

WASHINGTON STATE
BAR ASSOCIATION

Pro bono in focus: legal professionals
working for the public good / pp. 33-49

Meet your Board of Governors / p. 14

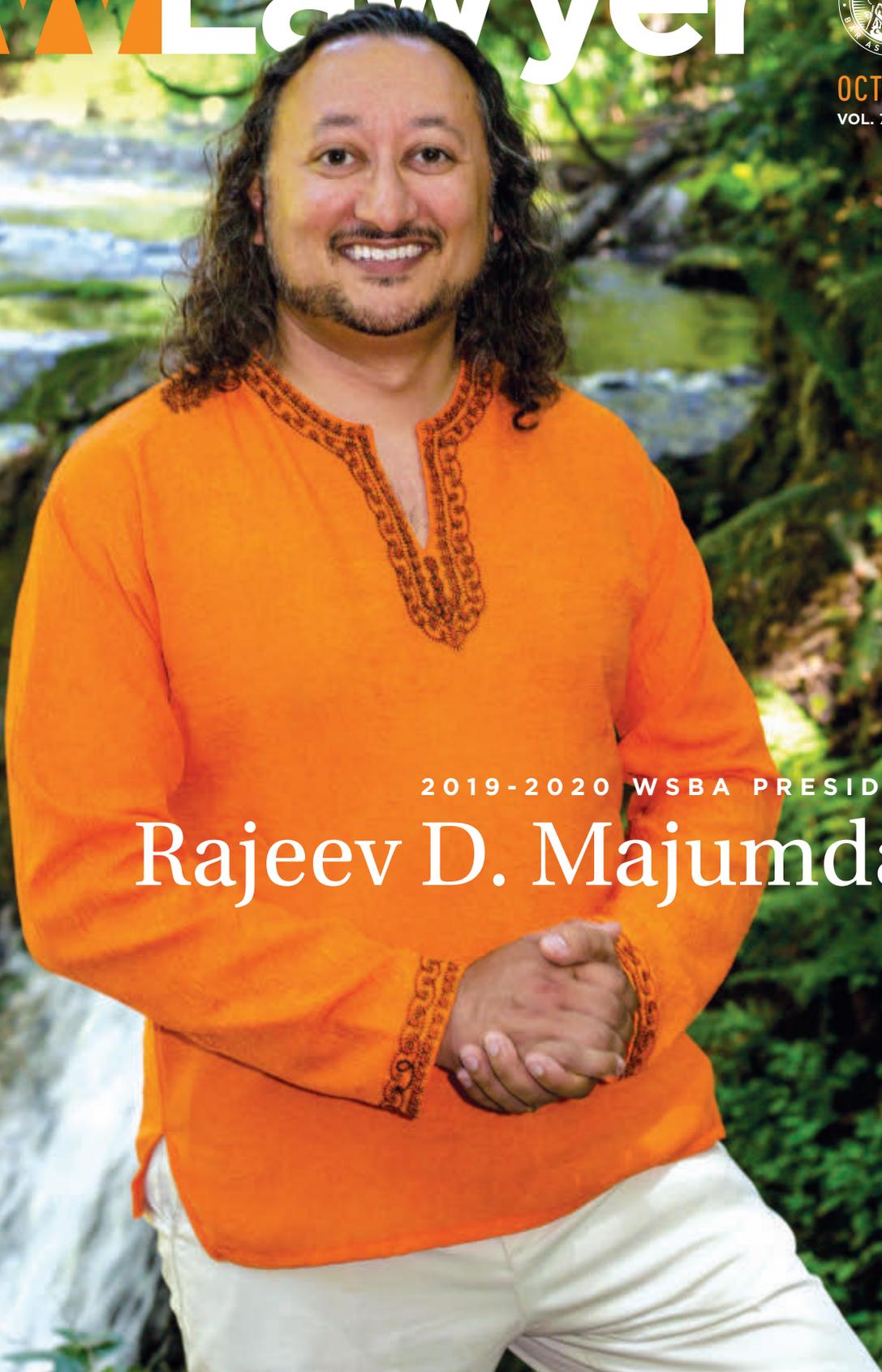
NW Lawyer



OCT. 2019
VOL. 73, NO. 8

2019-2020 WSBA PRESIDENT

Rajeev D. Majumdar



PROTECT YOUR FIRM. HELP MORE PEOPLE. BE THE LAWYER YOU WANT TO BE.

Find out more about your WSBA-endorsed carrier at www.alpsnet.com/nwlawyer

MALPRACTICE INSURANCE FOR THE

LAW FIRM

WORTH PROTECTING

Endorsed by more state bars
(including yours) than any other carrier.



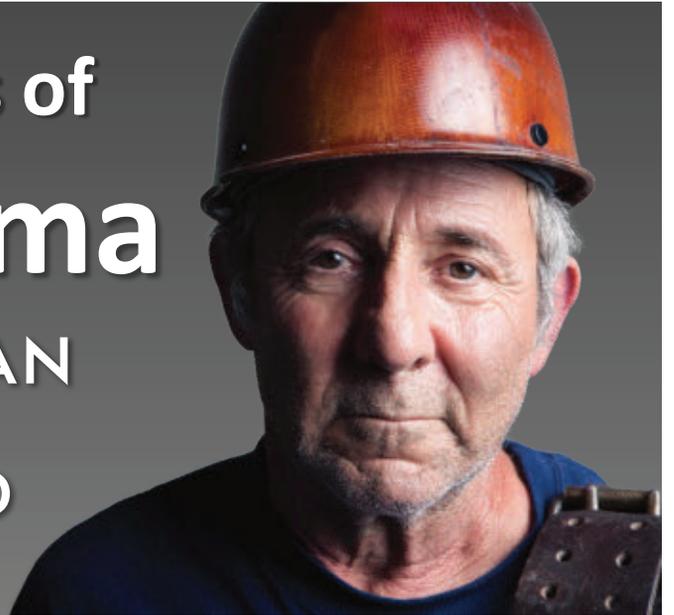
*THE NATION'S LARGEST DIRECT WRITER
OF LAWYERS' MALPRACTICE INSURANCE.*

(800) 367-2577 • www.alpsnet.com • learnmore@alpsnet.com

Justice for Victims of Mesothelioma



BERGMAN
DRAPER
OSLUND
UDO



The PNW's Premier Mesothelioma Law Firm



**Over \$700 million in recoveries for
Washington & Oregon clients.**

We have just one practice area: we represent families struggling with mesothelioma and other asbestos-related diseases.

Seattle
(206) 957-9510

BERGMANLEGAL.COM
(888) 647-6007

Portland
(503) 548-6345

ON THE DOCKET

FEATURES

8

**Q&A With 2019-2020
WSBA President
Rajeev D. Majumdar**

14

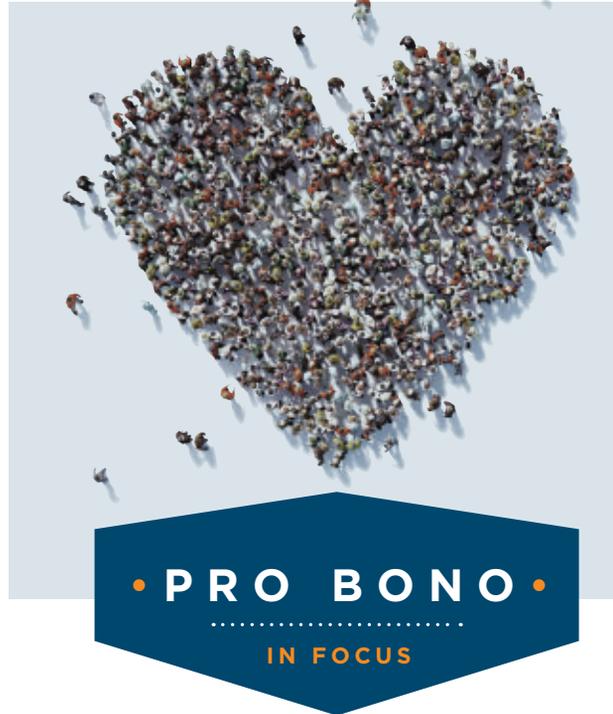
**Meet Your Board
of Governors**

28

**Obesity: The
New Disability**

Examining what the Washington Supreme Court's ruling in *Taylor v. Burlington N. R.R. Holdings, Inc.* means for employers, job applicants, and employees

→ BY CAROLYN LADD



33-49

In Pursuit of Service

New model pro bono policies plus psychological research can close the gap between aspiration and action / p. 34

Finding a Way Out

An opportunity, asylum-seekers, and a second chance for a pro bono attorney / p. 36

Untapped Potential

The WSBA's emeritus program is an underused pro bono resource / p. 38

Help Wanted

Much of what you think you know about providing pro bono work for tribal communities is wrong / p. 40

Local Leaders on the Rise

Five new and young lawyers receive annual Public Service and Leadership Award / p. 42

The Benefits of Pro Bono / p. 45

2018 Honor Roll / p. 46

3

Editor's Note
BY KIRSTEN ABEL

12

**President's
Corner**
BY RAJEEV
D. MAJUMDAR

18

Bar Notes
BY TERRA NEVITT

20

**Ethics and
the Law**
BY MARK J. FUCILE

22

**Write to
Counsel**
BY KATHY MCGINNIS

26

Perspectives
BY HUNTER M. ABELL

ESSENTIALS

- 5 Inbox
- 17 NW Sidebar: There's More on the Blog
- 50 In Remembrance
- 52 Need to Know
- 54 Discipline and Other Regulatory Notices
- 56 Announcements
- 57 Professionals
- 60 Classifieds
- 64 Beyond the Bar Number: Maggie R. Schott

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

All opinions, statements, and conclusions expressed in submitted articles and editorial comment appearing herein represent the views of the respective authors and do not necessarily carry the endorsement of the WSBA or its Board of Governors. Likewise, the publication of any advertisement is not to be construed as an endorsement of the product or service offered unless it is specifically stated in the ad that there is such approval or endorsement.

PUBLISHED BY THE

**WASHINGTON STATE
BAR ASSOCIATION**

1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539

INTERIM EXECUTIVE DIRECTOR **Terra Nevitt**
206-727-8282
terran@wsba.org

NWLAWYER EDITOR **Kirsten Abel**
206-239-2127
kirstena@wsba.org

NWLAWYER DESIGNER **Jessica Randklev**
206-727-8214
jessicar@wsba.org

NWLawyer Contact Information

QUESTIONS/
SUBMISSIONS **nwlawyer@wsba.org**

LETTERS TO THE
EDITOR/COMMENTS **nwlawyer@wsba.org**

IN REMEMBRANCE
SUBMISSIONS **nwlawyer@wsba.org**

NWLAWYER ONLINE **www.wsba.org/
news-events/nwlawyer**

NWLawyer is published nine times a year by the Washington State Bar Association, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539, and mailed periodicals postage paid in Seattle, Washington (ISSN 2327-3399). For inactive, emeritus, and honorary members, a free subscription is available upon request (contact nwlawyer@wsba.org). A portion of each member's license fee goes toward a subscription. For nonmembers, the subscription rate is \$36 a year. Washington residents, please add sales tax; see <http://dor.wa.gov> for sales tax rate.

POSTMASTER: SEND CHANGES OF ADDRESS TO:

NWLawyer, Washington Bar Association
1325 Fourth Avenue, Suite 600,
Seattle, WA 98101-2539

© 2019 by Washington State Bar Association.

EDITOR'S NOTE

Celebrating Service

This October, we're celebrating pro bono service. We're highlighting the ways in which legal professionals can get involved, the benefits available to those who do pro bono work, and the people who dedicate hours each month to give back to their communities.

Elizabeth Rosenman volunteers her time to represent asylum-seekers through Northwest Immigrant Rights Project (NWIRP). When asked why she was drawn to this type of work, she said:

I am not a religious person, but I am Jewish. I'm amazed by the sacrifices people made to help Jews fleeing persecution during the Holocaust. I realize I'm not putting my life in jeopardy by representing asylum-seekers, but advocating for immigrants is my way of honoring those who helped my ancestors.

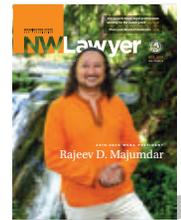
Rosenman started working with NWIRP with no immigration law experience. She's now been with the organization for 10 years. "I try to help people who are trapped in nightmares find their way out," she writes. "I'm drawn to asylum-seekers because they have the courage to confront authority, risking everything to protest injustice." Read more on page 36.

Also in this issue, Paul Okner and Nancy Chupp discuss the WSBA's new model pro bono policy templates to help law firms, government agencies, and corporate in-house legal departments encourage more pro bono work (page 34). "Creating a policy for an organization that sets meaningful goals for pro bono participation is a simple task, and one that can have a significant effect on the legal professionals it covers," Okner and Chupp explain.

On page 38, Althea Paulson details the WSBA's emeritus pro bono license status, which allows retired legal professionals to volunteer with Qualified Legal Service Providers while paying a reduced annual license fee. "The need for pro bono services continues to rise," Paulson writes. "According to the Washington Supreme Court-commissioned 2015 Civil Legal Needs Study, seven in 10 Washington residents living below the poverty level will face an urgent civil legal crisis every year, and more than 76 percent of those do not get the help they need."

And on page 40, Christine Anderson explains the ins and outs of providing pro bono service to tribal communities, an area of particularly great need. "Tribal community members face unique challenges in accessing justice. Do-it-yourself forms specific to Washington laws—while immensely helpful in municipal, district, and superior courts—are useless in tribal courts," Anderson writes. "There is no single, clear solution to the access-to-justice issues that plague Washington's tribal communities. There is, however, a clear need for action from the legal community." 

Kirsten Abel is the NWLawyer editor and can be reached at kirstena@wsba.org.



ON THE COVER:

Portrait by
Jeff Aspnes
Photography

WSBA Board of Governors

PRESIDENT	Rajeev D. Majumdar
PRESIDENT-ELECT	Kyle Sciuchetti
IMM. PAST PRESIDENT	William D. Pickett
1ST DISTRICT	Sunitha Anjilvel
2ND DISTRICT	Carla J. Higginson
3RD DISTRICT	Kyle Sciuchetti
4TH DISTRICT, TREASURER	Daniel D. Clark
5TH DISTRICT	Peter J. "P.J." Grabicki
6TH DISTRICT	Hon. Brian Tollefson (Ret.)
7TH-NORTH DISTRICT	Paul Swegle
7TH-SOUTH DISTRICT	Jean Y. Kang
8TH DISTRICT	Kim Hunter
9TH DISTRICT	Bryn Peterson
10TH DISTRICT	Thomas A. McBride
AT-LARGE	Alec Stephens
AT-LARGE	Hunter M. Abell
AT-LARGE (NEW & YOUNG LAWYERS)	Russell Knight

2019 - 2020 WSBA Editorial Advisory Committee

CHAIR	Ralph Flick
MEMBERS	Zachary Ashby
	Brittany Dowd
	Benjamin Gould
	Maris Jager Grigalunas
	Karrin Klotz
	Marcus Lampson
	Debra Lefing
	Shanna Lisberg
	Heidi Urness
	Andrew Pollom
	Michelle Young

WSBA Contact Information

WSBA SERVICE CENTER	800-945-WSBA (9722) 206-443-WSBA (9722) questions@wsba.org
WSBA WEBSITE	www.wsba.org
WSBA ONLINE STORE	www.wsba.org
WSBA ETHICS LINE	206-727-8284 800-945-9722, ext. 8284
WSBA CONNECTS MEMBER ASSISTANCE PROGRAM	800-765-0770
WSBA PRACTICE MGMT. ASSISTANCE	800-945-9722, ext. 5914
NWSIDEBAR, THE WSBA BLOG	206-733-5914 blog@wsba.org nwsidebar.wsba.org
WSBA CAREER CENTER	jobs.wsba.org

NWLawyer Submission Guidelines

NWLawyer relies on submissions from WSBA members and nonmembers that are of interest to readers. Articles should not have been submitted to any other publications and become the property of the WSBA. Articles typically run 1,000-2,500 words. Citations should be incorporated into the body of the article and be minimal. Please include a brief author's biography, with contact info, at the end of the article. High-resolution graphics and photographs (preferably 1 MB in size) are requested. Authors should provide a high-resolution digital photo of themselves with their submission. Send articles to nwlawyer@wsba.org. The editor reserves the right to edit articles as deemed appropriate. The editor may work with the writer, but no additional proofs of articles will be provided. The editor reserves the right to determine when and if to publish an article.

NWLawyer Advertising

To purchase Display Ads, Announcements, and Professionals, and to receive a media kit, contact Robert Page of SagaCity Media Inc. at rpage@sagacitymedia.com, 206-454-3035. **Classifieds:** Advance payment required. See classified pages for rates, submission guidelines, and payment information. NWLawyer is published nine times a year with a current circulation of approximately 34,000.

NWLawyer <i>Statement of Ownership and Circulation</i>	Average No. Copies Each Issue During Preceding 12 Months	Actual No. Copies of Single Issue Published Nearest to Filing Date (Sept. 2019)
Total Number of Copies (Net Press Run)	34,710	34,739
Paid/Requested	34,110	34,272
Paid In-County Subscription	N/A	N/A
Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Non- USPS-Paid Distribution	N/A	N/A
Other Classes Mailed Through the USPS	251	257
Total Paid and/or Requested Circulation	34,361	34,529
Free Distribution by Mail	N/A	N/A
Free Distribution Outside the Mail	275	275
Total Free Distribution	275	275
Total Distribution	34,636	34,804
Copies Not Distributed	140	0
Total	34,776	34,804
Percent Paid and/or Requested Circulations	99.2%	99.2%

SPEEDING TICKET? TRAFFIC INFRACTION? CRIMINAL MISDEMEANOR?



Mucklestone

Keep it off your record,
Keep insurance costs down

Jeannie P. Mucklestone, P.S. INC.

PO BOX 565
Medina, Washington 98039

(206) 623-3343

jeannie@mucklestone.com
www.mucklestone.com

- Successful Results
- Extensive experience
- Former Judge Pro Tem in King County
- Featured in Vogue magazine May '03 as a top lawyer for women in Washington
- Front page of Seattle Times
- "Drivers fighting tickets and winning" June 1, 2006
- Visa/Mastercard accepted

20/20 Vision: Beyond the Pink Collar

What do technical writers, veterinarians, and pharmacists have in common? All are professions in which women are the majority. It is not a surprise to us. After all, the majority of our own Washington Supreme Court justices are women.

So when the term “pink-collar” was used in the Treasurer’s Note published in the September edition of *NWLawyer*, we bristled. Popularized by Louise Kapp Howe in the 1970s, “pink-collar” came to represent jobs historically held by women which offered lower wages and less perceived social/economic value than jobs held by men.

When Mr. Bridges creates a call to action behind the term “pink-collar,” it signifies that a profession led by women is inherently less valuable. In 2012, *TIME* magazine published, “The Term ‘Pink Collar’ is Silly and Outdated—Let’s Retire It.” We agree.

It is time to let go of this paternalistic viewpoint that, 40 years later, no longer fits in today’s world or on a clear path forward. Valuing Limited License Legal Technicians, not as secretaries or law firm staff, but rather as colleagues who play their own vital role in the preservation of society, would go much further than using labels.

Sarah Bové

Limited License Legal Technician, Redmond

Jennifer Ortega

Limited License Legal Technician, Seattle

The Actual Cost of LLLTs: ‘A Cup of Coffee or Two Per WSBA Member Per Year’

We are writing to respond to the WSBA treasurer’s report on the LLLT license in the September issue of *NWLawyer* entitled “The Cost of LLLTs.” License fees support many different programs at the WSBA. We disagree with the treasurer’s choice to focus on just one of them. Be that as it may, this offers a good opportunity to provide information regarding the impetus behind the creation of the LLLT license, the administration of the LLLT program, and how LLLTs are helping bridge the access to justice gap.

A Glimpse of the History Behind the LLLT Rule. A number of current LLLT Board members have been involved in the Washington Supreme Court’s endeavor to expand affordable legal services in Washington since the Practice of Law Board (POLB) was formed in 2001. In 2003, the Civil Legal Needs Study determined that approximately 80 percent of low- and moderate-income individuals had legal problems they did not address due to cost. In 2008, encouraged by the Board of Governors’ promise to come up with its own

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

NWLawyer reserves the right to select letters for publication and to edit letters for length, clarity, and grammatical accuracy. NWLawyer does not print anonymous letters, or more than one submission per issue from the same contributor.

mechanism to make legal services more affordable, the Court tabled the POLB’s proposed LLLT rule. At the same time, attorney fees continued to outpace inflation. Then, in 2012, the Supreme Court adopted the LLLT rule, stating: “We have a duty to ensure the public can access affordable legal and law related services, and that they are not left to fall prey to the perils of the unregulated market place.”¹

The Cost of Creating a New Profession.

According to the WSBA’s financial records, the LLLT program has operated at an average loss of less than \$200,000 each year. In terms of a license fee, that amount is equivalent to the cost of a cup of coffee or two per WSBA member per year.

Creating a new profession, regardless of the industry, requires an investment of time, including hundreds of volunteer hours, and resources.

The medical profession went through a similar process over 50 years ago when nurse practitioners and physician assistants emerged. The nurse practitioners training program, which began in 1966, was primarily supported by a three-year \$253,998 grant from the Commonwealth Fund.² Accounting for inflation, this would be equivalent to nearly \$2 million today. When compared to the medical field, creating and administering a new license to practice law for less than \$1.3 million (the cost to date for the LLLT license, according to actual expenses) over a longer period of time is quite remarkable.

Current Challenges. The LLLT license is not self-sufficient because the current number of LLLTs is very small. Many factors contribute to the slow growth of the program. For starters, the LLLT license is not well known in the legal community, and even less so by the public. Other barriers include the stringent education requirements, the lack of financial aid opportunity for LLLT students, and the required 3,000 hours of experience working under the supervision of a lawyer. Last but not least, the lack of support from some members of the legal profession can create an unwelcoming environment for some LLLTs and discourage some potential LLLTs.

Increasing Access to Justice. LLLTs—perhaps because they do not have traditional law school debt—can afford to charge less for their services. In a letter written to the Supreme Court in 2018, stand-alone LLLTs

GET
SOCIAL!



[youtube.com/
washington
statebar](https://youtube.com/washingtonstatebar)



[facebook.com/
wastatebar.main](https://facebook.com/wastatebar.main)



[twitter.com/
wastatebar](https://twitter.com/wastatebar)

Inbox

CONTINUED >

reported an average hourly rate between \$75 and \$125. Many of them charge flat fees for uncontested matters in the range of \$400-\$850, or about one-third of the average cost for an attorney in the same market. Also, based on a voluntary survey of LLLTs, the 11 LLLTs who responded collectively served over 500 clients, with the majority in the 0-300 percent range of the Federal Poverty Level.

LLLTs and Lawyers are Working Together. Lawyers who work in the same firms as LLLTs have reported that they have been able to help many more clients at lower cost than the firm could have without LLLTs. Nonprofits, while slow to employ LLLTs, utilize LLLTs who provide many hours of pro bono work. Many LLLTs also serve their communities through volunteer lawyer programs.

The Future. Although there is much work to be done, the LLLT Program is functioning as intended. Empirical evidence of success will come with time. In the meantime, we need to continue this very important work. Washingtonians deserve access to affordable and competent legal assistance. LLLTs are not intended to compete with lawyers but rather to serve those who may not need or cannot afford full legal representation by

a lawyer. Let's embrace innovation of legal services and work together to support programs intended to increase access to justice in our state.

Submitted on behalf of the LLLT Board

Clean Energy Transition Act Will Destroy Our State

Wow! The Legislature has decided to destroy the state of Washington. I refer to SB 5116, the Clean Energy Transition Act, CETA, discussed in Molly Barker's July/August *NWLawyer* article, "The Big Zero." CETA requires utilities to stop generating or selling power which is directly or indirectly derived from burning coal in six short years, and it requires utilities in 11 short years to switch to 100 percent "greenhouse gas neutral" sources. ... The Legislature's members will not be around to share the blame, when in 11 years, the state of Washington stops having electricity. The law violates the Constitution because it interferes with the power of Congress, not a state Legislature, to regulate commerce among the states. Think FERC. The state cannot countermand federal regulation of commerce in electricity.

If wind power and solar power were efficient, power companies would have adopted them. They have not. ... Windmill fields require copper wire, which has to be dug from the ground, and they command vast amounts of space that could be used

for farms. They eat resources. They are not "sustainable." They are not "resource neutral."

The legislators won't have to pay when things go wrong. Only the utilities and people who need power to live and make things will suffer and go bankrupt.

But then, is this necessary to save the planet? The simple answer is no. The actions of Washington utilities are not going to change the climate in the face of energy behemoths such as China, not to mention the rest of the states and the rest of the industrial world. And of course, by disrupting the economy, CETA may lead to more carbon emission, not less, because we will all be heating our food in backyard wood fires and releasing carbon dioxide, plus its relatives.

As to global warming, maybe we are headed to disaster, but methinks climate acolytes do protest too much. Many factors including celestial events, volcanic and related events, and the complexities of the atmosphere—a giant sphere with a planet core—affect climate.

The chance that a statute in Washington, a tiny part of world circulation of natural and human-generated change, will change climate, is minimal.

On the other hand, it's extremely likely that the Legislature has effectively disrupted life in Washington. To me, making profound changes in the lifeblood of our society, after 240 years of capitalist and government success, is reckless: I'll call it an 80 percent chance of wrecking the economy of Washington, plus causing profound environmental impact.

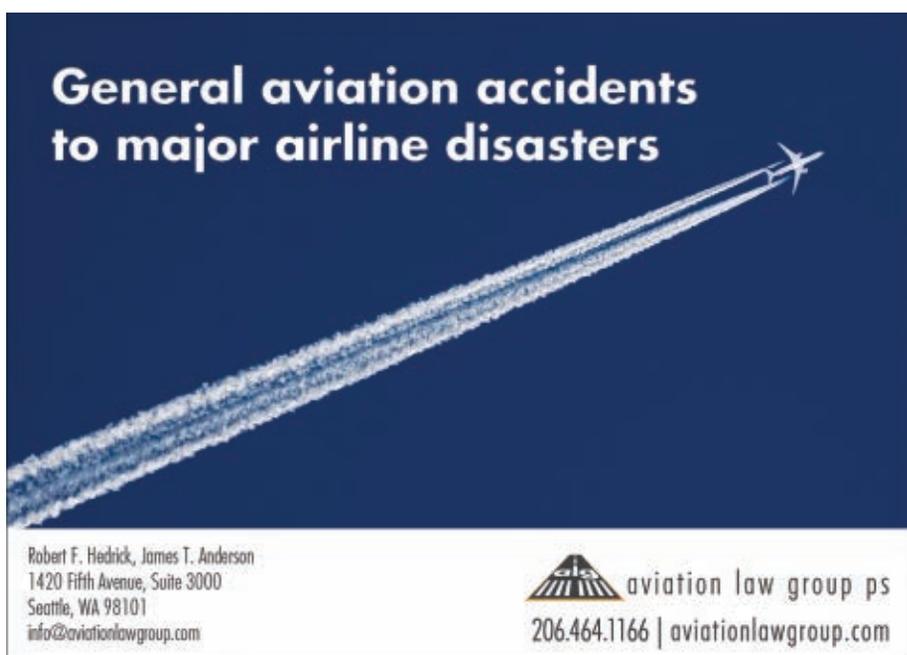
The chance that Washington will affect the world climate: 1 percent or less. The chance that the whole planet will tip over, Earth turning to a cinder, alligators swimming around the Empire State Building: negligible.

