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

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NWLawyer Submission Guidelines
NWLawyer relies on submissions from WSBA members and nonmembers that are of interest to readers. Please email nwlawyer@wsba.org if you have questions about your submission or to discuss a topic for an article. 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 kept to a minimum. Please include a brief author’s biography, including contact information, at the end of the article. High-resolution graphics and photographs 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. For questions or a how-to guide on writing an article for NWLawyer, email nwlawyer@wsba.org. NWLawyer is published nine times a year (FEB, MAR, APR/MAY, JUN, JUL/AUG, SEP, OCT, NOV, DEC/JAN) on or about the first of the month. The current circulation is approximately 34,000.
Moving On

BY TODD TIMMCKE

I will be leaving my position as the managing editor/ graphic designer of NWLawyer on Sept. 1. It will be nearly 13 years since I started at the WSBA and during that time I have designed nearly 150 issues of the magazine and nearly 10,000 pages. I’ve been a behind-the-scenes type of guy, but I wanted to take this opportunity to say hello … and goodbye. I’ve been lucky in my career. I’ve been fortunate to have a job which is creative, challenging, involves working with words and ideas, and where the end product is something you can touch and hold in your hands. It’s been a joy to help create a publication that will be seen by potentially 35,000 (or more) people.

These lyrics from “Putting It Together,” from Stephen Sondheim’s musical Sunday in the Park with George, sum up my job as graphic designer/managing editor fairly well.

Bit by bit,
Putting it together.
Piece by piece
Only way to make a work of art.
Every moment makes a contribution,
Every little detail plays a part.
Having just a vision’s no solution,
Everything depends on execution:
Putting it together
That’s what counts.

While likening NWLawyer to a work of art may be a stretch, I have approached designing the magazine with the idea that it should be a quality product that members can be proud of — something that should stand the test of time (it’s registered with the Library of Congress, after all). I have strived to create a publication that is easy to read, substantive, creative, and where design enhances the message. I recall spotting a woman reading the magazine on the bus. After introductions, she told me that she liked the magazine very much and then confided that she wasn’t embarrassed to show the magazine to her friends and colleagues. I took that as a compliment! I hope our team has produced a publication that is worthy of its readership and one that members are proud of.

The job has come with its challenges. The lyrics to the song above continue with:

Art isn’t easy
Every minor detail is a major decision
Have to keep things in scale
Have to hold to your vision …

There hasn’t been an issue of the magazine that we have put to bed that didn’t present its struggles. It hasn’t been easy trying to produce something fresh, something of quality in a strict deadline-driven environment. I thought it would become easy and routine, but it hasn’t. Which has been a good thing. I am sure that is what kept me going and held my interest through the years.

When reviewing my time working at the WSBA, other Stephen Sondheim songs come to mind. There was “Not a Day Goes By” that I didn’t think about the magazine, its content, or solving a graphic dilemma; “I’m Still Here” for those countless nights and weekends worked when trying to meet constant deadlines; “I Think I’m”) “Losing My Mind” for when I was sure I forgot to include something critical; “I’ve Got You to Lean On” for the help and guidance I have received (props to the WSBA Editorial Advisory Committee), and “Move On” for the transformation of the magazine from Bar News into NWLawyer in 2012 and the positive changes in the magazine that have occurred over the last 13 years. Okay, I’m totally belaboring this song analogy, but now you know that I love Sondheim musicals and, it’s true, there’s a song for everything.

Even though you may be surprised at the small number of people who put actual hands on in producing NWLawyer, I want to give heartfelt thanks to these people for supporting me through the years: Stephanie Perry, Amy Hines, Judy Berrett, Joni Jabker, Linda Jenkins, RaeLani Valaile, Jennifer Olegario, and Debra Carnes.

