawyer’s possessory lien rights and requires the lawyer to provide the client with the file if the client needs it. Generally, Advisory Opinion 181 suggests that a lawyer’s entire file—whether paper or electronic—must be turned over to the client (or the client’s new...
lawyer at the client’s direction), subject to limited exceptions. The principal exceptions include a lawyer’s notes relating to the business relationship with the client, such as conflict checks and collection notes, that were not charged to the client and general research memoranda, such as a memorandum prepared in another matter dealing with the same legal issue but not billed to the client concerned. Copy costs are a less frequent source of dispute today now that many files are solely in electronic form. Nonetheless, Advisory Opinion 181 counsels that a lawyer may retain a copy of the file (at the lawyer’s expense) to document the state of the matter on the lawyer’s watch. As noted earlier, RPC 1.16(d) specifically requires that unearned advance fee deposits be refunded. At the same time, withdrawal does not waive a lawyer’s lien for fees under RCW 60.40.010.

The consequences of failing to meet the obligations imposed by RPC 1.16(d) can be severe. Lawyers have been disciplined for failing to promptly deliver client papers (see, e.g., In re Eugster, 166 Wn.2d 293, 209 P.3d 435 (2009)) and client funds (see, e.g., In re Perez-Pena, 161 Wn.2d 820, 168 P.3d 408 (2007)). Further, our responsibilities to clients under the RPCs reflect our underlying fiduciary duties. Although the former may not directly provide a basis for a civil claim, the latter clearly do under Eriks v. Denver, 118 Wn.2d 451, 824 P.2d 1207 (1992). A client who was injured by a lawyer’s failure to transfer a file might well raise a breach of fiduciary duty claim. Similarly, the Consumer Protection Act (CPA) applies to the business aspects of law practice under Short v. Demopolis, 103 Wn.2d 52, 691 P.2d 163 (1984). Again, a client harmed by a lawyer’s failure to transfer a file might also contend that the CPA was triggered because fee issues go directly to the business elements of law practice. These possible civil remedies can also become legal and practical impediments to a subsequent collection action by the lawyer. NWL
It would seem concealed identities have no place in the courthouse. It’s a public institution: “Justice in all cases shall be administered openly,” proclaims article I, section 10, of the state constitution. The title of a case? The parties’ names, required in the complaint under Civil Rule 10(a)(1). The first question asked of a witness? “State your name for the record.” But justice wears a blindfold, after all, and even if you can’t wear a hat into the courtroom, you can wear a mask: John Doe.

Or Jane or Mary Doe, various Roes, and other generic placeholders. The customary declension is John Doe; Richard Roe; John Stiles; Richard Miles. The various Stiles and Miles are less commonly encountered; Doe and Roe remain current.

Messrs. Doe and Roe are curios inherited from English property law. The time was that the only route to asserting title to land was through a costly and complex real property action, requiring procedural inconveniences such as “essoins, vouchers, and possible trial by battle...” A simpler ejection action was available, but only for lessees. What was a displaced landowner, perhaps unprepared to essay trial by combat, to do?

Enter Doe. The plaintiff hoping to claim title would establish a fictitious lease to John Doe, and then sue claiming Doe had been ejected by the equally fictitious Richard Roe. Because establishing the validity of the plaintiff’s title claim would be a necessary element of proving Doe’s ejection action, the charade lease dispute would resolve the actual
The suit had been filed because of an unwritten policy and its companion case. And for a more recent example, a since-unsealed court record had revealed that the Does had improperly sealed a court record by allowing the Does to proceed under pseudonyms. The Court of Appeals affirmed.

The court collected cases where plaintiffs had proceeded as Does because forcing them to reveal their true identities would confound their ability to obtain relief. Jane Doe v. Dunning was one, a case in which the Supreme Court adopted a substitute name to protect the identity of an unwed mother and child when the mother sought a conventional birth certificate. The suit had been filed because of an unwritten policy at the time (the 1970s) that “illegitimate” children bearing their mother’s name were issued birth registration cards rather than a conventional birth certificate. Forcing the plaintiff to use her real name would have subjected her to the stigma at the root of this unwritten policy.

Another case was John Doe v. Group Health Cooperative of Puget Sound, Inc., where the plaintiff sued for unauthorized disclosure of his health care information. Associating his real name with the case, in which the improperly disclosed health care information would unavoidably come up, would have injured the privacy the plaintiff sought to vindicate. The SSO-SA-recipient Does before the Court of Appeals could be added to this list. They sued to protect their privacy; publically identifying them in the case title would have given away the game.

In other cases, plaintiffs used pseudonyms not because it was logically necessary, but because the sensitive nature of the case would have chilled any attempt to seek relief if a true name were made the price of entry. For example, in John Doe v. Department of Transportation, where a ferry worker sued his employer for sexual harassment, the court used a pseudonym “because of the nature of the allegations in the case.” Or John Doe v. Gonzaga University, where a student was allowed to sue pseudonymously over the school’s investigation of sexual assault claims against him. In this category would fall (Jane) Roe v. Wade and its companion case Mary Doe v. Bolton. And for a more recent example, a since-unmasked plaintiff sued former Seattle Mayor Ed Murray using only the initials D.H., claiming Murray had sexually victimized him as a child.

Federal courts have also allowed pseudonyms, generally after balancing the plaintiff’s privacy interest against countervailing interests. The 11th, 10th, and 5th circuits compare the 9th and 2nd circuits’ approach—so the governing analysis may change. But for now, the Court of Appeals has the final word.

In affirming the plaintiffs’ collective donning of the John Doe mask, the Court of Appeals noted that the use of pseudonyms had not yet been analyzed by Washington courts, because the “longstanding and previously uncontroversial practice” had been unchallenged.

Why are some plaintiffs allowed to keep their identities hidden?

The question was recently taken up by Division I of the Court of Appeals, in John Doe G v. Department of Corrections. The case involved a class of current and former level I sex offenders sentenced under special sex offender sentencing alternative (or SSOSA) evaluations, who sought to enjoin the Department of Corrections from disclosing their evaluations in response to a Public Records Act request. They filed suit as John Does and won a summary judgment. Both defendants appealed the judgment, and the pro se records requester also claimed that the trial court had improperly sealed a court record by allowing the Does to proceed under pseudonyms. The Court of Appeals affirmed. The case is still developing—the Supreme Court has granted review—so the governing analysis may change. But for now, the Court of Appeals has the final word.

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In cases like these—despite our state’s presumption of open trial-court proceedings, and despite the requirement in the civil rules that the title of a complaint contain the names of all the parties—the Doe G v. Department of Corrections court held that logic and experience show that Article I, Section 10, of the Washington State Constitution does not apply where the public’s interest in the plaintiff’s name is minimal, and use of that name would chill the plaintiff’s ability to seek relief. This means there is no need for a court to apply the test usually required by the Constitution before closing a public proceeding—the five factors from Seattle Times Co. v. Ishikawa—before allowing a plaintiff to file suit as John or Jane Doe.

As noted, the Supreme Court has taken up Doe G v. Department of Corrections. It may reverse the Court of Appeals, or affirm on different grounds. Perhaps the Supreme Court saw an opportunity to clarify the rules in this relatively unexamined corner of the law, or solicit more comprehensive briefing than supplied by the pro se appellant below. And while it seems unlikely that the Supreme Court will require some sort of on-the-record balancing before allowing a plaintiff to file suit anonymously (how would that even work, if suit has not yet been filed?), perhaps it will elaborate some mechanism for the opposing party to challenge a pseudonym, or set out a procedure for the trial court to confirm whether the requisite privacy interests are at play. Time will tell.

But for now, would-be John and Jane Does, as they step into the courtroom, may don the mask at will. NWL

ometrics

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NOTES

2. The Critic as Artist, Intentions185 (Brentano’s, New York 1905).
5. Maitland at 351–53.
6. Id. at 353; “Who Is the Real John Doe?” at 297.
7. Name Search, Wash. Courts, Courts, dw.courts.wa.gov/index.cfm?fa=home_namesearch&terms=accept&flashform=0 (search performed July 25, 2017, using the names John Doe (498 results), Jane Doe (498 results)).
9. Id. at 625–26 & nn.53, 54 (collecting cases).
17. Doe v. Dept. of Corrections, 197 Wn. App. at 627 (quoting Jane Roe II v. Aware Women Ctr. for Choice, Inc., 253 F.3d 678, 685 (11th Cir. 2001)).
18. Id. (citing Sealed Plaintiff v. Sealed Defendant, 537 F.3d 185, 189–90 (2d Cir. 2008); Does I through XXIII v. Advanced Textile Corp., 214 F.3d 1058, 1068 (9th Cir. 2000)).
19. 197 Wn. App. at 628.
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Arden v. Forsberg & Umlauf, _P.3d_ 2017 WL 4052300 (2017) (addressing insurance defense counsel duty to insured)


Arnold v. City of Seattle, 185 Wn.2d 510, 374 P.3d 510 (2016) (atty fees recoverable in admin proceeding where back pay is awarded)


Coomes v. Edmonds School Dist. No. 15, 816 F.3d 1255 (9th Cir. 2016) (rev’d dismissal of employee’s claim of wrongful discharge in violation of public policy)


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JUSTICE DECLINED

by Hillary Madsen, Nick Allen, and Travis Andrews
Washington automatically excludes 16- and 17-year-old youth charged with certain offenses from juvenile court jurisdiction. The law, commonly referred to as “auto-decline,” “exclusive adult jurisdiction,” or “automatic transfer,” gives prosecutors the sole authority to decide which youth will be sent directly into the adult criminal system with no individualized consideration by judges. Hampering advocacy by defense attorneys and removing judicial discretion raise serious questions about the fairness of prosecuting youth in the adult criminal justice system—especially when considering the loss of checks and balances, the profound consequences for youth, and the disturbing levels of racial disproportionality that continue to result from application of this law.