We should go with the odds, save our energy sources, and save Washington.

Roger B. Ley
Portland

NOTES:

1. 2012 Order, 25700-A-1005, at 5-6.
2. Scott Kohler, *The Development of the Nurse Practitioner and Physician Assistant Professions*, The Commonwealth Fund, Robert Wood Johnson Foundation, and Carnegie Corporation of New York, 1965, available at https://cspcs.sanford.duke.edu/sites/default/files/descriptive/nurse_practitioners_and_physician_assistants.pdf.



**General aviation accidents
to major airline disasters**

Robert F. Hedrick, James T. Anderson
1420 Fifth Avenue, Suite 3000
Seattle, WA 98101
info@aviationlawgroup.com

 **aviation law group ps**
206.464.1166 | aviationlawgroup.com

FIFTY YEAR ANNIVERSARY



Trial lawyers fighting for your rights *and winning* since 1969...
...and we're just getting started.

ASBESTOS & MESOTHELIOMA

CLASS ACTIONS

EMPLOYMENT

LEGAL MALPRACTICE

EST. 1969



SCHROETER
GOLDMARK
BENDER

MEDICAL MALPRACTICE

PRODUCT LIABILITY

SERIOUS PERSONAL INJURY
AND WRONGFUL DEATH

SEXUAL ASSAULT & HARASSMENT

sgb-law.com



WELCOME NEW ATTORNEY
BAILEY C. BLACK

TAMAKI LAW



1.800.801.9564

Yakima | Tri-Cities | Bellevue

tamakilaw.com



WSBA President
Rajeev D. Majumdar
with his wife, Sara,
and their 3-year-old
daughter, Savitri.



litigator, Savitri. When not enjoying the great outdoors or traveling, you can find us following my brilliant mother's lead—sitting together reading or sampling the world's cuisines.

Why did you want to become a lawyer?

Like many of us, I came to law somewhat circuitously in my late 20s. I have a master's degree in South Asian studies, which I did to escape a preordained fate of going to medical school. In graduate school I was writing about religious philosophy and its role in contemporary international security issues in South Asia, which resulted in my taking a hiatus from my graduate work to serve the U.S. government at the National Nuclear Security Agency in Washington, D.C., working on counter-proliferation of weapons of mass destruction. I was there during 9/11 and have had close-up views of both attacked building sites; the very day it happened for one and within two weeks for the other. That caused me to extend my stay in

WITH 2019-2020 WSBA PRESIDENT

Rajeev D. Majumdar

→ Tell us about who you are, your background and law practice, as well as where you practice.

Well, today, I am a partner in a small-town general practice in Blaine, focusing primarily on transactional work and serving as general and litigation counsel for businesses. I am also very honored to serve as the prosecutor for the city of Blaine and the special prosecutor for the city of Bellingham's Mental Health Diversion Court.

However, we are all made up of the colorful threads of our history and those who raised us, and that probably gives a more insightful picture of who I am. I was raised in Idaho, as a Hindu and an Eagle Scout. I am the product of three waves of immigrants seeking the safe harbor of the United States: Irish, Italian, and Bengali. The level of appreciation and obligation I feel toward our country is hard to put into words, but, following the example of my father, I have tried my best to give back by strengthening the social fabric of the communities I am in. I came to Washington in 1999 to pursue graduate work, and except for a two-year hiatus in D.C. have been overjoyed to call Washington my permanent home. I've brought my parents here to live and share life with my better half and wife, Sara, and our 3-year-old daughter and budding

D.C. to serve my country in a time of crisis, but the longer I stayed the more I realized: (1) there was little room for advancement for someone like me; and (2) I needed a lawyer to sign off on anything serious that I wanted to get done. I decided I wanted to be the person signing off on projects instead of being told "maybe."

But after returning to academia to teach and earn a second master's degree in public administration, the ultimate decision to go to law school was driven by the fact that I wanted to live somewhere rural—and there are not a lot of national security jobs in the middle of nowhere. The great thing about being a lawyer is the ability to

While the president should be neutral in facilitating the work of the WSBA, I believe I have a duty to reach out and ensure that all voices are heard and have access.

hang a shingle and make a life just about anywhere.

What motivated you to run for WSBA president?

I believe that being a lawyer is more than a job; it is a role that one carries whether one is in the office or not. Our profession stitches together and holds fast the social fabric that makes our country so dynamic and rich with opportunity and free expression. As lawyers, we bear special and privileged responsibility in a free society to speak out on behalf of those without voices or power. We bear no risk to do so, and it is only the challenge of making the choice to spend the time and energy to: (1) stand up for others; (2) get involved in the wider community around you as a positive role model; and (3) run for office. As lawyers, we are looked to by society for guidance. We each bear a responsibility to guide our communities and this country to a better place—and the most effective way to do that is to stand up and be seen.

But why WSBA president? I'll be blunt in two ways:

1. I ran for and served on the Board of Governors because I saw a harmful disconnect between the practices and lives of the members, and the priorities of the WSBA. After collaborating to build a team to ask the right questions, I wanted to give back to my fellow governors and the membership by making sure all the voices get to the table. I believe I can make this happen.
2. I am the first president of South Asian heritage of any state bar association in the United States and I do not look like any of the past presidents of the WSBA. This is meaningful and says something about the openness and inclusiveness of our current Board of Governors. And while that has value and I do believe it is particularly meaningful for many members of our association, I also bring a plethora of diverse background experiences and perspectives that one cannot glean from mere appearance. I think the collaborative problem-solving toolset

I bring to the organization is needed in this time of change.

What do you hope to achieve as WSBA president? What will you focus on as your top priority?

The president of the WSBA is not an autocratic role but serves at the pleasure of the Board of Governors and exists to execute its policies and advocate as directed. Fidelity to that mission will always be my number one priority, but while the president should be neutral in facilitating the work of the WSBA, I believe I have a duty to reach out and ensure that all voices are heard and have access. Considering the amount of member disengagement and anger we have witnessed in recent years, I intend to focus on healing some of our charred bridges, such as our relationship with the sections. In particular, I intend to reach out and work with the Indian Law Section and the Family Law Section, two hardworking groups of members that have been treated with varying degrees of disrespect and condescension in the past. This is particularly disturbing, as both groups serve parts of the public with significant barriers to accessing justice. More generally, I would hope to enact the policies of the Board in a way that is clearly transparent and accessible to the membership at large. By the time this prints, I think you will see several years' worth of budgets available on the website as well, so you can better track how your licensing fees are being used.

When you became WSBA president-elect in 2018, you spoke about how we can ensure access to justice, saying, "Part of protecting such access to justice is warranting that our leadership contains diverse perspectives and experiences." What does access to justice mean to you? And could you talk a little more about why you think diversity is important in the legal profession?

We as lawyers exist to protect the public by ensuring access to impartial dispute resolu-

tion and redress, though historically we have been better about protecting some groups over others. I believe that our primary duty as officers of the court, and in the continued service of our state and country, should be ensuring access to impartial justice for all people. I don't think it is a coincidence that we have served some sectors of our society better than others; we best serve what we best understand. That is the reason that part of enabling access to justice for all people is warranting that our profession and its leadership contains diverse perspectives and experiences. Without such representation, it is not only the legal community that suffers from lack of perspective, but it is also the diverse parties that traditionally have had less access to the legal system who suffer.

One of the reasons I enjoy our profession is that unlike other professions, we are not a monolith. Our members come from every demographic and every sector of the economy. We serve every aspect of public discourse, and we are deeply embedded in every community. And while the pipeline to becoming an attorney is not free of institutional blockages and kinks and has a long way to go, I believe we can see the diversification of the profession happening before our eyes. Whether it is identification by gender, race, sexual orientation, physical ability, religion, or languages spoken, the WSBA is not what it was 50, 20, or even five years ago. This is a boon to society at large because it directly translates into better understanding and thus greater access to justice by all people.

What three things would you want if you were to be stranded on a deserted island for a week?

That sounds like paradise ... at least for a week. Presuming I don't have to worry about (1) food, (2) shelter, and (3) water, and presuming you don't want a utilitarian technical answer like (1) Swiss army knife, (2) flares, and (3) *The Boy Scout Handbook*, I would say, (1) my family, (2) a good collection of books, and (3) hammocks! 

In 2015, **Rajeev Majumdar** received the WSBA Local Hero Award for his work in improving public access to civil legal aid and advocating for homeless youth. In 2016, he was elected by the members to service on the Board of Governors. He focuses his practice on real estate, civil litigation, municipal law, and business-oriented law in Blaine, Washington. He serves as the prosecuting attorney for the city of Blaine, and Bellingham's Special Prosecutor for Mental Health Diversion Court. As an adjunct professor at Western Washington University, he teaches Rights, Liberties and Justice in America. He previously worked for the NNSA in D.C., helping to establish protocols of cooperation between nations to ensure the containment of weapons of mass destruction technology.

**Local
Solutions.**

**Global
Reach.™**

**JAMS doesn't just resolve
disputes—we solve problems.**

We craft cost-efficient, custom ADR processes that offer clients the flexibility to address conflict at any stage. Do you need access to a vast slate of full-time neutrals with industry-specific experience?

Seamless local case administration and world-class facilities?

Contract clauses and ADR programs tailored to meet your needs?

JAMS is your premier resource for fair, effective solutions.

jamsadr.com • 800.352.5267



A Change in Perspective

“Each of us brings to our job, whatever it is, our lifetime of experience and our values.”

— Sandra Day O'Connor

I am both honored and humbled to be president of the WSBA as our association enters a new chapter of history. My presidency begins as the WSBA is emerging from a period of difficulties. Like all institutions in our society, the WSBA and its membership have been collectively challenged by the unprecedented rate of change in social-political norms, as well as technological, regulatory, and market forces. My goal as president is to see that the WSBA continues to transform and adapt to a changing environment. A year from now I want you to see an organization that is ever more transparent, responsive to your needs, and able to enhance your service to the public.

Since its inception in 1888, this organization has continuously adapted to the incredible changes brought by each new generation. I have no doubt that, collectively, we the membership have the talent and ability to regulate our profession and its service to the public over the next 131 years as well. I believe this for two reasons.

The first reason is that our institution is built on the principles of democracy and the ability of the membership to hold their delegates on the Board of Governors accountable. While democracies may be slow to change and policymaking may get heated and be messy to watch, ultimately it is a system that continually brings new voices and perspectives to the table. You may note that my picture on the cover of this magazine doesn't follow the dominant tradition of Bar presidents being photographed in staid suits in front of urban settings and courthouses. This is deliberate. Dispute resolution, problem solving, and justice aren't limited to a courthouse or skyscraper. Our wonderfully diverse state is home to all kinds of perspectives and a membership that does the work of law in every situation imaginable. I hope I am not only bringing a new perspective to the challenge of the WSBA's constant effort to adapt, but also serving as a conduit for members to bring many additional perspectives to this venture.

The second reason for my optimism about this organization's future is simply *you*, and your ability to become one of the 1,400-plus volunteers who dedicate their time to improve the legal profession, to hold it accountable, and to help our colleagues in need.



Rajeev D. Majumdar
WSBA President

Rajeev focuses his practice on real estate, civil litigation, municipal prosecution, and business-oriented law in Blaine, Washington. In 2015, he received the WSBA Local Hero Award for his work in improving public access to civil legal aid and advocating for homeless youth. In 2016, he was elected by the members to service on the Board of Governors. He can be reached at rajeev@northwhatcomlaw.com.

From sections to discipline to education and everything in between, the WSBA relies on members just like you to stand up for the profession and take an active role in its regulation and governance.¹ Our collective volunteerism is the mechanism that allows our membership to influence the way our association carries out its day-to-day operations. While we have extremely talented and dedicated staff working hard each day to serve the WSBA, the institution would not work as designed without the tireless efforts of unpaid volunteers who just want to better our profession.

Every single one of us is a member of the public and serves the public in some fashion. Our profession is the infrastructure of our great nation that prevents disputes from being solved by vigilante justice and resolves to hold all people accountable to the rights granted by contract or Constitution. Our membership serves every economic class (albeit some more effectively than others), facilitates dialogue in every segment of our society, and provides leadership for our communities. Without the dedicated self-sacrifice of many of our members' efforts, the most vulnerable and frayed threads of our social fabric would come undone without recourse or hope for repair. As officers of the court, and by our oath,² each and every one of us is a servant of the public.

And, as president of the WSBA, I am here to serve—to serve you and your delegates on the Board of Governors. The president of the WSBA is not a job of glory, nor does it come with a writ of rule by fiat. Rather, this volunteer office exists to facilitate and direct the execution of the policy decisions of the Board of Governors. And from personal experience I will relate to you that the job of being a governor on the Board involves hundreds of hours each year of unpaid effort that I deeply appreciate. The primary reason I chose to run for this office is that I love our profession and I was humbled by the labor, time, and effort put in by the governors to serve their colleagues and the people of Washington. I thank them for putting their trust in me to faithfully execute the process and observe the intent of their policies. I hope you also will find me to be a true advocate for your organization.

However, the office does come with a platform, and it is my duty to use that platform effectively. Words have impact, even more so when written in a public forum. As we are a diverse profession that reflects a diverse society, I have no doubt that some of

**As president of the WSBA,
I am here to serve—to serve
you and your delegates on
the Board of Governors.**

you will take issue with positions that the WSBA's Board adopts, and with the topics I will write about over this next year. It has always been my opinion that this magazine should not just be a mouthpiece for the organization as an institution, but one that advances a dialogue before a decision is made and provides a place for the members to express and explore their own perspectives. I welcome those letters to the editor that may criticize my thoughts, or the decisions this organization will make over the next year.³

It is important for our modern and synthetic civilization to have its body politic of legal professionals committed to the rule of law and access to justice. Without the continuing cultivation of that commitment, which has been demonstrated repeatedly by lawyers throughout our nation's history, we would be unable to maintain a society that cultivates the prosperity and security of all its members. It is my objective to use my platform to educate the public, our membership, and myself about how our members across the state are serving the public with that very commitment. A noted lawyer whose anecdotes I am rather fond of, Mohandas K. Gandhi, once said, "The true measure of any society can be found in how it treats its most vulnerable members." Over the course of the next year, I hope we can take a journey together and discover the varied ways our members are serving the public by strengthening the vulnerable threads present in the fabric of our society. 

NOTES:

1. See more about volunteer opportunities here: <https://www.wsba.org/connect-serve/volunteer-opportunities>.
2. See oath here: https://www.wsba.org/docs/default-source/licensing/admissions/scoring-and-nap/oath-of-attorney.pdf?sfvrsn=63ab3cf1_58.
3. Of course, if you want to say something supportive, I suspect I will enjoy that more! My phone number is also in the bar directory, and I welcome your phone calls; if I am not available, my staff would be happy to schedule an exact time we can talk.

*When you need advice on
attorney fees, an evaluation of
fees, a declaration on fees,
or testimony on fees—CALL US.*

Our latest law review article on attorney fees in Washington is:

*The Lodestar Method for Calculating a Reasonable
Attorney Fee in Washington,*
52 Gonz. L. Rev. 1 (2017)

We have a track record of success in fee cases:

Estate of Hunter (\$2.8 million fee award in arbitration)
Easterly v. Clark County, 2 Wn. App. 2d 1066 (2018)
Arnold v. City of Seattle, 185 Wn.2d 510, 374 P.3d 111 (2016)
Bright v. Frank Russell Investments, 191 Wn. App. 73, 361 P.3d 245 (2015)
Tupas v. Washington State Dept. of Ecology, 191 Wn. App. 1036 (2015)

Knowledgeable ♦ Experienced ♦ Efficient

**TALMADGE
FITZPATRICK**

206-574-6661 ♦ www.tal-fitzlaw.com

**PAULSON
COLETTI**
TRIAL ATTORNEYS PC

personal injury
wrongful death
medical malpractice
reckless driving



1022 NW Marshall Street #450 Portland OR | (503) 226-6361 | paulsoncoletti.com

MEET YOUR BOARD OF



Sunitha Anjilvel

(2019-2021)

Governor
DISTRICT 1



Sunitha Anjilvel was appointed by the Board of Governors in May 2019 to serve out the term of a vacant District 1 seat. She has practiced family law and estate planning in the Pacific Northwest since 2008. Since her first admission to practice law in 1990, Anjilvel has practiced in a variety of courts in Canada, California, and Washington in family law, criminal law, and civil litigation. In 2005, she served as director of a bipartisan campaign to support a redistricting reform initiative on California's statewide ballot. She is committed to social justice and currently is a member of the WSBA Diversity Committee and a director on the Board of Domestic Relations Attorneys of Washington (DRAW). Anjilvel has also volunteered for the Kinship Care Project and Northwest Immigrant Rights Project. She has a B.A. from McGill University and a J.D. from Dalhousie Law School. She is licensed to practice law in Washington and California.



Carla J. Higginson

(2018-2022)

Governor
DISTRICT 2



Carla J. Higginson was appointed to the WSBA Board of Governors in June 2018 to serve out the term of a vacant District 2 seat and then was elected for a full three-year term starting September 2019. Since her admission to the Bar in 1980, Higginson has practiced in Friday Harbor, handling family law, real property and land use, estate planning and probate, elder law and guardianship, and civil litigation. She formerly handled criminal defense as well. Higginson is the treasurer of the San Juan County Bar Association, for which she previously served as president for five terms. She has served as a municipal court judge for the town of Friday Harbor, and she once was the youngest judge in the state. She also served on the San Juan County Planning Commission, Bastyr University Board of Trustees, and as a longtime volunteer attorney for several non-profit organizations. A native of Western Washington, Higginson earned her B.A. in communications at Western Washington University and her J.D. at the University of Washington School of Law.



Peter J. "P.J." Grabicki

(2018-2021)

Governor
DISTRICT 5



Peter Grabicki was elected to the Board of Governors in September 2018. He is a managing partner at Randall | Danskin in Spokane, where he focuses his practice on representation and planning for businesses and their owners, estate and tax planning, probate and trust. He is the immediate past president of the Legal Foundation of Washington, which administers grants to providers of civil legal aid to low-income populations. Grabicki earned a B.A. in economics from the University of San Francisco and his law degree from the University of Texas School of Law, where he graduated cum laude.



Brian Tollefson

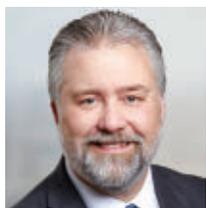
(2017-2020)

Governor
DISTRICT 6



Hon. Brian Tollefson (Ret.), elected to the Board of Governors in 2017, is a principal at Black Robe Dispute Resolution Services, PLLC. Judge Tollefson served on the Pierce County Superior Court bench for over 27 years. While on the bench, he was active in the Superior Court Judges' Association (SCJA) as a member of the Board of Trustees, together with several SCJA committees. He served on the Pierce County Superior Court Executive Committee, served as presiding judge, and was active on several Superior Court committees over his career. Before his judicial career, he was a partner in a Tacoma law firm. He is an emeritus member of the Robert J. Bryan American Inns of Court and has worked extensively with the National Courts & Sciences Institute. He graduated from Willamette University College of Law with honors, serving on the *Willamette Law Review* staff. He earned his Master's of Judicial Studies from the University of Nevada, Reno. His B.A. in business administration is from the University of Washington School of Business.

GOVERNORS

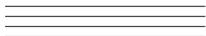


Kyle Sciuchetti

(2017-2020)

President-Elect/ Governor

DISTRICT 3



Kyle Sciuchetti was first elected to the WSBA Board of Governors in 2017 and was elected president-elect in May 2019. He is a partner of Miller Nash Graham & Dunn LLP, where he serves as outside counsel for businesses. Sciuchetti is a former prosecutor with the city of Spokane and former session attorney with the Washington State Legislature Office of the Code Reviser. He served as chair of the WSBA Legislative Review Committee and chaired the Board of Governors Legislative Committee during the 2019 legislative session. He recently served as a member of the Supreme Court Work Group on WSBA Structure. He serves on the Board of Directors of the Metropolitan Business Association and the Humane Society for Southwest Washington. He is admitted to practice in state and federal courts in Washington, Oregon, and Idaho, and the United States Supreme Court. Born and raised in Spokane, Sciuchetti received his undergraduate degrees from the University of Washington and his law degree from Lewis & Clark Law School.



Paul Swegle

(2017-2020)

Governor

DISTRICT 7 NORTH



Paul Swegle was elected to the WSBA Board of Governors in September 2017. He is in-house general counsel to several tech companies and serves as of counsel to Kinzel Law Offices in Seattle, where he advises and represents a number of other tech companies. Swegle is an adjunct professor of law at Seattle University School of Law, teaching entrepreneurial law and finance. He is the author of two books, *Contract Drafting and Negotiation*, and *Startup Law and Fundraising*. Swegle began his law career in 1988 with the SEC's Division of Enforcement, serving two appointments as a special assistant U.S. attorney. He served two terms as chair of the WSBA Corporate Counsel Section and currently serves on the Securities Law Committee of the WSBA Business Law Section. Swegle received his B.A. in political science from the University of Washington and his law degree from the University of Washington School of Law.

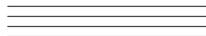


Daniel D. Clark

(2017-2021)

Treasurer/ Governor

DISTRICT 4



Daniel D. Clark was appointed to the Board of Governors in July 2017 to serve out the term of a vacant District 4 seat and was subsequently elected for a full three-year term in 2018. He was elected incoming WSBA treasurer in July 2019. Since 2002, he has served the taxpayers of Yakima County. Clark is a senior deputy prosecuting attorney with the Yakima County Prosecuting Attorney's Office, Corporate Counsel Division. His legal practice includes providing legal representation to Yakima County department heads and elected officials in civil, financial, and taxation litigation matters. He also assists deputy prosecutors and law enforcement in various criminal prosecutions and civil real and personal property forfeiture matters. He is the legal counsel for the Southeast Washington Aging and Long Term Care Council of Governments, an entity that provides important services for vulnerable clients. Born and raised in Yakima, Clark received his B.A. in political science, magna cum laude, from Central Washington University and his J.D., cum laude, from Gonzaga University School of Law.



Jean Y. Kang

(2017-2021)

Governor

DISTRICT 7 SOUTH



Jean Y. Kang was elected to serve District 7 in September 2018. She was first appointed to the Board of Governors in 2017 to fill a vacancy in the at-large, new and young lawyer position. She is a litigator at Smith Freed & Eberhard. She handles a wide range of complex litigation arising from personal injury negligence, errors & omission, premises liability, and various insurance claims. Prior to civil work, Kang served as a criminal deputy prosecuting attorney in Cowlitz County and King County. She serves on the state board for Washington Women Lawyers as co-chair for professional development, and previously served on the board for the Korean-American Bar Association. She also was a member of the 2017 class of the Washington Leadership Institute. She speaks Korean fluently and volunteers in the Korean-American community. She received her undergraduate degree from the University of Washington and her law degree from Seattle University School of Law.

MEET YOUR BOARD OF



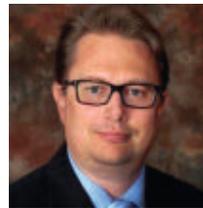
Kim Hunter

(2017-2020)

Governor
DISTRICT 8



Kim Hunter was elected to the WSBA Board of Governors in September 2017. She is the owner of the Law Offices of Kim E. Hunter, PLLC, where she maintains an active criminal practice as a private defense attorney, conflict public defender, part-time prosecutor for several municipalities, and a pro tem judge. She is a former prosecutor for the city of Spokane and former public defender for the cities of Kirkland, Bellevue, and Redmond. Hunter is a member and past chair of the Criminal Law Section. Hunter has been on the WSBA Supreme Court Pro Bono Publico Honor Roll since 2004. Born and raised in Spokane, Hunter received her undergraduate degree, cum laude, in biomedical history and ethics from the University of Washington, and her MBA, magna cum laude, in marketing from City University. She earned her J.D. at Gonzaga University School of Law, where she co-founded the Student Animal Legal Defense Fund.



Bryn Peterson

(2019-2022)

Governor
DISTRICT 9



Bryn Peterson was elected to the WSBA Board of Governors in 2019. He attended the University of the Pacific for undergraduate and law school. He then attended the University of Washington School of Law and obtained a Master of Laws in taxation. Peterson practices in the area of corporate law. Since 2002, he has been delivering comprehensive legal support on a variety of corporate matters including contracts, mergers and acquisitions, real estate, insurance, risk management, capital projects, taxation, and audits. Peterson's diverse legal background includes eight years as internal legal counsel for multimillion-dollar corporations including Green Giant Fresh and Tree Top, and multibillion-dollar corporation Darigold, Inc. His experience spans companies across varied sectors including technology, food/beverage, and agriculture. Peterson is the oldest child of eight. He has a wonderful wife and two great children. He also enjoys running, golf, and barbecue.



Thomas A. McBride

(2019-2022)

Governor
DISTRICT 10



Thomas A. McBride was born and raised in Spokane, Washington. He attended Washington State University for undergraduate and the University of Washington for law school. Between schools, McBride worked as an accountant and passed the Certified Public Accountant exam. After graduating from law school in 1990, McBride worked at the King County Prosecuting Attorney's Office. He then spent 25 years as the executive director of the Washington Association of Prosecuting Attorneys. In 2019, McBride was elected to the Board of Governors for District 10. He is married to Jodi and has three children and a disreputable dog.



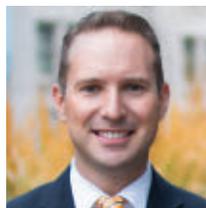
Russell Knight

(2018-2021)

Governor
AT-LARGE

Russell Knight was elected to the Board of Governors in September 2018 to represent new and young lawyers in an at-large position. Knight is a partner with the Tacoma law firm of Smith Alling, P.S., and focuses his practice on the litigation of business, real estate, and employment disputes. He has tried cases before judges, juries, arbitrators, and governmental agencies and has defended and appealed cases to the Washington Court of Appeals and 9th Circuit Court of Appeals. Knight is a past president of the Young Lawyers Section of the Tacoma-Pierce County Bar Association and served as the Pierce County representative to the Washington Young Lawyers Committee. He is a member of the Robert J. Bryan American Inns of Court. Knight earned his B.A. at the University of Puget Sound and his J.D. at Gonzaga University School of Law.

