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2013–14 WSBA President

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

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September Issue
I am writing to endorse Paula Littlewood’s suggestions for Legal Education in the Sept. 2013 issue of NWLawyer. I received practical training in criminal and tax law during my third year of law school, which helped launch my career as a big law firm, big corporation international lawyer.

Despite the differences in my almost 40 years of practice, the feelings described in Daniel Farr’s article “Retiring into a Bright Sadness” are very similar to my own reaction to retirement and wonderfully expressed.

Clydia J. Cuykendall, Olympia

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Getting What We Need to Succeed

Practicing law in isolation is hard, especially if you are a new lawyer. I moved from Chicago to Tacoma after accepting a job offer at a civil rights firm. When I arrived, I didn’t know anyone in town. In my firm, there was no time for socializing. In court, I only had opponents, not proponents. Law, lawyers, and courts were intimidating and made me feel like an outsider. I knew that being accepted as part of the legal community would take time — time that I didn’t feel I had. I needed help right then.

As a young associate in a small firm, I had many questions and few answers. I didn’t want to ask my boss all the questions I had, because he’d see how little I knew and keeping my job was critical for me. There seemed to be endless issues I needed help with and more arose daily. There were only so many hours in a day for researching my own questions, and I was supposed to be billing hours for work, not billing hours for learning how to do my job. I remember feeling like I needed 20 hours in a day to work so I could legitimately bill a day’s work to the firm’s clients. I really wanted to deliver great work, but time and knowledge were against me.

The Importance of the Legal Community

It was at this time I realized how important a legal community really was to my survival. I needed friends who were lawyers, who could answer my questions, give some direction, and keep me on the right road.

We All Want to Succeed

I believe that we all want to succeed: to meaningfully contribute to better our community, to obtain financial security, and to live happily as lawyers.

If this is true, then do you wonder how many of us succeed attaining these goals and how many feel like Sisyphus trudging dutifully forward towards goals that never seem truly reachable? Statistics provide us some insight here. They show us that today young people are choosing other professions rather than law; law school admissions are declining, and lawyers, including younger lawyers, are leaving the practice while baby boomers are retiring from the practice. Could there be a common message here for our profession?

Let me ask you this: why shouldn’t all competent, hardworking, professional lawyers find success and security, be able to meaningfully contribute, and find happiness as lawyers? They should, but the numbers say otherwise. If our profession was in full health, then shouldn’t that be mirrored by the numbers of people wanting to be lawyers? Our takeaway? As our legal environment is changing, so must we — and as a unified bar — we can.
Ensuring Opportunities
Imagine with me. What if there were a compact that all lawyers entered into that promised that when a lawyer passed the Bar, then we as a profession would ensure their opportunity to find success, achieve security, be able to meaningfully contribute, and find happiness as a lawyer? We would take care of our own. We would be responsible for each other and we would be responsible for securing the success of our profession as a whole. Consequently, we would also be providing better-trained lawyers, better access to justice for our citizens, and a higher and more uniform level of professionalism and civility amongst members.

What if we could preserve the integrity and continued viability of our profession by simply giving ourselves more resources and support? Why couldn’t we simply invest in the fundamental building blocks of success that are meaningful to each of us as lawyers and humans?

For example, we all need help creating and maintaining a lifestyle that promotes health, well-being, and work-life balance. This will lead us all to sustainable and rewarding legal practices. Our work life should be our life work. So let’s start there.

We also all need access to learning new skills, with new tools and technology. The shifting economy has created a new world that requires us to embrace a new legal model in order to adapt to our ever-changing legal landscape. Just look at what happened when “social” was added to “media.” In a computer and Internet world full of “i” and “u” and “we,” there must be an “us.”

We need to remove barriers to practice and openly recruit, welcome, and nurture traditionally underrepresented groups within our profession so they can thrive and succeed. Without diversity, we lose credibility and relevance in our society.

With the rapidly changing demographics of our Bar, we all need to prepare for the growing number of retiring members and assist their transition out of practice while preserving their dignity and retaining their identity as lawyers. We cannot lose the opportunity for an accomplished and storied generation to unite with, and bring along, the next generation of lawyers.

Growing Our Legal Culture
We all need to continue to root and grow our legal culture, a culture based in community service, a culture based upon looking beyond just resolving disputes and to really healing conflicts, and a culture of ethics, civility, the rule of law and, most importantly, a culture that passes on its tradition of wisdom.

Finally, we all need to actively transition young and new lawyers into our Bar and instill this culture, our culture, within them. They are our future.

If resources like these had been available to me as a lawyer, especially as a newer lawyer, or available as I worked to grow my practice toward maturity, I am certain my path to success would have been faster, easier, less stressful, and happier. Maybe yours, too.

There is a song whose lyrics say, “God blessed the broken road that led me straight to you.” I find some truth in this, not that God blessed my path, but that my path was necessarily longer. Only by losing my way could I have found this direction and arrived at this point today in my career; a place that allows me the opportunity as your Bar president to share this view, this direction, and the opportunity to grow and navigate your practice and our profession towards a better, happier future.

I hope you will join me to unite our Bar in this vision.
Leaning In to the Future

Over the past year, I’ve spent a significant amount of time researching, discussing, writing, and speaking about the future of the legal profession. As you’ve seen, and hopefully read, I’ve devoted a number of my columns in NWLawyer to this issue, primarily because of its importance to each and every one of you.

Change isn’t on its way, it is here, and, as your Bar, we need to ensure we’re aligning our resources and work to support not only the change that is here, but that which is just around the corner.

With that focus in mind, a Strategic Planning Committee comprised of Board of Governors members and the staff Executive Management team has spent several months framing the organization’s strategic goals for the next three years. At the September Board of Governors meeting, the full Board took action and approved the goals.

The Committee invested considerable time examining the sea change in the legal profession, acknowledging that the practice of law and delivery of legal services is fundamentally changing. The profession is aging as law school admissions decrease. Young lawyers graduate with staggering debt loads and insufficient and/or limited practice experience. The profession’s business model is changing, with firms consolidating and solo firms increasing while clients demand more efficient and less expensive options to meet their needs. Certain aspects of our work are increasingly becoming commoditized and outsourced. These changes add to an already high level of stress in the profession.

Considering the changes in the profession and extensive member feedback received from the membership study, statewide listening tours, and town hall meetings, the Committee concluded that 1) members need greater preparation for the needs of the 21st-century practice, including networking and community building opportunities, inclusiveness, and support with career transitions; and 2) the WSBA is uniquely situated to help address these needs.

Based on its conclusions, the Committee recommended and received full board approval on the following 2013–15 strategic goals.

The WSBA will prepare and equip members with problem-solving skills for the changing profession.

Our first goal focuses on ensuring competency and professionalism in today’s legal environment, one that we know is changing and evolving even as this magazine goes to print.

We recognize that a successful career in law requires lifelong experiential learning and professional development. It also requires stamina. Under this strategic goal, WSBA will align its educational resources to help members:

- Learn 21st-century practice skills, including the use of technology and the business side of practice;
- Network and build community with others;
- Gain more practice experience;
- Ground their work in ethical practice and professionalism; and
- Mindfully address work-life balance issues.

Unfortunately, many members are not aware of the current services WSBA offers, so we will focus on increasing member awareness of, and involvement and use of, our Lawyer Assistance Program and other resources and tools that support and promote health and well being.

It is also essential that the WSBA lead the way in maintaining high standards of competence and ethics, and we are committed to aligning resources with the requirements of a changing regulatory environment.

The WSBA will foster community with and among members and the public.

Our second goal addresses the fact that there’s strength in maintaining and building a strong sense of community throughout the membership, regardless of where you live, your area of practice, or how long you’ve been in the profession. The WSBA aims to reduce isolation by increasing member access and opportunities to connect with others through sections and through statewide outreach to local, specialty, and minority bar associations. We will continue our focus on sharing information and engaging with you and the public about programs, member services and decisions, and we’ll leverage the value of technology, rather than allowing it to serve as an isolation tool.

The WSBA will promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, and thrive in the profession.

From the membership study conducted in 2012, we have learned about the barriers and disparities that impact members from historically underrepresented backgrounds. We will focus existing WSBA programs and practices to address those barriers and disparities. We will also partner with stakeholders to identify and fill gaps in programming.

The WSBA will support member transitions across the life of their practice.

Careers are dynamic; needs change over time. New members require tools and coordinated support to promote long-term sustainability in the practice of law. Mid-career members could benefit from strategies and support to increase their job satisfaction. Retiring members (end of career or otherwise) need help transitioning successfully out of the practice. The WSBA will focus its programming to help address these varying needs to support members as you transition throughout your law careers.

I commend the Strategic Planning Committee for their thoughtful and deliberate work. I believe these strategic goals align well with the organization’s mission, and they provide the focus and direction that enables us to lean in to the future and be a part of finding solutions. Over the next year, I look forward to sharing more about WSBA’s plans and progress on its 2013–15 strategic goals. NWL

Paula Littlewood is the WSBA executive director and can be reached at paulal@wsba.org or 206-239-2120.
2013–14 WSBA President
Patrick A. Palace

THE BOARD OF GOVERNORS ELECTED TACOMA LAWYER PATRICK PALACE to serve as WSBA president for fiscal year 2014, which begins this month. Palace, a WSBA member since 1992, is the owner of Palace Law Offices P.S.C., which practices primarily in the areas of worker’s compensation, civil rights, Social Security and personal injury.

Pres. Palace has been in practice for 20 years. He opened Palace Law Offices in 1995, a firm that emphasizes workers’ compensation, civil rights, and personal injury matters. He received his bachelor’s degree from the University of Washington in International Business and his law degree from Loyola University of Chicago School of Law in 1991.

Pres. Palace served on the WSBA Board of Governors for the Sixth District from 2008–11. He was also the WSBA treasurer from 2010–11. Prior to serving as WSBA governor, he was president of the WSBA Young Lawyers Division (1999–2000) and served on the Public Legal Education Workgroup Task Force and the WSBA President’s Advisory Committee, which was created to promote judicial independence.

Pres. Palace is active in the Tacoma-Pierce County Bar Association and currently serves on their Judicial Qualifications, Mindful Lawyer, and Convention Planning committees. In 2012, he received the Outstanding Service Award from the Tacoma Pierce County Bar Association and the Tacoma Pierce County Bar Association Recognition Award for his service on its Board of Trustees. He also serves on the board of the Legal Aid for Washington (LAW) Fund.

From 1998–2005, he taught the People’s Law School at Pierce College. Pres. Palace has moderated and produced two television series designed to help citizens understand the law. “Law Talk” was funded by the WSBA and was recognized by the American Bar Association (ABA) with its Outstanding Public Service Award. The “People’s Law School,” which aired statewide, also earned an ABA Outstanding Public Service Award. He has also been active with the YMCA — as the chair for the YMCA Strong Kids Campaign, he helped raise $2.8 million from 2009–11 to support children and families in Pierce and Kitsap counties.

To get to know Pres. Palace a little better and to get his views on the WSBA and his term, we posed a few questions.

In seeking election, you said that one of your top priorities would be to make WSBA more “member-centric” and strive for greater participation among members. In addition to such things as the “listening tours” and online chats pioneered by your predecessors, how do you intend to reach out to members in a way that will be meaningful to them?

Our Bar has taken huge strides forward in its ability to communicate with our legal community. We are now actively using social media like Facebook and Twitter. The WSBA website has been completely redesigned to be more user-friendly and to provide quick access to information that members need. We have a blog now that is growing by the day where members can weigh in on important issues to them. This year, I will be blogging regularly on NWSidebar and providing updates about issues and activities around the state. I also have my personal Twitter feed. If you want to be in the know, follow me at @PalaceLaw.

Our webcasting capabilities have been expanded from the WSBA Conference Center to include Town Hall meetings as well as online chats where current issues affecting the Bar are discussed and where everyone can participate online or in person. In addition, we’re working on putting our Board of Governors meetings online so members can watch the meetings and debates to stay informed. This year, the Listening Tour will continue and we will visit new towns across the state in an effort to reach out to members in regions where we have not talked in person yet. We are also opening up new volunteer opportunities for members, particularly in the areas of professionalism and ethics, and reaching out to our members in state and local government offices to offer opportunities to serve and participate. I strongly believe that aligning the WSBA with the needs of the members is critical and that active and open communication is the key to making that happen.

Young and new lawyers have been hit with the double whammy of reduced employment prospects and high student loan debt. And some were not pleased that the WSBA young lawyers’ former division was converted to a committee, which some believe will have less presence and influence within the WSBA. How can WSBA leadership assure young lawyers of their continuing importance to the Bar as a whole?

The young lawyers and indeed all new members of the Bar, both young and mature, are the future of the Bar. I was
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New members have unique needs. They need access to skills training, job opportunities, and mentors. They have their own unique set of issues around student loan debt, work-life balance, and social activism.

the president of the WYLD in 1999 and founded the New Members Committee at WSTLA (now WSAJ) and led with the vision that the Bar should be an incubator for new members to develop leadership skills and should provide opportunities for young members to transition into the Bar and serve their community.

New members have unique needs. They need access to skills training, job opportunities, and mentors. They have their own unique set of issues around student loan debt, work-life balance, and social activism. Therefore, we are directing increasing resources to help young lawyers integrate into the Bar in the ways they need it most. We have tailored our communications strategy to talk with them in the same ways they talk to each other. It is important to me that our Bar is their Bar. We are reaching out to new lawyers so that we can help them grow and transition into the Bar and to become leaders through the YLC, the Washington Leadership Institute (WLI), and other opportunities in committees and sections within and in cooperation with the Bar. I am a product of Bar service as a young lawyer and while I may be the first former WYLD president to have become president of the WSBA, I hope I am only the beginning of a proud leadership path for our new and young members.

What motivated you to run for WSBA president?

The opportunity to serve. My father was a social worker and my mother worked with cerebral palsy patients into her 70s. Both instilled in me that the more I have, then the more I need to give back to my community. I am lucky to be successful in my workers’ compensation practice and thus I have always dedicated a part of every work week for nearly 20 years to Bar service. Serving as president is a culmination of all I have learned — it’s a great honor for which I am thankful and an opportunity to lead our profession forward during this time of change.

The WSBA is undertaking a comprehensive study of its own governance structure, looking at things as fundamental as whether Board members should be appointed rather than elected, whether the Board should include non-lawyer members, and what should be the primary role of the Board. Although major changes may not occur during your term, do you have a personal vision of how the Board might be differently constituted a few years down the road?

I believe that just because it “ain’t broke” doesn’t mean it can’t run better. Our governance system has served us well over our 80 years of existence, but the time has come to see if we can improve it. There are a number of opportunities for change that I’d like to see. For example, we need a more robust election system that ensures more candidates the opportunity to run for the Board of Governors. Members want to have their voices heard and therefore candidates need to have greater opportunity and access to hear what their district is saying (assuming representation by Congressional Districts continues). By the same token, members need a more meaningful opportunity to hear the candidates so they can vote for the candidate who best represents them.

Additionally, I’d like to see the Board be more visible statewide. In an effort to save money, the Board meetings are mostly in Seattle now. I believe meetings should be held across the state so members can have a greater voice in their governing body, in person, and face to face.

Finally, the WSBA would be well served by offering greater leadership training at all levels of the Bar, including among its newly elected governors. Great leadership takes time to cultivate, especially when Bar leaders must understand a myriad of issues and the realities of practice for 35,000 diverse members statewide. With stepped-up training for our up-and-coming leaders, I see our Board being more efficient and able to react effectively.

The Washington Supreme Court has enacted the Limited License Legal
Technician Rule, which was opposed by the Board and many Bar members but will need to be governed in part by WSBA. How do you foresee the existence of licensed legal technicians changing the landscape of law practice for lawyers and consumers in the coming years?