Historical Underpinnings
Legislators and judges are finally considering whether to revisit auto-decline in Washington. But how did we get here? The proliferation of auto-decline in the late 1980s and early 1990s was driven by racially motivated predictions of a juvenile crime epidemic by children of color. Nationally, several high-profile cases stoked this belief. For example, in 1989, five black and Latino boys, the youngest of whom was 14 years old, were wrongfully convicted of raping a woman jogging in New York City. Readers may recall that leading the charge against the boys was Donald Trump—he took out full-page newspaper advertisements implicitly calling for them to die (“Bring back the death penalty! Bring back our Police!”). Other similar incidents occurred around the country, including in Washington.

At the same time, John J. DiIulio Jr., then a political scientist at Princeton, coined the term “super-predator” in a series of scholarly articles. Dilulio also appeared in television interviews, spreading an apocalyptic vision of America with black and brown children inciting a nightmare of death on every street corner. The hysteria caught the attention of Republican and Democratic legislators who jumped on the super-predator bandwagon. By the end of the 1990s, nearly every state, including Washington, had passed laws to make it easier to try youth in adult courts or to increase penalties for juvenile crimes.

This legislative trend continued despite the fact that Dilulio’s predictions and surrounding political hysteria turned out to be racist nonsense. Within just five years of introducing the “super-predator” concept, Dilulio himself had admitted his conclusions were wrong. After spiking in the 1990s, juvenile crime rates have drastically fallen. Moreover, Dilulio recognized that auto-decline was never a good policy. In a recent interview, he stated, “Even in the ’90s, there was no case for automatic transfer even for young offenders charged or convicted of violent or multiple violent crimes...All the evidence since then indicates that automatic transfer policies have few if any positive consequences.”

Washington Legislation
In Washington, juvenile court judges have always had discretion to decline jurisdiction after a public hearing that considers individualized factors related to the youth and the alleged offense. In these hearings, each participant’s role is unique: the prosecutors prosecute, defense attorneys defend, and judges judge. Each participant’s role ensures that the competing rights of the accused, the victim, and society at large are given due consideration. Our juvenile court judges continue to have this discretion whenever a prosecutor seeks to send a young person, not already excluded from juvenile court by the auto-decline law, into the adult criminal system.

Although it does not appear there were public complaints about judges having discretion to decline jurisdiction leading up to the early 1990s, our Washington State Legislature followed the national trend to pass the Youth Violence Reduction Act in 1994. The legislation automatically excluded youth from juvenile court—sending them directly into the adult criminal system—whenever the youth had turned 16 and was accused of committing a certain category of offense. The legislation was bipartisan and signed into law by Democratic Governor Mike Lowry. In 1997 our legislature expanded the list of offenses to automatically exclude youth from juvenile court. The 1997 expansion included robbery and assault, the offenses which are the main drivers of youth into our adult criminal system today. Although there were contemporaneous rumors that the legislation would be revisited, 20 years later, with the super-predator myth criticized, debunked, and even retracted by its author, Washington has not changed the age or categories of offenses subject to auto-decline.

A Legacy of System Unbalance, Harmful Consequences, and Racial Disparities
One significant problem with auto-decline is the unbalanced and secretive system it creates. The foundation of our criminal justice system is adversarial: the state is represented by counsel, the defendant is represented by counsel, and an independent judge or jury renders a decision. In auto-decline, this foundation is missing. Our system becomes unbalanced because prosecutors get to play their own role plus the role of defense attorney and judge. By making the charging decisions jurisdictional, RCW 13.04.030 takes away any opportunity for advocacy by public defenders and discretion by judges. It also injects secrecy into our system.
No public records document how or why certain charging decisions are made. No hearings are held on the public record to debate the decision. Once charged as an adult, a youth’s only opportunity to transfer back to juvenile court is no educational resources. If convicted, these youth must carry the full weight of an adult criminal conviction. Unlike the juvenile system’s rehabilitative model, where the consequences of juvenile records may be mitigated, hours with her mom through a glass wall (the visits allowed for no physical contact between mother and daughter). Disturbingly, this young woman was interrupted during her shower by a male guard, placed on birth control without her consent, given inappropriate hygiene supplies, and limited to one hour a day of school instruction. She talked to her mother about suicide. Since the prosecutor eventually agreed to move this young woman’s case back to juvenile court, it is reasonable to conclude that this girl never belonged in adult jail. The trauma she endured was needlessly punitive.

Finally, the disturbing levels of racial disproportionality cannot be overlooked. A report, the first of its kind in 20 years, from the King County Prosecuting Attorney’s Office regarding the automated exclusion of youth from juvenile court demonstrates that charging decisions in auto-decline cases actually increase racial disproportionality. According to the report, in 2016, 82 percent of the cases referred by law enforcement for auto-decline involved youth of color. Once the King County Prosecuting Attorney’s Office made its charging decisions, usually in the first 72 hours of receiving the referral from law enforcement, 86 percent of the youth charged as adults were youth of color, a four percent increase. Between 2011 and 2015, among the auto-decline cases prosecutors filed in King County, 95 percent involved youth of color. Just three cases involved white youth. Statewide, the statistics are similarly alarming. Between 2010 and 2014 nearly 83 percent of the young people charged and sentenced in adult court were youth of color.

Potential Future

Every parent knows children and youth mature as they develop into adults. A growing body of scientific evidence proves that neurological development...
continues throughout adolescence; last to develop are the areas of the brain that govern the higher functions like judgment, appreciation of consequences, long-term planning, and impulse control. Kids are different at the most basic, neurological level. Even without all the evidence available now, our juvenile justice system was created over 100 years ago with the unique purpose of rehabilitation rather than punishment.\textsuperscript{13} So why have we continued to allow the most desperately troubled of our youth to be automatically excluded from our juvenile courts? Washington must bring back its institutions for a rational system that treats kids like kids and ensures checks and balances before condemning someone under the age of 18 to an adult sentence.\textsuperscript{NWL}

\begin{footnotes}
3. For example, in her 2018 presidential campaign, Hillary Clinton admitted following the superpredator theory and apologized for using the term in speeches she gave on crime. Katie Reilly, “Hillary Clinton Apologizes for ‘Superpredator’ Remark,” \textit{Time Magazine} (Feb. 25, 2016), time.com/4238230/hillary-clinton-black-lives-matter-superpredator/.
4. Kenneth B. Nun, “The End Of Adolescence: The Child As Other: Race And Differential Treatment In The Juvenile Justice System,” 51 \textit{DePaul L. Rev.} 679, 712 (Spring 2002) (discussing the myth of the “superpredator” is its reliance on racist imagery and stereotypes; noting “[t]here is little difference between the description of mainly inner city African American youth as ‘superpredators’ and the historic representations of African Americans as violence-prone, criminal, and savage.”); Perry L. Moriearty, “Framing Justice: Media, Bias, And Legal Decisionmaking” 69 \textit{Md. L. Rev.} 849, 851 (2010) (arguing the ascendance of the superpredator discourse may have contributed to the presence of racial bias in the administration of juvenile justice during the postmodern era).
\end{footnotes}
11. Report, supra at n.8. Even more broadly speaking, youth of color are over-represented in every aspect of our juvenile justice system from arrest, to referral on charges, to adjudication, to disposition or sentencing, and finally to incarceration.
12. Id.
13. State v. S.J.C., 183 Wn.2d 408, 413, 352 P.3d 749 (2015) (“To balance these unique concerns [when a juvenile is viewed as needing reformation and rehabilitation, but is not appropriately subjected to adult criminal proceedings and punishments] the law has constructed a constitutional wall around juveniles, maintaining its integrity through a continuous process of refining its contours and repairing its cracks.”); RCW 13.40.010.
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“Objection,” a chorus of young attorneys shouted in the midst of trial. “Sustained—the defendant is violating the rule regarding speaking too softly in class,” the judge ordered. The defendant (also an attorney) was on trial for using her cell phone in class and was trying to re-claim her confiscated phone. She was being represented by a fellow attorney who came up with a creative defense—insanity. When it became clear that the judge was having none of it, the lawyer gave an impassioned closing argument about why the right to a cell phone is a human right that ought not to be denied to any person. With a chorus of laughter and applause, the cell phone was returned to the defendant… and thus ended another day of trial advocacy in Botswana.

Justice Advocacy Africa (JAA) is a Seattle-based nonprofit organization created to teach trial advocacy to lawyers in Commonwealth countries in Africa. Since 2009 it has trained over 1,000 African lawyers in Botswana, Kenya, Malawi, and Uganda. Because these countries have a legal system based upon British law, the rules and procedures are similar enough that American attorneys can assist in training their lawyers. However, a significant difference is the lack of jury trials.

The program, spearheaded by Washington attorney Steve Fury, pairs American attorneys with local African attorneys to facilitate a five-day course in the country. To teach my class, I joined two other attorneys from the Northwest and four attorneys from Botswana. Our Botswanan leader, Pepsi Chibanda, is a local powerhouse who rules with an iron fist and a huge smile.