GOVERNORS



Hunter M. Abell

(2019-2022)

Governor
AT-LARGE

Hunter M. Abell was elected to the Board of Governors in 2019. Abell is a member at the Seattle office of Williams, Kastner & Gibbs, PLLC. He is a native of Eastern Washington, where he was raised on a ranch in rural Ferry County. A graduate of the College of William & Mary, Abell attended Gonzaga University School of Law and received an LL.M at Georgetown University Law Center. Before joining Williams Kastner, he served as a JAG officer with the U.S. Navy, and is currently a commander in the U.S. Navy Reserve. Abell previously served as chair of the WSBA Professionalism Committee and Indian Law Section. He is married to Sara and the proud father of two daughters, Libby (6) and Wynsome (4).



Alec Stephens

(2017-2020)

Governor
AT-LARGE

Alec Stephens was elected to the Board of Governors in September 2017. Prior to serving on the Board, Stephens served two terms as chair of the WSBA Civil Rights Law Section and was the small sections representative on the Board's Sections Policy Work Group. He has served for two years as Board co-chair of the WSBA Diversity Committee. He has been a civil rights lawyer since his admission to the Bar in 1981. He is the owner of Alec Stephens Consulting, providing legal and policy advice on civil rights issues. Active in civic affairs, Stephens has served as a member of the City of Seattle Parks Levy Oversight Committee, and he was the first Disproportionality Task Force Chair of Seattle Public Schools. A native of Miami, Florida, Stephens has a law degree from the University of Puget Sound (now Seattle University) Law School, and a Bachelor's of Business Administration from the University of Miami.

THERE'S MORE ON THE BLOG



NWSidebar

The Voices of Washington's Legal Community



Academic Altruism: Seattle University's Pro Bono Programs and the Students Who Contribute

Service to others is at the heart of Seattle University School of Law's mission. Find out how its students are answering that call. [...]

nwsidebar.wsba.org



Pro Bono at Gonzaga Powered by Students Giving Back

Part of Gonzaga Law's mission is to educate students to serve the public good, which is one reason its future lawyers must complete at least 30 hours of public service. Here's what they're doing with that time. [...]

nwsidebar.wsba.org



University of Washington School of Law Is Using Pro Bono to Put Education Into Practice

Public service is central to the UW School of Law's commitment as a public institution to increasing access to justice. UW Law has a long tradition of students providing pro bono [...]

nwsidebar.wsba.org

Top Five Takeaways From the 2019 WSBA Listening Tour

Good night, Washington—you’ve been an incredible audience! OK, OK, so maybe none of our stops ended with smashing guitars or throwing drumsticks to the crowd ... but we are coming off what can only be described as an *epic* tour that spanned 23 stops (reaching 25 counties), three ferry rides, and 2,368 miles! And in all sincerity, it was I who often felt in awe of the rock stars I met along the way.

WSBA President Bill Pickett and I—joined by many members of our Board of Governors along the way—started the 2019 Listening Tour in May. It’s no secret this has been a fractious year, leaving members with lingering questions and unsettled feelings about the state of the WSBA. We decided it was more important than ever to be comprehensive on our Listening Tour, covering as much of the state as possible to hear from as many of you as possible.

From our first stop in Kennewick to our last stop in Montesano, we shook hands with past presidents and former members of the Board of Governors. We greeted new and seasoned lawyers. We met judges, county bar leaders, prosecutors, LLLTs, and legislators. We listened, we talked, we laughed, and we gained a great appreciation for the beauty and diversity of our state, which is mirrored by our vibrant legal community.

In the end, we came to more fully realize and understand the unique challenges and joys legal professionals encounter every day as they strive to serve their clients, the public, and their profession.



Terra Nevitt
WSBA Interim Executive Director
 Terra can be reached at terran@wsba.org.

We heard a lot of feedback, both positive and negative, but all of it valuable. As an organization, we at the WSBA are going to spend quite a bit of time digesting the feedback, concerns, and suggestions we garnered on the road; however, I don’t want to wait to share with you some of the most prevalent themes that are already shaping how we do business.

So, without further ado—the top five takeaways from the Listening Tour:

1. Some members feel disconnected from the WSBA and are concerned about activities they perceive to be political or ideological.
2. At the same time, aspects of the WSBA’s work are appreciated, such as the Legal Lunchbox series, access to Casemaker and Fastcase, WSBA Sections, and the WSBA’s liberal reciprocity rules.
3. Rural communities are struggling to attract and retain new attorneys, despite offering a great quality of life and a collegial and welcoming legal community.
4. Members are extremely curious about recent legislation and Supreme Court case law that has raised questions about the integrated-bar structure.
5. Members are proud of their colleagues and the work they do to serve the public locally.

I was humbled and honored that you welcomed us to your hometowns. Thank you—*thank you*—for your time and candor. Thank you—*thank you*—for the amazing work you are doing in the legal community.

In the words of Willie Nelson (see, it’s that inner rock star again), “I just can’t wait to get on the road again” for the next tour in the coming months. See you soon! 

Dishing up FREE CLEs!

Legal Lunchbox™ Series

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

To register and for more information, visit www.wsba.org.



INNOVATION COMES STANDARD

FASTCASE IS ONE OF THE PLANET'S MOST
INNOVATIVE LEGAL RESEARCH SERVICES,
AND IT'S AVAILABLE FREE TO MEMBERS OF
THE WASHINGTON STATE BAR ASSOCIATION.

LEARN MORE AT
WWW.WSBA.ORG



First Do No Harm

Law Firm Risk Management in Pro Bono Work

BY MARK
J. FUCILE

In medicine, the dictum “first do no harm” is well known. Put simply, it is the notion that medical intervention should not be attempted when the probable result will be to make the patient worse. Although outcomes in law are usually not as dramatically personal as in medicine, they often have profound impacts on our clients. RPC 6.1 encourages lawyers to provide pro bono legal services: “Every lawyer has a professional responsibility to assist in the provision of legal services to those unable to pay.” Although RPC 6.1 and its accompanying comments note that our pro bono obligation can be met in a wide variety of ways, direct representation of clients unable to afford counsel is a particularly pressing need.

At the same time, a variety of trends have combined to drive many lawyers into narrowly tailored practices that do not necessarily mesh well with traditional pro bono legal service needs. Moreover, with the increasing complexity of almost all areas of the law, even a “simple” will or the equivalent in any number of practice areas isn’t necessarily as “simple” as in years past. That sometimes leads lawyers to ask: How can I help without doing harm?

In this column, we’ll first survey our duty of competence and then



Mark J. Fucile of Fucile & Reising LLP handles professional responsibility, regulatory, and attorney-client privilege matters, and law-firm-related litigation for lawyers, law firms, and legal departments throughout the Northwest. He is a former chair of the

WSBA Committee on Professional Ethics and is a past member of the Oregon State Bar Legal Ethics Committee. He also teaches legal ethics as an adjunct for the University of Oregon School of Law. He can be reached at 503-224-4895 and mark@frllp.com.

Providing legal services outside a lawyer’s areas of principal expertise presents well-documented risks.

turn to some of the ways lawyers can meet that duty while providing pro bono services through direct client representation.



THE DUTY OF COMPETENCE

Competence is one of our bedrock duties—so fundamental, in fact, that it is listed first in the Rules of Professional Conduct. Under RPC 1.1, competence is measured by the particular matter we are handling. Lawyers are not prevented from taking on a new matter in a new area. We are expected, however, to devote sufficient time to understand the area involved and to seek out help from more experienced practitioners if we need it.

Comment 2 to RPC 1.1 captures these concepts neatly:

A lawyer need not necessarily have special training or prior experience to handle legal problems of a type with which the lawyer is

unfamiliar. A newly admitted lawyer can be as competent as a practitioner with long experience. Some important legal skills, such as the analysis of precedent, the evaluation of evidence and legal drafting, are required in all legal problems. Perhaps the most fundamental legal skill consists of determining what kind of legal problems a situation may involve, a skill that necessarily transcends any particular specialized knowledge. A lawyer can provide adequate representation in a wholly novel field through necessary study. Competent representation can also be provided through the association of a lawyer of established competence in the field in question.

The duty of competence is not simply a matter of regulatory ethics. The fact that a matter is being handled pro bono does not lessen the duty of care under substantive law, just as it does not lessen the corresponding regulatory duty of competence. Washington Pattern Civil Jury Instruction 107.04 outlines the standard of care for legal work:

An attorney in the State of Washington owes to the client a duty to comply with the standard of care for attorneys.

An attorney has a duty to use that degree of skill, care, diligence, and knowledge possessed and used by a reasonable, careful, and prudent attorney in the State of Washington acting in the same or similar circumstances.

Failure to use such skill, care, diligence, and knowledge constitutes a breach of the standard of care and is negligence.

Although rare, lawyers have been disciplined for RPC violations arising out of deficient pro bono work.¹ Similarly, there is no bar to legal malpractice claims stemming from mistakes in pro bono work—with a justice of the Washington Supreme Court recently noting: “Attorneys who serve indigent persons ... are not exempt from potential malpractice claims, although we recognize the need to encourage pro bono representation.”²

No one sets out to commit malpractice in a pro bono matter. Providing legal services outside a lawyer’s areas of principal expertise, however, presents well-documented risks. An article on the ABA’s website earlier this year highlighted these risks based on statistics compiled by insurance carriers over three decades for the ABA’s *Profile of Legal Malpractice Claims* series:

When grouped together, substantive errors account for more than 46 percent of report-

ed [legal malpractice] claims. The most obvious error in this category is a failure to know or properly apply substantive law. Another rather obvious error is the failure to know or ascertain a deadline. ... Claims further indicate that ‘dabblers,’ or lawyers acting outside their usual practice area, are far more likely to fail to know or apply the law.³



MEETING THE DUTY OF COMPETENCE

While there are many paths to meeting the duty of competence when providing pro bono services, two in particular stand out.

The first path is to focus on activities that are within your area of expertise. A family law practitioner, for example, might provide pro bono mediation services in that same area. Similarly, a corporate tax lawyer might help with returns for people of modest means through a community organization. In the same vein, a large-firm commercial litigator might volunteer to work on “impact” litigation for a legal services organization that would benefit from precisely the same skills the lawyer uses every day on behalf of corporate clients. In still other instances, lawyers with specialized skills may provide their expertise to civic or charitable organizations directly. The examples are many, but the point is simple: use the knowledge and skills you already have to assist clients who would not otherwise be able to hire a lawyer.

The second path is to learn an unfamiliar area of law or to partner with someone who has the requisite knowledge and experience. A patent lawyer, for example, might ordinarily want to work with someone with specialized expertise while handling a pro bono immigration case. Similarly, an environmental lawyer might gain the requisite level of knowledge to handle simple pro bono wills or a residential landlord-tenant matter through CLEs or related study. Many legal service organizations also offer volunteers training in the substantive areas of greatest need for their clients.⁴ Again, the examples are many, but the point is simple: Through some combination of study and association, gain the knowledge you need to handle the matters you have agreed to take on.



SUMMING UP

Just as there are many paths available to serve pro bono clients, there are also many avenues available to meet the requisite duty of competent representation. That way, in doing good, a lawyer-volunteer will “first do no harm.” 

NOTES:

1. See, e.g., *In re Kuvara*, 149 Wn.2d 237, 66 P.3d 1057 (2003) (lawyer disciplined for improper efforts to correct earlier deficient pro bono work).
2. *Piris v. Kitching*, 185 Wn.2d 856, 872, 375 P.3d 627 (2016) (Stephens, J., dissenting).
3. Daniel E. Pinnington, “The Biggest Malpractice Risks,” published April 2, 2019 at: https://www.americanbar.org/groups/gpsolo/publications/gp_solo/2011/march/the_biggest_malpractice_claim_risks/.
4. Free CLEs are available through the WSBA to members who volunteer for a Qualified Legal Service Provider (QLSP), or as a participant with the WSBA’s Call to Duty Initiative or Moderate Means Program. For more information about accessing these free CLEs or about statewide pro bono opportunities, email publicservice@wsba.org.

Winning With Point-First Writing

BY KATHY
MCGINNIS

Most good writers view topic sentences as an essential tool for organizing prose, but many don't realize the advantages of a closely related tool: *paragraph thesis sentences*. To craft a good paragraph thesis sentence, the writer must declare not just the *topic* of the paragraph to come, but why it is important and why it belongs in the piece—in short, *what the point of the paragraph is*. This process forces the writer to synthesize, organize, and clarify. By replacing standard topic sentences with thesis sentences, *point-first writing* can turn good writing into truly engaging writing, the kind that holds the reader's attention and helps the reader understand complex information.

What makes point-first writing better? A standard topic sentence is declarative; it announces a topic for the paragraph. A thesis sentence does this too. But a thesis sentence goes beyond by assertively explaining the paragraph's significance. This extra information is important because readers understand details better once they have context—and point-first writing can enhance that sense of context before a reader is asked to dive into details.

Done well, thesis sentences also can make prose more persuasive and the author more credible. Readers will be persuaded if they can understand at the outset *why* the author is describing a particular case or emphasizing certain facts. Moreover, they will be reassured that the writer has a plan and isn't wasting time rambling on about points that might not matter much. Writers can deliver

that early understanding by highlighting the most significant aspects of the paragraph to come.

Perhaps most important, point-first writing compels the writer to synthesize information—often the most crucial part of a legal writing project. If the synthesis doesn't happen in the first draft, it can always be added during revision. Consider how you might revise the paragraph below, from an objective memo:

The second required element is “express assurance.” In *Chambers*, the court held that the element was satisfied when callers requested help during an assault, and the 911 dispatcher responded: “We’ll get somebody up there, then,” and “We have the officer; he is on his way.” 100 Wn.2d at 287. In *Beal*, the court found express assurance when a woman asked for a civil standby so she could go to her husband’s apartment without violating a no-contact order. The court held that the dispatcher made an express assurance of help by saying, “We’ll get the police over there for you, OK?” 134 Wn.2d at 785. As these cases illustrate, express assurance requires a communication in which the caller seeks, and the official provides, an

assurance that the official will act in a specific manner on the plaintiff's behalf.

This paragraph announces a topic and eventually states a rule—101 words later. Many writers naturally take this approach: marshal the evidence case-by-case and then conclude. Consciously or not, they narrate the thought process that leads to their conclusion. That concluding sentence is really the point of the paragraph—the synthesized rule for assurance. Putting the rule first would signal that there *is* a point, and that it is worth the reader's time to pay attention to the case descriptions:

The express assurance element requires a communication in which the caller seeks, and the official provides, an assurance that the official will act in a specific manner on the plaintiff's behalf.

This element was satisfied when callers requested help during an assault, and the 911 dispatcher responded: "We'll get somebody up there, then," and "We have the officer; he is on his way." *Chambers*, 100 Wn.2d at 287. Express assurance can be satisfied even in a non-emergency situation. In *Beal*, a woman asked for a civil standby so she could go to her husband's apartment without violating a no-contact order. The court held that the dispatcher made an express assurance of help by saying: "We'll get the police over there for you, OK?" 134 Wn.2d at 785.

The revision above lets readers ease into the paragraph with a clear focus; they can readily see how each case relates to the main point. And readers begin to recognize that they can rely on the writer to do the "value-added" work busy readers expected in the first place.

Another example from the same memo further illustrates the assurance rule:

The court also addressed the assurance element in *Babcock*, 144 Wn.2d at 780. It held that there was no express assurance when a firefighter told the homeowners at the scene of a fire to "leave matters in the hands of firefighters" who would "take care of protecting [their] property." *Id.* The court held that these plaintiffs did not specifically seek assurances, and that the firefighter's comments did not indicate that she would act in a specific way. *Id.* at 791. Similarly, the "inherent" assurance of the enhanced 911 system, which automatically reports the caller's location, is not an express assurance that help will be sent. *Cummins*, 156 Wn.2d at 856.

This paragraph's first sentence masquerades as a topic sentence: it covers only one of the paragraph's two cases.

The sentence merely alerts the reader that there's another case involved. Synthesis is absent from both the first sentence and the paragraph.

To convert the passage to point-first writing, the author must decide why the information matters. The answer is that the two cases show the limits of the rule—the flip side of the synthesized rule from the earlier paragraph. The thesis sentence should communicate that point:

Conversely, a vague or implied assurance that emergency responders will do their job cannot qualify as an express assurance. For example, there was no express assurance when a firefighter told the homeowners at the scene of a fire to "leave matters in the hands of firefighters" who would "take care of protecting [their] property." *Babcock*, 144 Wn.2d at 780, 781. The court held that these plaintiffs did not specifically seek assurances, and that the firefighter's comments did not indicate that she would act in a specific way. *Id.* at 791. Similarly, the "inherent" assurance of the enhanced 911 system, which automatically reports the caller's location, is not an express assurance that help will be sent. *Cummins*, 156 Wn.2d at 856.

That new thesis sentence plays three important roles. First, it is a true topic sentence because it aligns with the content of the paragraph by encompassing both case examples. It thus makes the paragraph more cohesive. Second, it synthesizes a rule from two new cases, and presents it in a way that will be usable later in the memo. Finally, it signals a transition from the preceding paragraph: the word "conversely" alerts the reader that the discussion of the rule continues, and the rule's scope is limited.

A key to deploying point-first writing is to recognize when it is most helpful. Readers don't need a steady diet of paragraph thesis sentences; sometimes a simple paragraph needs only a simple topic sentence. But the technique is invaluable in several situations when writing about legal analysis. In each situation, just write a suitable thesis sentence and add case law, facts, or other sources that support the thesis:

Point-first writing can turn good writing into truly engaging writing, the kind that holds the reader's attention and helps the reader understand complex information.



ASK US: If you have a question or a pet peeve about legal writing that you'd like to see addressed in a future "Write to Counsel" column by UW Law writing faculty, please submit it to nlawyer@wsba.org, with the subject line "Write to Counsel."

Winning With Point-First Writing

CONTINUED >

- To explain a rule, or to argue that it is the correct rule, use the thesis sentence to *assert the rule*, as in the examples above.
- To emphasize the weight of authority, your thesis should collect and characterize the evidence: “Numerous cases in this circuit illustrate the significance of ...”
- To illustrate a rule with cases on which you will base analogies or distinctions, write a thesis sentence that synthesizes patterns in the array of cases: “Courts in Washington tend to hold X under circumstance Y, but not under Z.”
- To apply the rule to your case by drawing analogies or distinctions, the thesis sentence should characterize and argue: “Defendant’s conduct is indistinguishable from conduct found criminal in these cases.”

In addition to providing rhetorical advantages, thesis and topic sentences can work “behind the scenes” to make writing better. Don’t forget these useful drafting and revision techniques:

- Check cohesion within a paragraph: if the content of the paragraph matches the first sentence, the paragraph is probably clear and focused. A good first sentence covers no more and no less than the substance of the paragraph, which is why a skilled editor always revises first sentences to fit each paragraph’s contents.
- Check the overall coherence of a piece: create an outline of all the first sentences and see if they add up to a coherent outline of what you meant to say. If not, there’s probably something amiss with the order of discussion. This technique should also reveal needless repetition. Relatedly, these opening sentences provide a home for transition words or phrases—a way to bridge smoothly from one paragraph to the next, and thereby optimize coherence.
- If you like working from an outline, thesis and topic sentences can make

writing easy and quick. Draft initial sentences that match the outline points, and then you can speedily fill in the substance that matches the thesis or topic.

Every legal writer should prioritize clarity of thought and organization; good beginnings are critical to that clarity, whether in the form of a topic sentence or a thesis sentence. But it is well worth changing your writing mindset with the two simple steps required by point-first writing. Ask what each paragraph adds to your discussion,

and craft a thesis sentence that clearly and simply explains that thesis. At a minimum, you’ll be rewarded with a great tool for diagnosing confusing or weak writing. At best, you will win over your readers with clear, succinct, and convincing prose. 

Kathy McGinnis is a principal lecturer and co-director of the Legal Writing Program at the University of Washington School of Law. She joined the UW faculty 25 years ago, after a decade as a civil litigator at Preston Thorgrimson Ellis & Holman.



**YOU WORK
FOR JUSTICE.**

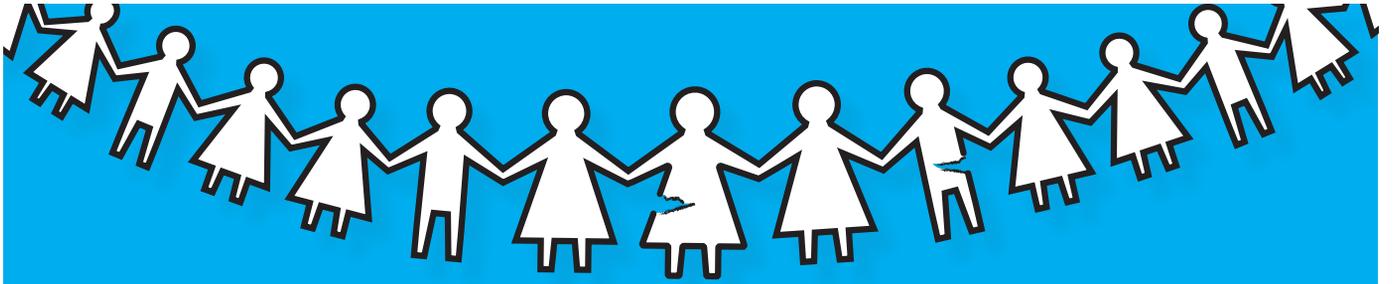
**WE WORK
FOR YOU.**

As a not-for-profit credit union, BECU puts your bottom line first. We have the products and services legal professionals need, including flexible business checking accounts with no maintenance fees or minimum balances required. Plus now offering IOLTA accounts for your trust needs.

Give us a call at **206-812-5199** or visit: www.becu.org/businessbanking for more information.

BE|CU
**BUSINESS
SERVICES**

Federally insured by NCUA



No one should suffer in an abusive environment.



SCHROETER
GOLDMARK
BENDER

PRODUCT LIABILITY

SERIOUS INJURY

SEXUAL ASSAULT

NURSING HOME ABUSE

sgb-law.com



When only the best will do.

Your clients, colleagues and friends deserve nothing less than the best. Refer with confidence to Brewe Layman: **One of Washington State's preeminent family law firms.**

Brewe Layman is highly regarded regionally and nationally for our adept and tenacious representation in complex divorce-related matters involving significant estates, business entanglements, prenuptial agreements, contentious support issues, cohabitation conundrums and other family law-related topics.

Martindale-Hubbell
AV PREEMINENT
Peer Rated for Highest Level of Professional Excellence 2017

Best Lawyers
BEST LAW FIRMS
US News

AMERICAN ACADEMY
AAML
OF MATRIMONIAL LAWYERS

BREWE LAYMAN P.S.

Attorneys at Law | Family Law

Seattle | Everett | Mount Vernon | 425.252.5167 | brewelaw.com

PERSPECTIVES

A forum for members to express their opinions and start conversations about important legal issues.

Have a response? We want to hear it, via nwlawyer@wsba.org.

A Call to Serve

BY HUNTER M. ABELL



Hunter M. Abell is a member at Williams, Kastner & Gibbs, PLLC in Seattle and an at-large governor on the WSBA Board of Governors. A native of Ferry County, he is the former chair of the WSBA Professionalism Committee and the WSBA Indian Law Section. He may be reached at habell@williamskastner.com or 206-233-2885.

Were you “called” to the bar? Or simply sworn in? The distinction is meaningful. It impacts how we commence and conceptualize service to our legal profession and the public.

Washington, like most states, welcomes new attorneys into the profession with a swearing-in ceremony. While the details of each ceremony may vary, most are coordinated by county bar associations and involve inspiring words from a local judge or practitioner, as well as a group recitation of the oath administered by a practicing judge.

The swearing-in ceremony is the penultimate step in the lengthy admissions process, starting with graduation from an ABA-accredited law school (or completion of the Law Clerk Program),¹ the character and fitness review, and the bar examination. The process is completed upon the Washington Supreme Court’s order of admission.

Our colleagues in other common law jurisdictions, however, join the legal profession in a slightly different way. In the United Kingdom, Canada, Australia, and a handful of other countries, fledgling members of the profession are “called” to the bar at the conclusion of their studies or clerkship during a “call ceremony.”²

Many of us have heard the phrase “called to the bar.” (Some of us may have felt a different sort of “call to the bar” after particularly tough law school exams.) You may be unaware,

however, as I once was, of the term’s origin, meaning, and potential applicability to today. The “call” to the bar originates with the four English Inns of Court.³ To practice in the United Kingdom, a barrister was “called” to the bar by the Inn to which he belonged.⁴ The Inns served many purposes: disciplinary, educational, and social.⁵ The idea was that barristers learned from their peers how to advocate.

Unlike many other aspects of our legal culture, the “call” to the bar did not successfully transplant to the American colonies. Some attorneys who were called to the bar by the English Inns of Court considered themselves members of the English bar, with a resulting right to practice in colonial courts.⁶ For those attorneys who were not called by the Inns,



however, it appears that admission was a matter for each colonial court to decide, without involvement by an intermediary organization, such as the Inns.⁷ After the American Revolution, admission to practice continued to be the province of the courts.

Today, barristers in the United Kingdom are still “called” to the bar by the Inns of Court. In Canada, both solicitors and barristers are “called” to the bar by the local Law Society.⁸ Modern call ceremonies, while varying by jurisdiction, share various common characteristics. They typically involve an individual being personally called forward by name to join the ranks of the profession, followed by a physical or verbal response. In British Columbia, for example, a new attorney is individually called forward by name, he or she bows to the presiding judge, signs the barristers’ and solicitors’ rolls, and receives the certificate to practice.⁹ It is an individualized process that entails an active and physical response to the “call.” The call and response of a call ceremony reinforces the concept that one is actively and voluntarily committing oneself to serving a greater profession.

I suggest that county bar associations adopt call ceremonies in lieu of swearing-in ceremonies.

The cultural impact of the “call” has not been lost on interested observers. As noted by Judge Edward Re in his 2000 remarks at the Third Bench and Bar Conference of the Federal Circuit Bar Association:

At this juncture it is well to recall that our English colleagues, from whom we borrow not merely our common law, but also so many of our legal customs and traditions, speak of the calling of the law. The word *calling* brings to mind a noble notion of dedicated *service*. ... To answer a calling is to enter a ministry, a ministry of justice whose members are committed to the rendering of service to attain the peaceful and just resolution of disputes.¹⁰

Judge Re is onto something. If we are serious about upholding a “ministry of justice,”¹¹ then we must consider how the newest members of the Washington legal profession embark upon their legal careers. In that spirit, I suggest that county bar associations adopt call ceremonies in lieu of swearing-in ceremonies. Doing so

confirms that new attorneys are not merely “admitted” to practice, suggesting a begrudging entry into the profession. Instead, they are answering a higher call and affirmatively stating a willingness to join an honorable profession.