The LLLT is the grand experiment. If it works, then it will provide limited representation to many who have not been able to obtain legal services in the past, while at the same time not taking away clients from lawyers. Washington will have created a proven new model that will be copied nationally to meet the previously unmet escalating civil legal needs of those with limited means. If the LLLT fails, then those who cannot afford representation will remain sad statistics in a sea of unmet civil legal needs.

The job of president is often a full-time job. You also run your own law firm and are a husband and father of three. What do you do to manage stress while fulfilling your Bar obligations?

Everyone has or should have a way to stay healthy, focused, and to let off the stress of the day. For me, it’s a combination of weight training, yoga, meditation, and mixed martial arts. All play a role in my good health, ability to focus, and to be present.

What is the most important lesson you have learned as a lawyer that nobody taught you in law school?

I was taught by a wise mentor that there are several business rules to having a successful practice and these are a couple of my favorites: 1) give some money back to every client and 2) pigs get fat and hogs get slaughtered.

Who are the persons who have had the biggest overall positive influence on you, in your legal career, or otherwise?

There are two that I never met: Justice Thurgood Marshall and Steven Keeva (former ABA Journal editor and author of Transforming Practices: Finding Joy and Satisfaction in the Legal Life), and four that I live for every day: my wife, Lisa, and my three kids, Sophia, Winston, and Elijah. NWL
The position of Chief Justice, I am involved in many projects and committees with lawyer volunteers. Sometimes when I am explaining the importance of the legal profession to non-lawyers, I mention the contributions of lawyer volunteers. But the occasional mention falls short of recognizing the significant role these generous lawyers play in our communities. To celebrate the achievements of our young people, the schools have the “Terrific Kids” program, complete with bumper stickers. How do we honor and celebrate our heroes — where is our honor roll?

85,000 Hours Reported
More than 1,700 Washington lawyers voluntarily reported that they delivered 50 or more pro bono hours in 2012. That’s more than 85,000 hours of legal help to those who otherwise might find the doors to justice closed. The real number is, of course, much higher. Many lawyers underreport or choose not to report altogether.

Giving Back
RPC 6.1 encourages you to use your legal skills to help those who do not have access to the justice system and to advance the legal profession. WSBA’s strategic effort to enhance the culture within the profession gave you new opportunities for getting involved. Across the state, through local bars and nonprofits, through your alma maters and your places of worship, at community centers and venerable institutions, you have been giving back.

The Honor Roll
You have earned your place on the honor roll. And it is time for us to make that official. I am proud to announce the Washington Supreme Court and the Washington State Bar Association have partnered to publish, for the first time, the WSBA Supreme Court Pro Bono Publico Honor Roll.

In October of each year, our profession celebrates giving back, so it’s fitting that we acknowledge National Pro Bono Celebration by putting together an honor roll to formally and publicly recognize your efforts. Look for your name at wsba.org/ProBonoHonorRoll. Look for your partners and associates, your mentors, and mentees. Look to see who inspires you and commit to seeing your name again next year — or added for the first time.

Chief Justice Barbara Madsen
Washington Supreme Court
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HON. SHARON ARMSTRONG (RET.)
RECIPIENT OF THE
KCBA “WILLIAM L. DWYER OUTSTANDING JURIST AWARD”

JUDGE SHARON ARMSTRONG (RET.) was honored by the King County Bar Association with this prestigious award for her lifetime of achievement as a judge. Judge Armstrong tried a wide range of cases and was known for handling complex disputes during her 27-year tenure on the King County Superior Court. Prior to her service as a judge, she spent more than a decade as a trial attorney, first at the Federal Trade Commission and later as a civil litigator at Garvey, Schubert & Barer. Judge Armstrong is lauded as an outstanding judge by the legal community, who consider her to be intelligent, incisive and well-prepared. Her demeanor, skills and experience make her an effective neutral in all types of cases, including those involving business/commercial, class action/mass tort, employment, environmental/natural resources, personal injury/torts, professional liability, real property and securities/financial markets.

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THE RESOLUTION EXPERTS
WSBA Welcomes President-elect Gipe and Class of 2016 Governors

by Stephanie Perry

Anthony D. Gipe  
President-elect

Anthony Gipe was born in Wichita, Kansas, but grew up in southwest Washington. He left the Northwest and studied at the Monterey Institute of Foreign Languages/Defense Languages Institute, where he received his accreditation in Russian Languages and Culture. He served for seven years in the United States Navy as a Russian-language interpreter and intelligence analyst, serving in the Mediterranean, the Middle East, and in the Pacific. He earned a bachelor’s degree in Comparative History of Ideas from the University of Washington and received his law degree from the University of Washington School of Law. He is currently of counsel at Olympic Law Group, where he focuses on civil rights, injury claims, family law, and some select business litigation.

Gipe has been active in many professional organizations, including the King County Bar Association, the Washington State Association for Justice, and the Washington Employment Lawyers Association, where he served as a board member. He was a long-time member of the Lesbian and Gay Law Society of Washington, and was a founding board member of QLaw: the Gay, Lesbian, Bisexual and Transgender (GLBT) Bar Association of Washington. Gipe is a founding member of the WSBA Leader Institute Advisory Board and has been an instructor for the program for many years. He has also served on the WSBA Amicus Brief Committee and the WSBA Rules of Professional Conduct Committee, and has served as chair of the WSBA Civil Rights Committee. He served as an at-large governor on the WSBA Board of Governors from 2008–11.

When Gipe is not practicing law or serving the profession, he pursues his hobbies in fitness, fine arts, painting, and poetry. A self-described “foodies,” he enjoys cooking and eating many types of cuisine, and occasionally blogs about Washington’s restaurant scene for NWSidebar.

Bradford E. Furlong  
Governor, District 2

Bradford Furlong is general counsel to Skagit Valley Hospital and Skagit Regional Clinics, The Port of Skagit County, and the Skagit County Public Facilities District. He has been town attorney for the Town of La Conner since 1988, the city attorney for Anacortes since 2008, and is general counsel for the North Sound Regional Support Network and the Skagit Land Trust. Gov. Furlong’s clients also include real estate professionals, title and escrow companies, real estate investors and developers, citizen groups, business owners, and numerous individuals. His practice concentrates on healthcare, municipal, real estate, and land use law.

Gov. Furlong is a member of the Washington Supreme Court Judicial Ethics Committee and teaches professional ethics for the WSBA. He acts as Skagit County hearing examiner, pro tem, and has served as judge pro tem in both superior and district courts.

Gov. Furlong graduated cum laude from the University of Puget Sound Law School in 1982 after attending the University of California, Davis, and graduating with an undergraduate degree in broadcast journalism from The Evergreen State College.

“...The Bar Association has taken steps
to promote access to justice, to embrace diversity among Bar members, and to act as a voice for lawyers with the public and the courts,” said Gov. Furlong. “I wish to offer my services to help the Bar achieve efficiencies while remaining a vital, effective professional organization.”

James A. Andrus  
**Governor, District 9**

James Andrus is a corporate partner at K&L Gates LLP, with a focus on mergers and acquisitions and investment management. His practice includes a broad range of corporate finance transactions; he represents corporate clients in all aspects of their businesses, including organization, capitalization, regulatory compliance, contract negotiation, investments, and mergers and acquisitions.

Gov. Andrus is an active member of Washington’s legal community. He is a past-president, treasurer, vice president, and board member of the King County Bar Association and a past-president of the Loren Miller Bar Association. He served as chair of the WSBA’s Mandatory Continuing Legal Education Board. Gov. Andrus has also been an adjunct professor at Seattle University Law School and Business School. In 2009, he received the National Bar Association President’s Award, and in 2013 received the Loren Miller Bar Association’s President’s Award. He was named a Washington Super Lawyer in 2009, 2010, 2011, and 2012.

Gov. Andrus received his undergraduate degree from the United States Military Academy at West Point and his law degree from the University of Texas School of Law.

Philip L. Brady  
**Governor, District 10**

Philip Brady is the regulatory projects coordinator for the Washington Department of Financial Institutions (DFI), and currently serves as both records officer and ombudsman for his agency. He practices primarily administrative, financial services, public records, and open government law. Gov. Brady previously worked as a division counsel and an enforcement attorney for DFI, and has worked for members of the Washington State Senate, the Oregon State Senate, and the U.S. Senate. He has served on the Washington State Board of Bar Examiners since 2011.

Gov. Brady received his law degree and a master’s degree in conflict and dispute resolution from the University of Oregon in 2008, and also holds a degree in physics from the College of Idaho. He is looking forward to representing all of his constituents, but is particularly excited to enhance opportunities for public, young, and new attorneys over the next three years. In his spare time, Gov. Brady enjoys cooking of all sorts, live music, rooting for the Ducks, and being outside in the beautiful natural environment that is Washington.

Karen Denise Wilson  
**Governor At-large**

Karen Denise Wilson has been a deputy public defender with the Skagit County Public Defender’s Office since 2006; previously, she was a civil rights analyst for the Seattle Office for Civil Rights. She received her law degree from Tulane Law School, in New Orleans, Louisiana. Prior to her legal career, her first career was in banking management.

Gov. Wilson is an alumna of the 2012 Washington Leadership Institute, a partnership between the WSBA and the University of Washington School of Law that recruits, trains, and develops minority and traditionally underrepresented attorneys for future leadership positions in the WSBA and legal community. She previously served on the WSBA Court Rules and Procedures Committee.

Gov. Wilson credits her cultural, academic, and professional background with inspiring her dedication to giving back and community service. Her goals as governor include bringing a diverse and underrepresented perspective to the WSBA Board of Governors, and fostering relationships that create opportunities for collaborative action toward the goal of equality in legal representation. She is committed to representing her constituency through communicating effectively and sharing their diverse voices and perspectives.

“The at-large member position aligns with my purpose and my commitment to service in a way that promotes equality and engenders diversity in the legal community,” said Gov. Wilson. “It presents the opportunity to collaborate with leaders of the Bar to identify and implement policy to strengthen and diversify the membership of the Bar and result in positive outcomes for the legal community as well as the public we serve.”

Stephanie Perry is the WSBA publications editor and communications specialist. She can be reached at stephaniep@wsba.org.
I still occasionally have nightmares about it. I dream that I’m about to start my first job as a lawyer when I realize that, duh, I forgot to take the bar exam. I wake up in a cold sweat that lasts until I get my wits about me and recall with immense relief that I passed the test in 1991. Like many of you, I suspect, I would rather wrestle a Komodo dragon in a pit of vipers than take “the bar” again. So I generally try to avoid thinking about the bar exam. But the most recently administered one had a twist I couldn’t ignore. On July 30 and 31, 2013, in Tacoma, several hundred prospective Washington lawyers became the first to tackle the state’s new bar exam format, based on the nationally standardized Uniform Bar Examination (UBE). Washington was the last state to abandon an all-essay, state-specific model and chose to adopt the UBE, which combines a day of performance and essay testing with a second day that consists of a six-hour, multiple-choice ordeal. Separately, examinees also must pass the Multistate Professional Responsibility Examination as well as the Washington Law Component—an open-book, online test of unique Washington law—in order to qualify for bar admission.

I was curious as to how the experiences of this new generation of bar examinees compared to those of us who went before. So I interviewed a few of them to get their thoughts.

“It’s over, which is good,” chuckled Lindsay Erickson, a Seattle University School of Law student. “I’m 서비스 처음으로 하고 싶어요.”

Ed. Note: My interviews with examinees took place before the exam pass list was released. The pass list has been released and is available at http://bit.ly/18dAYSm. The examinees whose real names were used in the article passed, although the examinee identified by the alias “Susan” did not.

UBE Debuts in Washington

Candid Reactions from Test-Takers

by Michael Heatherly
of Law graduate originally from Montana. “It was very challenging, that’s for sure.” Overall, she found the exam even more difficult than she had expected, she said, despite having taken a prep course and feeling she was ready. When I had talked to Erickson 10 days before the exam, she was studying from about 8 a.m. to 11 p.m. daily. Having competed in track, she had learned to prepare herself to “peak” at the right time for a big performance. Nevertheless, following the exam she had no clear feeling about how well she had done.

The WSBA Board of Governors debated the change in bar exam format for over a year before committing to the UBE. Defenders of the all-essay exam argued that the format was more fair to examinees, giving them credit for identifying issues and demonstrating their knowledge of the law without the constraints and devilish subtlety of a multiple-choice format. They also liked that the grading process was entirely within the control of an experienced board of Washington-based examiners. Some also argued that multiple-choice testing was inherently biased against some minority examinees.

Proponents of the UBE countered that despite the competence and impartiality of the Board of Bar Examiners, the subjective nature of the essay test made scoring it inherently inconsistent. They also touted the “portability” of the UBE, the scores from which can be accepted for admissions purposes by other states that administer the test.

One bar applicant I interviewed, “Susan” (not her real name), has a particularly rare vantage point from which to compare the old and new exams — she took them both. Susan was one of the 41 percent of examinees who failed the last all-essay exam in February. Her appeal was denied, leading her to sign right back up to take the new exam in July. It’s not that Susan is unfamiliar with the law. She passed the bar in another state on the first try four-and-a-half years ago and practiced law from then until she relocated to Washington a year and a half ago.

Susan said she had prepared studiously for the February exam. When she reviewed the scoring of her essays, she felt that she had provided sufficient legal substance but apparently hadn’t presented it in the way the examiners preferred. She noted that her scores...
were strong on sections scored by certain examiners, but weak on areas scored by others. While acknowledging that she might be naturally less proficient at answering essay questions, she was surprised at what she felt was inconsistency in the grading process.

“I think the objective exam is the way to go,” Susan said, even though the UBE “is just quite a bit harder [than the all-essay exam]. There’s more to know.” Susan, whose plan to open a practice in Seattle is on hold pending the results of the July exam, has dropped about $6,000 on bar prep courses. She noted that her preparation for the February exam was of little help on the July exam because of the dramatic difference in format.

A first-time July test-taker, Nathan Rouse, said examinees he talked to had mixed feelings about the switch away from an all-essay model. “This was a relief for those who felt that the multiple choice format provides more certainty in the right answer,” he said. “To others, the multiple choice format was frustrating because it tends not to reward one’s capacity for advocacy.”

“This was a relief for those who felt that the multiple choice format provides more certainty in the right answer . . . To others, the multiple choice format was frustrating because it tends not to reward one’s capacity for advocacy.”

Erickson said.

That her group was the first to take the exam with a new format wasn’t a huge factor for her, Erickson said, although she took some comfort in knowing that bar applicants nationwide were going to endure a nearly identical two-day torment.

Rouse said that “stress, fear and excitement” were inevitable in taking the test, but any trepidation he had was reduced by the patience and organization of the WSBA staff and volunteers who conducted it. “Administration of the test appeared to go off without a hitch,” he said.

Nevertheless, waiting to get the results has kept him on edge ever since the exam. “I feel anxious every day . . . I really hope that I passed,” said Rouse, who already has secured employment as a litigation associate with Dorsey & Whitney in Seattle.

The examinees I talked to felt that the stakes for taking the bar seem especially high these days, given the downturn in employment prospects throughout the profession. “I feel very, very privileged to have ended up in such a fantastic position at such an early point in my career,” Rouse said. “It would be foolish to ignore my good fortune at a time when the job market, as it stands, does not afford the same opportunities to recent graduates as it used to.”

Erickson, who does not yet have permanent employment, worked as a Rule 9 intern for the King County Prosecutor’s Office last summer and would like to do similar work again or clerk for a judge, positions she could hold even if she happens not to pass the bar on the first try. The silver lining of not having employment yet is that she doesn’t have to worry about getting fired if she fails the exam, she said.