I arrived in the capital of Botswana, Gaborone, feeling worn out after three plane rides and 25 hours in the air. I was picked up at the airport by one of the class participants and taken to our hotel. My first day was spent trying to adjust to the time zone and meeting with the two other Americans, Mary Anderson and Tom Boothe. We spent that day getting to know one another and figuring out the essentials—money, food, and, of course, cell phone service. I appreciated the warm weather and cloudless sky, unlike the gray rain I left behind in Seattle.

We also met our Botswanan hosts that first day — Pepsi, OT, Ori, and Nyari (not their full names, but what they preferred to be called). I was grateful for these nicknames, as I was not adept at pronouncing names in the Setswana language, with its vowels and consonants combined in ways I never mastered. Teaching assignments for the week were handed out and, like any trial advocacy class, we were covering all the bases: opening statements, direct and cross-examination, impeachment, introduction of expert witnesses, and closing arguments.

The training is based upon the National Institute for Trial Advocacy (NITA) model of learning by doing in which students are expected to learn a factual scenario and then practice techniques taught throughout the week. Our case for the week was a civil negligence case — a helmetless teenage motorcycle driver who suffers a head injury after speeding and crashing into another car. The car was driven by a lecherous businessman coming from an alcohol-fueled lunch with a would-be mistress. He pulled into the road while looking back at her. Yes, there were plenty of good facts for both sides.

We had 20 students for the week. In Botswana, a Bachelor of Laws is required to practice law. This is a
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One trial advocacy student told me how she would put off trial, or settle the case, because she did not feel that she had the ability to properly try her case. The senior partners in her firm also did not like trying cases and were not teaching her how to do it. This class was her opportunity to learn trial skills.

five-year undergraduate program, with the fifth year as an internship. Upon successful completion of the five years, students are admitted to practice—without the extra step of taking a bar exam.

Like many of their counterparts in the U.S., these young lawyers in Botswana enter the practice of law without all the skills necessary to effectively advocate for their client at trial. For example, one trial advocacy student told me how she would put off trial, or settle the case, because she did not feel that she had the ability to properly try her case. The senior partners in her firm also did not like trying cases and were not teaching her how to do it. This class was her opportunity to learn trial skills. Similar stories were shared throughout the week.

What the students lacked in training, however, they made up for with their ability to articulate arguments, prepare thoroughly, and take chances in front of their peers. After the legal lesson was presented by one of the instructors, participants were broken into small groups to practice different exercises, always being recorded so they could review their performance on video later. We had a policy against using notes and this greatly helped in their progress.

Pepsi made the class aware of two other rules on the first day: (1) cell phone use was strictly prohibited; any violation would lead to confiscation of the phone, which then had to be earned back at a trial at the end of the day; and (2) “objection” must be shouted out if someone was not speaking loudly enough for everyone else to hear. These rules were strictly enforced throughout the week, which led to a lot of fun and laughter.

By the end of the week the participants were ready for trial. We broke the group into pairs and they conducted a trial on their own, with each attorney working as both lawyer and witness. The progress from day one through day five was amazing. For example, in
Botswana: many judges frown upon the use of opening statements, and most lawyers rarely make them. Presenting an effective opening statement, therefore, was a new concept. Likewise, they are not taught that cross-examination is a series of leading questions that allows the advocate to tell the story. Instead, in Botswana, it is a series of statements by which the attorney tries to get the witness to admit to lying.

Hard to believe? Watch the video of Gerrie Nell, the well-regarded South African prosecutor, cross-examining Oscar Pistorius for an example of the problems with this method.

As the week drew to a close we had one last “cell phone” trial. Pepsi, our fearless leader, had left her phone on and it rang during class, only to be quickly confiscated by a gleeful participant. Pepsi was on trial to get it back and her attorney (me) tried the defense of necessity for this busy and important woman. This poor excuse of an argument went nowhere and Pepsi was found guilty. The sentence imposed was that she bring her visiting toddler grandson in and allow the judge to pinch the little boy’s fat cheeks. At the end of a full and satisfying week, everyone agreed that justice was done. NWL

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**Geoffrey Burg** is a criminal defense lawyer with an emphasis in DUI defense and has been practicing since 1994. Geoff has repeatedly been recognized as a “Super Lawyer” by Washington Law and Politics Magazine and is a graduate of Gerry Spence’s Trial Lawyers College. He can be reached at 206-467-3190 or geoff@glblaw.com.
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Of the 765 candidates who took the Winter 2017 bar exam, 553 candidates passed. Congratulations! The full pass list is below.