The county bar associations already do a superb job of coordinating swearing-in ceremonies. As such, and as the “heirs” to the Inns of Court, they are the logical entities to adopt the practice. Practically, adoption of a call ceremony would be simple. So long as the Oath of Attorney was administered before an elected or appointed judge sitting in open court, a call ceremony could be adopted that satisfies the requirement of Admission and Practice Rule 5(f). Moreover, a potential resource for the county bar associations in conducting call ceremonies would be the American Inns of Court. Established in the early 1980s under the leadership of Chief Justice Warren E. Burger, the American Inns of Court are dedicated to promoting professionalism and ethics in the legal profession.

On a personal level, a call ceremony would be a welcome opportunity to speak to family members and the public about the nature of

the legal profession. As such, call ceremonies could help educate an increasingly cynical public about the vital role the profession plays in civil society.

Finally, a call ceremony could celebrate the unique cultural differences across our state. A call ceremony in King County would presumably look very different from a call ceremony in Ferry County. Good. Some county bar associations may choose to adopt call ceremonies, while others may wish to retain their swearing-in ceremonies. Also good, particularly if it generates discussion about the nature and character of the event.

The county bar associations know best how to welcome new practitioners into their communities. That said, I encourage them to consider adopting call ceremonies. Doing so is an opportunity to call new members of the profession into a warm and noble “ministry of justice.”

The author is thankful for the invaluable assistance of Jack Miller, UW School of Law c/o '20, for his assistance on this article.

NOTES:

1. Wash. Admission & Prac. R. 6 (2019).
2. See Daniel R. Hansen, “Do We Need The Bar Examination – A Critical Evaluation of the Justifications for the Bar Examination and Proposed Alternatives,” 45 Case W. Res. L. Rev. 1191, 1222-28 (1995).
3. Sandra R. Klein, “Legal Education in the United States and England: A Comparative Analysis,” Loy. of L.A. Int'l & Comp. L. Rev. 601, 613 (1991).
4. *Id.* at 614.
5. *Id.* at 615-16 (describing disciplinary, teaching, and socializing functions of the Inns).
6. Hansen, *supra* note 2, at 1194.
7. *Id.*
8. The provincial Law Societies serve many of the same functions as the WSBA. The Law Society of British Columbia, “Call and Admission to the Bar,” available at <https://www.lawsociety.bc.ca/becoming-a-lawyer-in-bc/call-and-admission-to-the-bar/>.
9. I am grateful to the Law Society of British Columbia for information regarding the contemporary call ceremony.
10. Edward D. Re, “The Profession of the Law,” 15 J. of Civ. Rights and Econ. Dev. 109, 110-11 (2000) (emphases in original).
11. Notably, Washington prosecutors are specifically described as “ministers of justice” in RPC 3.8 Comment [1].

Obesity: The New Disability

BY CAROLYN LADD

“I am not concerned with whether or not fat people *can* change their bodies through self-discipline and ‘choices.’ Pretty much all of them have tried already. ... My question is, what if they try and try and try and still fail? What if they are still fat? What if they are fat forever?”

— *Lindy West*¹

Is obesity a disability? And if it is, what does that mean for employers, job applicants, and employees? The Washington Supreme Court recently held that obesity is an impairment² under the Washington Law Against Discrimination (WLAD). *Taylor v. Burlington N. R.R. Holdings, Inc.*, 444 P.3d 606, 2019 WL 3023161, 2019 Wash. LEXIS 456 (July 11, 2019).

Casey Taylor applied for a job with BNSF Railway Company as an electronic technician and received a job offer conditioned on successful medical screening. During the screening, Taylor’s height was measured at 5 feet, 6 inches and his weight at 256 pounds, yielding a body mass index³ of 41.3. BNSF considered a BMI over 40 to be morbidly obese and required further screening before the applicant could be cleared.

BNSF’s chief medical officer said that he was unable to determine whether Taylor was medically qualified for the job due to his high BMI, but the company would reconsider Taylor for the job if he obtained and paid for⁴ a sleep study, blood work, and an exercise tolerance test. Taylor was unemployed, did not have insurance, and could not afford to pay for the tests. BNSF responded that Taylor’s only option was to lose 10 percent of his body weight and keep it off for six months. BNSF’s chief medical officer considered the electronic technician position to be safety sensitive and believed that a high BMI was a risk factor for developing certain health conditions, such as sleep apnea, that could be a safety risk.⁵

Carolyn Ladd is an employment lawyer. She is a member of the Deaf and Hard of Hearing Bar Association and the Washington Attorneys with Disabilities Association. She was featured in “Beyond the Bar Number” in the September issue of *NWLawyer*. She can be reached at carolynladd@comcast.net.



Taylor sued, alleging that BNSF violated the WLAD when it failed to hire him because it perceived him to be disabled due to morbid obesity. Taylor did not bring a claim under the federal Americans with Disabilities Act (ADA). BNSF moved for summary judgment on the grounds that obesity was only a disability if caused by an underlying physiological disorder.

Four circuit courts of appeal have held that obesity is not a disability under the ADA⁶ unless caused by an underlying physiological condition,⁷ and one has held that morbid obesity itself could be a physical impairment.⁸ (The 9th Circuit recently declined to decide the issue.⁹)

Judge James L. Robart of the U.S. District Court for the Western District of Washing-



After *Taylor*, people who are or are perceived to be obese and are able to perform the job in question are protected by the Washington Law Against Discrimination.

er federal courts are divided on whether obesity is an impairment under the ADA, and because the WLAD might provide broader coverage than the ADA, the 9th Circuit certified the following question to the Washington Supreme Court:

Under what circumstances, if any, does obesity qualify as an “impairment” under the Washington Law against Discrimination (WLAD), Wash. Rev. Code § 49.60.040?¹¹

The Washington Supreme Court answered the certified question unequivocally:

[O]besity always qualifies as an impairment under the plain language of RCW 49.60.040(7)(c)(i) because it is recognized by the medical community as a “physiological disorder, or condition” that affects multiple body systems listed in the statute. Therefore, if an employer refuses to hire someone because the employer perceives the applicant to have obesity, and the applicant is able to properly perform the job in question, the employer violates this section of the WLAD.¹²

The court rejected the notion espoused by some federal courts in ADA cases that obesity must be caused by a separate, underlying physiological disorder or condition to be an impairment, “because obesity itself is a physiological disorder or condition under the statute.” The court based this conclusion on a review of medical literature. Under the WLAD, a disability can be common or uncommon,¹³ temporary or permanent, and, as the court stated in *Taylor*, “cannot be limited to immutable states of being.”¹⁴

What qualifies as “obese,” and whether BMI is the right measure to use, however, remain in question. According to an amicus brief filed by the National Association of Manufacturers, 29 percent of adults in Washington are obese, based on BMI.¹⁵ In *Taylor*, the court noted that “Obesity is not merely the status of being overweight,”¹⁶ and “not all people who are over a certain weight to height ratio have obesity.”¹⁷ Dissenting, Justice Mary Yu asked at what point an excess of body fat makes a person “obese,” and questioned whether BMI is the right measure to use, because it does not distinguish between weight from muscle and weight from fat. “[A] professional football player may have a high BMI because of his weight in relation to his height, but that weight is associated with muscle rather than fat.”¹⁸ She suggested an individualized inquiry rather than a per se rule that obesity is always an impairment under the WLAD.

After *Taylor*, people who are obese (or are perceived by an employer or potential employer to be obese) and are able to perform the

GET INVOLVED

Did you know?

October is National Disability Employment Awareness Month. Learn more at www.dol.gov/odep/topics/ndeam/.

ton noted the absence of Washington case law addressing the issue, looked to ADA precedent, and granted summary judgment to BNSF because the plaintiff did not present any evidence that his elevated BMI was caused by a physiological condition.¹⁰ *Taylor* appealed to the 9th Circuit. Because oth-

Obesity: The New Disability

CONTINUED >

job in question are protected by the WLAD. They cannot be discriminated against in hiring, firing, or compensation. They are protected from workplace harassment. And people who are obese may be entitled to reasonable accommodations. The WLAD requires that an employer make reasonable

accommodations for existing impairments that substantially limit a person's ability to perform the job.¹⁹

The Job Accommodation Network lists a number of potential reasonable accommodations that might be helpful for an obese employee.²⁰

Although it remains unclear what the specific measure of obesity should be, it is clear that the *Taylor* decision extends the protections of the WLAD to people who are (or are perceived by an employer or potential employer to be) obese.²¹ 

NOTES:

1. Lindy West, "Hello, I am Fat," *The Stranger*, Feb. 11 2011, <https://www.thestranger.com/slog/archives/2011/02/11/hello-i-am-fat>.
2. Under the WLAD, an impairment is a disability if it is medically cognizable or diagnosable, exists as a record or history, or is perceived to exist. RCW 49.60.040(7)(a).
3. According to the Centers for Disease Control, "Body Mass Index (BMI) is a person's weight in kilograms divided by the square of height in meters. A high BMI can be an indicator of high body fatness." <https://www.cdc.gov/healthyweight/assessing/bmi/index.html>.
4. In another case against BNSF where the same chief medical officer required that an applicant pay for an MRI or have his job offer rescinded, the 9th Circuit ruled that under the ADA an employer must pay for pre-employment testing for applicants who have disabilities or are perceived to have impairments. *EEOC v. BNSF Ry. Co.*, 902 F.3d 916 (9th Cir. 2018), *petition for cert. filed* (Feb. 27, 2019) (No. 18-1139).
5. *Taylor v. Burlington Northern Railroad Holdings, Inc.*, 2016 U.S. Dist. LEXIS 19879 (W.D. Wash. 2016).
6. The ADA's definition of disability in 42 U.S.C. § 12112(a) differs from the WLAD's definition of disability in RCW 49.60.040(7).
7. *Richardson v. Chicago Transit Auth.*, 926 F.3d 881 (7th Cir. 2019); *Morris v. BNSF Ry. Co.*, 817 F.3d 1104 (8th Cir. 2016); *EEOC v. Watkins Motor Lines*, 463 F.3d 436 (6th Cir. 2006); *Francis v. City of Meriden*, 129 F.3d 281 (2d Cir. 1997).
8. *Cook v. State of R.I. Dep't of Mental Health, Retardation & Hosps.*, 10 F.3d 17 (1st Cir. 1993). ("In a society that all too often confuses 'slim' with 'beautiful' or 'good,' morbid obesity can present formidable barriers to employment.")
9. *Valtierra v. Medtronic*, 2019 U.S. App. LEXIS 24738 (9th Cir. 2019).
10. *Taylor*, 2016 U.S. Dist. LEXIS 19879 at *25.
11. *Taylor v. Burlington N. R.R. Holdings*, 904 F.3d 846, 853 (9th Cir. 2018).
12. *Taylor v. Burlington N. R.R. Holdings*, 444 P.3d 606, 2019 WL 3023161, 2019 Wash. LEXIS 456 (2019).
13. RCW 49.60.040(7)(b).
14. RCW 49.60.040(7)(b); *Taylor*, 2019 Wash. LEXIS 456 at *23.
15. *Taylor*, 2019 Wash. LEXIS 456 at *22.
16. *Taylor*, 2019 Wash. LEXIS 456 at *22.
17. *Taylor*, 2019 Wash. LEXIS 456 at *16.
18. *Taylor*, 2019 Wash. LEXIS 456 at *32.
19. The WLAD does not require reasonable accommodation where the impairment is only perceived to exist. RCW 49.60.040(7)(d).
20. <https://askjan.org/disabilities/Obesity.cfm>.
21. "The WLAD is broader than the ADA and offers its own independent protections to Washingtonians." *Taylor*, 2019 Wash. LEXIS at *28.



PETERSON
WAMPOLD
ROSATO
FELDMAN
LUNA

PWRFL

Felix Gavi Luna
DART PRESIDENT 2018-19

Ann H. Rosato
WSAJ PRESIDENT 2018-19

Michael S. Wampold
ABOTA PRESIDENT 2018

Core Value #6: Serve the community and the profession

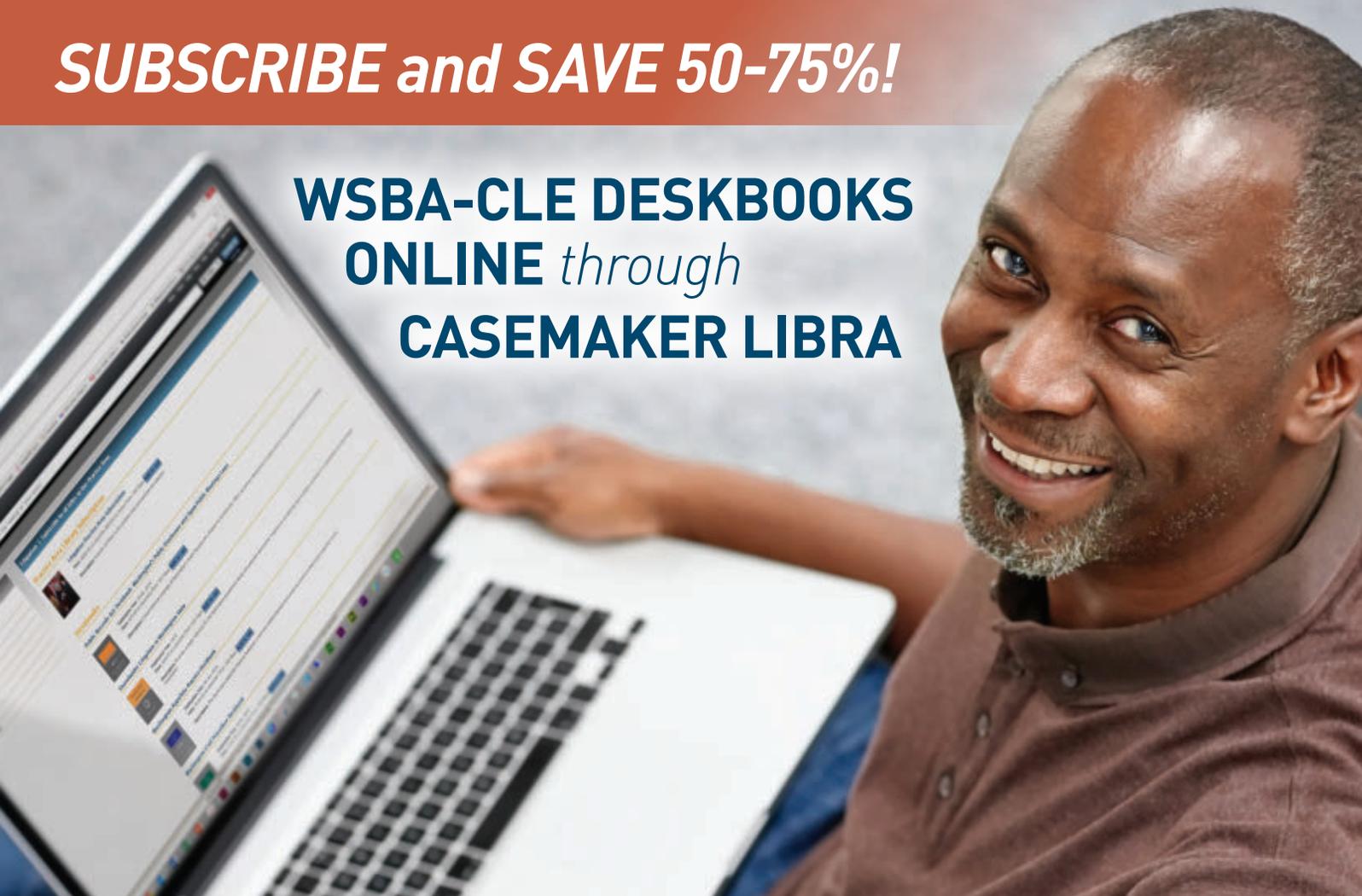
Medical Malpractice / Appellate Practice / Construction Accidents
Personal Injury / Insurance Bad Faith / Medical Battery

PH 206.624.6800 / INFO@PWRFL-LAW.COM
1501 4TH AVE, SUITE 2800, SEATTLE, WA 98101-3677

PWRFL-LAW.COM

SUBSCRIBE and SAVE 50-75%!

**WSBA-CLE DESKBOOKS
ONLINE *through*
CASEMAKER LIBRA**



Annual subscriptions can save you 50 to 75 percent over the print versions.

Special discounts for new lawyer, solo practitioner, and group subscriptions.

Any deskbook updates released during the term of your subscription are FREE.

Get the ONLINE deskbook experience!

Build your own deskbook library:

Subscribe to all publications, to individual titles, or choose among seven practice area libraries.

Increase your research capabilities:

Run word-search queries across primary law and deskbooks simultaneously.

Drill down deeper:

All cited cases, statutes, and administrative codes are hyperlinked. Click the link and read the full text!

Access a wealth of WSBA-CLE seminar coursebooks:

Hundreds of coursebooks — not available anywhere else electronically — are included in specified online libraries.

SEE A DEMO AND SUBSCRIBE AT:

washington.casemakerlibra.com

QUESTIONS? EMAIL:

THunt@casemakerlegal.com

GET A FREE TRIAL:

844-838-0790

Casemaker Libra[®]

**WASHINGTON STATE
BAR ASSOCIATION**

Invest in Justice

Donate on your license renewal!



YOUR GIFT to the *Washington State Bar Foundation* supports Washington State Bar Association programs that provide training, networking, and mentorship events to help build a more inclusive profession, as well as programs that create opportunities for legal professionals to serve their communities.

YOUR DONATION to the *Campaign for Equal Justice* helps our grantees like the Northwest Immigrant Rights Project, Columbia Legal Services, the King County Bar Association and 16 volunteer programs around the state provide critical legal services to individuals and families living in poverty.

Renew your license, renew your commitment to justice for everybody.



The Washington State Bar Foundation and Legal Foundation of Washington (Campaign for Equal Justice) are public charities. Your donations are tax-deductible to the full extent of the law.

• PRO BONO •

.....
IN FOCUS

In Pursuit of Service

New model pro bono policies can close the gap between aspiration and action / **p. 34**

Finding a Way Out

An opportunity, asylum-seekers, and a second chance for a pro bono attorney / **p. 36**

Untapped Potential

The WSBA's emeritus program is an underused pro bono resource / **p. 38**

2018 Honor Roll

Recognizing those who provided 50 hours of pro bono assistance last year / **p. 46**

for the
public good.

In Pursuit of Service

New model pro bono policies plus psychological research can close the gap between aspiration and action

BY PAUL OKNER
AND NANCY CHUPP

Over the last two years, the members of the Washington State Bar Association (WSBA) Pro Bono and Public Service Committee worked to create model pro bono policy templates that could be accessed, customized, and adopted by a variety of organizations throughout the state. At its July 2019 meeting, the Board of Governors approved the official release of these policies statewide. Here's why you, your organization, and the public at-large can benefit from adopting a pro bono policy.

It's safe to assume that very few (if any) of us stood before the mirror last New Year's Eve, took a good look at our reflection, and said, "This year, I'm going to do less pro bono work." On the contrary, as a profession of driven and community-minded servants, nearly all of us recognize the needs within our communities for legal aid and our own unique ability to meet those needs. This sentiment, and the perceived obstacles to acting on it, is confirmed by a 2017 ABA survey in which over 47,000 lawyers across 24 states, including Washington, cited a litany of impediments that prevented them from doing the pro bono work they wished they could do.¹ (The validity of those perceived impediments—the top three being lack of time, family or other personal obligations, and lack of skills or experience—is a topic for another article.) But if we desire to do more to help those in need, one step along that path is the simple task of taking a more intentional and calculated approach to setting and achieving our goals.

When it comes to closing the gap between setting and achieving goals, modern psychological research provides a variety of proven strategies and tactics. Perhaps the two most important are writing down our goals and making a shared

If we continue to fall short of acting on our desire to do pro bono work, it may be time to become more intentional and public in our goal-setting—and to reflect those goals in writing. Enter the pro bono policy.

or public commitment to pursuing them. The effectiveness of these approaches has been confirmed by studies conducted by Gail Matthews, a psychologist at Dominican University in California.² Her research shows, for example, that when controlling for other factors, simply writing down a goal increases the likelihood of it being achieved. Similarly, the study found that those who publicly share their goals with others are significantly more likely to achieve them. If we recognize society's need for pro bono legal work and desire to help provide it, but still fall short of acting on that desire, it may be time to become more intentional and public in our goal-setting, and to reflect those goals in writing.

Enter the pro bono policy. Creating a policy for an organization that sets meaningful goals for pro bono participation is a simple task, and one that can have a significant effect on the legal professionals it covers. Most obviously, the pro bono policy serves as a written statement of the organization's goal, which we know to be a vital element in achieving that goal. Additionally, an organization that implements such a policy demonstrates a form of collective and publicly shared commitment to the goals



QUICK GUIDE

Getting a Pro Bono Policy Started



STEP 1

Check out WSBA online.

Go to www.wsba.org/connect-serve/volunteer-opportunities/toolkit-for-public-service-volunteers.



STEP 2

Choose a template.

The WSBA Pro Bono and Public Service Committee has created three model pro bono policy templates:

1. For law firms of any size.
2. For government agencies.
3. For corporate in-house legal departments.



STEP 3

Download and adapt to you.

Each model policy is truly a template, and a mere starting point for an organization to adapt, modify, and make its own.

“one-size-fits-all” pro bono policy was not realistic and instead created three different templates as a starting point for firms, companies, government agencies, and other groups to access, adapt, and implement.

HOW TO START

The three model pro bono policy templates created by the WSBA Pro Bono and Public Service Committee are available for download at www.wsba.org/connect-serve/volunteer-opportunities/toolkit-for-public-service-volunteers. One is for law firms of any size, another is for government agencies, and a third is for corporate in-house legal departments. These policy templates were vetted by a variety of stakeholders in each category—e.g., WSBA Sections, specialty bar associations, and firm representatives—and edited to best address the unique needs of each. No two organizations are alike, however, and each policy was created with the expectation that it will be customized to fit the needs of those adopting it. Each model policy is truly a template, and a mere starting point for an organization to adapt, modify, and make its own.

Recognizing that participation in the creation and adoption of a pro bono policy encourages greater buy-in and commitment from participants, organizations are encouraged to involve as many legal professionals as possible in the adoption process. Whether you are starting with one of these templates or working with a previously adopted pro bono policy, treat the pro bono policy as a living document—one that thrives on feedback, reference, and attention. Occasional review and maintenance will allow the policy to grow with an organization and adapt over time.

In spite of good intentions, the gulf between the needs of the public and the pro bono legal assistance available remains vast. If we want to bridge this gap, psychological research guides us to write down our pro bono goals and make a shared or public commitment to their pursuit. There may be no more direct way to do this than by adopting a pro bono policy. With the newly developed pro bono policy templates available through the WSBA, taking the first step in this process has never been easier. 

Paul Okner is a principal attorney at Fremont Law Group PLLC and advises primarily on complex commercial real estate and business transactions. He is outgoing co-chair of the WSBA Pro Bono and Public Service Committee. He can be reached at paul@fremontlawgroup.com.



Nancy Chupp is a civil rights analyst and senior investigator at the Seattle Office of Labor Standards. She is the incoming co-chair of the WSBA Pro Bono and Public service Committee. She can be reached at nchupp@pilg.org.



NOTES:

1. https://www.americanbar.org/content/dam/aba/administrative/probono_public_service/lb_pb_supporting_justice_iv_final.pdf.
2. <https://www.dominican.edu/academics/lae/undergraduate-programs/psych/faculty/assets-gail-matthews/researchsummary2.pdf>.

detailed within it, another key driver in improving the likelihood of goal attainment.

Moreover, the mere act of creating or editing a policy can help bolster its effectiveness among those who participate in such a process. This added benefit comes to us by way of a psychological phenomenon known as “the generation effect,” whereby information is better accessed and understood by those who take part in its creation. In other words, by simply writing down a pro bono policy, the drafter is more likely to live up to the goals it sets. (And if your organization already has a pro bono policy in place, pull it off the shelf, pass it around, and look for ways to improve it, as this review and revision process can be equally impactful in helping to live up to the goals articulated in the policy.)

The foregoing considerations apply regardless of the size or nature of the organization that adopts a pro bono policy. A legal professional in a solo practice derives the same benefit from a pro bono policy as does a member of a multi-office global law firm, a government lawyer in a mid-size agency, or in-house counsel at a small corporate legal department. As discussed more fully below, the WSBA Pro Bono and Public Service Committee recognized that a

Finding a Way Out

An opportunity, asylum-seekers, and a second chance for a pro bono attorney

BY ELIZABETH
M. ROSEMAN

Editor's note: This article contains information about sexual assault and abuse.

I stopped working six weeks into my pregnancy with twin girls. After they arrived, my brain was a mess. My biggest challenge during their first few months was remembering which snuggly stuffed animal went with which baby. Did the white lamb belong in the crib with the twin who had brown hair? Maybe it was the blonde's?

Once we all started sleeping through the night, life got easier. I decided to stay home instead of going back to work. For several years, I did some freelance writing and a ton of child-related volunteering. When the twins started middle school, my schedule blew wide open.

What to do?

I wanted to use my law degree to help people. At the time, I had no idea that the volunteer work I'd choose would force me to confront darkness around the world and in my past.

A friend from the Gambia, who had recently been granted political asylum here, told me that Northwest Immigrant Rights Project (NWIRP) needed pro bono lawyers to represent asylum-seekers. Intrigued, I contacted the nonprofit. It turned out that NWIRP was putting on a training seminar for prospective volunteers the next week.

I went.

I got there early, nervous to be possibly returning to the legal world without knowing anything about immigration law. Jordan Wasserman, NWIRP's pro bono coordinating attorney, was already there. We talked for a few minutes before the room filled. I liked Jordan immediately. He reminded me of friends from law school—smart but not competitive, low-key and sweet.

I'm drawn to asylum-seekers because they have the courage to confront authority, risking everything to protest injustice.

Most of the morning was spent learning asylum law basics. Some asylum-seekers were headed to immigration court and others would be slated for less adversarial administrative interviews. Volunteer lawyers could represent people going down either path.

Then came the practicalities. NWIRP prescreened the asylum-seekers. The organization covered volunteers' malpractice insurance. Some cases were complicated; others straightforward. No prior experience was required. Jordan could meet with volunteers to get a feel for their comfort level and explain the details. He'd match each with an asylum-seeker who would be a good fit. If lawyers had questions as they worked with their clients, Jordan would be available to answer them.

The seminar finished by lunch. That evening, I signed up to take a case. Asylum law seemed fascinating. Why not give it a try?

Once I began representing asylum-seekers, I threw myself into the work with what I'm sure was an overabundance of enthusiasm. I collected online articles about political conditions in Eritrea and Ethiopia, countries which had barely been on my radar before NWIRP sent me clients who had lived there. I hunted for reliable immigration law websites like the one that delivered the latest asylum rulings automatically to my inbox. Over-preparing was easier for me than worrying I hadn't done enough, given that my clients' lives were at stake.