Although she hopes to remain in Washington, Erickson agrees with UBE proponents’ position that the exam will make things easier for those who wish to “export” their exam scores to apply for the bar in other states or later apply for admission through reciprocity.

I got the impression that the new examinees didn’t make the Washington Law Component (WLC) a high priority in their exam prep, even though they all hoped to practice in Washington. Susan referred to it as “easy,” especially since it is open-book and can be repeated as necessary. Likewise, Erickson, who has not yet taken the WLC, said examinees to whom she had spoken didn’t pay a great deal of attention to it and considered it simply one of the “check the box” items that needs to be completed to gain bar admission.

During the debate surrounding adoption of the UBE, some expressed concerns that having only one small portion of the exam relate directly to Washington law might erode students’ knowledge of unique state law. Another July examinee, Ryan Dumm, said he was somewhat disappointed that he hadn’t been taught more Washington law, especially since he will be practicing in the state. Dumm has been hired at the Seattle office of Schwabe, Williamson & Wyatt.

Citing a lack of experience in practicing law, the examinees declined to make any sweeping generalizations about perhaps the most fundamental question surrounding the bar exam: whether it is useful in measuring the applicant’s competence to practice law. Erickson said that overall she doesn’t think the exam is necessarily the most reliable way to determine if someone is ready to represent clients, but it probably weeds out those who are clearly unqualified. NWL
The Team at Palace Law Offices congratulates

Patrick Palace

for the honor of being chosen to serve as President of the Washington State Bar Association.
On Dec. 28, 2010, the Washington Supreme Court adopted a Rule of General Application, General Rule (GR) 34, to create a uniform process and mandatory forms for in forma pauperis motions. The rule likely went largely unnoticed by the legal profession, unless you provide pro bono services, assist pro se litigants, or work in legal services. Ironically, if you look up GR 34 in West’s 2013 Washington Court Rules’ Table of Rules, which many of us use, the rule is not listed. The text, however, appears on pages 41–42.

Prior to the rule’s adoption, courts varied widely as to how or whether fees were waived. Northwest Justice Project, with offices serving every county in Washington, encountered a remarkable variation in the in forma pauperis waiver forms, procedures, and outcomes.

We (the collective legal services folk) anticipated and hoped GR 34 would provide uniformity in the courts for litigants requesting fee waivers. The rule was intended to provide all citizens access to the judicial system regardless of their ability to pay.

Under GR 34, one can establish indigency in a variety of ways. An individual represented by a qualified legal services provider (QLSP), who has been screened and found eligible for services, is presumptively indigent by declaration from counsel verifying representation and eligibility. Individuals not represented by a QLSP can be found indigent by establishing:

• Current participation in a needs-based, means-tested assistance program; or
• Household incomes at or below 125 percent of the federal poverty guideline; or
• Household incomes above 125 percent of the federal poverty guideline if recurring basic living expenses render the individual unable to pay; or
• Other compelling circumstances that demonstrate the individual’s inability to pay.

Consider the mother and wife with no income of her own who is violently abused by her husband. Prior to GR 34, depending in which county she resided, one court may have refused to allow her to file her petition for dissolution of marriage until she paid the filing fee. Another court may have allowed her to file the petition, but would not enter final orders until the fee was paid. Still another court may have waived everything. These and other disparate outcomes were unacceptable.

Unfortunately, since the adoption of GR 34, the uniformity hoped for has not come to pass. Courts still varied widely in how, what, and whether fees are waived. The disparate outcomes described above, which include altering the GR 34 mandatory forms, continued.

On May 23, 2013, in the case of Jafar v. Webb (No. 87009-8), the Washington Supreme Court stated clearly and unequivocally that all required fees must be waived for indigent litigants. In a unanimous decision, the Court wrote, “We hold GR 34 provides a uniform standard for determining whether an individual is indigent and further requires the court to waive all fees and costs for individuals who meet this standard. The rule was adopted to ensure that indigent litigants have equal access to justice. Any fees required of indigent litigants are invalid and must be waived under the rule.” (Jafar at 2.)

Various amici were filed on behalf of the petitioner, Ms. Jafar, who was represented by Brian D. Buckley and Bradley Thomas Meissner, of Fenwick & West LLP, and Janet S. Chung, of Legal Voice. Oral argument was presented by Mr. Buckley. The court requested the Washington Association of County Officials file an amicus brief and oral argument was presented by Monty Dale Cobb. The respondent, Webb, declined to participate in the appeal.

The primary issue in Jafar was whether the trial court, under GR 34, may waive only some of the fees and surcharges once a litigant is determined to be indigent. The trial court found Ms. Jafar to be indigent, but only granted a partial waiver, i.e., the court waived the $200 filing fee, but ordered her to pay within 90 days a $20 court-
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~ Dalai Lama XIV

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Since GR 34 is the court’s rule, as opposed to interpreting the Legislature’s intent, the court was “uniquely positioned to declare the correct interpretation of any court-adopted rule.” (Jafar at 7.) The plain language of the rule provides expressly for “waiver,” not reduction of required fees. When the rule was being considered, the Washington State District and Municipal Court Judges’ Association requested discretion to grant partial-fee waivers. The Supreme Court did not include partial-fee waiver language.

In Jafar, the Court acknowledged local jurisdictions may, in some instances, have authority to set local fees and charges to generate revenue. In this instance, however, it stated that allowing such discretion would “defeat the purpose of the rule to create a statewide, uniform approach to approval of waiver requests” and “lead to inconsistent results and disparate treatment of similarly situated individuals, the very problems the rule was designed to address.” (Jafar at 9–10.)

“[Constitutional] principles of due process or equal protection require that indigent litigants have access to the courts and require a complete waiver of fees.” (Jafar at 10.) The court cites to Griffin v. Illinois, in which the United States Supreme Court stated, “[t]here can be no equal justice where the kind of trial a man gets depends on the amount of money he has.” (Jafar at 11; 351 U.S. 12, 19 (1956).) The Jafar court also cites a subsequent case upholding Griffin where a litigant was denied appellate review because she could not pay the record preparation fees. (M.L.B. v. S.L.J., 519 U.S. 102 (1996).)

Griffin and its progeny are about fundamental rights and do not necessarily extend to all civil actions. In contrast, the court in Jafar states that its rule, GR 34, and its enumeration of its own cases are “broader than these basic constitutional principles and requires fee waivers for indigent litigants in all cases.” (Jafar at 12, emphasis added.)

For instance, in O’Connor v. Matzdorff, the court stated, “the exercise of a sound discretion dictates that a litigant should not be denied his day in court simply because he is financially unable to pay the court fees.” (Jafar at 13; 76 Wn.2d 589, 603 (1969) (indigent plaintiff could not pay a $3.50 filing fee).) The court subsequently held that an individual’s right to access to the judicial system arises from the state’s constitution. (Jafar at 13; Iverson v. Marine Bancorporation, 83 Wn.2d 163 (1973) (indigent plaintiff could not pay an appeal fee).)

In Jafar, the court made abundantly clear that GR 34 requires complete waivers for indigent litigants in all cases. The court concluded, “The trigger-
ing determination is the finding of indigency [as set forth in GR 34]. Once the trial court determines that a litigant is indigent, the rule then requires a complete waiver in order to allow access to the courts. No language in the rule exists supporting a grant of a partial waiver for indigent litigants, nor, given the cases decided, could such a decision be supportable.” (Jafar at 13.)

For more information on the case and GR 34:

**The opinion**
http://1.usa.gov/16kmHT3

**The oral argument**
www.tvw.org/index.php?option=com_tvwplayer&eventid=2013030001c

**GR 34 forms**
www.courts.wa.gov/forms/?fa=forms.contribute&formid=87

**By analogy, rules for using mandatory forms**
www.courts.wa.gov/forms/?fa=forms.static&staticid=4

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**Sarah Glorian**, senior attorney for the Northwest Justice Project office in Aberdeen, has been practicing for 13 years — on the East Coast for eight years and later hired to open a three-attorney office in Aberdeen in 2007. Due to budget cuts, Aberdeen is now a one-attorney office covering Grays Harbor and Pacific counties. She writes a local monthly newspaper column called “Justice in Motion” for The Daily World (sporadically picked up by other local papers and radio). She cooks, gardens, jogs, hikes, and does volunteer trail work for the Washington Trails Association. She can be reached at sarahg@nwjustice.org and 360-533-2282.

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Family Leave Insurance

A Public Health Issue of Growing Importance

BY SARA KIVIAT BERKENWALD

The passage of the landmark federal Family Medical Leave Act (FMLA) in 1993 allows workers in companies with 50 or more employees the right to take 12 weeks of unpaid leave for personal illness, birth or adoption of a newborn, or to care for an ill family member. Given the rapid aging of the U.S. population and the entrance of a large proportion of women into the work force, expansion of FMLA to all employees and adding financial support for such leave is an increasingly important public health and socioeconomic issue.

Perhaps not surprisingly, a 2013 Pew Research Center study reported that four in 10 U.S. adults between the ages of 30 and 64 are now caring for a sick or elderly family member. Today, women, the traditional caregivers to both the very old and very young, make up almost half (47 percent) of the U.S. labor force, and the employment rate of married mothers with children has increased from 37 percent in 1988 to 65 percent in 2011. In dual-parent homes, over 70 percent of families with children under the age of 18 have both parents employed outside the home. While FMLA has provided much-needed protections for workers, the law has many shortcomings, most importantly that it does not apply to 46.1 percent of workers nationwide. Further, the act does not mandate any financial support be attached to the leave. Currently, only a handful of states, including potentially Washington, provide partial funding for such leave through a variety of temporary disability insurance programs.

The lack of financial support for family leave is problematic, since today the sole or primary breadwinners of 40 percent of all households with children under the age of 18 are women. Comprehensive Paid Family Leave in Washington State

In 2007, the Washington State Legislature recognized the importance of providing financial support for family leave and passed a bill creating Family Leave Insurance. Due to the 2008 budget freeze, this program has not yet been rolled out. The bill, when implemented, will extend FMLA job protections to employers with more than 25 employees. It will also provide five weeks of paid parental leave for the birth or adoption of a new child (maximum benefit of $250 per week). The benefit will decrease fractionally for those working less than 40 hours per week and no benefits will be provided to those working eight or fewer hours.

Unfortunately, the enacted legislation does not include financial support for leave related to personal disability or care of an ill family member. Exactly how money will be raised to support even this somewhat limited program remains unclear. A 2001 study by the Washington Department of Labor and Industries actuary estimated a tax as low as two cents per hour worked, up to 40 hours per week (with payment split between the employer and employee), would be sufficient to fund five paid weeks of parental leave, but also five weeks of personal disability leave and five weeks of leave to care for an ill family member (an annual tax of $41.60 per full-time worker). A legislative task force concluded that the program should be administered by the Washington State Employment Security Department, but whether funding will be based on an employer-employee split tax or paid solely by the employee was not decided prior to the funding freeze. Given the improving
economic situation, implementation and expansion of family leave should now be a priority.

In 2011, another positive development for protected leave occurred in the city of Seattle, which now mandates employers provide paid sick leave. Seattle is one of a handful of cities nationwide that provides such benefits, though no other city in Washington has passed a similar law.3 While many employers allow employees to use their accrued sick days to care for a newborn, and women are forced to save sick days for maternity leave.

Implementation and Expansion of Washington State Family Leave Insurance

Washington state lawyers, both men and women, would greatly benefit from implementation of this program. Washington lawyers work primarily in law firms (28.8 percent), for the government (37 percent), and in solo practice (19.2 percent).9

The specific data on the percentage of Washington attorneys in different types of practice settings who have access to some sort of family leave benefits (either paid or unpaid) are not available. However, data from the 2012 WSBA membership study and a 2013 WSBA demographic report suggest that a minority of lawyers are entitled to such benefits.10 Furthermore, a review of employee benefit packages for lawyers published by the National Association for Law Placement shows, perhaps surprisingly, that some large firms (with greater than 50 employees in Washington state) still do not offer any paid maternity benefit or only a small benefit with qualifying restrictions. For those working for the government, no paid maternity benefit is offered. Thus, while attorneys at the Attorney General’s Office, King and Pierce County Prosecutor’s Office, municipal, appellate and federal courts, and legislative staffs may have FMLA protections, no paid leave exists. For those in solo practice, the lack of any government-organized fi-

Unfortunately, the enacted legislation does not include financial support for leave related to personal disability or care of an ill family member. Exactly how money will be raised to support even this somewhat limited program remains unclear.

and vacation for several years in anticipation of having a baby, these employment policies typically restrict the number of sick days and vacation days employees can bank annually and do not provide nearly enough income during maternity leave.

If this program is to be implemented, we must convince our legislators to pass an amended bill funding and expanding family leave insurance. To this end, we, as lawyers, parents, and caregivers, are well equipped to advocate for family leave insurance. Contact your firm’s public affairs department or labor unions and talk to them about advocating for this legislation. Share your firm’s public support statement with your legislators. Schedule a meeting with your legislators and share your personal story about why family leave insurance is so important. When not in session, legislators will meet with you at their local offices for 15 to 30 minutes to listen to your concerns. Follow up by email after your meeting. Share your personal struggles with unpaid family leave on the MomsRising website (www.momsrising.org). Finally, testify at the next legislative hearing regarding family leave insurance. Washington state has one of the most open legislatures in the country and anyone can testify.11 I hope to see you there.

NOTES

2. Ibid.
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Top: Robert J. Heller and Patrick C. Cook Bottom: Jonathan K. Winemiller and Michael J. Costello


Brewe Layman, one of Washington State’s preeminent family law firms for matters involving significant or complex estates and business/professional practice issues, prenuptial agreements and the litigation/resolution of marital and living together predicaments.
This has been a historic year for the lesbian, gay, bisexual, transgender, and queer (LGBTQ) movement, with the nation making unprecedented strides towards full legal recognition of committed same-sex relationships. Last winter, Washington joined the growing number of states that grant marriages to same-sex couples. Then in June 2013, the U.S. Supreme Court issued its landmark ruling in Windsor v. United States, striking as unconstitutional the section of the Federal Defense of Marriage Act (DOMA) that prohibited married same-sex couples from accessing over 1,000 federal rights and obligations of marriage.

This article reviews Washington’s same-sex marriage law and addresses some of the multitudinous ways that Windsor has profoundly changed the legal realities for married same-sex couples in our state and across the nation. This is a relatively complex area of law that is changing rapidly. This article is intended to provide general information as of the time of writing, and should not be construed as legal advice or opinion.

Same-Sex Marriage in Washington

In 2007, Washington passed its first domestic partnership legislation, which has evolved significantly over the years. Since May 2009, after the passage of what is commonly referred to as the “everything but marriage” law, Washington’s state-registered domestic partners (hereinafter referred to as “domestic partners”) have had the benefit of over 500 state-conferred rights and obligations of marriage.

On Dec. 6, 2013, following passage of Referendum 74, Washington joined what are now 13 states and the District of Columbia in legalizing same-sex marriage. Existing Washington domestic partnerships will automatically convert to marriages on June 30, 2014, unless the partners either marry or seek a dissolution prior to that date (except if one partner is over the age of 62 years old). After June 30, 2014, domestic partnerships will only be available to those couples in which at least one partner is over the age of 62.

Even after the legalization of same-sex marriage in Washington, Washington’s married same-sex couples could still not access the over 1,100 federal rights and obligations of marriage because of Section 3 of DOMA, which prohibited federal recognition of same-sex marriages for any purpose.