| A | Abdul, Shawn, Seattle  
|   | Abekah, Elizabeth Sam, Sammamish  
|   | Affronte, Kelsey Lynn, Seattle  
|   | Agarwal, Shivani Brinda, Cambridge, MA  
|   | Ahmed, Usama, Bothell  
|   | Aljic, Ajla, Seatac  
|   | Amber, Molly Irene, Seattle  
|   | Amberson, Sophia E., Seattle  
|   | Amico, Erica Chire, Seattle  
|   | Anderson, Christine Iva, Mount Laurel, NJ  
|   | Andrews, Eric Trevor, Spokane Valley  
|   | Anter, Simone, Beaverton, OR  
|   | April, Julian Joseph, Wauna  
|   | Apter, Simon Maxwell, Berkeley, CA  
|   | Armdorfer, Lauren Catherine, Elk Grove Village, IL  
|   | Arte, Kaha, Marysville  
|   | Assaf, Fadi Mohammad, Eads, TN  
|   | Au, Alyssa Phung, Seattle  |
| B | Babikian, James Paul, Seattle  
|   | Backman, Beau M., Seattle  
|   | Baines, Kyle Dean, Seattle  
|   | Balyeat, Alaina Elizabeth, Seattle  
|   | Balzarini, Peter Jacob, Bellevue  
|   | Barg, Cole Yu, Seattle  
|   | Bargala, Danielle Leigh, Seattle  
|   | Barnard, Jonathan Spencer, Seattle  
|   | Barnea, Raz, Seattle  
|   | Barnhart, Nicole Michele, Burien  
|   | Barraco, John V., Fort Myers, FL  
|   | Basile, Marco Perry, Arlington, MA  
|   | Beard, Allison Marjorie, Seattle  
|   | Bedi, Prinka, Tukwila  
|   | Beireis, Gianna Marie, Arlington, VA  
|   | Bell, Courtney Suzanne, Spokane  
|   | Bender, Nathan Robert, Seattle  
|   | Ben-Zekry, Erik, Seattle  
|   | Berry, Graham, Seattle  
|   | Berry, Kristen, Seattle  
|   | Bezold, Justin David, Yakima  
|   | Bhogni, Alizeh, Seattle  
|   | Biagi, Jennifer Elizabeth, Seattle  
|   | Bintiff, Taracina Rose, Fairchild AFB  
|   | Bitner, Jennifer Marie, Seattle  
|   | Bleyl, Cristine Erika, Seattle  
|   | Bogdanov, Jon S., Mercer Island  
|   | Bogusz, Guinevere Becker, Seattle  
|   | Boren, Taylor William, Nine Mile Falls  
|   | Bossert, John Patrick, Issaquah  
|   | Bouldin, Amy Nicole, Seattle  
|   | Bradshaw, Chad Eugene, Orting  
|   | Brandenburg, Bennet Joseph Darrell, Vancouver  
|   | Brett, Leah, Lakeland, FL  
|   | Brewer, Andrea Heidi, Olympia  
|   | Brink, Clinton Samuel, Tacoma  
|   | Brinkley, Michael, Agoura Hills, CA  
|   | Brodie, Kaelen H., Tacoma  
|   | Brosdky, Lena, Seattle  
|   | Brown, Neil Stephen, Seattle  
|   | Brudney, Henry, Seattle  
|   | Bruene, Paul James, Seattle  
|   | Bruff, Drew, Seattle  
|   | Bryant, Jared, Bothell  
|   | Buchanan, Graham, Mercer Island  
|   | Bullock, Alexander James, Seattle  
|   | Burden, Hathaway, Seattle  
|   | Burke, Jeremy Michael, Yakima  
|   | Burke, Sarah Kiley, Seattle  
|   | Burnton, Vincent Ray, Mercer Island  
|   | Byrd, Darcie, Shoreline  
|   | Byun, Chong Moon, Lynnwood  |
| C | Cahill, Thomas Reed, Redmond  
|   | Califina, Kyle Mandalia, Kent  
|   | Callaghan, Andrea, Spokane  
|   | Callahan, Dexter Lane, Stanwood  
|   | Cameron, Isaac, Poulsbo  
|   | Campbell, Benjamin Steele, Lubbock, TX  
|   | Campbell, Jason Charles, Lake Forest Park  
|   | Campbell, Joshua Edward, Mountlake Terrace  
|   | Cano, Alonso, Federal Way  
|   | Cantu, Gabriel David, Seattle  
|   | Carlson, Kaytlin L., Seattle  
|   | Carpenter, Katherine, San Francisco, CA  
|   | Carpenter, Lindsey Christine, Sedro Woolley  
|   | Carr, Alea Marie, Duvall  
|   | Carr, James Laurence, Seattle  
|   | Carr, Kathryn Ann, Spokane  
|   | Carriedo, Francisco, Zillah  
|   | Carter, Alexander Lee, Seattle  
|   | Carter, Erin Diann, Seattle  
|   | Cascio, Eric Andrew, Lake Forest Park  
|   | Caudill, Kathryn Denise, Seattle  
|   | Chan, Kenneth, Newcastle  
|   | Chapman, Roger Derrick, Seattle  
|   | Chen, Erja, Hanover, MD  
|   | Chen, Jeng-Ya, Olympia  
|   | Chenaas, Lindsay Marie, Tacoma  
|   | Chenier, Troy, Seattle  
|   | Chester, Grayson Epperly, Seattle  
|   | Chiong-Martinson, Ai-Li Anna, Seattle  
|   | Chrait, Rebecca, Berkeley, CA  
|   | Chuck, Candace Carol, Mercer Island  
|   | Chyan, Allison, Seattle  
|   | Ciric, Ermin, Covington  
|   | Cloon, Sara Victoria, Leawood, KS  
|   | Clunegon, Audrey, Portland, OR  
|   | Codd, Sydney Elizabeth, Salem, OR  
|   | Coleman Brown, Rachael Nicole, Seattle  
|   | Contreras, Omar Federico, Seattle  
|   | Corbet, Cortney M., Seattle  
|   | Corbit, Stanley Frederick, Spokane  
|   | Cox, Jessica Marie, Seattle  
|   | Cramer, Kramer Baldwin, Seattle  
|   | Crespo, Elizabeth Ann, Portland, OR  
|   | Crisp, Dominique Shamay, Lakewood  
|   | Crug, Colin R., Bellingham  
|   | Cruccher, Charles Michael, Seattle  
|   | Cummins, Ashley Rae, Spokane  
|   | Cunningham, Chase Patrick, Spokane  
|   | Curwin, Douglas, Pittsford, NY  
| D | Daheim, Samuel J., Tacoma  
|   | Dahn, Patrick M., Bainbridge Island  
|   | Danch, Siana, Kenmore  
|   | Danilo, Ada Dea, Seattle  
|   | Dang, Sumeeet, Cambridge, MA  
|   | Daniel, Adele Aileen, Ann Arbor, MI  
|   | Dansby, Joshua Wade, Tacoma  
|   | Daugherty, Ryan, Winston Salem, NC  
|   | Dawson, Taylor Christopher, Mercer Island  
|   | Deeg, Mathias M., Seattle  
|   | Degen, Jonathan Martin, Spokane  
|   | Delaney, Allise Sinead, Arlington Heights, IL  
|   | Dileepan, Aravind, Seattle  
|   | Donovan, Katrina Elaine, Seattle  
|   | Dowdy, Casey Lynn, Seattle  
|   | Downig, Matthew Armstrong, Spokane  
|   | Dudin, Louiza Michelle, Seattle  
|   | Dudley, Caitlin, Spokane Valley  
|   | Duffy-Graves, Kevin David, Seattle  
|   | Dunlap, Meghan Elisabeth, Kalama  
|   | Dunn, Crystal Rose Tocotcan, Chula Vista, CA  
|   | Dworkin, Moriah Nicole, Seattle  |
| E | Eckerson, Dian Taylor, Olympia  
|   | Eckert, Jay Fredrick, Dallas, TX  
|   | Efimova, Olga V, Seattle  
|   | Eggers, Kevin Clifford, Seattle  
|   | Ehle, Joseph Daniel, Spokane  
|   | Ehert, Shelby, Seattle  
|   | Emery, Paula, Seattle  
|   | Enamorado, Kevin Vladimir, Gresham, OR  
|   | Erickson-Mills, Sarah Elizabeth, Mount Vernon  
|   | Entenfoff, Hannah, Spokane  
|   | Evans, Joseph Phillip, Bellevue  |
| F | Fairbanks, Alyssa Irene, Edmonds  
|   | Farden, Katie Ann, Seattle  
|   | Farrow, Thomas Gregory, Philadelphia, PA  
|   | Faust, Stephanie Michelle Willis, Spokane  
|   | Fawcett, Steven Gary, Renton  
|   | Faymonville, Alexander Mesik, Lake Oswego, OR  
|   | Fedorko, Laura Ann, Silverdale  
|   | Feng, Nan, Issaquah  
|   | Filetti, Garrett, Oak Harbor  
|   | Fitterer, Samuel David, Seattle  
|   | Ford, Ammon John, Seattle  
|   | Foster, Gabriel Andrew, Vancouver  
|   | Fournier, Christopher Michael, Tacoma  
|   | Fournier, Knut Pascal Gerald, Central, Hong Kong  
|   | Foxworthy, Kenyon Swan, Swain  
|   | Franklin, Devin, Portland, OR  
|   | Franz, Eric Andrew, Seattle  
|   | Friedmann, Joshua Elliott, Seattle  
|   | Fullerton, Amanda Leigh, Austin, TX  
|   | Fung, Joyce Lok, Bothell  |
| G | Gall, Anna Stanislav, Woodinville  
|   | Gallina, Asti M., Seattle  
|   | Gallucci, Dominic James, Puylup  
|   | Gambino, Stephanie Lynn, Seattle  
|   | Garcia, Even Jessica, Seattle  
|   | Gelfand, Jason Martin, Seattle  
|   | Gelliaty, Grant Baird, Seattle  
|   | Georgievski, Tiffany Jade, Kirkland  
|   | Gibbons, Olivia Fiona, Lake Forest Park  
|   | Gieri, William Anthony, Spokane  
|   | Gieszler, Brian Jeffrey, Richland  
|   | Gillis, Jason James, Dallas, OR  
|   | Glantz, Collin Marshall, Seattle  
|   | Glasgow, Joshua Derek, Seattle  
|   | Glasunow, Allison, Normandy Park  
|   | Glogovac, Anni Michelle, Seattle  
|   | Glynas, Amanda, Seattle  
|   | Glyman, Alexander Michael, Seattle  

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Gorin, Alexander Seth, Seattle
Grandinetti, Joshua Thomas, Valleyford
Grant, Haley Ann, Gig Harbor
Graser, Erica Larson, Bothell
Graves, Michael Wayne, Newcastle
Green, Ava Warnetta, Portland, OR
Griffin, Mary Virginia, Seattle
Gritzmacher, Crystal Dawn, Auburn
Grove, Emily, Bellevue
Guver, Kirstin, Seattle
Guard, Elisabeth Jane, Seattle
Guida, Ivana, Kirkland
Guldhammer, Katie Elana, Seattle
Gusin, Zachary Waid, Seattle
Gutierrez, Karena Lisseth, Seattle
Haapalainen, Trevorr Zacharriah, Lynnwood
Habersetzer, Jeffrey Blake, Seattle
Hackler, Jacqueline, Laguna Niguel, CA
Hadland, Hannah June, University Place
Hageman, George Onoyama, Seattle
Halperin, Taylor Lee, Seattle
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Horvitz, Rachel Jeanette, Shoreline
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Huang, Phoebe Shing, Bellevue
I
Imazeki, Ayako, Los Angeles, CA
Infeld, Lucy, Seattle
Ishida, Yutaka, Bellevue
Isom, Jordan, Seattle
Jackson, Jacob Peter, Las Vegas, NV
Jackson, John Christopher, Woodinville
Jackson, John, Seattle
Jajtner, Erin Rae, Bellingham
Jahn, Ye, Seattle
Johnsen, Kyle Robert, Seattle
Johnson, Jordan, Seattle
Johnson, Natasha Shanay, University Place
Jones, Brianna Nicole, Normandy Park
Jones, Dylana Lauren Elizabeth Louise, Seattle
Jones, Morgan Ray, Mercer Island
Jones, Ryan Robert, Seattle
Jory, Michael, Seattle
Joyce, Marisa Elizabeth, Austin, TX
K
Kahn, Gil, Las Vegas, NV
Kaide, Lillian A, Seattle
Kakuta, Yuhiko, Tokyo, JP
Kalinowski, Caesar David, Seattle
Kane, Hannah Allene, Bellevue
Karaf, Michael Lyle, Vancouver
Kartman, Marta Jane, Bellingham
Kaur, Manpreet, Seattle
Keenum, Ana, Spokane
Keller, Amanda Cathi, Camas
Keller, Rebekah She, Spokane
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Kenck, Taylor Scott, Salt Lake City, UT
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Kraght, Tucker, Seattle
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K
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Law, Chad David, Seattle
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M
Macdonald, Sarah Anne, Eugene, OR
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Peera, Safa, Richardson, TX
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Peña, Jessica Deanne, Redmond
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Perez, Matthew Gimay, Lynnwood
Perez, Andrew Robert, Lynnwood
Pendleton, Julie Mary Jane, Seattle
Perez, Matthew Gimay, Lynnwood
Peters, Neal James, Spokane
Perez, Matthew Gimay, Lynnwood

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Quinn, Leland Ducharme, Seattle

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Ramic, Anela, Bellevue
Randazzo, Matthew, Atlanta, GA
Rankin, Jeffrey Connor, Kirkland
Ravenholt, Ry Pavlich, Kingston
Read, Jeffrey Blair, Seattle
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Reese, Roxanne Alyssa, Seattle
Reich, Jordan, Rancho Santa Fe, CA
Reid, Amy Nicole, Seattle
Reinert, Doretha Ruth, Bainbridge Island
Reparuk, Paige Elizabeth, Spokane
Ridgeway, Joseph Quinten, Vashon
Risenmay, Blake, Redmond
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Tronc, William, Shelton
Tubman, Natana Pinchas Lyons, Seattle
Tucker, Koji, Eugene, OR

U
Ugelstad, Scott, Gig Harbor

V
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Vandervoort, Christopher, Seattle
Vega, Maria De Los Angeles, Santa Maria, CA
Velasco, Caitlin Maureen, Seattle

W
Wagner, Paul McKinnon, Seattle
Walker, Valerie Ann, Seattle
Wang, Aiqing, Seattle
Wang, James Q F, Newcastle
Wang, Shuo, Bellevue
Wang, Zhihou, Seattle
Wardlow, Brian Donald, Bothell
Waraumont, Andrew Louis, Salt Lake City, UT
Wenzel, Elizabeth Sarah, Seattle
West, Mitchell D., Fortville, IN
Wicks-Arshack, Adam Benjamin, Moscow, ID
Wildridge, Diana, Eugene, OR
Williams, Dean , Federal Way
Williams, Garrett James, Spokane
Willman, Deanna Marie, Spokane
Wilmot, Breck, Seattle
Wimberley, Rolland Benn Curtis, Wrangell, AK
Winters, Shelby Lorraine, Spokane
Witmer, Kathryn Alexandra, Vancouver
Wittman-Maillard, Jacob Adam, Federal Way
Woerner, Hannah , Seattle
Wood, Deanna , Cle Elum
Woods, Matthew Scott, Spokane
Wright, Geoffrey Austin, Portland, OR

Y
Yang, Edward Changsoo, Issaquah
Yauz, Gozde, Seattle
Yemini, Rachel , Seattle
Yi, Elena Hongyuan, Berkeley, CA
Young, Nicole , Seattle

Z
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Zavidow, Grace Elizabeth, Seattle
Zentz, Bradley Joseph, Seattle
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The WSBA Board of Governors held its final meeting of the fiscal year on September 28-29 in Seattle.