Ten years later, I'm still representing NWIRP-referred asylum-seekers. Early on, after I had taken a few cases, Jordan called me with a question: could he interview me for an upcoming newsletter profile?

Yes, of course.

I was likely chosen because I was a good recruiting tool—someone with no special skills who found the work doable and rewarding. The interview was going fine until Jordan asked me why I was drawn to this kind of volunteering. The question caught me off guard. Maybe it was telling that I didn't have a ready answer.

I said the first thing that popped into my mind: I am not a religious person, but I am Jewish. I'm amazed by the sacrifices people made to help Jews fleeing persecution during the Holocaust. I realize I'm not putting my life in jeopardy by representing asylum-seekers, but advocating for immigrants is my way of honoring those who helped my ancestors. I'm following their lead.

That answer came from my heart.

I didn't mention the other reason, the one that's darker and harder to think about. As a kid, with my mother's tacit approval, I was sexually abused by my father. He played a game with me on my parents' bed under their green blanket. He called it wrestling. Mostly, he rubbed his body against mine and touched me in ways that I didn't know then that adults would consider inappropriate.

I said nothing. At first, I wasn't aware that anything was amiss. As I got older, it seemed easier to bury what had happened rather than have to deal with the aftermath of exposing family secrets. As an adult, I'm furious at myself for not speaking up as a

kid. I had plenty of opportunities—teachers, adults I trusted, relatives who weren't too keen on my parents.

It's impossible for me to go back and rescue that child. Now, I try to help people who are trapped in nightmares find their way out. I'm drawn to asylum-seekers because they have the courage to confront authority, risking everything to protest injustice. We stand together in immigration proceedings to politely but forcefully request safe harbor. When clients are granted asylum, it's a victory for them and, in a small way, a second chance for me. 

Elizabeth M. Rosenman is a member of the WSBA and the Washington state chapter of the American Immigration Lawyers Association. A former editor of UCLA's law review, she holds a master's degree in journalism from Columbia University. She has written for *The Hill*, *The Asylumist*, the *Los Angeles Times*, and *The Seattle Times*, among other publications. She can be reached at elizr3@comcast.net.



The views and opinions expressed are those of the author and not of the WSBA or its Board of Governors.

H | HOLMES & COMPANY PC

CERTIFIED PUBLIC ACCOUNTANTS
AND CONSULTANTS

is pleased to announce successful completion of litigation support re

SHAREHOLDERS

v.

LOCAL CPA FIRM

Damages and Accounting Standard of Care Expert in litigation brought by selling shareholders of a company where Plaintiffs alleged negligence, fraud, and breach of fiduciary duty causing \$10 million in damages to selling shareholders. Prepared business valuation, damages calculations and Standard of Care analysis. Assisted trial counsel in preparation of mediation and trial exhibits in anticipation of trial or settlement.

William N. Holmes, CPA / ABV / CVA / CFE

Forensic Accounting • Economic Damages • Business Valuation
Commercial Litigation • Accounting and Tax Malpractice Litigation
Full Service Public Accounting

7128 SW Gonzaga Street, Suite 100 • Portland, OR 97223
503.270.5400 • www.pdxcpas.com



Untapped Potential

The WSBA's emeritus program is an underused pro bono resource

BY ALTHEA PAULSON

Ann Cook retired from her Social Security and disability law practice in 2014. In addition to her practice, she was an active pro bono attorney through Kitsap Legal Services, a civil legal aid nonprofit in Kitsap County. In order to continue with her pro bono practice after she retired, she kept her active status with the Washington State Bar Association (WSBA), paying the license fee for an active member and fulfilling MCLE requirements. She continued to be a valued volunteer for Kitsap Legal Services, receiving two Law Day awards for her pro bono work and serving as the organization's interim director until a permanent executive director took the reins.

Cook says she didn't know about WSBA's emeritus pro bono status until this year, when she learned about it from a colleague. She applied and found the approval process to be simple and quick. Now she is able to serve pro bono clients while paying a substantially lower license fee. And because there are no MCLE reporting requirements for emeritus lawyers, she says she's expecting "a huge savings in those costs alone."

Admission and Practice Rule (APR) 3(g) sets forth the requirements for emeritus pro bono admission. Lawyers, Limited License Legal Technicians, and Limited Practice Officers who are retired from the practice of law qualify for the status. Qualified applicants must have at least five years of active legal experience out of the 10 years preceding their application, as defined in APR 1(e)(1), and must complete certain training requirements.¹ The annual license fee for attorneys with emeritus status is \$200.

A member whose emeritus status has been approved by the WSBA must practice *solely* on a volunteer basis, through a Qualified Legal Service Provider (QLSP). QLSPs are nonprofit legal service organizations that serve low-income clients and have



been qualified by the WSBA. QLSPs must either provide malpractice insurance or have a process in place to assure that volunteer lawyers carry their own malpractice insurance.²

Some emeritus lawyers take on full representation of low-income client matters, while others volunteer at legal aid clinics, giving advice and referrals during time-limited appointments and drop-ins. Paula Miller, a retired family law lawyer, has participated in clinics for the King County Bar Association and Eastside Legal Assistance Program (ELAP). She finds the work rewarding, but appreciates its limited scope because, as she says, "It can be very emotionally draining." One of her most satisfying experiences was helping someone who had become homeless after her mobile home burned down. In spite of the lost home, the mobile home park landlord continued to charge her rent. It took just a single phone call to the landlord for Miller to get the charges removed and the lease canceled.

Terry Lukens, a retired King County Superior Court judge, also provides pro bono

QLSPs

Did you know?

Lawyers who are licensed out of state but work in Washington as house counsel can provide pro bono services in Washington through QLSPs. These lawyers do not need to have emeritus status; they can provide pro bono services under their house counsel license. See APR 8(f)(8).



LEARN MORE > For more information about emeritus pro bono status, visit www.wsba.org and search “emeritus pro bono status.” Questions about license status changes can be directed to statuschanges@wsba.org or 206-239-2131.

COMMENTS about the emeritus program or proposed rule changes can be directed to WSBA public service specialist at paigeh@wsba.org.

underused and have researched comparable programs in other states. Based on their findings, committee members are drafting suggested changes to the emeritus rules and expect to present them later this year to the WSBA Board of Governors, and ultimately to the Washington Supreme Court.

One significant barrier to the program is the requirement of active practice for five out of the previous 10 years prior to an emeritus application. According to 2019 ABA data, the requirement of a certain number of years of practice to qualify for emeritus status in some jurisdictions (including Washington) ranges from a low of three years to a high of 50 years. Notably, out of the 44 jurisdictions that have an emeritus status, nearly 30 of them have no “years of practice” requirement at all.⁴

Texas, for example, is a leader in reducing barriers facing pro bono attorneys. There, attorneys in good standing of any U.S. jurisdiction, of any age, and of any experience level can participate in the state’s emeritus pro bono program. Further, Texas rules provide a liberal definition of approved legal service organizations, providing a broad range of volunteer opportunities for emeritus members.⁵

Members of the PBPSC agree with jurisdictions that have more flexible emeritus rules, and believe that a “years of practice” requirement is not necessarily the best indicator of competent pro bono practice. Instead, training and supervision by the QLSP may be a more effective approach.

In addition to potential rules changes, the PBPSC has explored ideas from other jurisdictions such as waiving license fees for emeritus lawyers, administering peer-to-peer outreach programs, and conducting targeted publicity.

The need for pro bono services continues to rise. According to the Washington Supreme Court-commissioned 2015 Civil Legal Needs Study, seven in 10 Washing-

ton residents living below the poverty level will face an urgent civil legal crisis every year, and more than 76 percent of those do not get the help they need. The average low-income household in Washington faces more than nine legal issues every year—nearly triple the number from a decade earlier.⁶ The emeritus program could be a way to help address that need.

More flexibility in the emeritus rules, along with greater publicity and outreach, would encourage pro bono work by lawyers who might otherwise not be able to volunteer, and crucial legal needs of the underserved will be better met. As Lukens notes, “There is a whole cadre of underused and qualified people who could be put to work.” 

Althea Paulson practiced securities and corporate law in New York City and Seattle before she opted for inactive status while raising her family.



She has been a small business owner and a freelance writer, and has served on multiple nonprofit and governmental boards. Since 2016, she has done pro bono work for clients of an immigrant rights nonprofit under a U.S. Department of Justice accreditation program. She currently serves on WSBA’s Pro Bono and Public Service Committee. She would gladly apply for emeritus status if the rule changes described in the article were made. She can be reached at altheapaulson@gmail.com.

NOTES:

1. APR 3(g).
2. APR 1(e)(8). See also <https://www.wsba.org/connect-serve/volunteer-opportunities/psp/qlsp>.
3. www.wsba.org/docs/default-source/licensing/membership-info-data/countdemo_20190801.pdf?sfvrsn=ae6c3ef1_70.
4. “State Emeritus Pro Bono Practice Rules, updated May 2019,” American Bar Association Commission on Law and Aging, available at www.americanbar.org/content/dam/aba/administrative/law_aging/2018-emeritus-probono-practice-rules.pdf.
5. The Texas equivalent to the Washington emeritus program is called the NOVA program. Texas bar rules: www.texasbar.com/AM/Template.cfm?Section=Legal_Access_Division&Template=/CM/ContentDisplay.cfm&ContentID=42305.
6. 2015 Washington State Civil Legal Needs Study Update, available at https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf.

services through ELAP. He left a private commercial practice in 1999 to become a judge and subsequently became an arbitrator and mediator with JAMS Mediation, Arbitration, and ADR Services. After he retired, he switched to emeritus status. Now he participates in ELAP clinics where he reviews documents, identifies issues, explains options, and makes referrals. He also participates as an ELAP-Plus attorney, a role which allows him to directly represent clients. People who come to the clinic are truly grateful for the help, he says.

In spite of the effectiveness and appeal of emeritus status, the program is not well known and is little used. Of the approximately 40,000 licensed WSBA members, only 111 currently have emeritus status. By contrast, approximately 5,500 lawyers are on inactive status.³

The lack of participation in the emeritus program has been a recent focus of the WSBA’s Pro Bono and Public Service Committee (PBPSC). PBPSC members have worked to understand why the program is

Help Wanted

Much of what you think you know about providing pro bono work for tribal communities is wrong

BY CHRISTINE ANDERSON

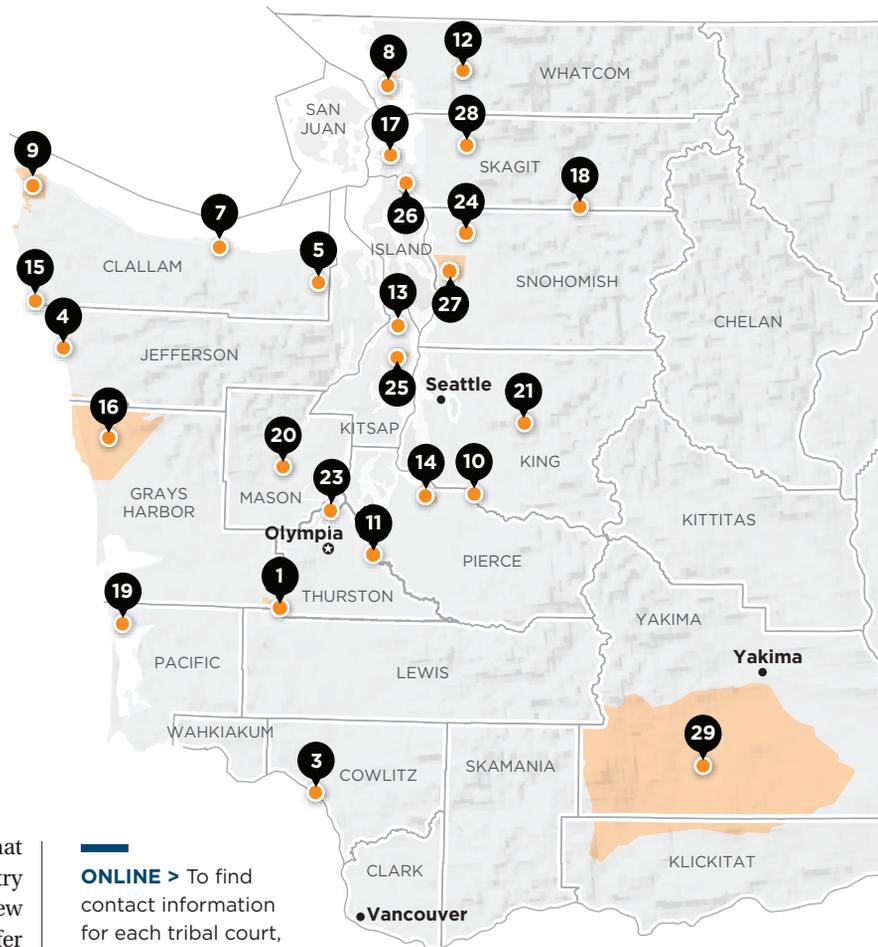
For those interested in doing pro bono work that benefits tribal communities, the barriers to entry might at first seem overwhelming; there are few clinic-based programs; tribal court systems differ from traditional courts; and the cultural divide for non-Native Americans can seem, and sometimes be, insurmountable. But on the other side of these barriers there is an underserved community and emerging opportunities for pro bono lawyers to contribute to a distinct need for legal services.

Tribal community members face unique challenges in accessing justice. Do-it-yourself forms specific to Washington laws—while immensely helpful in municipal, district, and superior courts—are useless in tribal courts. Legal clinics are helpful, but only when potential clients can access transportation to the clinic’s location, which is often far from a reservation. These and other complications augment what Spokane Tribal Court Chief Judge Theresa Thin Elk described as a “huge need in Indian Country for pro bono work.” The chief judge rarely sees pro bono attorneys in her courtroom.

This need for pro bono representation extends across the state, with needs arising in both civil and criminal cases in tribal courts, says Nez Perce Tribal member Juliana Repp, who is currently supporting tribal members and others in her role as managing attorney for the Spokane office of the Unemployment Law Project. She has worked for tribal communities in the Pacific Northwest for over 20 years.

There are 29 federally recognized tribes in Washington, with sizes that vary from the Kalispel Tribe, with about 450 members, to the Colville Confederated Tribes, with nearly 10,000 members.

Despite these numbers, there are few clinical volunteer programs specifically serving tribal communities, a fact that both reflects and amplifies the access issues. At Northwest Justice Project, referrals are often made to local Volunteer Lawyers Programs (VLPs) when legal needs fall outside of the organization’s

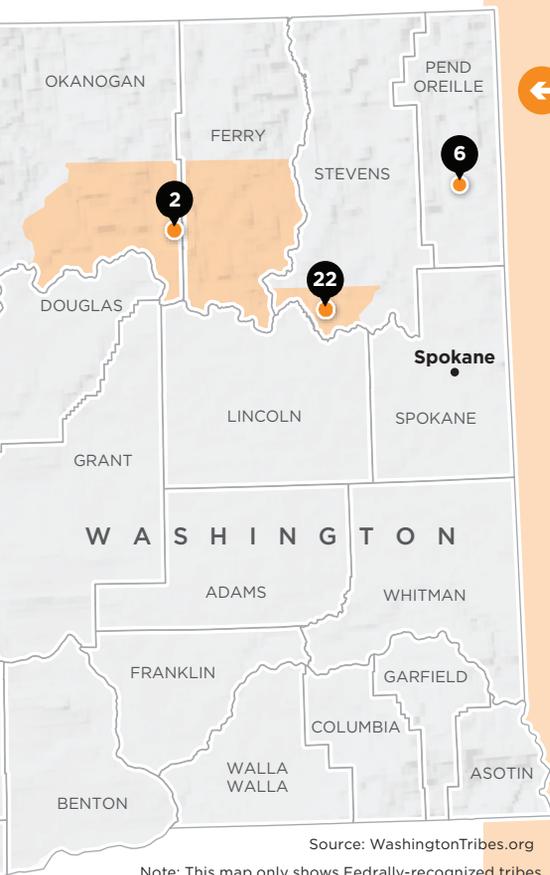


ONLINE > To find contact information for each tribal court, tribal resources and more visit the Governor’s Office of Indian Affairs website at <https://goia.wa.gov>.

For those who want to work effectively with tribal clients, the importance of earning the trust and respect of the community cannot be overstated.

priorities or availability. Unfortunately, most VLPs don’t have the capacity to serve Native American clients. Few pro bono attorneys will take cases in tribal court, adding to a dearth of pro bono programs to support this underserved population. According to attorneys Cina Littlebird and Jennifer Yogi, of Northwest Justice Project’s Native American Unit, there is a common misunderstanding in legal aid that “serving Native clients involves knowledge or understanding different than serving non-Native clients with the same issues.” In many cases, the differences are small.

Granted, attorneys are often required to go through extra steps to become barred in tribal court, a process that is specific for each tribe. This process, however, is fairly simple in most communities and requires only a nominal fee, good standing in a state bar association, and a swearing-in before a tribal court judge. In some specific courts, including the Colville Tribal Court, there is an additional bar exam based on the tribe’s respective tribal law and order codes. Interested attorneys can contact the local tribe’s court clerk for more information. To access the contact information for each tribal court, visit <https://goia.wa.gov>.



Source: WashingtonTribes.org

Note: This map only shows Federally-recognized tribes

← Washington's 29 Tribes

1. Confederated Tribes of the Chehalis Reservation
2. Confederated Tribes of the Colville Reservation
3. Cowlitz Reservation
4. Hoh Reservation
5. Jamestown S'Klallam Reservation
6. Kalispel Reservation
7. Lower Elwha Klallam Reservation
8. Lummi Reservation
9. Makah Reservation
10. Muckleshoot Reservation
11. Nisqually Reservation
12. Nooksack Reservation
13. Port Gamble S'Klallam Reservation
14. Puyallup Reservation
15. Quileute Reservation
16. Quinault Nation Reservation
17. Samish Indian Nation
18. Sauk-Suiattle Reservation
19. Shoalwater Bay Reservation
20. Skokomish Reservation
21. Snoqualmie Reservation
22. Spokane Reservation
23. Squaxin Island Reservation
24. Stillaguamish Reservation
25. Suquamish (Port Madison) Reservation
26. Swinomish Reservation
27. Tulalip Reservation
28. Upper Skagit Reservation
29. Confederated Tribes and Bands of the Yakama Reservation

For those who want to work effectively with tribal clients, the importance of earning the trust and respect of the community cannot be overstated. "There's a time commitment and willingness to get to know your clients and their community that's essential," explained Andrea Saunders of the Native American Legal Aid Program (NALAP). "Being culturally curious and humble to what you don't know is vital to working within Indian Country."

Attorneys who expect their credentials to open doors for them within the tribal community may be surprised to find that such is not always the case. Relationships with both individuals and the broader community must be built on mutual respect and understanding of that tribe's unique and specific cultural context. Practitioners suggest this can be accomplished by fostering relationships within the community or by connecting with existing volunteers providing other services in that community.

Formal legal aid programs for tribal communities do exist in some areas, although the need far surpasses the supply. In Seattle, attorneys can volunteer with the Urban Indian Legal Clinic at the Chief Seattle Club, which is currently seeking attorneys to add to their clinic roster. The Chief Seattle Club, located in downtown Seattle, serves Native

American and Alaska Native peoples experiencing homelessness. Volunteer attorneys staff the legal clinic, which runs from noon to 2 p.m. on the second and fourth Tuesdays of the month, and offers free legal advice to indigenous community members in 30-minute sessions. Chief Seattle Club Program Manager Colleen Chalmers can provide more information. She can be reached at colleen.chalmers@chiefseattleclub.org.

Attorneys in Pierce County can support tribal communities on a case-by-case basis through the Native American Legal Aid Program (NALAP). Funded by the Puyallup Tribe of Indians and housed within Tacoma Pro Bono Community Lawyers, NALAP assists Puyallup Tribal Members, American Indians, Alaska Natives, and First Nations People in Pierce County, free of charge, with a wide variety of legal issues. Established in 2016 by the Puyallup Tribe of Indians and the Tacoma-Pierce County Bar Foundation and managed by attorney Andrea Saunders, NALAP offers a unique opportunity for attorneys to provide specialized legal expertise through the program's regular outreach and intake efforts. While there aren't clinical opportunities, motivated and flexible volunteer attorneys can consult or appear in hearings in tribal court on cases related to their expertise. To discuss volunteer opportunities, please contact Saunders at andrea@tacomaprobono.org.

Another avenue for serving tribal communities is for attorneys to develop their own tribal client base under the umbrella of existing VLPs. Legal aid organizations are often in need of pro bono attorneys who can assist clients in tribal courts and, even though some complex cases are litigated in tribal courts, the community court setting can make the unfamiliarity less intimidating to volunteer attorneys. Statewide Pro Bono Council Manager Catherine Brown suggests that interested attorneys reach out to a local VLP that can help them explore the needs of local tribes. Any VLP would likely be willing to assist an attorney interested in developing tribal community ties and becoming barred in a tribal court. Engaging with a tribal community more consistently and intentionally can help to strengthen a local VLP's relationship with nearby tribes, potentially leading to more trust and referrals from those communities.

Repp recommended that attorneys try just one case in tribal court. "Once you try it, you'll keep wanting to come back," she said. "It's interesting, meaningful, and rewarding work."

There is no single, clear solution to the access to justice issues that plague Washington's tribal communities. There is, however, a clear need for action from the legal community. "Many volunteer lawyer programs in Washington do not have resources to assist clients with cases in tribal courts," said Yogi. "This presents an opportunity for pro bono attorneys to take on cases in a broad range of legal issues and have a positive impact on individuals and within Native communities."

The needs are there, and the legal community of Washington state has the means to meet them. 

Christine Anderson is an attorney and land tenure specialist at Landesa, an international non-profit that partners with governments and local organizations to secure legal land rights for smallholder farmers around the world. She also serves on the Washington State Bar Association's Pro Bono and Public Service Committee. She can be reached at christinea@landesa.org.



WSBA YOUNG LAWYERS COMMITTEE HONORS

Local Leaders on the Rise

BY EMILY ANN ALBRECHT

The Washington State Bar Association Young Lawyers Committee (WYLC) recently asked the legal community to nominate new and young lawyers who are dedicated to serving their communities for the annual Public Service and Leadership Award. When reviewing submissions, WYLC's Subcommittee on Leadership carefully considered each nominee's long-term service and extraordinary contribution to his or her community to select award recipients with a history of exemplary leadership and demonstrated commitment to public service.

The committee evaluated each nominee based on several factors, including (1) leadership and service in the local community or within a bar association; (2) mentoring; (3) involvement in WSBA, ABA, and/or local bar association activities; and (4) volunteer work with pro bono or public service programs.

After deliberating over many qualified candidates, the committee selected the following five new or young lawyers to receive the Public Service and Leadership Award. Notwithstanding the uniqueness of each nomination, these award winners share many attributes that quickly elevated their submissions to the top of the committee's list. Among these commonalities were a profound public service ethic and a track record of putting the needs of others ahead of their own. The WSBA is fortunate to have such dedicated new and young members, and we look forward to many more years of service from them.

Emily Ann Albrecht is an associate with Betts, Patterson & Mines, P.S., in Seattle, where she focuses her practice on mortuary litigation and insurance defense, including product liability and professional liability. She can be reached at ealbrecht@bpmlaw.com.



Bree R. Black Horse

➔ Bree R. Black Horse exemplifies both public service and leadership in our profession, as evidenced by her volunteer service as chair of ACLU Washington's Legal Committee and as a National Native American Bar Association (NNABA) board member, for which she has worked to develop a first-of-its-kind program to create federal clerkship opportunities for Native American law students and young attorneys. As a former federal law clerk herself, she knows what it takes to become one and is now helping other Native Americans compete for, and succeed in, clerkship opportunities.

Beyond her involvement within the legal community, the committee was particularly impressed with Black Horse's dedication to advancing the interests of indigenous women, as evidenced in her recent pro bono advocacy for a local Missing and Murdered Indigenous Women (MMIW) chapter, which seeks to draw attention to the national and regional epidemic of indigenous women going missing or being murdered without any public accountability or resolution. Prior to her federal clerkship, she also served as a youth advocate and case manager at the United Indians of All Tribes Foundation's Labateyah Youth Home in Seattle, where

The committee was impressed with Black Horse's dedication to advancing the interests of indigenous women.

she mentored at-risk and homeless Native American youth when and where it mattered the most. Black Horse is currently an associate attorney at Galanda Broadman in Seattle, where her practice focuses on federal court and tribal court litigation involving tribal governments, enterprises, and businesses, as well as individuals and families in cases involving civil rights and wrongful-death claims.

Jennifer Chung



Jennifer Chung sets herself apart with a notable history of dedication to both the legal profession and her community.

She has dedicated many pro bono hours to supporting Kids in Need of Defense (KIND), an organization dedicated to ensuring that no child appears in an immigration court without high-quality representation. Through her efforts, knowledge, and legal expertise, the federal government granted special immigrant juvenile status to one of her young immigration clients last month. In 2018, Chung also interviewed and prepared declarations for survivors seeking domestic violence protective orders as part of the Domestic Violence Impact Project (DVIP), which connects volunteer attorneys with survivors at monthly legal clinics.

In addition to her pro bono work, she has prepared several amicus briefs on immigration

Chung is dedicated to helping Washington's immigrant communities.

issues as a cooperating attorney for ACLU Washington. As a daughter of Taiwanese immigrants, Chung understands the challenges facing immigrants and is dedicated to helping Washington's immigrant communities, as evidenced through her work with Northwest Immigrant Rights Project (NWIRP). She also volunteers as an interviewer and mentor for the ABA Judicial Intern Opportunity Program (JIOP), which provides judicial internship opportunities to students who are members of racial and ethnic groups that are traditionally underrepresented in the profession, students with disabilities, students who are economically disadvantaged, and women and students who identify as LGBT. The committee especially valued Chung's approach to mentorship, which emphasizes listening to students and making sure that they feel heard, providing mentees with feedback on how to navigate their internships and work with judges, as well as interview tips, résumé reviews, career advice, and guidance on building relationships within the industry. She is currently a litigation associate at Davis Wright Tremaine LLP in Seattle.



Chelsie Elliott



Chelsie Elliott is deeply involved in her community on both a local and statewide level and believes deeply in

the impact that pro bono service can have on a client's livelihood. She volunteers monthly at the Clark County Volunteer Lawyers Program and co-founded the Clark County Family Law Clinic, which is hosted at the superior courthouse. There, she counsels clients, assists with drafting family law pleadings, and helps the commissioners prepare orders. She also co-founded the Clark County Lawyer Talk Legal

Elliott co-founded the Clark County Lawyer Talk Legal Clinic at the Downtown Vancouver Community Library.