Windsor v. United States

On June 26, 2013, in a 5–4 ruling, the U.S. Supreme Court ruled that Section 3 of DOMA is unconstitutional under the due process clause of the Fifth Amendment. In writing for the majority, Justice Kennedy found that “the federal statute is invalid, for no legitimate purpose overcomes the purpose and effect to disparage and to injure those whom the State, by its marriage laws, sought to protect in personhood and dignity.”

The U.S. Supreme Court’s landmark ruling stemmed from a 2009 lawsuit filed by New York resident Edith Windsor. Ms. Windsor was legally married to her wife, Thea Spyer. When Ms. Spyer died and passed her estate to Ms. Windsor, Ms. Windsor was barred by the IRS from claiming the federal estate tax exemption for surviving spouses. Instead, the IRS denied her claim and sent Ms. Windsor a bill for $363,053 in estate taxes. Ms. Windsor promptly filed suit against the federal government arguing that DOMA was unconstitutional.

After DOMA: Federal Recognition of Same-Sex Marriages

By striking down Section 3 of DOMA, the U.S. Supreme Court ensured that married same-sex couples, at least those living in states that recognize their marriages (recognition states), would have access to the federal rights and obligations of marriage. This will enable these couples to better protect each other and their families.

Examples of the new legal protections for married same-sex couples include:

- The ability to sponsor a foreign-born spouse for U.S. citizenship;
- Access to Social Security spousal and family protections;
- Access to military and veteran’s spousal benefits;
- The ability to file a joint federal tax return;
- The ability to take protected job leave under the Family Medical

Life in a Post-DOMA World

by Elizabeth Hershman-Greven and Caleb Oken-Berg
One significant issue which arises from Section 2 of DOMA is that married same-sex couples who move to non-recognition states may be unable to get divorced without first moving to and establishing residency in a recognition state.

The Windsor ruling did not repeal DOMA entirely. Section 2 of DOMA, which allows states to refuse to grant same-sex marriages or recognize same-sex marriages validly performed in other jurisdictions, remains intact. There are currently 35 states that ban same-sex marriage and two states that have no laws either banning or permitting same-sex marriage.

While legislation is pending in Congress to repeal DOMA in its entirety, it is unknown when and if such legislation will pass. Thus, married same-sex couples who live in states that do not recognize their marriages, either because they moved to such states after marriage or because they married outside their non-recognition state of residence, may be effectively blocked from accessing various federal rights and obligations of marriage.

This discrepancy exists because federal agencies typically defer to the states to determine the validity of a marriage, and there is no universal rule across agencies. Some agencies look to the couple’s current place of domicile or residence, others look to the jurisdiction where the couple celebrated their marriage (place of celebration), and still others look to the state “with the most significant interest” in the marriage. Some agencies have no official rules about this issue at all.

For example, the IRS previously had a practice of using a place of domicile rule to determine the validity of a marriage, but a place of celebration rule in the case of common-law marriages. On Aug. 29, 2013, the IRS announced that for legally married same-sex couples, the agency will use the place of celebration rule for federal tax purposes. On the other hand, the U.S. Citizenship and Immigration Services and the military generally use a place of celebration rule to determine the validity of a marriage and are already taking actions consistent with that approach. The U.S. Department of Defense recently announced that in light of the Windsor ruling, it would not only use a place of celebration rule and provide spousal benefits to couples in lawful same-sex marriages, but it will also grant non-chargeable leave to military couples living in non-recognition states so that they may travel to a state where the couple can be legally married.

For bankruptcy courts, there is no federal statute or regulation that addresses how the courts should determine the validity of a marriage. One significant issue which arises from Section 2 of DOMA is that married same-sex couples who move to non-recognition states may be unable to get divorced without first moving to and establishing residency in a recognition state. A number of recognition states, including California, have provisions in their law which allow same-sex couples who married in California and cannot obtain a divorce in their state of residence to file for dissolution of their marriage in California. Washington does not yet have such a provision.

Moreover, same-sex married couples who reside in or move to non-recognition states will not be afforded the marital rights and obligations conferred by their state of residence. Married couples who travel to non-recognition states will be at risk of not having their status recognized. It remains critical for same-sex couples to continue to take additional, advance measures to protect themselves and their families, such as second-parent adoptions for children (where available), executing powers of attorney, wills, hospital visitation and funeral arrangement documents, and other estate and family planning documents.

Within weeks of the Supreme Court’s ruling in Windsor, lawsuits were filed or amended in numerous U.S. states and federal courts (such as Arkansas, North Carolina, Hawaii, Virginia, Pennsylvania, and Nevada) seeking to overturn those states’ same-sex marriage bans. The Hawaii and Nevada cases are currently on appeal in front of the 9th U.S. Circuit Court of Appeals. Legal argument on behalf of those same-sex couples seeking to overturn the marriage bans cite prominently to Justice Kennedy’s opinion in Windsor and argue that allowing states to discriminate against same-sex couples seeking marriage licenses is unconstitutional. For example, the plaintiffs in the North Carolina lawsuit argue that the Supreme Court made it clear in
that an “interest in protecting traditional moral teachings reflected in heterosexual-only marriage laws” was not a legitimate justification for the federal DOMA, and therefore the North Carolina law banning same-sex marriage is similarly unconstitutional.4

Courts already have started to cite the Windsor opinion as a basis for recent rulings. For example, on July 22, a federal judge in Ohio cited Windsor and ordered the state to issue a death certificate that recognized an out-of-state marriage of a same-sex couple living in Ohio.5 On July 29, 2013, another federal judge cited Windsor in ruling that a Philadelphia law firm is required to pay survivor benefits to a lesbian widow, not the deceased woman’s parents.6 That court held that because of the U.S. Supreme Court’s ruling in Windsor, federally regulated retirement benefit plans must recognize lawful same-sex marriages when paying out spousal benefits.

Due to the constantly changing landscape, clients and attorneys alike are advised to seek up-to-date advice and information from legal practitioners familiar with LGBTQ-specific legal issues. NWL

NOTES
This is Part II of two articles on LGBTQ inclusion in the field of law. This article describes how to create legal workplaces that are free of discrimination based on sexual orientation and free of overt and covert behaviors that encourage LGBTQ law partners, associates, corporate counsel, judges, staff, and others to hide their sexual identity. The first part, published in the July/August NWLawyer, concerned discriminatory practices against LGBTQ employees, especially in Washington, and how some law organizations gain national recognition for their inclusive policies and practices.

Among the first measures of equity is hiring out and open LGBTQ attorneys and staff. Only when they are inside the employment pipeline can LGBTQ attorneys rise above the “lavender ceiling.” Yet, once hired, LGBTQ legal employees face a new — often invisible — set of challenges that must be addressed before true equity can exist. Thus, the “lavender ceiling” remains a real obstacle to the success of many LGBTQ attorneys and staff, as well as the companies that hire them.

To gain a better understanding of these challenges, we posed three questions regarding LGBTQ workplace issues to a diverse group of law partners, associates, recent hires, law professors, students, legal administrators, and staff employed in legal organizations throughout Washington — plus a few attorneys and legal scholars in other parts of the United States. Following are the questions and a synthesis of their responses.

Why is it important for law firms to change their work environment and work practices to include LGBTQ lawyers and staff as part of their diversity initiatives?

Most say the importance for legal organizations is reflected in the national consciousness. National interest in LGBTQ inclusion has risen within the past five years, partially because of news headlines involving dramatic LGBTQ issues — from public votes for the demise of Don’t Ask Don’t Tell to the constitutional challenge to the federal Defense of Marriage Act (DOMA), which was declared unconstitutional by the U.S. Supreme Court in July 2013. Without noticeable changes, both employees and prospective employees will be unsure about an organization’s position on equity and inclusion for LGBTQ employees.

Do law firms and legal organizations need to embrace LGBTQ diversity in order to grow and thrive in a modern, global economy — or can they delay?

The need to recognize and value LGBTQ attorneys and staff is critical to meet client expectations, retain top talent, and sustain social justice within the profession. Legal experts in Washington and elsewhere say that meeting the challenge to recruit and hire LGBTQ attorneys and staff is just as important as the need to deliver legal services to and represent LGBTQ clients, consumers and in-house counsel. Some say commonly held perceptions of law as a conservative industry lends itself to slow organizational change, despite policies that promise work environments free of discrimination.

Overall, what may result from making no organizational adjustments to accommodate the pool of LGBTQ legal talent?

By failing to make changes, the potential impact could be both embarrassing and costly. In 29 states it is still legal to fire workers simply for being gay, lesbian, or bisexual. Washington is not one of those states. Twenty-one states and the District of Columbia have laws that protect employees against discrimination on the basis of sexual orientation, and 16 states and the District of Columbia protect employees on the basis of sexual orientation and gender identity.
Changing Attitudes
As attitudes about sexual orientation become more inclusive, the effects of violating the sensibilities or even the civil rights of LGBTQ lawyers and staff are of great concern to attorneys and legal administrators. Covert or overt actions such as anti-gay jokes and inappropriate or antiquated language (such as using “sexual preference” versus “sexual orientation”) can be jarring and offensive. Negative behaviors among partners and associates at law firms — as well as among judges, prosecutors, law students, and corporate counsel — are less tolerated today, but still not entirely a thing of the past. Those offended include more and more straight colleagues with family members or friends who are gay.

Although 1.88 percent of attorneys self-identify as LGBTQ, according to the 2011 survey by the National Association of Legal Career Professionals (NALP), experience in legal workplaces show us that fewer LGBTQ professionals are actively “out” in daily workplace interactions. The NALP statistics contrast with nationwide population surveys that reveal up to eight percent “non-heterosexuals” in the overall population. The relatively low overall number of openly LGBTQ attorneys accounted for by NALP and other organizations seems to suggest that many LGBTQ attorneys choose not to disclose their sexual orientation or gender identity at work.

For transgender attorneys, the need to be closeted may be even greater, as noted in the Human Rights Campaign Foundation’s Transgender Inclusion in the Workplace, 2nd Ed. The number of transgender attorneys in law firms is not known. According to the Minority Corporate Counsel Association (MCCA) 2010 report titled The New Paradigm of LGBTQ Inclusion, few openly disclose being transgender.

Hiding in Plain Sight
Because many law schools have LGBTQ student organizations with large memberships, one might assume that law firms would have similarly inclusive work environments. Often, new LGBTQ attorneys come into the profession expecting firms to be welcoming places where they can be out and comfortable about their sexual orientation, gender identity, and personal lives. Some grad-
uates have their expectations met and others do not.

Yet many new LGBTQ attorneys still hide the gender of their partner to appear heterosexual, sometimes self-banning themselves from firm social events or risk inviting a shill or decoy. Evading specifics about personal or family dynamics becomes an art. Hiding, pretending, and worrying about being out, how out you can be, or employing caution around certain senior partners and attorneys in powerful positions becomes a way of life. Added to the stresses of legal work, some LGBTQ legal professionals eventually choose to ditch the nondisclosure and bolt.

Even in firms where the leadership is visibly and vocally supportive of LGBTQ diversity, little pockets of resistance, intolerance, and non-acceptance can still exist with impunity, especially in larger firms. Even achieving partnership is not the panacea to overcome fears about the negative impact sexual orientation or gender identity can have on lawyers’ careers. LGBTQ partners often fear not being viewed as a leader, not being selected as a client relationship partner, and/or not getting recognized as a heavy hitter or a client magnet among their colleagues as they deserve.

Add gender to sexual orientation and another pattern emerges. When it comes to hearing offensive, bigoted comments or jokes, 75 percent of LGBTQ women attorneys report having been subjected to offensive comments, while just 69 percent of LGBTQ men experienced the same.

Also frustrating and disheartening to LGBTQ employees are coworkers and colleagues who do not speak up when derogatory jokes and comments are made about LGBTQ people. Allies face the fear of exclusion for speaking up or being perceived as gay/lesbian themselves. The lack of support plays into a feeling of isolation. This is compounded when LGBTQ attorneys feel excluded from informal networks or are uncomfortable about bringing partners to formal events in which either staff and/or children will be in attendance. When invitations do not specifically invite spouses and “life partners” — or words to that effect — LGBTQ attorneys may feel uncertain if same-sex partners will be welcomed.

**Inappropriate Behaviors**
False assumptions about sexual orientation or gender identity can — and do — create huge risks. Because so many LGBTQ attorneys are not fully out at work, they are more likely to hear bluntly homophobic terms like “fag” or “dyke” from those who assume everyone is straight.

Beyond words and policies, LGBTQ employees want to see differences in everyday business practices and behaviors. Recognition and collegial support from partners, managers, and other peers go a long way to eradicate unwelcoming practices of the past and earn employees’ trust and loyalty. Some more protective or not-so-openly-LGBTQ general counsels, judges, and others, however, report that overt homophobia is alive and well.

**Supportive Voices: LGBTQ Law Conferences, Panels, and Gatherings**

To help law firms build a sense of trust and collegiality among LGBTQ lawyers, a growing number of organizational conferences, panels, and speakers specifically focus on LGBTQ issues and ways to support LGBTQ lawyers and staff.

LGBTQ community or people living with HIV/AIDS, and other services and information, according to QLaw President Zana Bugaighis. QLaw’s GLBT Clinic is a recipient of this year’s WSBA Pro Bono Award. QLaw’s annual banquet draws over 700 attendees from law firms, corporations, and other organizations throughout the area.

Other legal-related organizations have hosted annual conferences that focus on LGBTQ issues. The 17th Annual LGBTQ Law Enforcement Conference, sponsored by LEGAL International (Law Enforcement Gays and Lesbians), took place in Las Vegas in September. LEGAL International is an association of LGBTQ criminal justice professionals, active and retired. The event featured topics such as how probation officers and police departments can improve relationships with LGBTQ community groups and transgender criminal justice professionals and their issues.

Not only have conferences on LGBTQ topics proliferated, but more research reports have been written about achieving LGBTQ equality and inclusion, including the groundbreaking Minority Corporate Counsel Association 2010 report.

**Get Personal**

Here’s what you can do on an individual basis to contribute to creating a workplace that is more LGBTQ-inclusive. If you experience conflict over LGBTQ issues, share your dilemma with others, especially colleagues who can understand and discuss the challenges you are facing. This type of dialogue is particularly powerful when initiated by individuals in leadership.

In February 2012, after years of personally opposing same-sex marriage, Governor Christine Gregoire signed the law passed by both chambers of the State Legislature to enact same-sex marriage in Washington. After
signing the bill, Gregoire described a long-term conflict of trying to balance her Catholic faith with her sense of fairness and dignity. President Obama cited the LGBTQ parents of his daughters’ friends as the impetus for his own evolution to support marriage equality. Insights from such venerated political leaders can inspire others to support issues facing the LGBTQ community.

Moving Forward Inside Your Firm
Diversity can serve law firms and legal organizations both economically and ethically. The same is true specifically for LGBTQ diversity and inclusion. How do law firms and legal organizations go about recruiting, hiring, advancing, and promoting LGBTQ attorneys? The answer lies in instituting policies and building relationships of trust so that LGBTQ employees have no reason to hide and others are clear that each person’s sexual orientation is to be respected.

The American Bar Association (ABA) report titled “Best Practices for Promoting LGBTQ Diversity,” issued by the ABA Commission on Sexual Orientation and Gender Identity (SOGI), is a helpful resource developed specially for lawyers. Brief and practical, the 15-page report lists a host of helpful suggestions on such issues as LGBTQ-related marketing and press, client-directed activities, and legal advocacy.