**Thursday, September 28**

**Election of 2017-2018 At-Large (New and Young Lawyers) Governor**

With former At-Large Governor Sean Davis moving to the General Counsel position at the WSBA, the board considered three candidates nominated by the Washington Young Lawyers Committee (WYLC) for the At-Large (New and Young Lawyers) Governor seat. After discussing the candidates’ qualifications, the board elected Jean Y. Kang of Seattle to the seat for a term to start immediately. Jean will serve the remainder of Sean Davis’ term (ending in September 2018). Jean is a litigation associate at Smith Freed & Eberhard in Seattle. She has focused the majority of her practice on civil litigation, specifically insurance defense/coverage and personal injury cases. Prior to civil work, Jean served as a criminal deputy prosecuting attorney in Cowlitz County and King County. She was sworn in by phone by Pierce County Superior Court Judge Susan Serko so she could take her seat at the table immediately following the vote.

**Appointment of Members to the Washington State Bar Foundation Board of Trustees**

Each year, the Washington State Bar Foundation conducts its annual meeting as part of the last Board of Governors’ meeting of the fiscal year. At this meeting, the Board of Governors, convened as the members of the Foundation, appoint trustees to the Foundation Board. The Board of Governors approved a slate of candidates that included appointing James W. Armstrong, Jr. for an extra year, who is anticipated to serve as president; appointing Valerie Holder to complete the remainder of a vacating Trustee’s term; appointing Kinnon Williams to a three-year term; and appointing Jabu Diagana as Student Trustee, for a term to conclude upon graduation from law school.

**Approval of Proposed Mandatory Malpractice Insurance Task Force Charter**

In 2016, the board convened a Mandatory Malpractice Insurance Work Group to gather information about jurisdictions that require lawyers to have professional liability insurance and the systems used to implement such requirements. At the May 2017 board meeting, the board asked the Executive Committee to consider creation of a Task Force to evaluate whether to recommend adoption of a mandatory malpractice insurance requirement for lawyers in Washington. The Executive Committee recommended formation of such a Task Force under the WSBA Bylaws and submitted a proposed charter, which was approved by the board.

The charter directs the Task Force to:

1. Solicit and collect input from WSBA members and others about whether to recommend a system of mandatory malpractice insurance for lawyers in Washington state;
2. Review information gathered by the Work Group and gather any additional information needed;
3. Consider materials regarding mandatory malpractice insurance systems used in the U.S. and elsewhere;
4. Determine whether to recommend adoption of a mandatory malpractice insurance requirement in Washington; and
5. If a regulatory requirement is recommended, determine the best model.
for such a system; and (6) submit a final report to the board including, as appropriate, draft rules to implement a system of mandatory malpractice insurance for Washington lawyers, including any minority report(s).

Per the charter, the Task Force membership shall consist of a WSBA member serving as chair; three current or former members or officers of the board; no fewer than 10 at-large members of the WSBA; a full-time judge; an individual with professional experience in the insurance/risk management industry; and two community representatives who are not licensed to practice law. The Task Force will begin meeting no more than six weeks after appointments are completed and submit a final report to the Board no later than the January 2019 board meeting, unless the timeline for completion is extended by the board.

**Proposed WSBA Bylaw Amendment re Vacant Immediate Past-President Seat**

The board heard from WSBA General Counsel Sean Davis regarding a proposed amendment to the WSBA Bylaws dealing with Immediate Past-President vacancies. Under the current WSBA Bylaws, if the Immediate Past-President is disqualified, removed, or resigns, the office remains vacant until the close of the term of the then-current President. The Bylaws do not address what happens if the office is vacant for another reason. Such an “other” vacancy may occur, for example, if the WSBA President resigns or is removed prior to the end of his or her term, leaving no one to become the Immediate Past-President in the next term. The proposed amendment addresses this type of situation by allowing the current Immediate Past-President to serve another year; in the event the Immediate Past-President does not want to serve another term, the President, with board approval, can appoint an individual to serve as Immediate Past-President for the term that would otherwise be vacant. The board voted on this proposed amendment at a special board meeting on October 3.

**Annual Discussion with Deans of Washington State Law Schools**

The board held its annual discussion with the deans of our state’s three law schools. Participating in this discussion were Dean Annette Clark from Seattle University, Dean Jane Korn from Gonzaga University, and Interim Dean Anita Krug from the University of Washington. The three law school deans shared several common priorities, including mentorship, recruitment and scholarships, diversity, and
education related to technology and business practices. The governors asked the deans whether the WSBA can or should be doing more to help law schools match graduates to marketplace employment. The deans responded that increased mentorship and connecting students with lawyers in different areas of the practice spectrum would be helpful. Other topics included the cost of legal education and law school tuition; the need for experiential learning in law schools; preparing students for the changing practice of law, including incorporating technology and innovation in coursework; and helping students transition from law school to practice. The board invited the deans to continue the discussion and the deans suggested a board site visit to the law schools.

**Friday, September 29**

**Orientation on WSBA Diversity and Inclusion Philosophy and Plan**

The board participated in an orientation to the WSBA Diversity and Inclusion Philosophy and Plan facilitated by Joy Williams, WSBA Diversity and Public Service Programs Manager, and Robin Nussbaum, WSBA Inclusion and Equity Specialist. The Diversity and Inclusion Plan is intended to outline WSBA’s next steps and long-term priorities. The Plan’s objectives work toward the goals of creating conditions to promote the retention of attorneys from historically marginalized and underrepresented backgrounds, increasing their participation within the profession, and creating opportunities for leadership within WSBA.

The orientation focused on the “Inside-Out” philosophy of doing the work to make sure WSBA itself (staff and volunteers) is diverse, inclusive, and equitable in order to lead by example and provide tools and resources to the legal community. Key concepts were also covered such as inclusiveness (beyond diversity), the difference between equality and equity, the effect of unconscious bias on our decision-making, and the nature of oppression as institutional and systemic. Finally, the presentation covered allyship, interrupting bias, and how to recover when you make a mistake.

**Council on Public Defense (CPD) Proposed Performance Guidelines for Juvenile Offense Representation**

The WSBA Council on Public Defense (CPD) presented on first reading a request for the Board of Governors to submit Performance Guidelines for Juvenile Offense Representation to the Washington Supreme Court with a recommendation that the court include them in the Standards for Indigent Defense, as was done previously with the adult Performance Guidelines for Criminal Defense Representation. The board heard a presentation from Eileen Farley, CPD Chair; Daryl Rodrigues, CPD Vice-Chair; Kimberly Ambrose, CPD Member; and Nick Allen, CPD Member and Member of CPD’s Legal Financial Obligation Subcommittee.

**Final WSBA FY2018 Budget**

District 1 Governor and Treasurer-elect Kim Risenmay and WSBA Chief Operations Officer Ann Holmes presented the Final Draft FY2018 Budget, which reflects the cost of board-directed programs, services, and operations.
The Final Draft Budget includes General Fund Revenue of $18,913,199 and an anticipated drawdown of reserves with expenses of $19,514,890. Based on efficiencies and savings seen at the end of FY16 and projected through FY17, and the budget presented, General Fund reserves will not fall below the $2 million level at the end of FY18, consistent with board policy. The board approved this Final Draft Budget, which was unanimously recommended by the WSBA Budget and Audit Committee.

Treasurer Risenmay noted that WSBA received salary survey information showing that compensation levels fall well below midpoint for the market for several positions, which may require an adjustment to the budget in the coming year.

Proposed Formation of Cannabis Law Section

In June 2017, WSBA staff received a request from a group of WSBA members (“formation group”) to form a Cannabis Law Section. The guidelines for forming a section are set forth in the WSBA Bylaws and require a petition to include the contemplated purpose of the section, the proposed bylaws of the section, the names of any proposed committees of the section, a proposed budget of the section for the first two years of its operation, a list of Bar members who have signed a petition supporting the creation of the section, and a statement of the need for the proposed section. All of these requirements were met in a timely manner and WSBA staff received no feedback from section leaders either in support of or in opposition to the formation of this section.

The board heard brief remarks regarding the formation of this section from Joshua Ashby and Sativa Rasmussen, formation group members, and WSBA Sections Program Manager Paris Eriksen, who answered questions from the governors. The
board will vote on this proposed formation at the next board meeting in November.