And I know things now,
Many valuable things,
That I hadn’t known before …

I’ve learned a lot. I know that working in a creative and challenging job you love is a privilege. That positive social change doesn’t occur without the law, lawyers, and visionaries. That recognizing the power of your profession (whatever that may be, but especially the legal field) is a first step to doing some good in the world. Thanks for the opportunity. Thanks for everything. Time to “Move On.” NWL
Let us hear from you! We welcome letters to the editor on issues presented in the magazine. Email letters to nwlawyer@wsba.org. NWLawyer reserves the right to edit letters for clarity and space. NWLawyer does not print anonymous letters or more than one submission per month from the same contributor.

What about moms?

The June 2016 edition of NWLawyer featured a very sweet series of articles dedicated to Father’s Day [“Fathers Figure...” JUN 2016 NWLawyer]. There was the article about how a woman was responsible for Father’s Day as a national holiday, and tributes to fathers who influenced their children to become lawyers. There was my favorite about David and Christian Linville, who practice law with their father. These were all touching and well-written... but as a mother of a 16-month-old with another baby on the way and a solo estate planning practice to run, I had to wonder — what about mom? Where was our Mother’s Day tribute in the NWLawyer?

I’m not saying that dads out there don’t deserve credit, but one of the reasons why I am working so hard is to show my daughter what a strong female role model looks like. And I have other female colleagues with young children and bustling law practices who are doing the same. The April/May edition gave a nod to keeping women in the practice and certainly honored how hard it is to pull the double duty of a mom at home and a lawyer at work. But I also believe that like many of the featured columnists in “Fathers Figure,” there are plenty of female WSBA members who could contribute to their own tales of how their mothers influenced them to become the attorneys, and people, that they are today.

There’s always next year, right?

Kate Shaw, Tahoe City, CA

What about dads?

When will we get articles on balancing being a dad and attorney? Surely the author [of the JUL/AUG 2016 NWLawyer article, “The Mommy Track: New Variations on the Balancing Act for Attorney Mothers,” by Elizabeth Poh] could have found at least one father to profile who was stressed at balancing parenthood and a demanding career, and took a unique path to find balance. Poh’s sexist article places the bulk of parenting responsibilities on mothers “to have it all.”

Dena Burke, Omaha, NE

The author responds: I am truly sorry if my words offended. I did not mean to suggest that fathers, or those without children, are immune from these challenges. The tension between our lives and our work can arise from countless sources — our children, our parents, our health, our pets, our friends, our romantic partners, our spirituality, our art, our passions, our communities. I don’t feel it is helpful to argue about how one group might be worse or better off than others. But there is value in sharing the stories of our struggles and our individual ways of facing those struggles, as a means of providing inspiration and hope to others. Given our cultural landscape and history, mothers pursuing legal careers face some unique challenges that are worthy of discussion. I have no doubt that fathers and those of us without children face similar challenges and could share many valuable insights about how they creatively pursue the elusive work-life balance. Like you, I’d love to hear their stories. Thank you for your willingness to share your perspective on the article. — Elizabeth Poh

Mental health needs of our members

I commend President Hyslop for addressing in his June column the alarming rates of mental health issues and addiction among lawyers. I wish I was...
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able to agree with him that “WSBA is instrumental in assisting attorneys in need...” through the Lawyers Assistance Program. That is the goal of the Lawyers Assistance Program, but since its budget was greatly reduced a number of years ago, I have observed numerous lawyers who are unable to obtain meaningful assistance. According to the information on the WSBA’s website, the current budget for the Lawyers Assistance Program is now $148,377. In 2012, it was more than twice that amount. By contrast, the budget for the Office of Disciplinary Counsel is now $5,439,416, and has increased significantly since 2012.

Because I represent lawyers who are embroiled in lawyer discipline matters, I am often in contact with members in need of better mental health services. I realize that the vast majority of our membership have no idea how prevalent depression, anxiety, and other mental health problems are in our profession or the number of lawyers who cannot afford to get help. But that does not excuse the paltry sum we are now spending on assisting these members. Lawyers who do not get help are significantly more likely to end up with serious disciplinary matters. Perhaps the Board could consider the old axiom, “an ounce of prevention is worth a pound of cure” and revisit whether its priorities as shown in the budget reflect its values.