Some ways to demonstrate an organization’s internal commitment to LGBTQ inclusion are:

• Make the message clear that your organization supports LGBTQ diversity by publicly acknowledging the number of LGBTQ employees who work there.
• Include a section on LGBTQ topics on the diversity page of your organization’s website.
• Discuss the firm’s commitment to LGBTQ diversity during interviews with prospective employees.
• Get permission to share the names of LGBTQ individuals in the organization. In callback interviews, make it clear that interested candidates can speak to attorneys who share similar interests and concerns, including LGBTQ diversity.
• During the on-boarding process, in pairing mentors with protégés and throughout the transition from law school to lawyer, include LGBTQ diversity in the process.
• Implement diversity or cultural competency training to address the wide range of differences. Including LGBTQ diversity in such training sends a subtle albeit positive message that all differences are embraced.
• Whenever appropriate, be inclusive when wording invitations to workplace events, including both spouses and partners.
• Ensure LGBTQ equity in healthcare benefits and other employment benefits.
• Choose pro bono cases that benefit LGBTQ communities.
• Be inclusive in business practices: in client pitches, selecting individuals for leadership positions, conversations about the firm, and the organization’s vision and strategic plans.
• Create and nurture an LGBTQ affinity group.
• Announce special events in the lives of LGBTQ employees (e.g., commitment ceremonies, marriages, adoptions, etc.).
• Ensure that the National Association of Legal Career Professionals (NALP) forms sent to law schools include an accurate count of the number of out LGBTQ attorneys in your organization.
• When asked how many openly LGBTQ attorneys or staff work at your organization, do not answer by saying: “We are not allowed to ask employees about their sexual orientation, I don’t know.” No law prevents an organization from building sufficient trust among LGBTQ employees to inspire them to come out on their own, without fear of repercussions or reprisals at work.

Moving Forward Outside Your Firm
We will leave you with ways your firm or legal organization can externally underscore its commitment to LGBTQ diversity, as well as enhance its recruitment and hiring efforts.

• Support LGBTQ nonprofits and causes in your community — financially and with pro bono work.
• If your community has an LGBTQ Chamber of Commerce, join the association and sponsor lawyers and other employees to attend the group’s luncheons, dinners, and celebrations.
• Advertise and recruit new employees through LGBTQ newspapers and other national, regional, and community media.
• Attend or support LGBTQ community events.
• Designate a team from your organization to walk in your city’s gay pride parade.
• Support talented LGBTQ candidates running for executive, legislative, and judicial offices.
• Distribute free promotional materials (pens, t-shirts, letter openers, etc.) at LGBTQ community events.
• Donate pro bono legal services for auctions at LGBTQ nonprofits.
• Select individuals to serve on a LGBTQ nonprofit board of directors.
• Attend or support LGBTQ community events.
• Encourage the CEO or managing partner to recognize significant accomplishments by LGBTQ employees.

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A Side of Sidebar

What’s happening online at NWSidebar, the blog for Washington’s legal community [nwsidebar.wsba.org]

10 Reasons to Hire a Contract Attorney
Feeling overwhelmed by more work than you can handle? Erin Sperger explains how contract attorneys can be a cost-efficient and time-saving way to help you manage your practice.

5 Law School Tips for 1Ls
With advice on the best note-taking software and how to write exams, this post will help 1Ls start their legal careers on the right foot.

5 Things Lawyers Should Know About I-502
Entrepreneurs and investors with hopes of high returns are eager to enter the recreational marijuana business. And they’re going to Washington attorneys for advice.

5 Tips on Choosing a Practice Area
Thinking of going solo, but not sure what to practice? Solo attorney Autumn T. Johnson writes on how to craft a practice that best suits you.

5 Weekend Roadtrips and Destination-inspired Drinks
What about work-life balance? Here are five weekend road trips around Washington to inspire you to take some time off.

Bloggers Wanted!
Add your voice to NWSidebar! Whether you maintain your own legal blog or have never written a blog post, we welcome submissions from all members of the legal community.
Interesting Apps for Lawyers

by Jamila A. Johnson

1. TranscriptPad ($89.99): TranscriptPad easily allows you to highlight portions of text and classify relevant parts of a deposition by category. Want to read deposition transcripts on a treadmill? The best part of TranscriptPad is that it scrolls at the speed you read at so you can absorb hands-free while sweating to the oldies.

2. WestLawNext (Free): Need to research on the go? WestlawNext is the most seamless mobile application for that last-minute research in the courtroom. That’s not necessarily saying much — legal research providers still have a while to go, but it’s a good start. Not a WestLaw user? LexisNexis and FastCase also offer apps for legal research.

3. OpenTable (Free): Use OpenTable to find a restaurant nearby with an open reservation. It is perfect for when you have a surprise client lunch. Earn dining rewards points toward free meals, get helpful hints on where to park, and get a breakdown on the dress code.

4. iJuror ($19.99): Never quite figured out how to track your jurors during voir dire? If you can type faster than you can scrawl on Post-Its, consider trying out iJuror. It is certainly not for everybody, but it gives some structure to a process that can sometimes feel much more scattered than it needs to be.

5. WA State Corporations Lookup (Free): What is the proper name of that business? Is there a comma in the name? The Washington Secretary of State’s office offers a corporation search app to help you view a corporation’s status, find the date of incorporation, and locate a registered agent, at your fingertips.

6. LinkedIn (Free): While the website leaves much to be desired, the app is actually well-organized, easy to use, and generally far superior to the website. If electronic networking gets you down, try the LinkedIn app before you throw in the towel.

7. Penultimate ($0.99): This app is perfect for lawyers who tend to misplace legal pads in their office drawers. Instead, using a stylus and a tablet, you can easily handwrite notes on the screen. Choose from different paper styles, inks, and pens.

8. Depose ($7.99): Prepping for a deposition is made easier with Depose — an app that helps you organize questions for depositions and create templates for future depositions. It also lets you store exhibits for your deposition on your device.

9. Dictadroid ($1.99): Dictadroid is a great dictation option for users of Android devices. For those who still dictate, it’s worth a try. For those who don’t, this won’t help you learn.

10. Amazon Kindle (Free): Bryan Garner — legal writing CLE guru — likes to say that the way to better legal writing is better reading. The Amazon Kindle app is the best way to read great books instantly.

Apps may not be available for all types of smartphones and tablets. Keep in mind that lawyers have an ethical obligation to take reasonable precautions to protect client information from being disclosed to third parties. Using some or all of the above apps may necessarily give a third party access to information gained in the course of representation. Lawyers should ensure that the third party has policies to maintain the confidentiality of the information and security measures in line with industry standards. This article does not represent the recommendations of WSBA, only the tastes of the column’s author. No endorsement by the WSBA is implied of products mentioned in this article.

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Use Your iPad Like a Pro

Tips for Using a Digital Tablet in a Paperless Law Practice (or Anywhere Else)

BY DENISE LUKINS

[Ed. Note: No endorsement by the WSBA is implied of products mentioned in this article.]

For my birthday a year ago, I got an iPad. I loved it because it was so trouble-free and the touchscreen made using a computer fun again. After six months, I started taking it to my office and I realized that I’d been using one of the most amazing legal tools since online research to look at pictures of grumpy cats and play solitaire. Since then, I’ve integrated my iPad completely into my practice. I often elect to work on my iPad rather than a laptop, and, for better or for worse, it makes staying in touch with my practice when I am out of town much easier.

Using an iPad has made me a better, more efficient lawyer, and my clients have benefited. I also believe that using the iPad, along with a cloud file storage service and proper encryption, can improve security and protect client information far better than paper files.

Like any other tool, the iPad works better when you know how to use it, and the more you know, the better it works. Although I have experimented with and researched a lot of apps, the purpose of this article is to describe ways to use the “hardware,” or the iPad device itself, more efficiently. (This article deals specifically with the Apple iPad, but much of this information may be applicable to other non-Apple tablets.)

The Basics

First things first. The basic controls for the iPad are very simple. When I refer to the “home button,” I mean the round indentation with a square in it located on the front of the iPad. The “volume” and “side switch” for the iPad are located next to each other on one long side of the iPad. The side switch can be used either as a mute button or to lock rotation if you don’t want your iPad to change from portrait to landscape when you turn it. You can select how you want to use it in the settings menu. The sleep button is located on one short side and is used to either lock the iPad or turn it off completely by holding the button until the “slide to power off” command appears.

I started off using a 16 gigabyte iPad2 with WiFi connection. I didn’t need 3G connectivity because my iPhone includes a mobile hotspot. However, I did find the 16GB memory to...
be insufficient. I use my iPad a lot, and even with cloud storage, I found myself constantly running out of room. While I believe Apple charges too much for memory ($300 for an additional 112GB!), my upgrade to a 128GB model means I rarely run out of storage. I also elected to go with the full-size Retina display model, rather than a mini.

**Keyboard and Touchscreen Tips**

In addition to the simple controls mentioned above, the iPad features an onscreen keyboard. The first thing I did when I started using my iPad for extensive document creation was get a good-quality Bluetooth keyboard (around $150 for the ClamCase combination keyboard and protective cover or $99 for a Zagg keyboard). I found the onscreen keyboard format on the iPad, which requires switching from alphabetic to numeric to symbol screens, to just be too unwieldy.

Here are some keyboard tips:

- Tapping the space bar twice inserts a period and a space. The next letter typed will automatically be capitalized.
- Touching and holding the /? key in the alphabetic keyboard reveals a quotation mark.
- Touching and holding the – key in the numeric keyboard reveals dashes of various lengths and a bullet point.
- Touching and holding the $ key in the numeric keyboard reveals various foreign currency symbols.
- Most importantly for lawyers, touching and holding the & key on the numeric keyboard reveals the § symbol.
- Touching and holding the . key in the numeric or symbol keyboard reveals the ellipsis sign.
- Touching and holding the ‘ key in the numeric or symbol keyboard reveals a variety of apostrophe and quote symbols, and takes you back to the alphabetic keyboard automatically.
- Touching and holding the ” key in the numeric or symbol keyboard reveals a number of symbols.

When using any of the “touch and hold” keys, simply press the key with your finger or stylus. When the alternate symbol box appears, slide your finger or stylus to the desired symbol and release.

**Shortcuts**

You can also create shortcuts on the keyboard for any phrase or symbol you want. Here’s how. Open Settings > General > Keyboard, then “Add New Shortcut.” For “Phrase,” enter the phrase or symbol you want, and then the shortcut, which should be a combination of keys you would not usually use together. For example, to create a check box (☑) shortcut, email yourself a copy of the ☑ symbol. Open the email on your iPad, and then go into Settings as described above. Enter the ☑ symbol as the phrase. For “shortcut,” enter a combination of keys you are unlikely to normally use together, in this case “chx.”

This also works very well for phrases you use often. However, for whatever reason, an email address entered using the “phrase” command is not recognized as an email address.

**Screen Orientation**

The iPad screen changes orientation from portrait to landscape, depending on how you turn the device. If you prefer the orientation to remain the same, tap the home button twice. A ribbon of open apps appears at the bottom of the screen. Swipe to the right, and a control screen appears. Turn the iPad the way you want it oriented and touch the button on the far left that looks like a circle with an arrow. That will freeze the orientation. A lock symbol will appear when the orientation is locked.

To take a picture (screenshot) of whatever is on the screen, press the home and sleep buttons simultaneously. The image will be saved to your camera roll.

**Switching Between Apps**

The iPad runs small programs, known as applications (or apps). I often have several apps open at one time and need to switch between them. There are several ways to do this. If you push the home button twice, your open apps will appear in a ribbon at the bottom of the screen. You can scroll through the open apps by swiping left or right on the ribbon. You can also take advantage of the gesture commands on the touchscreen. First, go into Settings > General, and turn on “Multitasking Gestures.” Once you have enabled gestures, swiping with four fingers upwards on the screen reveals the open app ribbon. Swiping downward makes it disappear. Whichever method you use, you can then tap the icon for the app you want and it will open up on the screen.

An even faster way to switch back and forth between apps is by once again using gestures. Swiping from left to right (or right to left) across the screen allows you to scroll from app to app. Finally, if you are in an app and you want to return to the home screen so you can open another app, spread all five fingers out on the screen and slide them to the center.

**Improving Performance and Efficiency**

Having lots of apps open shortens the battery life of the iPad, makes it run slower or even freeze entirely, and makes it harder to find the open app you need. It is a good idea to close...
unused apps fairly often and shut down the iPad from time to time. To close apps, get to the open app ribbon at the bottom of the screen using one of the methods described. Touch and hold down on any app icon until all the icons start to wiggle. Touch the minus sign in the left hand corner of any apps that you want to shut down. Or, turn off the iPad completely by holding down the sleep button until the “Slide to Power Off” command appears. This will shut down all open apps.

There is a simple way to find out how much storage memory various apps or data are using and delete things that are taking up too much space at the moment. Go to Settings > General, find “Usage” and hit the arrow to the right. “Storage” will then populate itself, and will show how much memory apps and data are using. Tap the arrow on the right of the app to delete. Not to worry, if you are using iCloud (and you should be), the app will be available to download again. Videos especially take up a lot of memory, but deleting the entire last season of Mad Men can open up a lot of space, and it is simple enough to download again using iCloud. Photos, videos, and music can be deleted in their respective apps.

To put a commonly used app on the bottom of the home screen, just touch the icon for the app until it begins to wiggle, then drag it to the bottom of the screen. There is only room there for about six apps, but it is a way to easily access the most frequently used apps, such as mail or Internet browsers.

To better organize the other apps, create folders for related apps. Touch and hold the icon for an app. When it starts to wiggle, just drag it with your finger or stylus to the app you want to group it with. If Apple doesn’t think they belong together, the icon you drag to will “run away.” Otherwise, a folder will be created with a suggested name, which can be changed. Once the folder is created, you can touch and hold icons until they wiggle, and then drag them to the desired folder. Personally, I find it easiest to group apps by function. For example, I use several different notebook apps for different purposes, and have them grouped together in a folder called “Notebooks.”

Security
One of the concerns with cloud computing is security, and that concern is understandable. Also, since the iPad is so portable, it is easy to walk off and leave it somewhere. I use Dropbox on my iPad, as well as on my PC and even my iPhone. I find it incredibly handy to be able to access my files anytime, anywhere that I happen to be in the world. Obviously, this also increases the risk that files can be compromised and confidentiality breached, particularly if your iPad is lost or stolen. I have addressed that concern by using a password-protected encryption application that provides AES-256 standard encryption on all my devices. In addition, I have taken extra steps to protect the iPad itself.

The iPad can be set with a passcode lock, but the default code setting is only four numeric digits long. To provide a longer password and additional protection, go to Settings > General > Passcode Lock. If you already have a passcode set, it will ask you to enter it. You can then turn on the passcode. If you turn off “simple passcode,” you can select a passcode that is much longer and more secure using numerals, letters, and symbols. In addition, you can set your iPad to erase all data if the passcode is entered incorrectly more than 10 times in a row (don’t forget to write down your passcode). Going back to the general screen, you can arrange for your iPad to auto-lock after a selected number of minutes of inactivity.

It is also unsafe to use your iPad on public Wi-Fi networks, particularly if you have client data on it. You can elect to buy an iPad with a built-in cellular chip, although this also requires a
With hundreds of thousands of apps that serve every business function you can possibly imagine, the iPad is incredibly useful and much easier to use than a laptop or desktop computer. A better solution, in my opinion, is to have your mobile phone set up as a password-protected mobile hotspot. There is also an additional charge for this, but I use this feature all the time and can connect other devices, such as my PC.

You should also enable “Find My iPad.” This is an app that you can link all your Apple devices to. If your iPhone or iPad is lost or stolen (or even if they have just fallen behind the couch cushion), you can easily pinpoint its location or cause it to make a loud beeping noise. This also allows you to pinpoint your iPad’s location if it is stolen, and allows you to remotely wipe all data from it using any computer. Apple transmits a signal to the device, instructing it to self-destruct. Unfortunately, the self-destruct feature isn’t a Mission Impossible physical destruction, but all data will be wiped. Starting with the iOS 6 operating system, iCloud also offers Lost Mode. This locks your device with a passcode and sends it a message displaying a contact number so you can be called, even though the device is locked down, by someone wanting to return your iPad.