Clinic at the Downtown Vancouver Community Library and serves on the Washington Young Lawyers Committee, where she is dedicated to representing other young lawyers and sharing with them relevant and helpful information. The committee was very impressed with Elliott's passion for helping people and providing quality legal services to those who otherwise might not be able to afford them. She credits her ongoing commitment to pro bono service in part to her legal education at

Gonzaga University School of Law, where she was an active volunteer with the Moderate Means Program and the Spokane Volunteer Lawyers Program. Elliott is currently a senior attorney at Navigate Law Group in Vancouver, where she focuses her practice on family law.

ONLINE > For additional information about the Public Service and Leadership Award, please visit <http://www.wsba.org/connect-serve/volunteer-opportunities>.

Local Leaders on the Rise

CONTINUED >

Paul Heer

→ Paul Heer is a model of a corporate attorney with a deep commitment to serving the public interest. He holds leadership roles with several public interest organizations, for which he has spearheaded numerous significant projects. He is on the steering committee for the Seattle University School of Law Public Interest Law Foundation (PILF) and the Seattle Clemency Project Board, and is an active part of the Washington Initiative for Diversity (WID). Heer is also the treasurer and a board member of the South Asian Bar Association of Washington, as well as the co-coordinator of its mentorship program.

The committee valued Heer's dedication to mentoring law students and other young lawyers.

He also provides direct representation for individuals who cannot afford to hire an attorney, while supporting others in the legal community to engage in pro bono work. The committee especially valued Heer's dedication to mentoring law students and

other young lawyers, a major component of which is demonstrating the value of lawyers giving back to their community. His current pro bono projects include ongoing work with the Seattle Clemency Project and the Veterans Consortium Pro Bono Program. While in law school, Heer also worked with the Youth Justice Community Accountability Board, together with King County Superior Court, to divert youth from the traditional juvenile justice system to a community-based environment. He is currently an investment management associate attorney at Foster Pepper PLLC in Seattle.



Breanna Van Engelen

→ Breanna Van Engelen has helped dozens of victims of cybercrimes through her contributions to the K&L Gates Cyber Civil Rights Legal Project. Her efforts have included helping victims of revenge porn by compelling online content platforms to remove pornographic images of women posted to humiliate, control, or otherwise violate their rights to privacy. She has also brought much-needed attention to the necessity for such representation in the legal community and inspired other attorneys to devote pro bono time to similar matters.

The committee was particularly captivated by Van Engelen's work in cyber civil rights, most notably the \$8.9 million verdict she secured for a victim of revenge porn and online harassment in 2017—the largest verdict ever awarded to a non-celebrity in an electronic impersonation/invasion of privacy case—which has changed the legal landscape by highlighting the fact that the law in this area has failed to keep pace with technology. She has undoubtedly established precedent to support access to justice for victims of cybercrimes in Washington and beyond.

Van Engelen has undoubtedly established precedent to support access to justice for victims of cybercrimes.

Van Engelen began her legal career as an associate at K&L Gates LLP in Seattle, where she focused her practice on internet and technology law. She is currently an associate attorney at Hagens Berman Sobol Shapiro LLP in Seattle, where she advocates on behalf of consumers in complex litigation such as antitrust cases and cases involving unfair competition.



NEED TO KNOW

The Benefits of Pro Bono

Why Pro Bono?

Washington continues to have a critical need for pro bono assistance to meet an access-to-justice gap. Over 70 percent of low-income Washington residents experience at least one civil legal issue each year. At least 76 percent of that population did not get any legal assistance because of lack of resources or not knowing how to access resources.¹

This is where WSBA members can make a difference. Lawyers and Limited License Legal Technicians (LLTs) in Washington have a professional responsibility to assist in the provision of legal services to those unable to pay and should aspire to render at least 30 hours of pro bono service per year. See RPC 6.1 and LLLT RPC 6.1.

The WSBA works with Qualified Legal Services Providers (QLSPs) across the state to connect lawyers and LLTs with clients who need pro bono legal advice and assistance. QLSPs are not-for-profit organizations that provide legal assistance to low-income Washingtonians.

ONLINE: There are over 50 QLSPs, a list of which, by county, can be found online at www.wsba.org/connect-serve/volunteer-opportunities/psp/qualified-legal-service-providers.

Earn CLE Credits

In addition to making a valuable difference in their communities, many legal professionals utilize pro bono work as a professional development opportunity: to learn new substantive areas of law, work with different client communities, and deepen their legal skills. Although these opportunities are enriching on their own, by volunteering with a QLSP, you have the added benefit of earning unlimited “other” MCLE credits for your pro bono work. A win-win situation!

Free Public Service Education CLEs

The WSBA maintains a portfolio of free Public Service Education CLEs available to staff and pro bono volunteers of QLSPs. Authenticated volunteers can access over 20 CLEs with topics ranging from “Working with Survivors of Domestic Violence” to “The Alpha-Bravo-Charlies of Working with Vets.”

ONLINE: For more information, contact PublicService@wsba.org.

Pro Bono Publico Honor Roll

Every year, the WSBA generates a list of WSBA members who have submitted over 50 hours of pro bono work during the reporting period. These members receive both a commendation letter and a certificate recognizing their commitment to volunteerism. The Washington Supreme Court Pro Bono Publico Honor Roll (see pages 46-49) also recognizes these stewards of justice. 🏆

NOTES:

1. Learn more about the Civil Legal Needs Study at https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf.

2018 WASHINGTON STATE SUPREME COURT

PRO BONO PUBLICO

Honor Roll

These individuals reported providing at least 50 hours of pro bono publico in 2018.

A

Yasmeen Abdullah
Gregory Abel
Leslie Aberman
Gary Ackerman
Francis Adewale
Richard Adler
Thomas Ahearne
Sara Ainsworth
Mark Alexander
Nathan Alexander
Shawn Alexander
Aliya Alisheva
Aliza Allen
Elizabeth Allen
Keller Allen
Travis Alley
William Almlie
Leah Altaras
Julie Anderson
Kristi Anderson
Mary Anderson
Matthew Anderson
Robert Anderson
Robert Anderton
Kerry Lee Andken
David Angeli
Theodore Angelis
Oceania Angels
Ellen Arbetter
Charlotte Archer
Nikita Arora
Jamie Aten
Lisa Atkinson
Ieva Aubin
Sarah Aujero
Katherine Avery

B

Meliha Babic
Dominic Bacetich
Shelley Badger
Lynn Bahrych
James Baker
Frederick Baker Jr.

Chelsea Baldwin
Jenae Ball
Jennifer Ballantyne
Robin Balsam
Louisa Barash
Lynn Barker
Jonathan Barnard
Victoria Barr
Aaron Bartholomew
Christopher Bartose
Angel Base
David Bateman
Eriko Baxter
Heidi Beck
J. Becker
Kelsey Beckner
Ryan Bedford
Eugene Belyi
Judith Bendich
Kurt Bennett
Allen Bentley
Hayley Berlin
Lucie Bernheim
Kirsten Berry
Birney Bervar
Carol Betts
Alex Bezu
Christopher Bhang
Harish Bharti
Leslie Blankman
David Bledsoe
Shae Blood
Ahndrea Blue
Amy Blue
Marc Boman
Neal Bonrud Jr.
Robert Boruchowitz
Mason Boswell
Raymond Bottomly
J. Scott Bougher
Sarah Bove
Carson Bowler
Andrea Bradford
Stephen Brandli
Leona Bratz
William Braun
Jessica Bravo

Patricia Bredlau
Anne Bremner
Joseph Bringman
Brigid Britton
Diane Broderson
Margaret Brost
James Brown
Jennifer Brown
Mark Brown
Prudence Brownell
Nancy Brownstein
Paul Bruene
Jared Bryant
Cameron Buhl
Mark Bunch
Philip Buri
David Burman
D. Jeffrey Burnham
Emily Bushaw
Diane Butler
John Butler
Benjamin Byers
Louis Byrd Jr.

C

Sandra Cairns
Robert Caldwell
L. Joshua Camp
Christopher Carlisle
Laura Carlsen
William Carlson
Christine Carpenter
Mindy Carr
Andrea Carter
Ellis Carter
Robert Carter
Robert Caruso
Monica Cary
Tresa Cavanaugh
Carly Chan
Steven Chance
Thomas Chandler
Robert Chang
Sarah Chaplin
Floyd Chapman
Brian Chase

Janelle Chase Fazio
Sieu Che
Trey Chenier III
Michael Cherry
Victoria Chhagan
Lisa Chiang
Megaen Childress
Larry Chin
James Christnacht
George Cicotte
Frank Cikutovich
Beth Clark
Daniel D. Clark
Karen Clark
Kim Clark
Daniel Clarkson
Priya Cloutier
Jenny Cochrane
Joshua Colangelo-
Bryan
Richard Cole
Benjamin Coleman
Terrence Collingsworth
Bruce Conklin
Catherine Connell
Ulrike Connelly
Rachel Constantino-
Wallace
Galen Cook
Jeffrey Coopersmith
T. David Copley
Cecilia Cordova
Barbara Corey
Rory Cosgrove
Jordan Couch
William Courshon
Michael Cressey
Craig Crispin
Abigail Cromwell
Dennis Cronin
Bruce Cross
Steven Cross
James Crowe
Betsy Crumb
Chelan Crutcher
Rachel Culver
Kevin Curtin
Leslie Cushman
Kelly Cusick

D

Teresa Daggett
Susan Dahl
Gregory Dallaire
Ada Danelo
Jacob D'Annunzio
Susan DanPullo
Joshu Dansby
Terrence Danysh
Taryn Darling
Boris Davidovskiy
Bruce Davis
Natasha Davis
Ewa Davison

Jeanne Dawes
Megan Dawson
Bartley Day
Andre Dayani
Natalie De Maar
Juan Delgado
Michelle Dellino
Bernice Delorme
Frank DeMarco
Theresa DeMonte
Donna Detamore
Todd DeVallance
Manmeet Dhani
Mary Dickinson
Ben Dickson
Steve Dietrich
Kellie Dightman
Thi Do
David Doden
Mariko Doerner
Susan Donahue
Brendan Donckers
Nelson Dong
Robert Downey
Danielle Doyle
Royce DuBiner
Susan Dubuisson
Janell Duey
Jeremie Dufault
John Dunbar
Margaret Duncan
Patrick Dunn
Lorri Dunsmore
Alice Dupler
Andrew Durland
Jessica Duthie
Trenton Dykes

E

Michele Earl-
Hubbard
Eric Eberhard
Amy Edwards
Douglas Ehlke
Daniel Ehrlich
Peter Ehrlichman
Sharon Eldredge
Sarah Elerson
Michael Elia
Jami Elison
Christina Elles
Paula Emery
Lance Engle
Credo Enriquez
Rita Espinosa Arguello
Kymberly Evanson
Jeffrey Even
Lauren Exnicios

F

David Faber
Joan Fairbanks
Patrick Fannin

Christopher
Fargo-Masuda
J. Ann Farnsworth
Elizabeth Fasano
Michael Fassio
Tinny Faulkner
Brittany Fayette
Harold Federow
Kerri Feeney
Tanya Fekri
Wendy Feng
Alexander Fenner
Benjamin Ferguson
Jon Ferguson
Shakespear Feyissa
Jack Fiander
Heritage Filer
Seth Fine
George Finkle
Matthew Fischer
Robert Fischer
Ann Fisher
J. Camille Fisher
Margaret Fisher
Thomas Fitzpatrick
Zachary Fleet
Mark Fleischauer
Lynn Fleischbein
Taki Flevaris
Benjamin Flick
William Fligeltaub
Tracy Flood
Gary Fluhrer
Michelle Fontenot
Rosemary Ford
Christopher Foster
Heath Fox
George Frandsen
Steve Franklin
Nicholas Franzen
David Freeburg
Steven Fricke
William Friedman
Joshua Friedmann
Shannan Frisbie
Amee Frodle
John Fugate
Dylan Fujitani
Alyson Fuller
Pamela Fuller
Karen Funston
C. Steven Fury

G

Cynthia Gaddis
Nicole Gainey
Jay Gairson
Gemma Galeoto
James Gallagher
Kiona Gallup
D. Bruce Gardiner
Emily Gardner
Elena Garella
Larry Garrett

Robert Garrison
Theodore Gathe
Robert Gaudet
Emily Gause
Jacob Gent
Tiffany Georgievski
Laura Gerber
Matthew Gerend
Meredith Gerhart
BrittaLisa Gess
Spencer Gheen
John Gibson
Caroline Gilbert
H. Paul Gill
Tracy Gilroy
Dirk Giseburt
Anne Glazer
Gabrielle Glemann
Lawrence Glosser
Geoffrey Godfrey
Michael Goldenkranz
John Goldmark
Ari Goldstein
Merkys Gomez
Paula Gonzalez
David Goodnight
Corbett Gordon
Kimberly Gordon
Matthew Gordon
Kimberly Gordy
Kyle Gotchy
Shannon Gould
Marina Grabchuk
Michael Graham
Thomas Graham
Tamerton Granados
Danielle Granatt
Jerry Gray
John Gray
Tanya Green
Benjamin Greenberg
Duncan Greene
Joel Greene
Stephen Greer
Jeffrey Gregory
Mark Griffin
Mary Griffin
Kiran Griffith
John Groseclose
Tricia Grove
Anika Grubbs
Michael Guadagno
Robert Guite
Janet Gwilym

H

Scott Haapala
Jeffrey Habersetzer
Scott Haddock
Kellen Hade
N. Smith Hagopian
Frederick Haist
Jordann Hallstrom
Erik Halverson

Dean Hamilton
Kearney Hammer
Mary Hammerly
Rachel Haney
Jeffrey Hanson
Melanie Hantze
Joseph Harper
Matthew Harrington
Michael Harrington
Douglas Harris
Melissa Hart
Benjamin Haslam
David Hastings
Chad Hatfield
Jaime Hawk
Nancy Hawkins
Patrick Hayden
Lisa Hayes
Kari Hayles-
Davenport
Robin Haynes
Stuart Heath
Erin Hebert
Ryan Hebert
Gagandeep Singh
Paul Heer
Kaitlin Heinen
Christopher Helm
Rachel Herd
Donald Hermann III
José Hernandez
Nicholas Hesterberg
Douglas Hill
Laura Hill
Thomas Hillier II
Courtney Himes
Pamela Hinrichs
Naazaneen Hodjat
John Hoerster
Barbara Hoffman
Lawrence Hoffman
Deborah Holbert
Brian Holden
Kristina Holm
Eric Holmes
Stephanie Holstein
Brandon Holt
Tonia Honeycutt
Jordan Honjiyo
Bridie Hood
Megan Houlihan
Charles Houser III
Micahel Howard
Kristen Howell
KoKo Huang
Mary Huang
Rose Hubbard
Sheila Huber
Mary Hughes
Sarah Hughes
Edward Huneke
Brenda Hunt
Alison Hunter
Kim Hunter
Ted Hunter

Sarah Huot
Heath Hyatt

I

L. John Iani
James Ihnot
Walter Impert
Christal Irwin
Vanessa Ish
Nancy Ivarinen

J

Daniel Jackstadt
Sonja Jacobsen
Ami Jani
Per Jansen
Brian Janura
F. Jardine
Eric Jay
A. Kyle Johnson
Alexander Johnson
B. Gerald Johnson
Bruce Johnson
Dan Johnson
Eric Johnson
Joshua Johnson
Tyler M. Johnson
Tyler S. Johnson
Jim Johnston
Sandra Johnston
Cristopher Jones
Cynthia Jones
Jennifer Jones
Karen Jones
Sarah Jordan
Ty Jordan
Neil Juneja
William Justyk

K

Kenneth Kagan
Nick Kajca
Mudit Kakar
Joanne Kalas
Maximillian Kalton
Kimberly Kamel
Matthew Kamula
Shadan Kapri
Julie Karl
Jill Karmy
Jared Karstetter Jr.
Lisa Keeler
Thomas Kelly, Jr.
Daniel Kelly-Stallings
Nicola Kerswill
J. Michael Keyes
Khalil-Ur-Rehman
Khan
Zeshan Khan
Michael Killeen
Kathryn Killinger
Andrea Kim

Jonathan Kim
Allison King
Katelyn Kinn
Patric Kirby
James Kirkham Jr.
Heather Kirkwood
Peter Kirsch
Andreas Kischel
Kelsey Kittleson
Karen Klein
Dustin Klinger
Karen Knauerhase
Susan Koeppen
Donna Knifsend
Jon Knudson
Karen Koehmstedt
Susan Koeppen
Helen Koltonowska
David Kontos
Nancy Koptur
Miriam Korngold
Carrie Kovacevich
Nicholas Kovarik
Kevin Krainz
Robin Krane
Lisa Kremer
Eric Krening
Joseph Kuhlman

L

Dennis La Porte
Kimberly LaDuca
Bruce Lamb
Crystal Lambert-
Schroeder
Colleen LaMotte
Asa Lamusga
Monica Langfeldt
Sally Lanham
Kristina Larry
Esther Larsen
Steven Larsen
Shawn Larsen-Bright
Edward Larson
Kirstin Larson
Nicholas Larson
Ronda Larson Kramer
Maggie Lassen
Angel Latterell
Victoria Latus
Luke Laughlin
James Laukkonen
Dana Laverty
David Lawson
Grant Learned
Erin Lecocq
Horace Lee
Hyun-Ji Lee
Rachel Lee
Robert D. Lee
Robert J. Lee
Sungyong Lee
Terrance Lee
William Lee III
Robert Leeds Jr.

Cristofer Leffler
Andrew Legolvan
Scott Leist
Elizabeth Leland
Justin Leonard
Patrick LePley
Jeffrey Leppo
Jessica Lewis
Nicole Li
Yuhong Li
Timothy Liesenfelder
Mack Lievens
Alexis Liistro
Tana Lin
Kristine Linn
Sarah Lippek
Carla Little
Tzu-Huan Lo
James Lobsenz
Laura Locke
Lawrence Longfelder
Michael Louden
K. E. Love
David Lowell
Eric Lowney
Spencer Lucas
Leonard Lucenko
Aaron Lukoff
Heather Lund
Jeffrey Lustick
D. Sho Ly

M

Susan Machler
Brandon Mack
Brian MacKenzie
Anastasia Mackert
Thomas Mackin
Jon MacLeod
Zebular James
Madison
Setareh Mahmoodi
Rajeev Majumdar
Eric Makus
Michelle Maley
Lisa Malpass
Grant Manclark
David Manger
Deborah Maranville
Medora Marisseau
Kristina Markosova
Jennifer Marlow
Joseph Marra
Steven Marshall
Gregory Martin
Jessica Martin
Janet Martinez
Annalise Martucci
Katherine Mason
Gaylerd Masters
Kara Masters
Kenneth Masters
Harris Matarazzo
John Matson

Molly Matter
Richard Matthews
Jagjit Matto
Mary Anne Maul
Gregory Mc Gillivary
Erin McAleer
Lindsay McAleer
Gregory McBroom
Nicole McCaleb
Anthony McCormick
James McCormick
James McCutcheon
Celeste McDonell
Amanda McDowell
Thomas McDowell
Hugh McGavick
Terence McGee
Matthew McGowan
Susan McIntosh
Scott McJannet
Allen McKenzie
Marilyn McLean
Jill McLeod
Michael McMahan
Lynda McMaken
Megan McNally
Claire McNamara
Elisabeth McNeil
Paul McVicker
Leah Medway
Tonya Meehan
Brian Meenaghan
Colleen Melody
Frank Mendel
Elias Mendoza
Kelly Menemeier
Samuel Menser
Ian Mensher
Anthony Meredith
John Merriam
Jennifer Mersing
Christopher Mertens
Kevin Meserve
Adam Mesick
Scott Meyer
Brandyn Miller
Douglas Miller
Eric Miller
Jennifer Miller
Michael Mills
Richard Minice
Jamey Minnihan
Kevin Minsky
Gregory Mitchell
Matthew Moersfelder
Diana Moller
Charles Montange
Benjamin Moody
Justin Moon
Peter Mooney
Richard Moore

CONTINUED >

2018 WASHINGTON STATE SUPREME COURT

PRO BONO PUBLICO

Honor Roll

These individuals reported providing at least 50 hours of pro bono publico in 2018.

CONTINUED >

M

Alexandra Moore-Wulsin
David Morales
Christopher Morley
Nancy Morrow
C. Thomas Moser
Margaret Moxley
Jon Moyers
Mariko Mulligan
Michael Mumford
Salvador Mungia II
Daniel Murphy, Jr.
Trish Murphy
David Myers
Stanley Myers Jr.
Alan Mygatt-Tauber

N

Stacie Naczelnik
Brett Nagle
Michael Nance
Karen Nashiwa
Kirsten Nelsen
Donald Nelson
Emily Nelson
Mark Nerheim
Latife Neu
Eric Newman
Serin Ngai
Tuan Ngo
Jeffrey Nielsen
Deborah Nimmons
Krystal Noga-Styron
Kenneth Norris

O

Connor O'Brien
Joel Odimba
Mark O'Halloran
Adolfo Ojeda-Casimiro

Duane Okamoto
Caleb Oken-Berg
Ajibola Oladapo
Shana Oliver
Andrew Olmsted
Michael Orlando
Christopher Osborn
Simeon Osbornn
Daniel Osher
Melissa Osman
Kathleen O'Sullivan
Loriann Ouimet
David Owens

P

Ruben Pagan
Katherine Page
Kimberly Page
Christopher Pallanch
Vanessa Pancic
Jami Pannell
Athanacios Papailiou
Adam Pappin
Brian Parry
Payam Parsadmehr
Richard Patrick
Anita Paulsen
Althea Paulson
James Pautler
Jessica Pearlman
Cameron Pearson
Jerald Pearson
Kevin Peck
Lance Pelletier
Michael Pellicciotti
Benjamin Pepper
David Perez
Dean Perkins Jr.
Amy Perlman
Jennifer Petersen
Jeff Petersen
Alanna Peterson
Eileen Peterson
Leroy Peterson Jr.
Michelle Peterson
Sherilyn Peterson

Kari Petrasek
Joseph Phelps
Blythe Phillips
Deborah Phillips
Paula Phillips
Sheila Phillips
Ernesto Piza
Paula Plumer
Gerald Pollet
Andrea Poplawski
Alicia Porter
Kathryn Portteus
Nicholas Power
Vanessa Power
Benjamin Premack
Loreva Preuss
Daniel Prince
Constance Proctor
Heather Proudfoot
Bruce Pruitt-Hamm
George Ptasinski

Q

Stefani Quane
Jacqueline Quarré
Arthur Quigley Jr.
Thomas Quinlan II
Veronica Quinonez

R

Caryn Ragin
W. Scott Railton
Lauren Rainwater
Kristina Ralls
Barbara Rasco
Richard Rawson
Ryan Redekopp
Anne Redman
Heather Reed
Lisa Reed
RoseMary Reed
Steven Reilly
Steven Reisler
Vi Reno
Juliana Repp

Sandy Restrepo
Patricia Reutimann
Robert Rhodes IV
Ashley Richards
Ronald Richards
Paul Richmond
Ronald Richmond
Cecilia Rikard
Erin Riley
Lorraine Rimson
Cynthia Rios
Manuel Rios III
Zaida Rivera Castillo
Benjamin Robbins
Dale Robbins
Patricia Robert
Tyler Roberts
Laura Rodgers
Scott Rodgers
Pamela Rodriguez
Jeremy Rogers
Luke Rona
Patricia Rose
Irving Rosenberg
Seth Rosenberg
Allison Ross
William Ross
Sharon Rosse
Fowler
John Rossiter Jr.
David Roth
Nathan Rouse
Paul Routt
Michael Rowe
Heather Roy
Paula Royalty
Steven Rucker
Jessica Rullman
Michelle Rusk
Daniel Russ
Sean Russel
Robie Russell
David Ruzumna
Dana Ryan

S

Manja Sachet
Robert Saka
Talesha Sams
Maria Sanchez-Ley
Cheyenne Sanders
John Santa Lucia
Neeta Saran
Vonda Sargent
Jill Sasser
Mallory Satre
Tonilynn Savage
James Schermer
James Schermer
Julie Schisel
Kelli Schmidt
Misti Schmidt
Gabrielle Schneck
Harry Schneider Jr.

Lindsey Schromen-Wawrin
Jennifer Schwartz
Karen Schweigert
Breckan Scott
Jill Scott
Holly Scott
Laukkoenen
Matthew Segal
Priscilla Selden
Roger Senders
James Senescu
Cristina Sepe
Margeaux Serrano
John Shaffer
Holly Shannon
Christopher Sharpe
David Shaw
Michele Shaw
Patrick Shearer
Martin Shelton
Ada Shen-Jaffe
Heather Shepherd
Daniel Shih
Daniel Shin
Tsering Short
Miranda Shreeve
Susan Shulenberg
Mack Shultz Jr.
Jacqueline Sible
Joseph Sicilia
Steven Sill
Andrequita Silva
Lila Silverstein
Laurel Simonsen
Madhumeet Singh
Diana Singleton
Dalynne Singleton
Charles Sinnitt
Gregory Sisk
Karen Skantze
Jessica Skelton
Patricia Skrinar
Jennifer Sletten
Peter Slowiazcek
Aaron Smith
Catherine Smith
Craig Smith
Daniel Smith
Gardner Smith
Jennifer Smith
Laurel Smith
Mark Smith
Robin Smith
Suzelle Smith
Jonathan Solovy
Bita Soltan-Qurraie
Julie Sommer
Nancy Sorensen
Russell Speidel
James Spencer
Ariel Speser
Sarah Spierling Mack
Robert Spitzer
Richard Spoonemore

Brett Spooner
Jonathan Sprouffske
H. Douglas Spruance III
Quita St. John
Joe St Laurent
Jacque St. Romain
Scott Staab
Brent Stanyer
Lesa Starkenburg
Gwyn Staton
Janet Stearns
Maude Steen
Alec Stephens Jr.
Anthony Sterling
Marc Stern
David Stevens
Robert Stevenson
William Stewart
Lori Stich
Rebecca Stith
Christopher Stockwell
Diane Stokke
Shelby Stoner
Courtney Story
Loretta Story
Harriet Strasberg
Heather Straub
Jeanne Suchodolski
Earl Sullivan
David Sulzbacher
Terri Sutton
Elinor Swanson
Tony Swartz
Elizabeth Sweet
Joshua Swigart
Karin Swope
Leigh Sylvan
Jane Sylvester
Richard Symmes
Charles Szurszewski

T

Adam Tabor
Peter Talevich
Andrea Taylor
Jordan Taylor
Mathew Teagarden
Andrea Templeton
Ronald Templeton
Elinor Tesfamariam
Hewan Teshome
Michael Teter
Devin Theriot-Orr
P. Jayson Thibodaux
Joseph Thomas
Anna Thompson
Ronald Thompson
Harold Thoren Jr.
Rebecca Thorley
Kimberlee Thornton
Rondi Thorp
David Timchak
Michael Tisocco

Karin Tolgu
John Torres Jr.
Roger Townsend
Patricia Toy
Daisy Tran
Keri Trask Lazarus
Kira Truebenbach
David Tseng
Elena Tsiprin
Darcia Tudor
Eric Tuttle

U
Appalena Udell
Laura Umetsu
Rafael Urquia

V
Priscilla Vaagen
Karen Vache
Theodore Vakrinou
Brenda Valentine
Kim-Khanh Van
Pamela Van Swearingen
Leslie Vander Griend
Christopher Vandervoort
Tomer Vandsburger
Janet Varon
Omar Vasquez
Caitlin Velasco
Carla Vestal
Alison Vieth
Kelly Vomacka
Christopher Voss

W
Stephanie Wade
Daniel Waggoner
Sara Wahl
Michael Walker
Dennis Wallace Jr.
Allison Wallin
Lori Walls
Paul Wallstrom
Linda Wandell
Theresa Wang
Brian Ward
Sara Ward
Michael Wardell
Sarah Washburn
Taylor Washburn
LaKeysha Washington
Lauren Watts Staniar
Barbara Wechsler
Steven Wee
Nancy Weil
Ann Weinrich
Eric Weiss
Cecilia Welch
Curtis Welch

Ann Wennerstrom
Barbara West
Susan West
Rylan Weythman
Christopher Wheeler Jr.
James White
Michelle White
Keaton Whitten
Angelique Wiegand
Jamie Wiegand
Steven Wilker
Michael Willes
Christian Williams
Dean Williams
Deborah Williams
Nancy Williams
Timothy Williams
Brent Williams-Ruth
Alex Wilson
Karen Wilson
Lynne Wilson
Rogers Wilson Jr.
Edwina Wilson Divins
Erin Winkles
Lenard Wittlake
Mark Wittow
Daniel-Charles Wolf
Thomas Wolfendale
Gregory Wong
Gregory Wrenn
Lydia Wright
Roger Wynne

Y
Elena Yager
Laura Yelish
Brandi Yergeau
Megan Yoshimura
Brandon Young
Dan Young
Jacqueline Yust

Z
Katrina Zafiro
Jan Zager
Robert Zeinemann
Poul Zellers
Guanxi Zheng
John Ziegler
Gayle Zilber
Jon Zimmerman
Marla Zink
Rhe Zinnecker
Jon Zulauf



Boyd Trial Consulting
REAL PEOPLE. REAL RESULTS.