Anne Seidel, Seattle

DAN CRYSTAL, PROGRAM MANAGER, WSBA LAWYER ASSISTANCE PROGRAM, responds:
Thank you, Ms. Seidel. We appreciate your feedback. As a reminder to members, the Lawyers Assistance Program (LAP) continues to offer all WSBA attorneys free counseling services in their local community through our WSBA Connects service in partnership with APS Healthcare, a subsidiary of KEPRO. Attorneys are also welcome to contact LAP for referral or consultation at lap@wsba.org or call 206-727-8268.

Ear-to-ear smiles

Loved the feature about “Lawyers and their Hobbies” [JUL/AUG 2016 NWLawyer]. I encourage you to make it a regular monthly feature. Not only was it uplifting and reflective of some unusual pursuits, but may encourage those of us to connect who share similar passions or have thought about getting started. I now better understand why my daughter still sings in two choirs. And why I enjoy hearing my attorney son-in-law’s constant snowboard and fishing stories (and eating his catch). I remember why I used to love hearing my family doctor sharing his sailing adventures, and enjoying my dentist’s superb photography. Two of my college house mates (and still close buds) turned their hobbies into their livelihoods. Dinking around at a college radio station, to professionally doing the recording mastering for the Grateful Dead. The other loved mime, and after college ran away and joined the circus (Barnum and Bailey). We need more features that put a spring in our step and elicit ear-to-ear smiles.

Mike Goldenkranz, Seattle

Not everyone gets a trophy

It is admirable that Monika Gruszecki has been able to incorporate her Olympic-level training into her law school routine [JUN 2016 NWLawyer, “Achieving Your Personal Best: Gonzaga Law School Student and U.S. Olympic Hopeful Monika Gruszecki”]. However, I am sure that if you asked around you would find many more stories of individuals who found time during law school to take on a variety of other interests. Perhaps part of the problem with the profession is that there is not enough emphasis on balance right from the start.

In my case I played intercollegiate football during my first year of law school; starting on the defensive line for the “Gee-Gees” at l’Université d’Ottawa. Making my student life a bit more interesting, I was the only native English speaker in the French section of the common law program at the université. And I also found time to serve as a leader for Scouts Canada one night a week, which I did during the whole time I was in law school.

During my second year of law school I transferred to the University of British Columbia in Vancouver, and although I could have played football, decided against it, playing hockey instead with my friends in a local recreational league. I took a year off between my second and third year of law school to pursue my MBA at Simon Fraser University. That program required four semesters so during the first semester of my third year of law school I was also enrolled full-time in my MBA program; this required juggling the coursework at two universities located 16 miles apart.

Adding a further challenge to my studies, my wife was hospitalized with complications related to pregnancy during my whole final semester of law school, and every evening was spent visiting with her in the hospital.

At the time, and still years later, I didn’t see this as anything special. It just added some variety to my studies and my life, making the whole experience more interesting. Maybe some variety and outside interests are what our law students need today to teach them that life is more than grinding away.

Tom Prescott, Oakland, CA

Update on Olympic hopeful Monika Gruszecki

Monika Gruszecki told us that words of encouragement came pouring in from NWLawyer readers after her cover story in our June issue. Her intense training during law school did not ultimately result in a spot on the U.S. Olympic javelin team. “To be perfectly honest, I am not disappointed at all. This past year has been a fun adventure in pushing the envelope, both academically and physically. I had to be disciplined and consistent on both fronts, and I succeeded,” she says. Gruszecki had this takeaway to share with all of our readers: “Be genuine and kind. The athlete world is, in many ways, just like the world of lawyers. We have to compete against each other, but maintaining a cordial relationship is essential for our own progress.” We support her and all those in the legal community who strive to reach their personal bests. —L.J., Ed.
In my last column, I talked about the significant change we have all witnessed in the legal profession in the first 125 years of our Bar. Moreover, the pace of change is occurring faster today than ever before. Through all this, we each work to provide the best and most relevant services to our clients at all times.