This should go without saying, but always back up your iPad using iTunes or iCloud. I find iCloud to be absolutely seamless. A basic iCloud plan is free, but the storage is very limited: only 5GB. A 50GB plan is $100 per year, and worth the price, in my opinion.

With hundreds of thousands of apps that serve every business function you can possibly imagine, the iPad is incredibly useful and much easier to use than a laptop or desktop computer. It is the essential tool for a paperless office. I use my iPad for all my court appearances, client meetings, depositions — you name it. Why haul around a suitcase of files when you can replace it all with one very user-friendly device? NWL

DENISE LUKINS is a solo practitioner in Vancouver who practices real estate, business litigation, and animal law. After practicing law with various firms for 15 years, she noticed that lawyers tended to invest in great hardware and software, but rarely utilize all the features available. She decided to open her own office and use technology, like the iPad, for a more efficient, cost-effective, and fun practice. She can be reached at dlukins@lukinslaw.com. No endorsement by the WSBA is implied of products mentioned in this article.

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I Was Sued, and I Didn't Like It

BY SHERMAN KNIGHT

At dinner parties, when people would ask what I do for a living, I would respond in a joking way, “I make people’s lives miserable.” They would quickly come back with, “Ah, you must be an attorney.”

As a practicing trial attorney for two-and-a-half decades, I never understood just how accurate my description was. I didn’t try to make lives miserable, it’s just the result of a process they taught us in law school known as litigation.

Then it happened: my wife and I were sued over the remodel of our home. I was about to experience what “miserable” really means.

During construction, I was too busy to inspect the work. I was not too concerned because I had hired someone who was highly recommended. Near the end of my remodel, there were some things that bothered me, so I hired a different builder to come in and inspect the home. The list of defects he found left me dazed.

I provided the list to my builder and withheld further payment. Two weeks later, the builder left the job, filed a mechanics lien, and sued my wife and me.

Initially, I knew we were going to cream this guy, so I shrugged it off. After all, I am an attorney and an architect and have represented both contractors and homeowners in hundreds of construction defect cases over the years. Nevertheless, as time passed, doubt began to creep in.

My wife did not like the idea of being sued, especially after she was served at her office. She was not happy. Although I tried to convince her that the contractor did not stand a chance, I was surprised how the lawsuit affected our relationship. If we lost, the total bill could be over $150,000 (his claim, his attorney’s fees, and my attorney’s fees), and I would still have to repair the defective work out of my pocket. When I explained the cost if we lost to my wife, our relationship further soured. Over the next two years, doubt continued to build as the builder went through three different attorneys, each one seemingly starting over with new and different demands.

Although I was sure of the outcome, the possibility of losing $150,000 and how that might affect my wife, my kids’ college education accounts, and countless other possibilities never left my mind. I was surprised how much I thought about the matter. I was distracted at work and my stress level climbed as trial approached. When I had free time, the lawsuit was the only thing on my mind. Dreams about the dispute woke me up in the middle of the night. I had concerns with the judge appointed to the case and wondered if the judge would see through the other side’s lies. I remember thinking, Why is this lawsuit affecting me like this? I do this for a living. For the first time, I understood what my response, “I make people’s lives miserable,” really meant.

A week before trial, a mediation resolved the dispute when the builder’s insurance company wrote a check. Although the lawsuit was over, the stress on the relationship between me and my wife was not. It took a while before things returned to normal. The emotional turmoil for two years was not worth the impact on my family and the lost time and costs will never be recovered.

Given the amount of personal stress I went through, I can’t begin to imagine the stress and emotional turmoil that a non-attorney would suffer through. There must be other options.

In hindsight, I saw that before the lawsuit was filed, I had everything I needed to mediate. My second builder provided a report and an estimate for repair. I took some pictures. The builder was there every day. He knew what transpired and what it would cost to fix it. Two years of discovery, motions, and trial prepara-
Early mediation would have alleviated most of my misery. And saved a lot of money. As young minds in law school, we are taught the process of litigation. The process is fairly rigid and has little room for a creative response. As attorneys, we are taught to become forensic thinkers and leave no stone unturned. Between the rigid process and forensic thinking, the law is expensive.

Early mediation is less expensive, but in every case there still needs to be enough discovery to make a good presentation. While early mediation may leave some stones unturned, the risk is acceptable when the chance of missing something is outweighed by the saved time, reduced emotional distress, and expense.

This is most obvious when the value of the dispute is too large to ignore but so small that any recovery will disappear in cost and legal fees. In these cases, the forensic training received by attorneys, which forces them to leave no stone unturned, is simply not cost-effective.

Early mediation is a natural fit if there is a desire to preserve a relationship before the parties become so polarized that resolution is difficult and the parties become combative. When two neighbors are longtime friends, their friendship may be saved when early mediation resolves disputes over something shared such as a fence or property line. Employee/employer relationships can be saved where the employer wants to retain the employee or the employee wants to keep their job.

There are also relationships that might not be so obvious to attorneys. Contractors have special relationships with subcontractors who always finish on schedule and with little fuss. Contractors want to maintain a relationship with owners who might have repeat business. If continuing the relationship is important, early mediation will foster an atmosphere of working together, rather than fighting over and defending your position. The tone of early mediation is very different, often looking for creative solutions that are never available in late mediation.

Other early-mediation cases might include:

- When a party just wants it over with. No more discovery, no trial, no appeals. This is usually someone who

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- When a party cannot afford the lost time of litigation.
- When a party does not have the emotional or physical strength to handle several years of litigation.
- When the parties cannot afford litigation.
- When neither party has the ability to recover attorney’s fees.
- When a party has skeletons they wish to remain hidden.
- Commercial leasing — landlord/tenant disputes.
- When one of the parties is looking for an apology.
- When one of the parties seeks something other than just money.
- Warranty issues on new construction. If the roof leaks, solve it now!

Even when early mediation is unsuccessful, it still provides a reality check of the strengths and weaknesses in your case early in the litigation, which will allow the parties to make better, less emotional decisions, before they become financially and emotionally vested in continuing the case.

In addition, early mediation provides benefits that normally do not occur in litigation. Counsel has a unique opportunity to learn about the case. Spending an entire mediation with their client, talking to them about the case, and listening to argument and evidence provided by the opponent provides insights in the case that typical discovery does not. Mediation is not a discovery tool, since doing so would violate the letter and the spirit of the “good faith” rule. Yet it cannot be denied that the information learned in a single day of mediation will benefit the parties in the form of refined discovery, early witness evaluation, and streamlined trial preparation.

Currently, early mediation is rare because it requires thinking outside the box, something the rigid and forensic process known as the law does not encourage. Nevertheless, it only takes two things to make early mediation happen: the two attorneys (or parties) who see the benefits of early mediation. Without their vision, the parties may be doomed to draining their bank account, endless months of emotional turmoil, and destroyed relationships.

Every attorney should experience being sued. They will discover what the word “miserable” really means, change the way they counsel their clients, and look for the possibilities of early mediation in every case.

For three decades, Sherman Knight was both a licensed architect and attorney, where a good portion of his practice concerned construction defects. He is now retired and owns Knight Dispute Resolution, where he acts as a mediator or arbitrator. He can be reached at sherman@knightdisputeresolution.com.

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WSBA Board of Governors Meeting
July 26-27, 2013
Cle Elum

BY MICHAEL HEATHERLY

At its July 26 and 27, 2013, meeting in Cle Elum, the WSBA Board of Governors previewed the 2014 budget, discussed the future of the Bar’s license fees and finances, and elected a treasurer for the new fiscal year. In addition, the Board recognized a Pro Bono Honor Roll, advanced a set of court rule revisions, reviewed proposed strategic goals for the WSBA, and discussed possible removal of an Arizona travel moratorium regarding staff.

Budget and License Fee Projections

The Board viewed the first draft of the WSBA budget for fiscal year 2014 and discussed long-term projections regarding revenue and expenses. (The Board was to adopt a finalized 2014 budget at its meeting on September 26–27, after the deadline for this article.) The proposed budget projected $14.5 million in general fund revenue and $16.5 million in expenses, which would require WSBA to spend $2 million of its reserve funds during the year. The Board also reviewed projections of income, expenses, and reserve balances through fiscal year 2016.

The budget remains affected by the 2012 member referendum, which reduced the annual active-member license fee from $450 to $325 (equivalent to the 2001 fee level). The Board voted to maintain fees at that level through 2014, and staff recommended the Board continue the $325 fee for 2015 as well. But BOG members debated whether it is feasible to maintain the fee at its current level in the coming years while also avoiding significant further reductions in WSBA programs and services.

The projections show that if the license fee is maintained at $325, and other revenue and expenses follow current trends (with anticipated fluctuations taken into account) seven-figure net losses would continue through 2016, while unrestricted reserves (those not earmarked for specific purposes, such as capital expenses) would drop from $6.3 million in 2013 to barely over $1 million in 2016. By contrast, if the fee were raised back to $450 for fiscal 2016, unrestricted reserves would be nearly $4 million.

While some Board members suggested that further spending cuts will be necessary, the situation is complicated by recent analysis showing that WSBA employees’ salaries have stagnated, making it increasingly difficult for the organization to recruit and keep top talent. More than 80 percent of mid-tenure employees (those with four to nine years of service), and many long-tenure employees (with nine-plus years of service) have not advanced in pay and remain below the midpoint of their salary ranges.

The Board had discussed the issue at a mini-retreat in March and concluded that maintaining staff at competitive compensation levels remained a high priority. Accordingly, at the July meeting, the Budget and Audit Committee submitted a recommendation that WSBA begin addressing the salary disparity by using up to $265,000 (annualized) of budgeted but unused salary funds to nudge the stagnated salaries upward.

Gov. Philip Buri, who is also the WSBA treasurer and a member of the Budget and Audit Committee, made a motion to adopt the proposal. The motion passed.

At the September meeting, the Board was expected to set the amount of the 2015 license fee and vote on whether to include a proposed three percent salary-increase pool for fiscal 2014.

2014 Treasurer Elected

The Board elected Gov. Brian Kelly of the 3rd District as WSBA treasurer for fiscal 2014, succeeding Buri. Kelly, already a member of the Budget and Audit Committee, is a certified public accountant as well as a practicing attorney. He is a principal in the law firm of Hillier Scheibmeir Vey & Kelly P.S. in Chehalis, where his practice emphasizes business succession and estate planning.

Pro Bono Honor Roll Established

To honor WSBA members who go beyond the call of duty in pro bono work, the Board, in partnership with the Washington Supreme Court, created an honor roll for lawyers who perform 50 or more hours of such work in a year. Upon recommendation by the Pro Bono and Legal Aid Committee, the Board voted to join the Washington Supreme Court in creating a Pro Bono Publico Honor Roll. Honor Roll members’ names will be posted on the Supreme Court and WSBA websites, with a link to the list also appearing in NWLawyer and a NWSidebar blog post.

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Proposed Court Rule Revisions Advanced

The Board approved several revisions to the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ) and Rules of Appellate Procedure (RAP), which will proceed to the Supreme Court for possible enactment. The approved revisions were considered uncontroversial and generally involved clarification and streamlining of existing procedures. The Board was expected to consider additional rules revisions, which drew questions or opposition at the committee level, at the September meeting.

Strategic Goals Proposed

The governors had a first reading of the proposed WSBA strategic goals for fiscal year 2014.
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for 2013–15. A vote on the proposal is expected at the September meeting. The proposed goals are to:

1. Prepare and equip members with problem-solving skills for the changing profession.
2. Foster community with and among members and the public.
3. Promote equitable conditions for members from historically under-represented backgrounds to enter, stay and thrive in the profession.
4. Support member transitions across the life of their practice.

Arizona Travel Moratorium Revisited

The Board discussed a proposal by WSBA general counsel to lift a moratorium on business-related travel to Arizona by Bar Association staff and volunteers. The Board had imposed the moratorium in 2010 in response to strict immigration control measures imposed by the Arizona state government that included authority for law enforcement to arrest people without warrant and require them to produce specific documentation to prove their immigration status. Among other things, Board members felt at the time that WSBA staff traveling to Arizona might be at risk of being detained if their identification wasn’t of a type approved under the law. Court decisions have since overturned the most stringent portions of the Arizona statute, prompting the proposal to lift the WSBA moratorium.

However, some Board members spoke against removing the moratorium. Gov. Dan Ford said that while WSBA staff safety might no longer be at issue, the moratorium also addressed the broader civil rights issues raised by the Arizona statute. If the moratorium is going to be eliminated, he requested an opportunity to find another way for the WSBA to voice its objection to Arizona’s handling of the issue. The proposal was expected to be debated further at the September meeting.

Michael Heatherly is the editor of NWLawyer and can be reached at nwlawyer@wsba.org or 360-312-5156.
For more information on the Board of Governors and Board meetings, see www.wsba.org/bog.
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“I’m proud not only to be a donor, but to serve as a trustee of the Washington State Bar Foundation. The Bar Foundation gives members like me the choice to support WSBA programs I care about, like the Moderate Means Program. My gift – together with the donations of more than 5,000 of my fellow lawyers – is providing needed legal help to people all across Washington beyond the reach of other types of aid. I’m proud to support great programs like this, and to do it in a way that takes pressure off of WSBA license fees. That’s a win-win we can all celebrate.”

Teru Olsen
Associate
Ryan, Swanson & Cleveland, PLLC
Admitted 2008
**Disbarred**

Sarah A. Campbell (WSBA No. 36189, admitted 2005), of Marysville, was disbarred, effective 7/30/2013, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.15A (Safeguarding Property), 1.16 (Declining or Terminating Representation), 5.3 (Responsibilities Regarding Non-lawyer Assistants), 8.4 (Misconduct). Joanne S. Abelson represented the Bar Association. Sarah A. Campbell represented herself. Renee Glenda Walls 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.

**Disbarred**

Stephen Lionel Conroy (WSBA No. 5074, admitted 1973), of Lynnwood, was disbarred, effective 7/30/2013, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.5 (Fees), 1.15A (Safeguarding Property), 5.3 (Responsibilities Regarding Non-lawyer Assistants), 8.1 (Bar Admission and Disciplinary Matters), 8.4 (Misconduct). Debra Slater and Craig Bray represented the Bar Association. Stephen Lionel Conroy represented himself. David Welles Wiley was the hearing officer. The online version of NWLawyer contains links to the following documents: Hearing Officer’s Findings; Disciplinary Board Recommendation; and Washington Supreme Court Order.

**Disbarred**

Clarence C. Jones (WSBA No. 27678, admitted 1997), of Gig Harbor, was disbarred, effective 7/30/2013, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 8.4 (Misconduct). Joanne S. Abelson and Special Disciplinary Counsel Christopher W. Keay represented the Bar Association. Clarence C. Jones represented himself. Donald William Carter was the hearing officer. The online version of NWLawyer contains links to the following documents: Stipulation to Disbarment; Disciplinary Board Order Approving Stipulation; and Washington Supreme Court Order.

**Disbarred**

Dennis Keith Pflug (WSBA No. 11930, admitted 1981), of Seattle, was disbarred, effective 7/30/2013, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.1 (Competence), 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.16 (Declining or Terminating Representation), 5.3 (Responsibilities Regarding Non-lawyer Assistants), 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of Law), 5.8 (Misconduct Involving Disbarred, Suspended, Resigned, and Inactive Lawyers), 8.4 (Misconduct). Kevin Bank represented the Bar Association. Dennis Keith Pflug represented himself. Andrekita Silva 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.