WSBA Statement Denouncing Recent Acts of Violence and a Reaffirmation of Equity and Inclusion Principles

The WSBA received a request from 11 Washington Minority Bar Associations for the WSBA to join their statement addressing the recent events in Charlottesville. In light of the constraints of GR 12.2, the Board Executive Committee considered drafting and adopting the WSBA’s own statement instead of signing on as requested. The board voted to adopt the draft statement as written. This statement will be posted on the WSBA website and circulated to the Minority Bar Associations and the legal community at large.

Follow-up from July Retreat re 2017-2018 BOG Priorities

The board held a discussion regarding 2017-2018 board priorities facilitated by information from the discussions at the July 2017 board retreat at Alderbrook. Topics included the court system, member engagement and ambassadorship, entity regulation, retention/diversity/inclusion and cultural competence, and member benefits. A generative discussion on entity regulation will occur at the November board meeting.

Proposed Amendments to Article XI Sections re Legislative Activity

The board approved an amendment to XI(F) of the WSBA Bylaws regarding legislative activity to support sections taking action effectively and efficiently throughout the legislative process. The amendment adds language to Article XI allowing section executive committees more flexibility and timeliness in taking action on legislative matters, especially
in responding to legislators’ direct requests for feedback.

**Mandatory Continuing Legal Education (MCLE) Board Recommendation to Coordinate Fees**

Effective Sept. 1, 2017, the Washington Supreme Court amended its Admission and Practice Rules (APR) that relate to Limited Practice Officers (LPO) and Limited License Legal Technicians (LLLT) mandatory continuing legal education (MCLE). Continuing legal education for LPOs and LLLTs is now governed by APR 11; in addition, the MCLE rules for lawyers, LPOs, and LLLTs are now, with a few exceptions, the same. Pursuant to APR 11, the MCLE Board determined and adjusted fees to defray the reasonably necessary costs of administering the MCLE rules. The MCLE Board proposed a fee structure to the Board of Governors to provide for assessment of the same fees for all MCLE activities regardless of the license type or the intended audience. The board approved these new sponsor fees for MCLE courses for LPOs and LLLTs.

**Legislative Work Group Recommendations**

The board discussed the recommendations of the WSBA Legislative Work Group, which recommended reducing the size of the Legislative Committee and having it meet ad hoc when legislative proposals from WSBA sections need to be vetted. The board heard from District 3 Governor-elect Kyle Sciuchetti, current chair of the WSBA Legislative Committee, regarding committee member concerns and concerns that mandated deadlines would prevent the committee from taking action on relevant legislation. The board also heard from Phil Brady, Work Group Chair and former District 10 governor, regarding the history of these recommendations and the Work Group’s process.

The board voted to adopt the Work Group recommendations with amendments keeping the Legislative Committee a standing committee of nine members and allowing the committee chair the opportunity to accept a proposal outside of the mandated deadlines, provided that the chair is satisfied that there is sufficient time to vet the bills and that the chair’s action will be in consultation with the WSBA Legislative Affairs Manager.

**Discipline Advisory Round Table (DART) Annual Report and Suggested Amendments to Charter**

The board voted to amend the DART Charter to make the DART an ongoing entity that includes positions for LLLT and LPO representatives, sets term limits for appointed members, and provides current members with a one-year extension.

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OnBoard
In Remembrance

ROBERT ADAMOWSKI, #33709, 3/16/2016
NOAH EDWARD ALBERTUS, #47981, 4/17/2017
KIMBERLY ANN BAKER, #14256, 9/16/2016
GARY LEE BANNING, #10748, 3/9/2016
SUSAN BARRY, #29897, 12/26/2016
MICHAEL BEEGLE, #18299, 11/19/2016
GREGORY BEELER, #7213, 11/19/2016
FLORY BLAIR, #17693, 6/13/2016
LEONARD MARTIN BLUMENTHAL, #7579, 3/25/2017
DAVID BOWMAN, #2961, 4/15/2017
RALPH BREMER, #1785, 8/25/2017
JEFFREY HART BROTMAN, #429, 8/1/2017
DAVID HAROLD ANDREW BROWITT, #19208, 3/29/2017
HON. SAM COZZA, #11609, 1/14/2017
CHARLES MAURICE DAVIS, #5088, 7/14/2017
JOSEPH LANE DAVIS, #9835, 9/20/2017
JAMES ALLEN DOUGLAS, #7987, 4/11/2017
JOAN ELIZABETH DU BUQUE, #7615, 7/24/2017
JOY DUGGAN, #6838, 6/23/2016
DIANE DALYRMPLE ENGLE, #9883, 2/19/2017
CLIFTON FINCH, #15673, 5/14/2016
CHARLES CAMILLUS FLOWER, #143, 6/19/2017
CHARLES EDWARD GALLUP, #1653, 8/1/2017
T. DENNIS GEORGE, #1898, 7/27/2017
JOHN MICHAEL GRAY, #17165, 6/1/2017
ELIZABETH ANNE GREATHOUSE, #13921, 2/18/2016
G. KEITH GRIM, #1767, 7/23/2017
CARL HAGENS, #204, 2/1/2017
CAMERON HALL, #38271, 4/6/2017
GLENNNA HALL, #7102, 7/5/2016
JAMES HARDMAN, #7358, 7/24/2017
GEORGE MICHAEL HARTUNG, JR., #1748, 3/6/2017
DAVID ALLAN HOGAN, #6832, 2017
JAMES BYRON HOLCOMB, #1695, 4/29/2017
CHRISTINE HOOK, #14383, 8/22/2017
JAMES EDWIN JACKSON, #24585, 10/25/2016

CHRISTOPHER PAUL JENNINGS, #17194, 8/10/2016
JAMES STRICKLAND KEMPTON, #1477, 8/7/2017
GEOFFREY KNUDSEN, #1324, 9/15/2017
GUY RICHARD KNUDSEN, #44841, 5/29/2016
DAVE LINN, #43282, 3/14/2017
TIMOTHY JOSEPH LOWENBERG, #6217, 8/27/2017
AUGUST MARDESICH, #42, 2/8/2016
DENNIS MARTIN MCMAUGHIN, #231, 6/20/2017
BRUCE MEYERS, #1159, 8/7/2017
BARDELL MILLER, #252, 3/10/2017
KRISTL-ANN MITCHELL MURPHY, #44070, 2/28/2017
JAMES EDWIN NELSON, #2631, 7/4/2017
NICHOLAS BROWN O’CONNELL, JR., #2919, 8/11/2017
HUGO EDMUND OSWALD, JR., #3553, 9/17/17
APRIL PACE, #22731, 3/22/2017
ARTHUR PIEHLER, #1389, 9/17/2017
WILLIAM JOSEPH PLONSKIE, #4758, 1/29/2017
DANIEL JOHN RIVIERA, #84, 10/14/2016
KENNETH SCHUBERT, JR., #4359, 6/20/2017
JON WILLIAM SCOTT, #45290, 11/14/2016
HON. GERARD SHELLAN, #82, 4/1/2017
RICHARD CARL SIEFERT, #8339, 2/17/2017
LINDA SLADE, #25830, 6/22/2017
ROBERT NORWOOD SNYDER, #3485, 6/11/2014
KEVIN CHRISTOPHER STAMPER, #5828, 3/10/2017
PAUL WINSOR STEERE, #526, 3/19/2017
ROBERT THOMPSON, #2386, 9/16/2017
WILLARD WALKER, #3710, 03/10/2017
CAMILLE RENE WARREN, #40227, 6/30/2017
ERIC MICHAEL WEIGHT, #25061, 3/22/2017
TERENCE YAMADA, #39070, 9/11/2017
ANTHONY LAWRENCE YERRY, #48595, 7/1/17
JOSEPH ALFRED ZIMMERMAN, #2280, 3/1/2017
JOHN HILLER ZOBEL, #15632, 1/30/2017
Need to Know

News and information of interest to WSBA members

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

WSBA News

2018 License Renewal, MCLE, and Sections Information

Start date. License renewal will begin in November and must be completed by Feb. 1, 2018.

License fee payment plan option available. If you are experiencing financial challenges, it’s not too late to sign up for our payment plan option available to active, inactive, and emeritus lawyers. Payments may be made in up to five installments and all license fees must still be paid in full by Feb. 1, 2018. A one-time Hardship Exemption is available for active licensed legal professionals who qualify. Visit wsba.org/licensing to learn more.

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

Certify MCLE compliance. If you are an active lawyer in the 2015–2017 reporting period, then you are due to report CLE credits and certify MCLE compliance. The deadline for completing credits is Dec. 31, 2017. The certification must be completed online or be postmarked or delivered to the WSBA by Feb. 1, 2018. Visit wsba.org/MCLE to learn more.

Join or renew your section membership.

NEW: The Section membership year is now January 1 – December 31.

Important Dates

- Dec. 31, 2017: Active lawyers in the 2015–2017 reporting period must complete required MCLE credits.
- Feb. 1, 2018: Deadline for requesting the one-time Hardship Exemption.
- Feb. 1, 2018: License renewal, payment(s), and MCLE certification, if applicable, must be completed online, postmarked or delivered to WSBA.

WSBA Board of Governors Meetings

Nov. 16 at the WSBA offices, Seattle, and via webcast.

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

WSBA Budget

At its September meeting, the Board of Governors approved the WSBA FY18 budget. To learn more about the budget, and the programs and services that it supports, visit wsba.org/About-WSBA/Financial-Info.