Focus Groups: Invaluable For High-Stakes Trials

"If I have a high-stakes case going to trial, I wouldn't go to trial without working with Jeff Boyd first. The focus group process Jeff uses is invaluable to understanding the nuances in your case. The hard part as a trial lawyer is, we know way too much about our own cases making them hard to simplify. Jeff is incredibly smart so he can figure out what the issues are and **condense the facts and issues down to something digestible that a jury can swallow.** Jeff is thoughtful, knowledgeable and patient. Working with Jeff definitely made a difference in my case."

**Fred B. Burnside | Davis Wright Tremaine LLP
Seattle, WA**



Jeff Boyd, Esq.

411 University St, Ste 1200 | Seattle, WA 98101
206.971.7601 | boydtrialconsulting.com



PARTNER

Cindy Heidelberg

Cindy Heidelberg has become a partner at BJT. Cindy represents employees and consumers in individual cases and class actions across Washington.

BRESKIN | JOHNSON | TOWNSEND PLLC

1000 Second Avenue, Suite 3670, Seattle, WA 98104
Phone: 206-652-8660 www.bjtlegal.com

In Remembrance

This In Remembrance section lists WSBA members by bar number and date of death. The list is not complete and contains only those notices the WSBA has learned of through correspondence from members.

Please email notices to nwlawyer@wsba.org

Don Paul Badgley, #457, 7/10/2019
William Frederick Baldwin, #455, 7/7/2019
Richard Ronald Bernstein, #11447, 5/17/2019
Andrew Christian Bohrsen, #5549, 4/4/2019
James Michael Caraher, #2817, 4/20/2019
John M. Cronin, #5977, 8/19/2019
Roosevelt Currie Jr., #21488, 6/9/2019
Matthew Arno Digiorgi, #17776, 5/14/2018
Charles Ferguson, #18024, 1/9/2013
Steven Frederick Fitzer, #6792, 8/28/2019
Reed C. Gardner, #3914, 5/5/2019
Hunter Graham Goodman, #30116, 4/16/2019
Lewis Guterson, #1823, 8/8/2019
Robert Karl Hawkinson, #9024, 8/20/2019
Robert James Heller, #12347, 7/11/2019
Roland L. Hjorth, #831, 5/6/2019
Richard M. Holt, #3567, 6/12/2019
L. William Houger, #2595, 5/19/2019
Henry W. Huntsman, #1661, 7/7/2019
Peter Dwight Jarvis, #1537, 5/29/2019
Carl F. Jepsen, #41958, 4/14/2019
Joel R. Junker, #13528, 8/31/2019
Anne K. Kaumi, #20513, 7/3/2018
Melvin L. Kleweno Jr., #3602, 9/2/2019
David Robert Koss, #8473, 3/9/2019
David William Kraft, #12103, 8/23/2019
Judd Hudson Lees, #10673, 7/15/2019

Malcom Charles Lindquist, #9330, 8/4/2019
Gary N. Mager, #25450, 3/18/2018
David R. Major, #2714, 5/25/2019
Ron Allen Mamiya, #6736, 5/26/2019
Scott R. Marchand, #20849, 7/25/2019
Linda Jean Mathis, #16495, 1/23/2019
Richard E. McCann, #7558, 6/21/2019
Roy James Moceri, #1146, 8/15/2019
Hon. Peter Lawer Nault, #10800, 7/19/2019
Martin Nwizubo, #27883, 4/27/2019
Harold F. Olsen, #2517, 4/12/2019
Daniel Robert Peterson, #6531, 5/1/2019
William Rademaker Jr., #5326, 4/26/2019
Jeffrey William Reis, #18587, 9/15/2019
Dennis Dean Reynolds, #4762, 7/26/2019
Richard Robert Rohde, #6983, 7/6/2019
Brian Julian Rossiter, #38376, 12/17/2018
John Edward Sears, #7943, 5/27/2019
Peter Lewis Sill, #5353, 4/2/2019
John R. Simmons, #3813, 6/18/2019
Jaypaul Singh, #48738, 8/2/2019
Thomas Edwin Sprague, #2932, 8/13/2019
Westervelt Kirkland Taylor, #7296, 5/7/2019
Michael Thomas Toulouse, #16098, 7/10/2019
Mark Anthony Wheeler, #31492, 7/6/2018
Richard Otis White, #4157, 12/29/2018
Teunis J. Wyers Jr., #23771, 8/26/2019
Alan Y.C. Yong, #6325, 1/19/2019

1991 WSBA PRESIDENT

Joseph P. Delay

#2044, 5/8/2019

Born on April 30, 1926, Delay was the son of Italian immigrants L. Delay and Caterina Elizabetta (Simioni) Delay. He grew up in Sandpoint, Idaho, with three brothers. He graduated from high school in 1944, during World War II, and volunteered to serve in the United States Army. In December of that year, Delay was deployed to Europe with the 327th Glider Infantry Regiment and was eventually awarded two bronze stars.

After the war ended, Delay attended Gonzaga University and then Gonzaga University School of Law. He opened his first law firm in Spokane in 1952. He married Helen Katherine Curran in 1954 and together they had three sons: Joe Jr., Paul, and Michael.

In 1961, Delay and his brother-in-law, J. Donald Curran, formed the Spokane law firm now known as Delay, Curran, Thompson, Pontarolo and Walker. Truly passionate about the law, Delay continued to practice until just a few weeks before his death. He was known for his integrity, professionalism, uncommon energy, and humility. He served in a variety of leadership roles—as a member of the WSBA Board of Governors; as chair of the WSBA's Disciplinary Board; and in 1991, as WSBA president.

Delay died peacefully on May 8, 2019. He was preceded in death by his wife, Katherine; his son, Joseph P. Delay Jr.; and two of his brothers, Ray J. Delay and Tony L. Delay Jr.



In Memory of

MALCOLM C. LINDQUIST
1950 - 2019

A man of great integrity, wit and infectious humor, our friend was a wonderful colleague and attorney alike.

Malcolm was someone who gave so much of himself to encourage others. To help everyone be the best versions of themselves - as professionals, and as humans. Truly, we are all better for having known Malcolm.



**For your really tough case on appeal – CALL US.
We have a track record of success:**

Volkert v. Fairbank Constr. Co. and Ziegler,

8 Wn. App. 2d 399, 438 P.3d 1203 (2019) (Uniform Health Care Info. Act foreclosed disclosure of all experts' past CR 35 exam reports)

Adamson v. Port of Bellingham,

192 Wn.2d 178, 438 P.3d 522 (2019); 923 F.3d 728 (2019) (recognizing liability of Port as premises owner)

Ingenco Holdings v. ACE American Ins. Co.,

921 F.3d 803 (9th Cir. 2019)
(reversal of district court summary judgment in insurer's favor as to all risk policy coverage)

Kimberly Gerlach v. The Cove Apartments,

437 P.3d 690 (2019) (reversal of judgment based on voluntary intoxication defense)

Brunson v. Lambert Firm and Bechtel National,

757 Fed. Appx. 563 (9th Cir. 2018) (Court upholds district court confidentiality rulings in qui tam action)

Chan Healthcare Group v. Liberty Mutual Fire Insurance Co.,

192 Wn.2d 516, 431 P.3d 484 (2018) (court dismissing new class action based on Full Faith & Credit)

H.B.H. v. State,

192 Wn.2d 154, 429 P.3d 484 (2018) (recognizing a duty owed to children negligently placed in foster care)

Arp v. Riley,

6 Wn. App. 2d 1003 (2018), review dismissed, 439 P.3d 1070 (2019) (application of judicial estoppel)

Kenco Constr. v. Porter Bros. Constr.,

4 Wn. App. 2d 1008 (2018) (affirming judgment for subcontractor in constr. project)

Easterly v. Clark County,

2 Wn. App. 2d 1066 (2018) (reversing fee decision; trial court failed to address hourly rate and a multiplier)

Sampson and Raymond v. Knight Transportation et al.,

___ P.3d ___, 2019 WL 4197610 (2019) (amicus brief for WTA/ATA supporting income averaging)

Knowledgeable ♦ Experienced ♦ Efficient

**TALMADGE
FITZPATRICK**

206-574-6661 ♦ www.tal-fitzlaw.com

APPEALS

OVER **600** CASES ARGUED ON THE MERITS

JASON W. ANDERSON | LINDA B. CLAPHAM*

RORY D. COSGROVE | MICHAEL B. KING*°

JAMES E. LOBSENZ*° | GREGORY M. MILLER*

SIDNEY C. TRIBE

°Fellow, American Academy of Appellate Lawyers

*Founding Members, Washington Appellate Lawyers Association

CARNEY

BADLEY

SPELLMAN

(206) 622-8020

WWW.CARNEYLAW.COM

NEED TO KNOW

News and information of interest to WSBA members. Email nwlawyer@wsba.org if you have an item you would like to share.

License Fee Payment Plan Deadline

A payment plan option is available to all licensed legal professionals experiencing financial challenges. Payments may be made in up to five installments with the balance required to be paid in full by Feb. 3, 2020. Note that in order to pay in five installments, the first payment is due in October. You may also take advantage of the four, three, and two-month options, with payments due Nov. 1, Dec. 2, Jan. 1, and Feb. 3. More details and the 2020 WSBA Payment Plan Form are available at www.wsba.org/for-legal-professionals/license-renewal/exemption-and-payment-plan.

WSBA NEWS

Find Bar Structure Work Group Report

The Bar Structure Work Group has completed its final report with recommendations. Both the final report, which will go to the Washington Supreme Court for review and consideration, as well as a minority report, can be found at www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/bar-structure-work-group.

WSBA Budget

Information on the WSBA's Fiscal Year 2019 budget, as well as the Fiscal Year 2020 budget approved at the Board of Governors September 2019 meeting, is available at www.wsba.org/about-wsba/finances.

ETHICS

Ethics Line

Members facing ethical dilemmas can talk with WSBA professional responsibility counsel for informal guidance. Learn more at www.wsba.org/for-legal-professionals/ethics/ethics-line, or call the Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284.

WSBA Advisory Opinions

WSBA advisory opinions are available online at www.wsba.org/for-legal-professionals/ethics/about-advisory-opinions. For assistance, call the Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284.

WSBA COMMUNITY NETWORKING

WSBA CLE Faculty Database

Current and interested CLE faculty are encouraged to register in the CLE faculty database. Log in to your myWSBA account, go to "My WSBA Profile" and select "CLE Faculty Database Registration."

New Lawyers List Serve

This list serve is a discussion platform for new lawyers of the WSBA. To join, email newmembers@wsba.org.

ALPS Attorney Match

Attorney Match is a free online networking tool made available through the WSBA-endorsed professional liability partner, ALPS. Learn more at www.wsba.org/connect-serve/mentorship/find-your-mentor, or email mentorlink@wsba.org.

WSBA MEMBER WELLNESS

WSBA Connects

WSBA Connects provides all WSBA members with free counseling in your community on topics including work stress, career challenges, addiction, and anxiety. Visit www.wsba.org/for-legal-professionals/member-support/wellness/wsba-connects or call 1-800-765-0770.

The "Unbar" Alcoholics Anonymous Group

The Unbar is an "open" AA group for attorneys that has been meeting weekly for over 25 years. Find more details at www.wsba.org/for-legal-professionals/member-support/wellness/addiction-resources or by calling 206-727-8268.

Career Consultation

Get help with your résumé, networking tips, and more—www.wsba.org/for-legal-professionals/member-support/wellness/consultation or email wellness@wsba.org.

THE BAR BUZZ

Open Enrollment

Begins Nov. 1 for Members' Health-Insurance Exchange

Whether you're looking to sign up for health insurance for the first time, or to explore other options, open enrollment for all WSBA members on the WSBA Private Health Insurance Exchange begins Nov. 1. Visit the exchange online to compare and purchase products—including health, dental, vision, and long-term disability insurance—for yourself and your employees.

<https://wsba.memberbenefits.com/>

RESOURCES

WSBA Practice Management Assistance

The WSBA offers free resources and education on practice management issues. For more information, visit www.wsba.org/pma.

Lending Library

The WSBA Lending Library is a free service to WSBA members offering hundreds of available titles free for short-term loan. Visit www.wsba.org/library to learn more and see what's available.

Free Practice Management Consultations

Schedule a free phone consultation with a WSBA practice management advisor to find answers to your questions about the business of law firm ownership. Common inquiries we can help with include technology adoption, opening or closing a law office, and client relationship management. Visit www.wsba.org/consult to get started.

Member Discounts

Visit the Practice Management Discount Network for discounts on tools to help you improve your legal service delivery: www.wsba.org/discounts.

Free Legal Research Tools

WSBA offers resources and member benefits to help you with your research. Visit www.wsba.org/legalresearch to learn more and to access Casemaker and Fastcase for free.

QUICK REFERENCE

Usury Rate

The maximum allowable usury rate can be found on the Washington State Treasurer's website at <https://tre.wa.gov/partners/for-state-agencies/investments/historical-usury-rates/>.

VOLUNTEER

Custodians Needed

The WSBA is seeking interested lawyers as potential volunteer custodians of files and records to protect clients' interests. Visit <https://www.wsba.org/connect-serve/volunteer-opportunities/act-as-custodian>, or contact Sandra Schilling: sandras@wsba.org, 206-239-2118, 800-945-9722, ext. 2118. Darlene Neumann: darlenen@wsba.org, 206-733-5923, 800-945-9722, ext. 5923.

WASHINGTON STATE
BAR ASSOCIATION

Legal Lunchbox™ Series

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



For more info and to register, visit www.wsba.org.



Chemnick | Moen | Greenstreet

We work as a team on your
Cancer Cases.



Medical Malpractice.
It's All We Do.

206.443.8600 | cmglaw.com

DISCIPLINE & OTHER REGULATORY NOTICES

THESE NOTICES OF THE IMPOSITION OF DISCIPLINARY SANCTIONS AND ACTIONS are published pursuant to Rule 3.5(c) of the Washington Supreme Court Rules for Enforcement of Lawyer Conduct. Active links to directory listings, RPC definitions, and documents related to the disciplinary matter can be found by viewing the online version of *NWLawyer* at www.wsba.org/news-events/nwlawyer or by looking up the respondent in the legal directory on the WSBA website (www.wsba.org) and then scrolling down to “Discipline History.”

As some WSBA members share the same or similar names, please read all disciplinary notices carefully for names, cities, and bar numbers.

Suspension

Charles James Bruen III (*WSBA No. 31752, admitted 2001*) of Goodyear, AZ, was suspended for four months, effective 7/22/2019, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Arizona. For more information, see <https://azbar.legalservices.link.com/attorneys-view/CharlesJBruen>. Joanne S. Abelson acted as disciplinary counsel. Charles James Bruen III represented himself. The online version of *NWLawyer* contains a link to the following document: The Washington Supreme Court Order.

Erik Eugene Highberg (*WSBA No. 30589, admitted 2000*) of Spokane, WA, was suspended for three years, effective 8/14/2019, 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), 1.15B (Required Trust Account Records). Benjamin J. Attanasio acted as disciplinary counsel. Erik Eugene Highberg represented himself. André M. Peñalver was the hearing officer. The online version of *NWLawyer* contains links to the following documents: Disciplinary Board Order Approving Stipulation to Three-Year Suspension; Stipulation to Three-Year Suspension; and Washington Supreme Court Order.

Interim Suspension

Jerry J. Davis (*WSBA No. 33294, admitted 2002*) of Spokane, WA, is suspended from the practice of law in the state of Washington pending the outcome of disciplinary proceedings, effective 7/30/2019, by order of the Washington Supreme Court. This is not a disciplinary sanction.

Transfer to Disability Inactive Status

Elin Marie Daniel (*WSBA No. 41036, admitted 2008*) of Bothell, WA, was by stipulation transferred to disability inactive status, effective 7/16/2019. This is not a disciplinary action.

ONLINE

See full details of disciplinary and other regulatory notices by accessing the links in the online version: www.wsba.org/news-events/nwlawyer.

WSBA CLE

HUNDREDS OF ON-DEMAND SEMINAR TITLES AVAILABLE...
Download and stream, watch or listen, when and where you want.

HIGHEST QUALITY · UP-TO-DATE · IMMEDIATELY ACCESSIBLE · MOBILE & CONVENIENT
Washington law for Washington legal practitioners by Washington legal experts

Go to wsbacle.org for more information

**WASHINGTON STATE
BAR ASSOCIATION**



EXPERIENCE TENACITY JUDGMENT DISPUTE RESOLVED

ADR Solutions

- All panelists are former Washington State Superior Court judges
- Mediation, arbitration, hearing officer, special master and litigation consultation
- Talented and responsive staff
- Comfortable mediation conference rooms
- Arbitration courtroom with audio/visual technology and party breakout rooms

CHARLES S. BURDELL JR.
Former King County Superior Court Judge

GEORGE FINKLE
Former King County Superior Court Judge

STEVE SCOTT
Former King County Superior Court Judge

BRUCE HELLER
Former King County Superior Court Judge

PARIS K. KALLAS
Former King County Superior Court Judge

LARRY A. JORDAN
Former King County Superior Court Judge

LINDA LAU
Former Appellate and Superior Court Judge

PALMER ROBINSON
Former King County Superior Court Judge



Joshua Green Building · 1425 Fourth Avenue · Suite 300
Seattle, Washington 98101 · 206.223.1669 · jdrllc.com

KILMER, VOORHEES & LAURICK, PC

is proud to announce

Alexander S. Wylie

Wm. Jere Tolton, III

And

Ross Van Ness

have joined our firm.

Alex has 18 years of litigation experience representing clients in serious injury, wrongful death, and construction claims. His commitment to outside service includes participation in the OSB Military Assistance Panel, New Member Mentor Program, Ethics Committee, the American Lung Association in Oregon Leadership Council, and as national General Counsel for the Fraternity of Phi Gamma Delta. Alex is licensed in Oregon and Washington state and federal courts.

Jere has over 23 years' experience in employee benefits and first-party insurance litigation, counseling and defending insurers, administrators and employers involved in employee benefits and fiduciary lawsuits arising in both the ERISA and non-ERISA cases. He has lectured and published numerous articles concerning ERISA Best Practices and insurance litigation. Jere is licensed in Oregon, Florida and the District of Columbia.

Ross's insurance defense background has given him a pragmatic, thoughtful approach to business litigation.

In addition to insurance defense, his practice also includes commercial and tort litigation, commercial lending, construction, business formation, and defense of personal injury claims. Ross is licensed in both Oregon and Washington.

www.kilmerlaw.com

SCHLEMLEIN FICK & SCRUGGS, PLLC

is pleased to announce that

Kevin MacDougall

has joined the firm as an associate.

Schlemlein Fick & Scruggs, which has an origin dating back over three decades and has consistently been voted one of the best companies to work for in Washington State, is a firm that emphasizes finding practical, common sense resolutions to complex business, real estate, construction and general litigation disputes as well as counseling our clients on corporate and transactional matters.

66 S. Hanford Street, Ste. 300 | Seattle, WA 98134

Tel: 206-448-8100
www.soslaw.com

Do you have an announcement to make?

New partner or associate at your firm?
Have a legal service to offer? Advertise
in *NWLawyer's* Announcements or
Professionals section!

PLACING AN AD IS EASY:

Contact Robert Page
at SagaCity Media

206-454-3035
rpage@sagacitymedia.com

DUNLAP MEDIATION SERVICES

Debbie Dunlap is located in downtown Seattle and Moses Lake for availability to successfully mediate cases in Western and Eastern Washington locations at her office or offices of counsel for the parties.

Debbie has mediation training and experience. She has litigated insurance defense and plaintiff's personal injury cases for over 30 years in most counties in Washington, focused on minor to major catastrophic injuries and wrongful death, as well as brain and psychological injuries, sexual torts, abuse and harassment, and insurance bad faith, consumer protection, and subrogation. Debbie is also experienced in: landowner disputes such as boundary line, adverse possession, tree cutting, waste and nuisance; and product and school district liability.

Providing economical and fair mediations, any travel time is not charged for.

Contact Debbie at:

debbie@dunlapms.com

Or visit: www.dunlapms.com

3131 Western Avenue, Suite 410
Seattle, WA 98121

Phone 425-765-0078
or fax 425-642-8700

MEDIATION

Mac Archibald

Mac has been a 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 25 years of experience mediating cases. He has mediated over 2,000 cases including maritime, personal injury, construction, wrongful death, employment and commercial litigation.

Mac has a reputation for being highly prepared for every mediation and for providing as much follow-up as necessary.

Law Offices of Edward M. Archibald MEDIATION SERVICES

22832 S.E. 5th Terrace
Sammamish, WA 98074

Tel: 206-903-8355

Email: mac@archibald-law.com

LAWYER DISCIPLINE AND LEGAL ETHICS

Former Chief Disciplinary Counsel
Anne I. Seidel

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

Tel: 206-284-2282

1817 Queen Anne Ave. N., Ste. 311
Seattle, WA 98109

anne@anneseidel.com
www.anneseidel.com

TRADEMARK COPYRIGHT & PATENT SEARCHES

*Experienced Washington office for
attorneys worldwide*

FEDERAL SERVICES & RESEARCH

Attorney-directed projects at all federal agencies in Washington, D.C., including USDA, TTB, EPA, Customs, FDA, INS, FCC, ICC, SEC, USPTO, and many others. Face-to-face meetings with Gov't officials, Freedom of Information Act requests, copyright deposits, document legalization at State Dept. and embassies, complete trademark copyright patent and TTAB files.

COMPREHENSIVE

U.S. Federal, State, Common Law, and
Design searches.

INTERNATIONAL SEARCHING EXPERTS

Our professionals average over
25 years experience each.

FAST

Normal 2-day turnaround with 24-
hour and 4-hour service available.

GOVERNMENT LIAISON SERVICES, INC.

200 N. Glebe Rd., Ste. 321
Arlington, VA 22203

Tel: 703-524-8200

Fax: 703-525-8451

Toll Free: 1-800-642-6564

*Minutes from USPTO and
Washington, D.C.*

info@governmentliaison.com
www.governmentliaison.com

FORENSIC ACCOUNTING

Robert Loe, CFE, CPA

- Certified fraud examiner
- Forensic accounting
- Litigation support
- Expert witness testimony
- Experienced peer reviewer
- Former investigator for state board of accountancy
- Licensed in WA, AK, HI, & DC

221 First Avenue West, Suite 400
Seattle, WA 98119

Tel: 206-292-1747

www.loecpa.com

robert@loecpa.com

INVESTOR CLAIMS

Former NASD Series 7, 66 and life/annuity insurance licensed broker/investment advisor. Available for consultation and referrals in claims involving broker/dealer error, fraud, and investment suitability.

COURTLAND SHAFER

John G. Llewellyn, PLLC
4847 California Ave. SW, Ste. 100
Seattle, WA 98116

Tel: 206-923-2889

courtland@llllaw.net

FREEDOM OF SPEECH

(See, e.g.):

Yates v. Fithian,
2010 WL 3788272
(W.D. Wash. 2010)

City of Seattle v. Menotti,
409 F.3d 1113 (9th Cir. 2005)

State v. Letourneau,
100 Wn. App. 424 (2000)

Fordyce v. Seattle,
55 F.3d 436 (9th Cir. 1995)

LIMIT v. Maleng,
874 F. Supp. 1138 (W.D. Wash. 1994)

James E. Lobsenz

701 Fifth Avenue, Suite 3600
Seattle, WA 98104

206-622-8020

lobsenz@carneylaw.com

www.carneylaw.com

U.S. BUSINESS IMMIGRATION

Executives, Managers,
& Essential Workers

W. Scott Railton

Cascadia Cross-Border Law

Tel: 360-671-5945

srailton@cascadia.com

www.cascadia.com

CIVIL APPEALS

Successful results in
personal injury, insurance,
family law, commercial,
and more.

Jason W. Anderson

Tel: 206-622-8020

anderson@carneylaw.com

STOCKBROKER MISCONDUCT

We focus on recovering investment losses. If your client has lost money investing in the stock market, REITs, or annuities, there may be ways to recover those losses. We work on a contingency fee basis, and we pay referral fees in accordance with WSBA RPCs.

206-795-5798

David Neuman

Israels & Neuman, PLC

506 Second Avenue, Ste. 1400
Seattle, WA 98104

dave@israelsneuman.com

www.israelsneuman.com

HOLMES & COMPANY, PC

Fraud and Forensic Accounting

Economic Damages

Business Valuation

Commercial Litigation

Accounting and Tax Malpractice

White Collar Financial Crime

Expert Testimony

Full Service Public Accountants

Plaintiff and Defense

William N. Holmes CPA, ABV, CVA, CFE

7128 SW Gonzaga Street, Suite 100
Portland, OR 97223

Tel: 503-270-5400

Fax: 503-270-5401

wnholmes@pdxcpas.com

www.pdxcpas.com

MEDIATION AND ARBITRATION GROUP

Hon. Rosanne Buckner, Ret.
Barbara Jo Sylvester
Henry Haas
William P. Bergsten
Robert Beale

Each with over 40 years experience
handling a diverse range of cases.