**Disbarred**

Mark Stansfield (WSBA No. 11556, admitted 1980), of Quincy, was disbarred, effective 7/30/2013, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 8.4 (Misconduct). Natalea Skvir represented the Bar Association. Mark Stansfield represented himself. William John Murphy was the hearing officer. The online version of NWLawyer contains links to the following documents: Stipulation to Disbarment; Disciplinary Board Order Approving Stipulation; and Washington Supreme Court Order.

**Disbarred**

Phillip Alan Zajdel (WSBA No. 29165, admitted 1999), of Bellevue, was disbarred, effective 7/30/2013, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.15A (Safeguarding Property), 1.16 (Declining or Terminating Representation), 5.3 (Responsibilities Regarding Non-lawyer Assistants), 8.4 (Misconduct). Craig Bray represented the Bar Association. Phillip Alan Zajdel represented himself. Edward F. Shea was the hearing officer. The online version of NWLawyer contains links to the following documents: Hearing Officer’s Findings; Disciplinary Board Recommendation; and Washington Supreme Court Order.

**Suspended**

William Robert Brendgard (WSBA No. 21254, admitted 1991) of Vancouver, was suspended for nine months, effective 7/30/2013, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.4 (Communication), 1.15A (Safeguarding Property), 1.15B (Required Trust Account Records), 8.4 (Misconduct). Natalea Skvir represented the Bar Association. William Robert Brendgard represented himself. Barbara Ann Peterson was the hearing officer. The online version of NWLawyer contains links to the following documents: Stipulation to Nine Month Suspension; Disciplinary Board Order Approving Stipulation; and Washington Supreme Court Order.

**Suspended**

Matthew W. Butler (WSBA No. 27993, admitted 1998) of Vancouver, was suspended for six months, effective 7/30/2013, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.1 (Competence), 1.2 (Scope of Representation and Allocation of Authority Between Client and Lawyer), 1.4 (Communication), 1.15A (Safeguarding Property), 5.3 (Responsibilities Regarding Non-lawyer Assistants), 8.4 (Misconduct). Joanne S. Abelson represented the Bar Association. Matthew W. Butler represented himself. David Bruce Condon 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.

**Suspended**

Scott R. Peterson (WSBA No. 22923, admitted 1993), of Conway, was
suspended for 18 months, effective 7/30/2013, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 3.1 (Meritorious Claims and Contentions), 8.4 (Misconduct). Debra Slater represented the Bar Association. Stephen Christopher Smith represented Respondent. Dana C. Laverty was the hearing officer. The online version of NWLawyer contains links to the following documents: Stipulation to Disbarment; Disciplinary Board Approving Stipulation; and Washington Supreme Court Order.

**Suspended**

Noura Samira Elise Yunker (WSBA No. 25835, admitted 1996), of Camas, was suspended for 60 days, effective 7/30/2013, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 3.1 (Meritorious Claims and Contentions), 8.4 (Misconduct). Debra Slater represented the Bar Association. Stephen Christopher Smith represented Respondent. Dana C. Laverty was the hearing officer. The online version of NWLawyer contains links to the following documents: Stipulation to Disbarment; Disciplinary Board Approving Stipulation; and Washington Supreme Court Order.

**Reprimanded**

Matthew R. Aylworth (WSBA No. 37892, admitted 2006), of Eugene, Oregon, was reprimanded, effective 7/12/2013, by order of the Hearing Officer. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.1 (Competence), 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.15A (Safeguarding Property), 1.16 (Declining or Terminating Representation), 3.3 (Candor Toward the Tribunal), 5.3 (Responsibilities Regarding Non-lawyer Assistants), 8.4 (Misconduct). Sachia Stonefeld Powell represented the Bar Association. Christopher Ray Hardman represented Respondent. William E. Fitzharris Jr. was the hearing officer. The online version of NWLawyer contains links to the following documents: Reprimand to Two Reprimands; Order Approving Stipulation to Two Reprimands; Reprimand (1); and Reprimand (2).

**Reprimanded**

Suellen Howard (WSBA No. 20506, admitted 1991), of Renton, was reprimanded, effective 6/25/2013, by order of the Chief Hearing Officer. The lawyer’s conduct violated the following Rules of Professional Conduct: 3.3 (Candor Toward the Tribunal), 8.4 (Misconduct). Erica Temple represented the Bar Association. Suellen Howard represented herself. The online version of NWLawyer contains links to the following documents: Stipulation to Reprimand; Order Approving Reprimand; and Reprimand.

**Reprimanded**

Mary Turgeon Wynne (WSBA No. 12441, admitted 1982), of Winner, South Dakota, was reprimanded, effective 6/25/2013, by order of the Hearing Officer. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.15A (Safeguarding Property), 8.4 (Misconduct). Marsha Matsumoto represented the Bar Association. Mary Turgeon Wynne represented herself. Lin D. O’Dell was the hearing officer. The online version of NWLawyer contains links to the following documents: Reprimand to Two Reprimands; Order Approving Stipulation to Two Reprimands; Reprimand (1); and Reprimand (2).
**Opportunities for Service**

**Legal Foundation of Washington Board of Trustees**  
*Application deadline: Oct. 15, 2013*

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving a two-year term on the Legal Foundation of Washington Board of Trustees, starting Jan. 1, 2014, and ending Dec. 31, 2015. There are three positions available. Trustees are eligible to serve two terms. The Legal Foundation of Washington Board is governed by nine trustees. Three are appointed by the Board of Governors of the WSBA; three are appointed by the Washington Supreme Court; and three are appointed by the Governor of the state of Washington.

The Legal Foundation of Washington is a private, not-for-profit organization that promotes equal justice for low-income people through the administration of IOLTA and other funds. Trustees should have a demonstrated commitment to and knowledge of the need for legal services and how these services are provided in Washington. Further information about trustee responsibilities is available upon request by email to caitlindc@legalfoundation.org. Submit letters of interest and résumés to the WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539, or by email to barleaders@wsba.org.

**Bench-Bar-Press Committee of Washington**  
*Application Deadline: Oct. 15, 2013*

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving on the Bench-Bar-Press Committee of Washington. Three positions are available. The three-year term will begin Jan. 1, 2014, and expire Dec. 31, 2016.

The Bench-Bar-Press Committee was formed in 1963 to foster better understanding and working relationships among judges, lawyers, and journalists. Its mission is to seek to accommodate, as much as possible, the tension between the constitutional values of free press and fair trial through educational events and relationship building. The committee is chaired by the chief justice of the Washington Supreme Court and includes representatives from the legal profession, judiciary, law enforcement, and news media. The committee meets as a whole once or twice each year. Subcommittees of volunteers are organized on an ad hoc basis to plan and execute events. More information can be found at http://1.usa.gov/131CGZ or contact Wendy Ferrell, Administrative Office of the Courts, at wendy.ferrell@courts.wa.gov, 360-705-5331. Submit letters of interest and résumés to: WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539 or email barleaders@wsba.org.

**Supreme Court Ethics Advisory Committee**  
*Application Deadline: Oct. 15, 2013*

The WSBA Board of Governors is accepting letters of interest and résumés for members interested in serving a two-year term on the Supreme Court Ethics Advisory Committee. The Board of Governors will nominate one member who is appointed by the Supreme Court. The term will begin in November 2013 and expire Oct. 31, 2015.

The Committee is designated as the body to give advice with respect to the application of the provisions of the Code of Judicial Conduct to officials of the Judicial Branch as defined in article 4 of the Washington Constitution and shall from time to time submit to the Supreme Court recommendations for necessary or advisable changes in the Code of Judicial Conduct (GR 10). The Committee communicates regularly by email regarding opinion requests. The Committee also meets from time to time in person, although such meetings are infrequent. Further information about the Supreme Court Ethics Advisory Committee can be found at http://1.usa.gov/15PDhNA. Submit letters of interest and résumés to: the WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539 or email barleaders@wsba.org.

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### $25 MCLE Comity Certificate Fee Information

There is a $25 fee for ordering or submitting MCLE comity certificates. Ordering comity certificates can be done online or via mail. See wsba.org/mcle for more information.

### 2014 Licensing and MCLE Information

It’s easy to complete your license renewal and MCLE certification online! Your license renewal packet will be mailed in mid-October; online licensing and MCLE certification will be available at that time. License renewal and payment must be completed by Feb. 3, 2014.

**Payment plan option available.** If you are experiencing financial challenges, you may contact us about our license fee payment plan option available to all active and inactive members. Payment plans are for three months beginning December 1 and all fees must still be paid in full by Feb. 3, 2014. A one-time hardship exemption is available for qualified active attorney members. Visit wsba.org/licensing to learn more.

**Join or renew your section membership.** The section membership year is Oct. 1, 2013, through Sept. 30, 2014. Join or renew sections now to receive the full benefit of section membership.

**Certify MCLE Compliance.** If you are due to report CLE credits and certify MCLE compliance for 2011–2013 (Group 1), you will also receive your Mandatory Continuing Legal Education Certification (C2) form in the license renewal packet. All credits must be completed by Dec. 31, 2013, and certification (C2 form) must be completed online, postmarked or delivered to the WSBA by Feb. 3, 2014. Visit wsba.org/MCLE to learn more.

**Dates to remember:**
- **Dec. 2, 2013:** Payment Plan enrollment deadline.
- **Dec. 31, 2013:** Group 1 members must complete required MCLE credits.
- **Feb. 3, 2014:** Hardship Exemption Request deadline.
- **Feb. 3, 2014:** License renewal, payment, and Group 1 MCLE C2 certification must be completed online, postmarked, or delivered to the WSBA.

**Judicial Member Licensing**

Judicial members are required to complete annual license renewal forms and pay a $50 license fee to maintain eligibility to transfer to another membership class when their judicial service ends. Judicial Member License Renewal forms will be mailed in mid-October and online licensing will...
be available at that time. If you have not received your form by the end of October, please log in to mywsba.org to complete your renewal. Please note that you are required to inform the WSBA within 10 days of your retirement or your ineligibility for judicial membership (and you must apply to change to another membership class or to resign). Visit wsba.org/licensing to learn more.

**Washington Community Property Deskbook — 4th Ed.**

Written by Professor Thomas R. Andrews, University of Washington School of Law, Associate Professor Karen Boxx, University of Washington School of Law, and Associate Professor Ann Murphy, Gonzaga University School of Law, the fully revised new Fourth Edition of the *Washington Community Property Deskbook* provides in-depth analysis of the major substantive — and historic — developments in the law through the summer of 2013. Topics addressed include Washington state legislation permitting same-sex marriage and its effect on registered domestic partnerships; the significance of the U.S. Supreme Court decision in *United States v. Windsor* striking down portions of the federal Defense of Marriage Act as unconstitutional (and that decision’s impact on a variety of federal statutes); and an expanded chapter on conflict of laws to address the intersection of community property law with Indian law. If you would like to be notified when this deskbook is available for purchase, you can email orders@wsba.org or call 206-733-5918.

**“Foundations of American Democracy” Civics Pamphlet**

The WSBA offers a pamphlet for the public called “Foundations of American Democracy” that describes the basics of American government: the rule of law, the separation of powers, checks and balances, and a fair and impartial judiciary. It also includes a short quiz and a list of useful websites. Lawyers and judges are encouraged to bring the pamphlet with them when they speak to students or the public in schools, courtrooms, and the community. Teachers may also request the pamphlet for classroom use. The WSBA can provide a reasonable number of copies at no charge, or the pamphlet may be downloaded from the WSBA website at www.wsba.org. Requests for copies should be directed to Pam Inglesby at pami@wsba.org.

**Facing an Ethical Dilemma?**

Members facing ethical dilemmas can talk with WSBA professional responsibility counsel for informal guidance on analyzing a situation involving their own prospective ethical conduct under the RPCs. All calls are confidential. Any advice given is intended for the education of the inquirer and does not represent an official position of the
Need to Know

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.

LOMAP Lending Library
The WSBA Law Office Management Assistance Program (LOMAP) Lending Library is a service to WSBA members. We offer the short-term loan of books on the business management aspects of your law office. How does it work? You can view available titles at www.wsba.org/resources-and-services/lomap/lending-library. Books may be borrowed by any WSBA member for up to two weeks. LOMAP requires your WSBA ID and a valid Visa or MasterCard number to guarantee the book’s return to the program. If you live outside of the Seattle area, books can be mailed to you; you will be responsible for return postage. For walk-in members, we recommend calling first to check availability of requested titles. To arrange for a book loan or to check availability, contact lomap@wsba.org or call 206-733-5914 or 800-945-9722, ext. 5914.

Seeking Peer Advisors
Would you like to provide support to another lawyer in your community addressing topics such as mental health and self-care, alcoholism and addiction, or guidance in one’s practice? Lawyers are often uniquely able to be resources to one another in these areas. The WSBA Lawyers Assistance Program (LAP) is launching a new initiative to reconstitute its peer advisor network. The goal is to build a robust network throughout the state. Skills trainings are being developed and planned. To participate or learn more, see http://bit.ly/104f pwN, contact lap@wsba.org or 206-727-8268 or 800-945-9722, ext. 8268.

Search WSBA Advisory Opinions Online
WSBA advisory opinions are available online at www.wsba.org/advisoryopinions. You can search opinions by number, year issued, ethical rule, subject matter, or key word. 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.

Just Starting a Practice?
Think “outside the box” and consider purchasing Law Office in a Box®. For $119, you receive an hour of consultation time plus everything you see here: http://tinyurl.com/3rn75bj. Questions? Contact lomap@wsba.org or call 206-733-5914 or 800-945-9722, ext. 5914.

Weekly Job Search Group
The Weekly Job Search group provides strategy and support to unemployed attorneys. The group runs for eight weeks and is limited to eight attorneys. We provide the comprehensive WSBA job search guide “Getting There: Your Guide to Career Success,” which can also be found online at www.tinyurl.com/7xhe bB. If you would like to participate or to schedule a career consultation, contact Dan Crystal at danc@wsba.org, 206-727-8267, or 800-945-9722, ext. 8267.

Solo/Small Firm Support Group
The WSBA Lawyers Assistance Program is now offering a new group service, the Solo/Small Firm Support Group. This is a weekly drop-in group for attorneys wanting to address the major challenges facing professionals in solo or small-firm settings. It takes place on Thursdays from noon to 1 p.m. in the WSBA Lawyers Assistance Program offices on the 11th floor of 1325 Fourth Ave., Seattle. For questions or more information, contact Heidi Seligman at 206-727-8269, 800-945-9722, ext. 8269, or heidis@wsba.org.

Help for Judges
Judicial Assistance Services (JAS) was created in 2004 by a committee of Washington state judges exploring how to get judicial officers confidential help and intervention when they need it. Because of their unique positions and responsibilities, judges often find themselves with limited avenues for help. JAS is modeled after and affiliated with WSBA’s Lawyers Assistance Program, and offers help from trained peer counselors at no cost and referral to confidential professional help. Telephone or in-person sessions are available on a sliding-scale basis. For more information, call the JAS program coordinator at 206-727-8268 or 800-945-9722, ext. 8268.

Mindful Lawyers Group
A growing number of legal professionals across the nation are applying mindfulness-based skills and training to lawyering. The Washington Contemplative Lawyers group meets on Mondays at the WSBA Lawyers Assistance Program office from noon to 1 p.m. For more information, contact Sevilla Rhoads at sjrroads@gsblaw.com or go to http://wac o nt e mplative law.blogspot.com.
SKAGIT LAW GROUP, PLLC

is proud to announce

Megan Masonholder

joined the firm as a partner.

Megan has moved her practice home to the Skagit Valley to join partners Brian Clark, Kate Szurek, and Craig Cammack.