At the WSBA, your Board of Governors and the professional staff work very hard to stay abreast of the dramatic and fast-paced change occurring in our profession globally and throughout the United States. At the same time, for attorneys and judges who are trained to be deliberate, ask questions before deciding, and follow and appreciate the principles of stare decisis and legal precedent, change often comes slowly and with challenges. And that is the path that the WSBA has followed in addressing how it governs itself.

How your State Bar governs itself
At our September meeting, the Board of Governors will be presented for approval a new set of Bylaws which both updates how your Bar operates and addresses changes that have been carefully considered and vetted. The process has been exceedingly deliberate and thorough. Adopting new bylaws will be the culmination of a five-year process involving input and review by many members and the careful consideration of the means for the State Bar’s governance system to remain vibrant and responsive for years to come.

The mission of the WSBA is quite simple and straightforward:

The Washington State Bar Association’s mission is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.

The WSBA operates under authority delegated to it by the Washington Supreme Court and as part of the judicial branch of state government. We are a self-regulated profession and are self-funded through our annual license fees. We function both as a regulatory body and as an association providing services to all members. Regulation includes bar admissions, licensing, public protection, and the lawyer discipline system. Member services include continuing legal education, ethics information, new lawyer education, and a whole host of other important services sought out by members on a daily basis which assist them in working to be successful in helping their clients.

With that backdrop, the Board of Governors created the Governance Task Force in 2012 to address WSBA’s “overall governance including, but not limited to, the structure of representation, boards and committees, staff and financial matters; continuity of operations from year to year; interrelationships between staff and the governing body; and effective means of reviewing programs and goals.” Over the course of frequent meetings, the Task Force examined best practices and conducted an extensive and impressive top-to-bottom review of WSBA governance issues with the intention of ensuring that your Bar remains “vital and strong so that it can tackle the complexity before it today and in the future.” The Task Force met 18 times over the course of...
its work. It presented its draft findings in the spring of 2014, and ultimately issued its final report in June 2014 with its 17 recommendations to the Board and to the Supreme Court. Its report and recommendations are available on the governance page on the WSBA website for all to review.  

The Task Force’s incredible work was followed by a more than year-long in-depth review of the recommendations by the Board of Governors. At the same time, the Washington Supreme Court formed its own governance review committee and conducted its own independent review of the recommendations. The Board received input from members and held discussions over the course of six meetings. All of the input was made available to members and the public on the WSBA website. Throughout the Task Force and Board processes, there have been over 30 public meetings. 

A year ago, in September 2015, the WSBA Board of Governors issued its extensive report on governance entitled “Leadership for Today and Tomorrow.” The Board addressed and responded to each of the Task Force’s recommendations. Many recommendations were adopted, some with modifications. The Board then created its Bylaws Workgroup, which has spent this past year reviewing and crafting the Bylaws changes necessary to implement these recommendations.

What changes are most important? As would be expected, some changes are more significant than others, and the ultimate answer to this question depends upon one’s own view of the State Bar. Are we balanced between an organization servicing its members and a regulatory body? Do we exist to serve the public through the education and support of our members, or should we exist only to license attorneys and discipline those who violate the rules or harm their clients? Are Board members elected to represent a single constituency, or do they serve to promote the interests of the organization and the profession as a whole? Are there voices not currently heard and will your State Bar be better served with that contribution? These are just some of the questions considered throughout this massive multi-year undertaking.

I heartily encourage you to review the reports and background of this governance review process posted on the WSBA website at the governance page. Here are a few of the governance changes that, if adopted, will benefit our State Bar, and thereby benefit our justice system and the public we serve.

The Washington State Bar
We have been called an “association” for over 125 years. However, the State Bar today is much more than that. It performs numerous mandatory regulatory and licensing functions not characteristic of an association. Of the 34 mandatory state bars in the United States, only eight continue to carry the vestige of an “association” in their formal name. The rest have recognized the balance of the regulatory and service roles provided. It is time for Washington to make this change, recommended both by the Governance Task Force and by the Board of Governors.

In making this change, member services are NOT diminished. Your Board and the State Bar’s staff all recognize the importance to our profession in this state of providing high-quality CLEs and other services important to the integrity of the work we all do for our clients. The mission of the State Bar has not changed, but the name will better reflect for the public and for our clients that we are far different than a voluntary or conventional trade association that advocates political positions for its members.