WSBA Launches CLE Faculty Database

If you are currently serving as CLE faculty, or are interested in working with the WSBA as a future CLE faculty member, we encourage you to register in our CLE faculty database. Serving as a faculty member provides you with the opportunity to engage with other attorneys across the state, give back to your profession, and advance your professional growth. Whether it’s upcoming changes in the law, emerging hot topics, or substantive content, our goal is to ensure we are engaging with the right faculty at the right time, matching practice expertise and knowledge to our educational programming needs. We hope to capture the information of all those who plan to teach — both current CLE faculty and those interested in future opportunities. Please log on and register in the CLE faculty database today at mywsba.org/CleFacultyApplication.aspx.

Join the WSBA New Lawyers List Serve

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

ALPS Attorney Match

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

The WSBA provides information and links to the ALPS Attorney Match online system as a service to the legal community. For more information, email mentorlink@wsba.org.

Volunteer Custodians Needed

The WSBA is seeking interested lawyers as potential volunteer custodians under Rule for Enforcement of Lawyer Conduct (ELC) 7.7. An appointed custodian is authorized to act as counsel for the limited purpose of protecting a client’s interests whenever a lawyer has been transferred to disability inactive status, suspended, or disbarred, or dies or disappears, and no person appears to be protecting the client’s interests. The custodian takes possession of the necessary files and records and takes action to protect the client’s interests. The custodian may act with a team of custodians and much of the work may be performed by supervised staff. If the WSBA is notified of the need for a custodian, the WSBA would affirm the willingness and ability of a potential volunteer and seek his or her appointment as custodian.

Costs incurred may be reimbursed. Current WSBA members of all practice areas are welcome to apply. Contact Sandra Schilling at sandals@wsba.org, 206-239-2118 or 800-945-9722, ext. 2118, or Darlene Neumann at darlenen@wsba.org, 206-733-5923 or 800-945-9722, ext. 5923.

Ethics

Facing an Ethical Dilemma?

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

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

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

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

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

WSBA Practice Management Assistance
Lending Library
The WSBA Lending Library is a service to WSBA members. We offer the short-term loan of books on health and well-being as well as the business management aspects of your law office. How does it work? You can view available titles at wsba.org/library. Books may be borrowed by any WSBA member for up to two weeks. If you live outside of the Seattle area, books can be mailed to you; you will be responsible for return postage. For walk-in members, we recommend calling first to check availability of requested titles. To arrange for a book loan or to check availability, contact pma@wsba.org or 206-733-5914.

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

Learn More About Case-Management Software
LOMAP maintains a computer for members to review software tools designed to maximize office efficiency. LOMAP staff is available to provide materials, answer questions, and make recommendations. To make an appointment, contact lomap@wsba.org.

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

Did you recently move and want to be sure you’re getting NWLawyer?
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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.
Professionals

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

**The Washington Courts Historical Society**

presents a CLE:

**“Keeping the People Informed: Open Government in Washington State”**

Friday December 1, 2017 at the Temple of Justice in Olympia from 9:00 am to 4:30 pm.

Net proceeds benefit the work of the Society.

Current Supreme Court Justices, noted practitioners and experts will present on topics including the history of the Washington Public Records Act, open courts, the Public Disclosure Commission, confidentiality of WSBA and judicial disciplinary records, General Rule 31.1 and a concluding ethics presentation on attorney-client issues. Cost is $245, $225 for attendees of the 2015 Washington Courts Historical Society CLE and $50 for students. Lunch included.

[For more information and registration see: wacourthistory.org](wacourthistory.org)

or e-mail: wchs@wacourthistory.org.

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**Davies Pearson, P.C.**

Attorneys at Law

is pleased to announce that

**Jennifer R. Jefferies**

has become an Associate of the firm and will practice in the areas of general business, real estate, commercial litigation, and probate.

Ms. Jefferies graduated from the Willamette University College of Law, *cum laude*, in 2014, with a Business Law Certificate. She received her B.A. in Business Administration from the University of Portland, *cum laude*, in 2010.

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**Ryen Godwin**

is pleased to announce that

he has joined the law firm of

**Schwabe, Williamson & Wyatt**

at its Seattle office.

Ryen supports Schwabe’s industry focus for Natural Resources and Manufacturing, Distribution and Retail clients. He focuses his practice in the areas of environmental law and construction law. He has counseled clients in a variety of industries, including distribution, development, petroleum, public and private construction, logging, utility services, and the commercial fishing industry.

Contact info: 206.622.1711

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**Mills Meyers Swartling**

is pleased to announce that

**Katherine S. Goodrich**

has joined the firm as an associate attorney.

Katherine Goodrich’s litigation practice includes municipal liability, aviation law, and tort liability. Katherine graduated from the University of Virginia School of Law in 2015 where she served as Production Editor for the Virginia Environmental Law Journal and was an extern for the criminal appellate section of the Department of Justice. Prior to joining Mills Meyers Swartling, Katherine received a Robert F. Kennedy Public Service Fellowship. Through the Fellowship, Katherine worked with the Bellevue City Attorney’s Office and the King County Prosecuting Attorney’s Office, with whom Katherine tried several cases, including six trials through to verdict. Outside of work, Katherine volunteers with King County Search Dogs.

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**Mills Meyers Swartling P.S.**

1000 Second Avenue, Suite 3000, Seattle, WA 98104

Tel: 206.382.1000 [www.millsmeyers.com](www.millsmeyers.com)
STORY LAW
is pleased to announce

Douglas Wilson "Wil" Miller

has joined the firm as an associate. Wil joins Story Law’s family law litigation, mediation and collaborative law practice and will continue his criminal law practice with a special focus on criminal law issues that affect families and family law cases.

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Discipline and Other Regulatory Notices

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

Disbarred

Dana Kristin Fossedal (WSBA No. 28392, admitted 1998) of Seattle, was disbarred, effective 8/24/2017, by order of the Washington Supreme Court. The lawyer's conduct violated the following Rules of Professional Conduct: 1.1 (Diligence), 1.4 (Communication), 3.1 (Meritorious Claims and Contentions), 3.3 (Candor Toward the Tribunal), 3.4 (Fairness to Opposing Party and Counsel), 8.1 (Bar Admission and Disciplinary Matters), 8.4 (Misconduct). Deborah B. Han seen as disciplinary counsel. James Everett Macpherson represented Respondent. Keigh P. Scully was the hearing officer. The online version of NWLawyer contains links to the following documents: Hearing Officer's Decision; Disciplinary Board Recommendation; and Washington Supreme Court Order.

Frank J. Prohaska (WSBA No. 27589, admitted 1997) of Seattle, was disbarred, effective 8/29/2017, by order of the Washington Supreme Court. The lawyer's conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 3.2 (Expediting Litigation), 8.4 (Misconduct). Benjamin J. Attanasio acted as disciplinary counsel. Frank J. Prohaska represented himself. Linda B. Eide and Marsha Matsumoto acted as disciplinary counsel. James Everett Macpherson represented Respondent. Keith P. Scully was the hearing officer. The online version of NWLawyer contains links to the following documents: Hearing Officer's Decision; Disciplinary Board Recommendation; and Washington Supreme Court Order.

Resigned in Lieu of Discipline

John Rodney Crowley (WSBA No. 19868, admitted 1990) of Seattle, resigned in lieu of discipline, effective 9/18/2017. The lawyer agrees that he is aware of the alleged misconduct in disciplinary counsel's Statement of Alleged Misconduct and rather than defend against the allegations, he wishes to permanently resign from membership in the Association. The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 1.2 (Scope of Representation and Allocation of Authority Between Client and Lawyer), 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.15A (Safeguarding Property), 1.16 (Declining or Terminating Representation), 3.2 (Expediting Litigation), 4.1 (Truthfulness in Statements to Others), 8.1 (Bar Admission and Disciplinary Matters), 8.4 (Misconduct). Debra Slater acted as disciplinary counsel. John Rodney Crowley represented himself. Carl J. Oreskovich was the hearing officer. The online version of NWLawyer contains a link to the following document: Resignation Form of John Rodney Crowley (ELC 9.3(b)).

Holly Joy Johnson (WSBA No. 32784, admitted 2002) of Seattle, resigned in lieu of discipline, effective 9/19/2017. The lawyer agrees that she is aware of the alleged misconduct in disciplinary counsel's Statement of Alleged Misconduct and rather than defend against the allegations, she wishes to permanently resign from membership in the Association. The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 1.2 (Scope of Representation and Allocation of Authority Between Client and Lawyer), 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.15A (Safeguarding Property), 1.16 (Declining or Terminating Representation), 3.2 (Expediting Litigation), 4.1 (Truthfulness in Statements to Others), 8.1 (Bar Admission and Disciplinary Matters), 8.4 (Misconduct). Debra Slater acted as disciplinary counsel. John Rodney Crowley represented himself. Carl J. Oreskovich was the hearing officer. The online version of NWLawyer contains a link to the following document: Resignation Form of Holly Joy Johnson (ELC 9.3(b)).