Megan began her legal career in 1999 at Anderson Hunter Law Firm in Everett where she was invited to be a shareholder in 2004. Megan’s practice has a strong emphasis on employment law, representing and defending employers. An experienced trial attorney, Megan also continues to focus on civil litigation matters.

227 Freeway Drive, Suite B
Mount Vernon, WA 98273
360-336-1000
www.skagitlawgroup.com

PREG O’DONNELL & GILLETT PLLC

announces the relocation of its Seattle office to

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www.pregodonnell.com

Trial Advocacy Program

The annual Trial Advocacy Program offers intensive training by litigation experts and a true-to-life mock trial experience. The CLE takes place on Oct. 25–26 at the WSBA Conference Center, 1501 4th Ave., Ste. 308, in Seattle; it offers 10.75 general credits and 1.25 ethics. The mock trial is Nov. 9 at the Seattle Justice Center, 600 Fifth Ave., in Seattle; 6 general credits are offered. (You must attend the Oct. 25–26 course in order to participate in the Nov. 9 mock trial.) Attorneys who have been admitted to any state bar for less than four years, who are also WSBA members, are eligible to receive reduced tuition on this program. Contact nle@wsba.org. Registration information is available at the WSBA-CLE Online Store.

Upcoming WSBA Board of Governors Meetings

Nov. 8–9, Seattle; Jan. 23, 2014, Olympia

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

Usury Rate

The average coupon equivalent yield from the first auction of 26-week treasury bills in September 2013 was 0.056 percent. Therefore, the maximum allowable usury rate for October is 12 percent.

Skagit Law Group, PLLC
Skagit Law Group, PLLC is proud to announce
Megan Masonholder
joined the firm as a partner.

Megan has moved her practice home to the Skagit Valley to join partners Brian Clark, Kate Szurek, and Craig Cammack.

Megan began her legal career in 1999 at Anderson Hunter Law Firm in Everett where she was invited to be a shareholder in 2004. Megan’s practice has a strong emphasis on employment law, representing and defending employers. An experienced trial attorney, Megan also continues to focus on civil litigation matters.

227 Freeway Drive, Suite B
Mount Vernon, WA 98273
360-336-1000
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Preg O’Donnell & Gillett, PLLC
Preg O’Donnell & Gillett, PLLC announces the relocation of its Seattle office to
901 Fifth Avenue, Ste. 3400
Seattle, WA 98164

Preg O’Donnell & Gillett, PLLC, is a 30-lawyer civil defense firm in the Pacific Northwest led by
Mark F. O’Donnell • Eric P. Gillett (WA/AK) Bennett J. Hansen (WA/OR) • Lori K. O’Tool Jeff W. Daly (WA/OR) • Emma Gillespie Alex S. Wylie (OR) • John K. Butler

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

**Antitrust and Consumer Protection**

30th Annual Antitrust Seminar  
Nov. 8 — Seattle and webcast. CLE credits pending. By the Antitrust, Consumer Protection and Unfair Business Practice Section and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Business Law**

Annual Corporate Counsel Institute  
Nov. 15 — Seattle and webcast. CLE credits pending. By the Corporate Counsel Section and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Elder Law**

Master Class Series: Elder Law  
Nov. 22 — Seattle. CLE credits pending. By WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Environmental and Land Use**

Mediation in Land Use and Environmental Cases  
Nov. 4 — Seattle and webcast. CLE credits pending. By the Alternate Dispute Resolution Section and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Estate Planning**

The Estate Planner’s Guide to Sophisticated Drafting: Incorporating Key Provisions of the Updated Washington Trust Act into Wills and Trusts  
Oct. 2 — Seattle and webcast. 2 CLE credits. By the Real Property, Probate and Trust Section and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

The 58th Annual Estate Planning Seminar  
Oct. 21—22 — Seattle. 14.5 CLE credits, including 1 ethics. By the Estate Planning Counsel of Seattle and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Community Property Law in Washington — Video Replay  
Oct. 29 — Friday Harbor. CLE credits pending. WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Ethics**

Ethical Dilemmas for the Practicing Attorney  
Oct. 10 — Spokane. 4 CLE ethics credits. By WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Ethical Dilemmas for the Practicing Attorney  
Oct. 29 — Mt. Vernon. 4 CLE ethics credits. By WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Ethical Dilemmas for the Practicing Attorney  
Nov. 13 — Seattle and webcast. 4 CLE ethics credits. By WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Ethics and Social Media  
Nov. 26 — Webcast only. 1.5 CLE ethics credits. By WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Family Law**

Adoption Essentials 2013: Changes and Challenges  
Oct. 8 — Seattle and webcast. 6.75 CLE credits, including 1 ethics. By the Family Law Section and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Community Property Law in Washington — Video Replay  
Oct. 29 — Friday Harbor. 6.5 CLE credits. By WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**General**

Annual U.S. Supreme Court Watch  

Statewide Diversity Conference  

Volunteer Attorney Training for Survivors of Human Trafficking in Washington State  
Nov. 1–2 — Seattle. 12.5 CLE credits, including 5 ethics. By the World Peace Through Law Section and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Intellectual Property**

Intellectual Property Advanced Licensing  
Nov. 21 — Seattle and webcast. CLE credits pending. By the Intellectual Property Section and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Labor And Employment Law**

Annual Labor and Employment Law Conference  
Nov. 22 — Seattle and webcast. CLE credits pending. By the Labor and Employment Law Section and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Law Office Management  
Law Office Management Road Show  
Nov. 14 — Spokane. 6.5 CLE credits, including 2 ethics. By WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Litigation**

Cross-Border Litigation Issues:
Uncooperative Canadian Witnesses (Letters Rogatory) and Shareholder Disputes
Oct. 16 — Seattle. 1.5 CLE credits. By the International Practice Section and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Trial Advocacy Program

Updating Your E-Discovery Skills
Oct. 30 — Webcast only. 1.5 CLE credits. By WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Understanding and Managing High-Conflict Personalities (with Bill Eddy)
Oct. 30 — Seattle and webcast. 6 CLE credits, including 1.5 ethics. By WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Maritime Law
Current Issues in Maritime Law
Nov. 7 — Seattle and webcast. 7.5 CLE credits. By the Federal Bar Association of the Western District of WA Admiralty Committee and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Real Property
Law of Adjoining Properties — Video Replay
Nov. 19 — Friday Harbor. CLE credits pending. By WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Webcasts
The Estate Planner’s Guide to Sophisticated Drafting: Incorporating Key Provisions of the Updated Washington Trust Act into Wills and Trusts
Oct. 2 — Seattle and webcast. 2 CLE credits. By the Real Property, Probate and Trust Section and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Adoption Essentials 2013: Changes and Challenges
Oct. 8 — Seattle and webcast. 6.75 CLE credits, including 1 ethics. By the Family Law Section and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Annual U.S. Supreme Court Watch
Oct. 11 — Seattle and webcast. CLE credits pending. By Seattle University School of Law; 206-398-4233; http://www.law.seattleu.edu/continuing_education.xml

Understanding and Managing High-Conflict Personalities (with Bill Eddy)
Oct. 30 — Seattle and webcast. 6 CLE credits, including 1.5 ethics. By WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Updating Your E-Discovery Skills
Oct. 30 — Webcast only. 1.5 CLE credits. By WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Mediation in Land Use and Environmental Cases
Nov. 4 — Seattle and webcast. CLE credits pending. By the Alternate Dispute Resolution Section and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Ethical Dilemmas for the Practicing Attorney
Nov. 13 — Seattle and webcast. 4.0 CLE ethics credits. By WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Annual Corporate Counsel Institute
Nov. 15 — Seattle and webcast. CLE credits pending. By the Corporate Counsel Section and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Intellectual Property Advanced Licensing
Nov. 21 — Seattle and webcast. CLE credits pending. By the Intellectual Property Section and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Annual Labor and Employment Law Conference
Nov. 22 — Seattle and webcast. CLE credits pending. By the Labor and Employment Law Section and WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Ethics and Social Media
Nov. 26 — Webcast only. 1.5 CLE ethics credits. By WSBA; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

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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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Email: mac@archibald-law.com
www.archibald-law.com

CRIMINAL APPEALS

(See, e.g., reversed and remanded for new trial):
State v. Sutherby,
165 Wn.2d 870 (2009)
State v. Stein,
144 Wn.2d 236 (2001)
State v. Stegall,
124 Wn.2d 719 (1994)

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MEDIATION

Tom Richardson

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

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

J. THOMAS RICHARDSON
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Seattle, WA 98104-2323
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trichardson@cairncross.com

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More convenient than downtown: Available January 2014 or sooner! Modern office space for small practice in Green Lake area (approx. 815 sq. ft.). Three offices and spacious reception area. Highly visible corner building on Aurora Ave. Amenities: private entrance, entire top floor, receptionist for clients, mail/package handling, beautiful waiting room, newly renovated conference room with big-screen TV for AV presentations, phone line and wireless capabilities, notary services, very congenial atmosphere, security system, building maintenance/janitorial services, restroom, kitchen with modern appliances, two blocks from Metro bus line, free parking, approx. seven minutes from King Co. Courthouse, easy access to I-5 and Hwy. 99. $750/month and pro rata share of utilities. Contact Olga at 206-632-6500.

Office available in historic art deco building: Ideal for a professional sole practitioner/small firm in suite with other attorneys. 144 sq. ft. office: $1,250/month. Included: reception and suite conference room. Off-site parking may be available nearby. Onsite storage may be available. Easy transit access.


A group of small law firms has offices available located at 600 Stewart Street in the Plaza 600 Building. Reception services and general office share amenities included. One or two offices are currently available, as well as support staff areas. 11th floor views in Class A office space. Please call 206-442-9106 and ask to speak to Patrick regarding details.

Bellevue Office: Corner of 112th and SE 8th, near I-405, attorney office (approximately 12’ x 12’), legal assistant area in common area, share with two established lawyers, library/conference room, storage, free parking, other amenities, approximately $975/month. Call 425-455-0705.

**Will Searches**

Will search: Searching for the last will of William C. Moore Jr. If you have any information, please contact Thomas L. Dickson, Dickson Law Group PS, 1201 Pacific Ave., Ste. 2050, Tacoma, WA 98402 or 253-572-1000.

Will search: In Re the Estate of Robert P. Marx, Deceased. KCSC Case No. 13-4-08390-3 SEA. Notice is hereby given that Robert P. Marx, Sr., died on April 4, 2013, in King County, Washington. Decedent’s will has not been located. Robert P. Marx was born on Nov. 27, 1931. If you have the Will or a copy thereof, please notify Ridgway Law Group, PS; 701 5th Ave. Ste 4755, Seattle, WA 98104, call 206-838-2501, or fax 206-839-5702.

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State and federal law allow minimum, but prohibit maximum, qualifying experience. No ranges (e.g., “5–10 years”).

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Before law school, I had many interests. One was airplanes. Immediately upon graduation from high school, I started flying airplanes out of a horse pasture and then went to flight school in Bremerton, obtaining a pilot’s license. After graduating from the UW, I visited a naval recruiting office to inquire about flying in the Navy. I took an eye test and was told I was color-blind, so they wouldn’t allow me to fly. I continued my college education.

My greatest talent as a lawyer is communicating with people. Our office has an open-door policy so the client (employees and officials of the city) can walk in anytime. This allows our office to be ahead of the issues and be proactive rather than reactive. I believe in face-to-face communication and networking. You obtain better results by open, personal, direct communication as opposed to sending texts or emails.

The most rewarding part of my job is working with my clients and seeing the success of the projects we have worked on. By working directly for the city and its employees, I get instant gratification seeing the results of the work, such as street improvements, construction of a building, or dedication of a new park.

I lived in Alaska for nearly eight years and was the city attorney for a number of towns and villages. I was asked to visit a village that was having a dispute among its residents. Upon arrival, my ride from the airport was the bed of a pick-up truck. I met the mayor, who informed me that due to a dispute in town, the council could not get a quorum for a meeting, so he was going to take me on a boat trip up the river to visit a fish camp. They were searching for a bear that was eating fish off of a drying rack. He gave me his rifle and a rope and told me to go to the boat on the river; he needed to go to his brother’s house and would meet me at the boat. I walked through town and, not knowing how to get to the river, I approached an individual and asked him if he had seen the mayor. He froze, looked at me, and ran off. I didn’t understand what had just happened and then it dawned on me—there was a feud in town and here was an unknown outsider, with a rifle, looking for the mayor. (By the way, they got the bear.)

Successful attorneys are honest, ethical, and focus on their client’s best interest rather than their own.

The most memorable trip I ever took was to Bosnia. My wife, youngest child, and I were getting ready to go on a pilgrimage in Bosnia, where my grandfather was born. Two weeks prior to our departure, my family started to receive emails from family members in Bosnia. Upon our arrival in Bosnia, we had our first reunion of the family since my grandfather left for the United States 95 years earlier.

I absolutely cannot live without something to do. I need to be occupied doing something all the time. I believe this is why I enjoy being a city attorney. A city attorney is a general practitioner working on many issues including land use, public safety, public works, human resources, criminal prosecution, and other issues related to city government. There is never a dull moment. This is what I like about the job.

I create work/life balance by leaving work at work. Work is important, but so is family.

Nobody would suspect that I once served as a flight attendant.

My worst habit is saying “I don’t care” when I do. At least, that is what I am told.

My first car was a 1948 Plymouth. I wasn’t even old enough to drive when I bought it.

My all-time favorite TV show is the Red Green Show. Says a lot, doesn’t it?

My hero is John Wayne.

If I have learned one thing in life, it is to be truthful, trustworthy, and honest. Integrity is the most important characteristic a person can have. If someone cannot trust me, I am not the person I want to be.
I was outraged recently for a couple of reasons. I’m sure anyone could appreciate. First, I ventured to Seattle from my home in Bellingham to buy this fancy electronic thing for my motorcycle helmet that would allow me to legally listen to music or take phone calls while riding.

I got it home and realized it was the wrong size. The wrong size! That meant I had to send or drive it back to Seattle and exchange it. In the meantime, I would have to make do humming and talking to myself while riding, like this was the 1920s or something. Then, in a related calamity, a motorcycle gadget I had ordered online arrived and had holes in it. Holes! It was a supposedly waterproof doodad that holds a smartphone on the handlebars. So now I had to exchange that, too. If I wanted to ride in the rain before then, I would have to carry my phone in my pocket, which totally destroys the drape of my leather jacket. The nerve of these modern businesses, I fumed, allowing people to buy the wrong size of things or selling things with holes in them, all with no regard for the incapacitating inconvenience it might cause the blameless consumer.

Around the same time, I stumbled onto one of those documentaries that run ceaselessly on Historical Misery HD TV Channel 7000. You know, the ones where they show black-and-white footage of mass graves being dug while bodies are being burned. I get irked when there isn’t enough room during my 45-minute airplane flight to fit my carry-on bag under the seat in front of me. Meanwhile, a lot of people have been disturbed to learn just how much the government is spying on us. I used to think this was senior-citizen technology paranoia. But since the Snowden and similar affairs have come to light, it’s beginning to look like today’s version of the classic paranoid — one of those who believe the government is spying on them through their household appliances — may be on to something.

One thing’s for sure: If there ever is a cyber-based government crackdown on the citizenry, my mom is going to be in a way better position than me. While the NSA probably could locate me to within a three-foot radius on a moment’s notice using signals from my smartphone, iPad, motorcycle helmet, GPS, electric toothbrush, etc., it would probably take them a year to find my mom. They’d have to wait until she dropped her Social Security card in front of the hairdresser.

Well, gotta go. I just got a text from the government saying their records show I haven’t called my mom in a week.

First-World Problems

Michael Heatherly
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