Our team is ready to help resolve
your complex matters.

Please visit our website for
additional information.

McGavick Graves, P.S.

1102 Broadway, Suite 500
Tacoma, WA 98402

Local: 253-254-5900
Toll Free: 800-709-7015

www.mcgavickgraves.com

STATE & LOCAL TAX

Over 40 Years of Experience
25+ Reported Appellate Decisions
Available for Consultation and Referrals
Audits, Appeals, Tax Planning
& Refund Claims

George C. Mastrodonato
mastrodonato@carneylaw.com
Tel: 206-622-8020

COMPUTER FORENSIC

- analysis
- incident response
- investigations
- testimony

Dr. Gordon Mitchell

The eSleuth

Ph.D. UW Electrical Engineering
CPP, CISSP, SANS GSEC & GCIH
fellow of ISSA and SPIE

legal.enquiries20@eSleuth.com

888-375-3884 • Future Focus, Inc
WA PI 548

<https://eSleuth.com>

SELF- DIRECTED IRA

Warren L. Baker

Legal and tax consulting for
non-traditional retirement account
investors. Avoid IRS scrutiny,
prohibited transactions, UBTI,
and other problems.

Tel: 206-753-0305
warren@fairviewlawgroup.com

LAW FIRM BREAK-UPS PARTNER DEPARTURES AND EXPULSIONS

Discreet consultation and litigation of
partner withdrawals or expulsions.

Smyth & Mason, PLLC

have years of experience successfully
representing departing partners,
expelled partners, and law firms.
Operating agreements, divisions
of profits, receivables, case files
and clients; redistribution of debt
and costs.

Don't go it alone.

Smyth & Mason, PLLC

1325 Fourth Avenue, Suite 940
Seattle, WA 98101

Tel: 206-621-7100

Fax: 206-682-3203

www.smythlaw.com

Estate of Little, __ Wn. App. 2d ____, 444 P.3d 23 (2019);
Beltran-Serrano v. City of Tacoma, 193 Wn.2d 537, 442
P.3d 608 (2019); *Smith v. Health Cooperative v. Coon*, __
Wn.2d ____, 438 P.3d 174 (2019); *W.L. 2019069* (August 22,
2019); *Adams v. Port of Bellingham*, 193 Wn.2d 178,
438 P.3d 522 (2019); *Garla v. Eave Apartments, LLC*,
8 Wn. App. 417, 417 P.3d 600 (2019); *Estate of Petelle*, 8
Wn. App. 2d 714, 440 P.3d 1026 (2019);
Marriage of Groves, __ Wn. App. 2d ____, __ P.3d ____,
2019 WL 4010709 (August 26, 2019); *City of Puyallup v.*
Pierce Cty., 8 Wn. App. 2d 333, 438 P.3d 174 (2019);
Harris v. Griffith, 2 Wn. App. 2d 638, 413 P.3d 51, rev.
denied, 191 Wn.2d 1012, (2018); *Gosney v. Fireman's*
Assoc., 191 Wn.2d 1012, (2018); *Trickett v. Picnic Point*
Homeowners Assoc., 2 Wn. App.2d 872, 413 P.3d 604,

**SMITH
GOODFRIEND, P.S.**

Family law is not an oxymoron.

206-624-0974
www.washingtonappeals.com

Available for referral, consultation and association
in state and federal appeals

CLASSIFIEDS

FOR SALE

Established Pierce County personal injury practice that was established in 1980, has over 100 active clients, and has average gross revenues of over \$775,000 the last three years (2016-2018). The practice/case breakdown by revenue is approximately 99% personal injury and 1% other. The practice is located in a 1,375 SF fully furnished office that the practice leases. Contact info@privatepracticetransitions.com or call 253-509-9224.

Central Washington elder law & estate planning practice with a practice/case breakdown by revenue of approximately 34% probate, 30% estate planning, 19% guardianship, 13% Medicaid planning, and 4% vulnerable adult. The practice has average gross revenues of over \$253,000 the last three years (2016-2018) and is poised for growth under new ownership. The owner of the practice is open to selling the office building to the person who purchases the practice, if desired. Contact info@privatepracticetransitions.com or call 253-509-9224.

Profitable Snohomish County plaintiff PI firm that was established in 2010 and has average gross revenues of over \$750,000 the last three years. The practice/case

breakdown is 100% plaintiff personal injury and as of May 2019, there are approximately 30 active cases. Contact info@privatepracticetransitions.com or call 253-509-9224.

Established Tumwater family law & estate planning practice that has a practice/case breakdown by revenue of approximately 70% family law, 15% estate planning, 5% real estate, 5% business, and 5% other. The practice is located in a 2,650 SF building that is also available for sale, if desired. With 2018 gross revenue right around \$200,000 and 166 active clients, this practice is poised for growth under new ownership. Contact info@privatepracticetransitions.com or call 253-509-9224.

Established Pierce County insurance defense practice that was established in 1998 and has over 125 active clients as of April 2019. The average gross revenue the last three years was over \$1,017,000. The practice/case breakdown by revenue is 50% bodily injury, 10% property damage, 10% product liability, 10% professional liability, 10% plaintiff work, and 10% other. Contact info@privatepracticetransitions.com or call 253-509-9224.

Thriving Bend, Oregon, law firm that has been a staple in the Bend community for over 42 years. In 2018, the practice brought in over \$540,000 in gross revenues and over \$357,000 in total owner perks. The practice has a case breakdown of 29% civil, 21% estate, 16% family/divorce, 16% other (contracts, real estate, criminal, business, PI, DUI, etc.), 5% land use, 5% landlord tenant, 4% corporate/LLC, and 4% water law. Contact info@privatepracticetransitions.com or call 253-509-9224.

Established Seattle estate planning practice that has a practice/case breakdown by revenue of approximately 45% estate & trust administration, 40% estate planning, and 15% other (collateral matters, estate tax preparation, real property issues, etc.). The practice is located in the heart of downtown Seattle, has averaged gross revenues of over \$286,000 the last three years (2016-2018), and is poised for growth under new ownership. Contact info@privatepracticetransitions.com or call 253-509-9224.

Successful King County insurance defense practice that is located in the heart of Seattle and had 2018 gross revenues over \$1,800,000. The practice was established in 2006, has a great reputation in the legal community, and has five total employees, including the owner. Contact info@privatepracticetransitions.com or call 253-509-9224.

Regional and international business law practice with a stellar reputation and average gross revenues over \$550,000 the last three years. The practice/case breakdown is 50% business law, 35% estate planning, 10% general legal services, and 5% intellectual property. The practice is located in East King County in a 2,000 SF leased office space. Contact info@privatepracticetransitions.com or call 253-509-9224.

Thriving Stevens County personal injury & family law practice that was established in 2009, has a strong client base, and brought in over \$855,000 in gross revenue in 2018. The practice/case breakdown by revenue is approximately 48% personal injury, 43% family law, and 9% other (estate planning, probate, general litigation, etc.). The practice employs five people: one (1) owner/attorney, three (3) legal assistants, and one (1) office administrator. Contact info@privatepracticetransitions.com or call 253-509-9224.

Growing Pierce County personal injury practice that was established in 1975, has a great reputation in the community, and has over 90 active clients as of January 2019. The gross revenues in 2018 totaled over \$415,000. The owner would like to sell the practice as a turnkey operation. The practice/case breakdown by revenue is 99% personal injury and 1% other. Contact info@privatepracticetransitions.com or call 253-509-9224.

Thriving virtual appellate law practice that has experienced 17%, 30%, and 47% YoY growth the last three years (2016-2018). In

POSITIONS AVAILABLE ADS ARE ONLINE

Job seekers and job posters, positions available ads can be found online at the WSBA Career Center. To view these ads or to place a position available ad, go to <http://jobs.wsba.org>.

TO PLACE A PRINT CLASSIFIED AD

RATES, DEADLINE, AND PAYMENT:

WSBA members: \$50/first 50 words; \$1 each additional word.

Non-members: \$60/first 50 words; \$1 each additional word.

Email text to classifieds@wsba.org by the first day of each month for the following issue (e.g., Nov. 1 for the Dec./Jan. issue). Advance payment required. For payment information, see <http://bit.ly/NWLawyerAds>. For questions, email classifieds@wsba.org.

2018, the firm's gross revenues were over \$915,000! The practice was established in 2009, has a great reputation in the legal community, and has over 150 active clients as of January 2019. The owner would like to sell the practice as a turnkey operation. The practice/case breakdown by revenue is 100% appeals. Contact info@privatepracticetransitions.com or call 253-509-9224.

Established Kitsap County estate planning, guardianship & probate practice that has been a staple in Kitsap County for over 14 years. The practice/case breakdown is 40% guardianships and trusts, 25% probate, 25% estate planning, and 10% other (prenuptial, estate litigation, GAL). The owner runs the practice out of her home office, which makes this a great opportunity for an attorney wishing to grow his/her current practice and/or start a practice with an established book of business. The owner took in over \$125,000 in income and perks in 2017. Contact info@privatepracticetransitions.com or call 253-509-9224.

Thriving and well-rounded Pierce County law practice that has been a staple in Pierce County for over 20 years. The practice is absolutely thriving with average gross revenues over \$1.6 million the last three years. The practice/case breakdown is 30% trusts, estates, and probate; 15% business formation; 15% plaintiffs' personal injury; 15% commercial and corporate litigation; 8% real estate; 7% municipal; and 10% other. Contact info@privatepracticetransitions.com or call 253-509-9224.

Profitable Snohomish County Personal Injury Practice that has been in business for more than 27 years. The practice/case breakdown by revenue is approximately 95% personal injury and 5% other. The Practice is located in a 1,022 SF fully furnished office that is also available for sale, if desired. Contact info@privatepracticetransitions.com or call 253-509-9224.

Established estate planning, probate, and business law practice with offices in King and Kitsap Counties. The practice/case breakdown is 60% estate planning and probate, and 40% real estate, business law, and bankruptcy. Contact info@privatepracticetransitions.com or call 253-509-9224.

East King County real estate and estate planning practice that has been operating for more than 40 years! A true staple in the community, the practice offers a variety

of services, focusing on estate planning (35%) and real estate (25%). Contact info@privatepracticetransitions.com or call 253-509-9224.

SERVICES

Contract attorney for science and engineering consultation. Analysis of technical discovery across practice areas such as product liability (former auto industry engineer), medical malpractice (former hospital process improvement leader, B.S. bioengineering {biomedical

devices}), and construction (former quality control engineer, M.S. mechanical engineering). Contact Leslie English at 206-552-8321 or Leslie@LeslieEnglishLaw.com.

Attorney with extensive research and writing experience drafts briefs and motions for busy attorneys. Reasonable rates. Prompt turnaround times for trial and appellate briefs, motions for summary judgment, interrogatories, and LEXIS research. Legal experience includes superior court clerkship. Excellent references! Elizabeth Dash Bottman, WSBA #11791; ebottman@gmail.com; 206-526-5777.

IS A TRUSTED IRA RIGHT FOR YOUR CLIENT?

A Trusted IRA allows your client the tax benefits of an IRA with the security of a trust. At BECU Trust Services, our philosophy is rooted in people-helping-people. Our wealth of experience and hands-on approach is dedicated to helping clients secure their loved ones' financial future.

We provide personalized services at competitive, transparent rates. At BECU Trust Services, we offer lower minimums and thoughtful care for clients regardless of the size of their wealth.

Trust Flexibility, Incapacity Planning, Beneficiary Protection



"I never hesitate to refer my clients to BECU Trust Services. Their trust officers are centered on each client's particular needs."

—Madeline Gauthier, Attorney

B|E|C|U TRUST SERVICES

becu.org/trust | 206-812-5176

BECU Trust Services is a trade name used by MEMBERS® Trust Company under license from BECU. Trust services are provided by MEMBERS® Trust Company, a federal thrift regulated by the Office of the Comptroller of the Currency. Trust and investment products are not deposits of or guaranteed by the trust company, a credit union or credit union affiliate, are not insured or guaranteed by the NCUA, FDIC or any other governmental agency, and are subject to investment risks, including possible loss of the principal amount invested. This is for informational purposes only and is not intended to provide legal or tax advice. For legal or tax advice, please consult your attorney and/or accountant.

Classifieds

CONTINUED >

Briefs and research memos, including summary judgments, motions to dismiss, and appeals. Extensive experience in federal courts. Reasonable hourly or by-project rates. Superb Avvo rating. Lynne Wilson at 206-328-0224 or lynnewilsonatty@gmail.com.

Legal research and writing attorney. Confidential legal research, drafting of

pleadings, formatting, and citation checking for trial- and appellate-level attorneys. Professional, fast, and easy to work with. Call Erin Sperger at 206-504-2655. Sign up for free case law updates at www.LegalWellspring.com; erin@legalwellspring.com.

Contract attorney for busy litigators. I now have a solo practice confined to providing contract litigation assistance, including summary judgment motions, appeals, written discovery, depositions, pretrial motions, and court appearances. Twenty-five years' litigation experience, including 9th Circuit judicial clerkship. Contact Joan

Roth at 206-898-6225 or joanrothlaw@comcast.net.

Make your web copy shine! Freelance writer and attorney of 15+ years, ready to perfect your web content, blog posts, newsletters, marketing materials, white pages, eBooks, etc. One hundred percent professional and reliable. Almost a decade of professional writing/marketing experience. Dustin Reichard: dustin@drwrites.com or 206-451-4660. Please visit www.drwrites.com for more information.

Emerald City Attorney Network. Top contract attorneys and paralegals. Want increased revenue and free lunch? Let us turn your excess work into billable hours. Increase profit, satisfy waiting clients. Let us take you to lunch, or bring lunch for your office, and discuss how we can help: www.emeraldcityattorneynetwork.com, 206-388-7808, andy@emeraldcityattorneynetwork.com.

John A Liebert, M.D.—forensic psychiatrist with extensive trial experience in both civil and criminal cases. Licensed in Washington and Arizona. Psychiatry residency completed at University of Washington. Published books and manuscripts are accessible via website, www.johnliebert.com, by clicking "Publications." Active in Telemedicine. References available. 602-349-0025.

Forensic document examiner retired from the Eugene Police Department. Trained by the U.S. Secret Service and U.S. Postal Inspection Service. Court-qualified in state and federal courts. Contact Jim Green at 888-485-0832.

Gun rights restored! Your client lost gun rights when convicted of a felony or DV misdemeanor, but in most cases can restore rights after a three- or five-year waiting period. AV-rated lawyer obtains superior court restoration orders throughout Washington. David M. Newman, The Rainier Law Group. Contact: 425-748-5200 or newman@rainierlaw.com.

Appraiser of antiques, fine art, and household possessions. James Kemp-Slaughter, FRSA, with 41 years' experience in Seattle for estates, divorce, insurance, and donations. For details, see <http://jameskempslaught.com>, 425-949-7964, or Comptonhouse65@gmail.com.

Thinking about buying or selling a practice? If you are, we can help you—guaranteed! Private Practice Transitions,

Workers need strong representation.

We go the distance.

We're in the business of helping people.
If you know someone injured on the job, we can discuss their rights and options.

Patrick C. Cook Michael J. Costello Kathleen K. Kindred Thomas A. Thompson Jonathan K. Winemiller

We know Workers' Comp.
Over 80 years strong.

Seattle & Everett | 206-623-5311
Walthew.com | Se Habla Español

The WALTHEW LAW FIRM

Inc., is the preeminent provider of specialized brokerage services in the Northwest, catered specifically to the owners of professional services businesses—like you! We have countless buyers and sellers waiting for the right opportunity. Take control of your tomorrow by calling us today at 253-509-9224 or check out our website at www.privatepracticetransitions.com.

Nationwide corporate filings and registered agent service. Headquartered in Washington. Online account to easily manage 1-1,000 of your clients' needs: www.northwestregisteredagent.com, 509-768-2249, sales@northwestregisteredagent.com.

SPACE AVAILABLE

Space for lease—looking for office space further north? Space available in business center with ample parking and on main arterial road in Burlington, 5 minutes from I-5. Remodeled spaces of 1,100 SF or 3,000 SF now available. New carpet, LED lighting, signage. Rates from \$22 to \$25 per ft./year, plus NNN. 720-790 S. Burlington Blvd., Burlington, WA, 98233. For more information: 360-853-3287, Edward-Berger Properties, LLC.

Downtown Seattle, next to Federal Courthouse, top floor, 1700 7th Ave. Multiple Class A offices and workspaces in class action/litigation firm. Receptionist, kitchen, conference rooms, in-building cafeteria, and additional services. Great light and collegial environment. Contact Tyler at 206-682-5600 or tfarr@tousley.com.

Prime office space for rent in downtown Kirkland with views of Lake Washington. Includes access to kitchenette/break room, conference rooms, receptionist, multiline phone, internet, and free parking for tenant/visitors. Paralegal space also available. Contact Dylan Kilpatrick for details, 425-822-2228 or Dylan@kirklandlaw.com.

Downtown Seattle, 1111 3rd Ave., Class A space. Receptionist, voicemail, conference room, copier, scanner, phone, gym, showers, bike rack, light rail and bus stop across the street, several offices available now, secretarial space available, share space with an existing immigration law firm, \$1,275 per office. 206-294-5060, ask for Jeri.

Private and virtual office suites in downtown Seattle available now! Located close to courts on the 32nd floor of Safeco

Plaza Building. Includes fiber internet, reception services, conference rooms, kitchen facilities, fitness center. Call 206-624-9188 or email adm@bscofficespace.com to schedule a tour, www.bscofficespace.com.

VACATION RENTALS

PARIS APARTMENT — At Notre Dame. Elegant 2-bedroom, 2-bathroom apartment, in the heart of Paris. **PROVENCE HOUSE** — In Menerbes. 4-bedroom, 3.5-bathroom house. Incredible views 503-227-3722 or 202-285-1201; angpolin@aim.com.

Charming condo in Whitefish, Montana, with easy access to Big Mountain Ski Resort, Glacier National Park, art galleries, fine dining, wine bars, and coffee shops ([#405582](http://www.vrbo.com)). Or, a picturesque log cabin in West Glacier with access to hiking, fly fishing, and snowshoe trails ([#991608](http://www.vrbo.com)). For information, contact susanraefox@gmail.com.

DONE DEAL



KING COUNTY SUPERIOR COURT JUDGE LAURA INVEEN (RET.) JOINS HILYER DISPUTE RESOLUTION

Judge Laura Inveen (ret.), recently retired as the state's most senior female superior court judge, has joined Hilyer Dispute Resolution. Her unique stature and 30 plus years of judicial experience in handling all types of civil litigation promises to bring a thoughtful and inclusive approach to alternative dispute resolution.

"I am thrilled that Judge Inveen (ret.) will offer her services in mediation, arbitration and dispute resolution" said firm founder Judge Bruce Hilyer (ret.).

H | D | R

HILYER DISPUTE RESOLUTION

CALL: 206.623.0068 | EMAIL: info@HilyerADR.com
Or visit www.HilyerADR.com for more information and scheduling

BEYOND

THE BAR NUMBER

Maggie R. Schott

BAR NUMBER: 30548

LAW SCHOOL: University of Washington

I became a lawyer because I am passionate about human rights and social justice. **Before law school,** I went to Whitman College and the University of Washington as a political science major and women studies minor.

My career has surprised me because I am a small-business owner and solo practitioner. I never dreamed I would open my own practice.

The best advice I have for new lawyers is to talk to lawyers who love their work and ask what they love about it.

My long-term professional goal is to own my own office building, keep my private practice going, and continue to instruct students interested in careers in public service.

The most rewarding part of my job is the gratitude and relief I see on my clients' faces when they are awarded their disability benefits.

The worst part of my job is waiting months and even years for Social Security disability hearings and having clients pass away before getting their benefits.

I wish that more lawyers would reduce their fees to assist lower-income clients.

If I could have tried one famous case, it would be *Brown v. Board of Education*.

Technology has changed the practice of law by speeding up the timeframes expected to respond to emails and telephone calls. Technology also contributes to my practice by allowing me to work from remote locations (like Italy!).

I keep up with legal news and developments by receiving email updates and participating in a Social Security list serve



honeymoon to Europe for 10 weeks in 1996.

I enjoy reading anything by Jess Walter.

My best recipe I make at home is chicken piccata and caprese salad with homegrown basil and tomatoes.

My favorite place in the Pacific Northwest is Kalaloch, Olympic National Park.

This changed my life: studying the civil rights movement my freshman year in college.

I grew up in Kettle Falls in Stevens County, Washington.

My best parenting advice is don't listen to parenting advice; every baby is unique!

Friends would describe me as extroverted and the last person to leave a social gathering—I like to think I am the life of the party!

Aside from my career, I am most proud of this: my positive outlook and optimism in

➔ In 2011, I opened my own firm, Law Office of Maggie R. Schott, PLLC, in Spokane, representing claimants in Social Security disability and Supplemental Security Income administrative hearings. For the first five years of private practice, I also did contract work as a court-appointed public defender in Stevens and Pend Oreille Counties for the Office of Public Defense in the Parents Representation Program. In July 2018, I began supervising the Moderate Means Program, a partnership between the Washington State Bar Association and the law schools of Gonzaga University, Seattle University, and the University of Washington. I currently split my time between the Moderate Means Program at Gonzaga and my private practice.

and NOSSCR (National Organization of Social Security Claimants' Representatives) forum.

The most memorable trip I ever took was a

spite of all the injustices I see every day.

I give back to my community by doing pro bono benefit cessation and overpayment disability appeals.

This makes me roll my eyes: when people distinguish the "worthy poor" from the "unworthy poor."

My worst habit is interrupting my friends when we talk.

My best habit is keeping in touch with old friends.

My favorite restaurant is Wild Sage Bistro in Spokane.

You'll find me outside in the Northwest doing this: attending music festivals, playing disc golf, and growing vegetables and flowers.

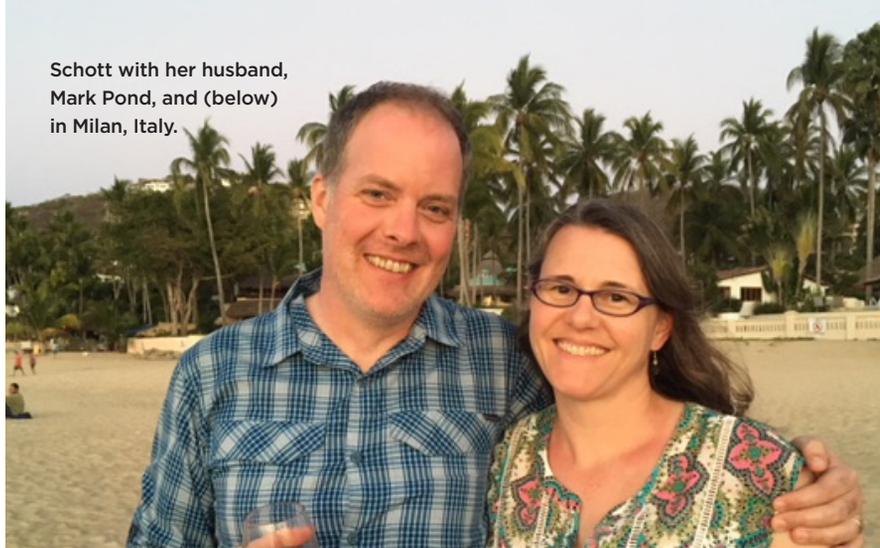
My all-time favorite movie or TV show is *A Room With a View*.

My hero is my husband, Mark Pond: super librarian, father, and life partner.

We'd like to learn about you!

Email nwlawyer@wsba.org to request a questionnaire.

Schott with her husband, Mark Pond, and (below) in Milan, Italy.

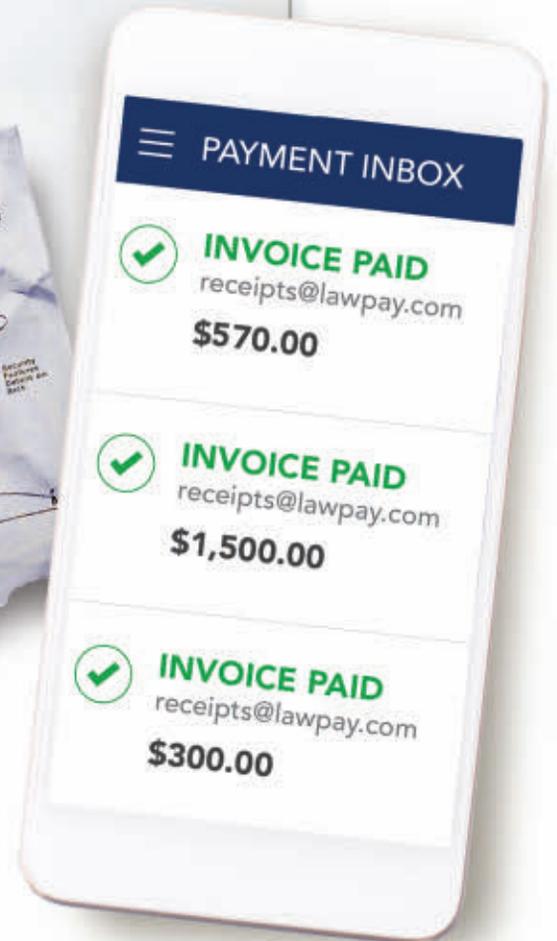


Photos courtesy of the author

Kiss paper checks goodbye

You deserve a payment solution that doesn't leave you waiting and wondering.

xoxo LawPay



Paper checks are notoriously unreliable. They get lost in the mail, they get tossed in the laundry, and they carry a lot of sensitive information around with them wherever they go.

LawPay changes all of that. Give your clients the flexibility to pay you from anywhere, anytime. Most importantly, we ensure you stay in compliance with ABA and IOLTA guidelines.

It's easy to get started

866-645-4758 or visit lawpay.com/wsba



WSBA members receive a 3-month FREE trial

LAWPAY[®]

AN AFFINIPAY SOLUTION

Offices in Tacoma & Seattle
Connelly-Law.com | 253.593.5100



PROVEN ADVOCATES - PROVEN RESULTS



John R. (Jack)
Connolly



Lincoln C.
Beauregard



Micah R.
LeBank



Nathan P.
Roberts



Julie A.
Kays



Amanda M.
Searle



Evan T.
Fuller



Meaghan M.
Driscoll



Marta L.
O'Brien



Samuel J.
Daheim



Jackson R.
Pahlke



Matthew J.
Wurdeman

We look forward to assisting you in your pursuit of justice.

TRUTH | JUSTICE | ACCOUNTABILITY | EQUAL ACCESS