Daniel Frederick Quick (WSBA No. 26064, admitted 1996) of Seattle, resigned in lieu of discipline, effective 9/21/2017. The lawyer agrees that he is aware of the alleged misconduct in disciplinary counsel's Statement of Alleged Misconduct and rather than defend against the allegations, he wishes to permanently resign from membership in the Association. The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 1.4 (Communication), 1.5 (Fees), 1.7 (Conflict of Interest: Current Clients), 1.8 (Conflict of Interest: Current Clients: Specific Rules), 1.9 (Duties to Former Clients), 1.15A (Safeguarding Property), 3.1 (Meritorious Claims and Contentions), 3.3 (Candor Toward the Tribunal), 3.4 (Fairness to Opposing Party and Counsel), 4.1 (Truthfulness in Statements to Others), 4.4 (Respect for Rights of Third Person), 8.4 (Misconduct). Andrew Glenn Ting-kang represented Respondent. Seth A. Fine was the hearing officer. The online version of NWLawyer contains a link to the following document: Resignation Form of Daniel F. Quick (ELC 9.3(b)).
Suspended

Sengphachahnh J. Livingston (WSBA No. 37478, admitted 2006) of Centralia, was suspended for 21 months, effective 8/29/2017, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.4 (Communication), 1.5 (Fees), 1.15A (Safeguarding Property), 1.15B (Required Trust Account Records), 5.3 (Responsibilities Regarding Nonlawyer Assistants), 5.4 (Professional Independence of a Lawyer). Marsha Matsumoto acted as disciplinary counsel. Anne I. Seidel represented Respondent. Craig C. Beles was the settlement hearing officer. The online version of NWLawyer contains links to the following documents: Amended Order Approving Stipulation to 21-Month Suspension; Stipulation to 21-Month Suspension; and Washington Supreme Court Order.

Dean Browning Webb (WSBA No. 10735, admitted 1980) of Vancouver, was suspended for 18 months, effective 9/04/2017, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 3.1 (Meritorious Claims and Contentions), 3.2 (Expediting Litigation), 3.4 (Fairness to Opposing Party and Counsel), 4.4 (Respect for Rights of Third Person), 8.4 (Misconduct). Scott G. Busby acted as disciplinary counsel. Dean Browning Webb represented himself. Henry E. Stiles, II was the hearing officer. Andrekita Silva was the settlement hearing officer. The online version of NWLawyer contains links to the following documents: Order Approving Stipulation to 18-Month Suspension; Stipulation to 18-Month Suspension; and Washington Supreme Court Order.

Interim Suspension

Pamela Ann Paudler (WSBA No. 22310, admitted 1992) of Mill Creek, is suspended from the practice of law in the State of Washington pending the outcome of supplemental proceedings, effective 9/27/2017, by order of the Washington Supreme Court. This is not a disciplinary sanction.

Transfer to Disability Inactive Status

Robert Jeffery Wade (WSBA No. 33679, admitted 2003) of Seattle, was by stipulation transferred to disability inactive status, effective 7/24/2017. This is not a disciplinary action.
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Successful Kirkland-Based Estate Planning Practice that was founded in 1978. The practice/case breakdown is approximately 45% Estate Planning, 45% Probate, and 10% Adoptions and other ancillary estate planning matters. Located in a prime location and poised to grow! Contact justin@privatepracticetransitions.com or call 253-509-9224 to learn more.

Highly Profitable East King County Practice that is approximately 30% Business (transactional and litigation), 45% Real Estate, and 20% Construction related matters. This is a fantastic opportunity to build upon a profitable eastside practice! Contact justin@privatepracticetransitions.com or call 253-509-9224 to learn more.

Incredible Family Law Practice that is highly profitable with an amazing reputation. The firm handles divorce, child custody and visitation, relocation, non-parental/grandparent custody, and military family related matters, with average billings per client exceeding $10,000! Contact justin@privatepracticetransitions.com or call 253-509-9224 to learn more.

Fantastic King County Estate Planning Practice with extremely low overhead (~30%) and SBA financing ready! The case breakdown is approximately 85% Estate Planning, 10% Probate & Trust Administration, and 5% Business Law.
Planning, and 15% Probate and Guardianship. This is an excellent opportunity to take over a profitable practice! Contact justin@privatepracticetransitions.com or call 253-509-9224 to learn more.

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**LEGAL LUNCHBOX**

November Legal Lunchbox  
Nov. 28. Webcast. 1.5 CLE credits. Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org

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

**REAL PROPERTY**

Real Property, Probate and Trust Section Fall Real Property Seminar  
Dec. 7. Seattle & webcast. CLE credits pending. Presented by the WSBA in partnership with the WSBA Real Property, Probate and Trust Section; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org

Real Property, Probate and Trust Section Fall Probate and Trust Seminar  
Dec. 8. Seattle & webcast. CLE credits pending. Presented by the WSBA in partnership with the WSBA Real Property, Probate and Trust Section; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org

**LAW OFFICE MANAGEMENT**

ALPS Just Another Day at the Firm: Practice Management, Malpractice, and Ethical Dilemmas  
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Law of Lawyering  
Dec. 15. Seattle & webcast. CLE credits pending. Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org

Hits from Law of Lawyering 2016  

Best of CLE – Day One  
Dec. 27. Webcast. CLE credits pending. Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org

Best of CLE – Day Two  
Dec. 28. Webcast. CLE credits pending. Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org
Joy Premo
Bar No. 40151
Law School: Gonzaga University School of Law

► I became a lawyer because I want to help others. As lawyers, we all help others, and that is why I wanted to be part of the profession.

► Before law school, I spent six years in the Army as a quartermaster officer and was stationed in Honduras, North Carolina, Virginia, and Washington, D.C. Since law school, I joined the U.S. Army Judge Advocate General’s (JAG) Corps and have been assigned to Alaska, Washington, Iowa, and Virginia.

► My greatest talent as a lawyer is empathy. Being able to understand the different perspectives on both sides of an issue allows me to get the best results for my client.

► In my practice, I work on streamlining processes to help the office become more effective and efficient.

► My career has surprised me by the variety of jobs I have been assigned and realized I can do: prosecutor, defense counsel, professor, and now associate dean for students.

► The best advice I have for new lawyers is to be a duck — look calm above the water even though your feet are ferociously paddling underwater.

► My long-term professional goal is to work for the Innocence Project Northwest. The idea of helping just one person who was wrongfully convicted would be a dream come true.

► The most rewarding part of my job is the people. Mentoring others and following their careers is rewarding enough, but my teammates in the office make the day just fly by.

► The worst part of my job is moving every two years.

► If I could have tried one famous case, it would be the civil case of Martha Stewart.

► Since I graduated from law school the legal profession has grown tremendously and so has law school tuition.

► Technology has changed the practice of law by making law libraries almost obsolete, although I love the smell and feel of books, the experience of going to a library, and the quietness of a table all to myself.

► During my free time I make up games to play with our girls.

► The most memorable trip I ever took was with my mom to the Philippines during Easter. I saw self-flagellation and crucifixion up close—too close—and even got splattered.

► I look up to both my mom and dad. My mom because she is the bravest person I know, and my dad because with a house full of girls, he had to be patient, especially with only one bathroom.

► I absolutely can’t live without my family.

► My perfect day would entail going for a morning run, eating breakfast, and then taking a nap.

► I have recently tried bourbon pecan ice cream. It was definitely worth the hunt to find it.

► I enjoy reading to our girls and spending time with my family.

► My best recipe I make at home is apple pie. It is a family recipe that took my mother years to perfect. The secret is poking holes in the bottom crust to allow the liquid to escape.

► I create work/life balance by being present when I am home. I try not to use technology until the kids go to sleep. Then it is like a power grid turns on, and we are back in business.

► My fitness routine is nonexistent when work gets busy. But if it is not too busy, I like to run and do MAX Workouts.
My favorite place in the Pacific Northwest is our home.

In my life, I work on improving my ability to leave work at work.

I worry about missing my girls grow up.

I am happiest when I am with my family.

This changed my life: having kids, and in the very best way.

I grew up in the small town of Gaines, Michigan. We even owned a farm about 10 minutes from our house, but only for one year. Driving to it twice a day to feed and water the pigs and chickens proved to be too much. My parents sold the farm and life became normal again.

My fondest childhood memory is playing outside with the neighbor kids all summer. We roller-skated, biked, played softball, skateboarded, and made up games.

My best parenting advice is to outwit, outthink, outlast. It is truly a game of survivor. Some days you get the idol, but most days you get voted off the island. Hang in there!

Nobody would ever suspect that I interned at the Native American Rights Fund in Alaska and worked for the Coeur d’Alene Tribe in Idaho.

I care about the Innocence Project. I first learned about it while I was in law school and try to volunteer in any way I can.

Friends would describe me as a doer. Talking is great, but getting things done is better.

I regret not being able to “get” calculus . . . even the second time around.

Aside from my career, I am most proud of my family.

I give back to my community by protecting its citizens. I love my dual profession: lawyer and soldier.

This is on my bucket list: hang gliding.

This makes me roll my eyes: television shows about lawyers.

This makes me smile: when my husband dances with each of our daughters on their birthday.

I am thankful for how my parents raised me. They taught me about hard work and discipline and to never give up.

An item I will never throw out is my old high school softball glove. It is so old that some of the leather laces have been replaced by 550 cord, which is used as parachute cord.

My idea of misery is being cold and wet at night.

My motto is the Platinum Rule: Treat others as they would like to be treated.

My favorite restaurant is Lauriol Plaza in Washington, D.C.— warm salsa, homemade chips, enchaladas de marisco, and their famous swirl margaritas.

You’ll find me outside in the Northwest doing this: teaching our girls how to climb a tree, ride a bicycle, or fly a kite.

My dream trip would be to New Zealand. It amazes me how you can go hiking, skiing, hot air ballooning, and wine tasting all in the same day.

If I had a time machine, I would only go back in time, but never forward.

If I could pick a superpower, it would be to stop time. Imagine all you could get done!

My name is Major Joy Premo, and I work at the Judge Advocate Legal School U.S. Army located in Charlottesville, Virginia, on the University of Virginia campus. I am the Associate Dean for Students.

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