Community members
When I served on the Board of Governors from 2000 to 2003, the Board of Governors took what some called a bold step of creating an at-large seat on the Board in order to ensure that the voice of underrepresented groups could be better heard. Up to that point, governors were elected solely by the attorneys in their respective congressional districts. Today, the Board has three at-large positions, two committed to expanding representation by “lawyers whose membership is or may be historically under-represented in governance, or who represent some of the diverse elements of the public of the State of Washington, to the end that the Board of Governors will be a more diverse and representative body than the results of the election of Governors based solely on Congressional District may allow.”

The third at-large seat is selected by nominations from the Young Lawyers Committee, again with the purpose of helping to ensure that the voice and needs of new and young attorneys are present at the Board table. This is an ever-expanding important group of State Bar members, and they represent...
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In my opinion, these additions to the Board of Governors have significantly improved both the representation of our diverse membership and the quality of the decisions made on behalf of all of our members.

Now, we need to address the composition of the Board once again. The Bylaws Proposals will lead to the addition of three additional at-large seats on the Board. They would provide the opportunity for community members and other licensed professionals to be heard and provide input toward the Bar making the best decisions for the legal profession.

Officers of the Bar have the opportunity to meet with leaders from other states from time to time. Leaders of boards with community members are universal in their praise for the input from their community members. They find that the addition of this perspective has been exceedingly valuable and that informed and experienced community members are available to serve. One fellow bar officer from another state told me recently that she was amazed that Washington has not taken advantage of this type of board representation before.

Likewise, the proposed Bylaws will enable the representation from one or more other licensed professionals. The State Bar issues three types of licenses; we are not an attorney-only organization. The Supreme Court has directed the Bar to administer both LPO and LLLT licensing. Limited Practice Officers (LPO) have been licensed for 30 years or more. Today, Limited License Legal Technicians (LLLT) are also licensed by the State Bar after rigorous education and testing. LLLTs are currently licensed to perform limited services in the family law field and the Supreme Court-created LLLT Board has been studying other potential areas. Nothing occurs without Supreme Court approval and adoption of the appropriate rules. Particularly in the case of the LLLTs, they serve a group of the public that is often woefully underserved or underserved by practicing attorneys. At the present time, there are approximately 971 licensed LPOs and 15 LLLTs.

We are not an exclusive or protective organization. The addition of three new at-large members to the Board will add to the quality and depth of governance and decision-making for the entire membership.

Join us for these discussions

These are just two of the areas of change incorporated into the proposed bylaws. All has been posted on the WSBA website throughout the multi-year process. Each step along this pathway has been transparent and has invited input from all members. That process continues. If you have questions, contact members of the Board of Governors; their contact information is listed on the WSBA website. Each governor is always available to you. Likewise, come to the Sept. 29–30, 2016, meeting of the Board to be held at the WSBA offices or view it online.

Thank you

This is my last NWLawyer president’s column as 2015–16 WSBA president. It has been a tremendous honor and privilege to lead this organization over the past 12 months. Anyone who has served in this role will tell you that it is a huge, challenging, and rewarding task, but that the real work and the real thanks go to others. The Bar is successful as a result of the hard work and commitment of the more than 800 member volunteers serving on numerous committees, boards, and sections, each of the members of the WSBA Board of Governors and the incredible WSBA professional staff members who work every day to bring respect and integrity to our justice system in countless ways.

Our State Bar represents an incredible collaboration of great minds and hearts. We are the beneficiaries of a tremendous working relationship with our courts at all levels. This is particularly true of the nine members of our Supreme Court, each of whom works tirelessly on administration of justice issues in addition to their more public role of hearing and deciding difficult cases and issues brought before them.

Our profession has both a great history and a great future of providing service to others. Whether it is in protecting equal access to the justice system for all, constantly working to maintain and grow the public’s respect for the justice system, ensuring the relevance and future of legal services in this state, or in helping every member to be ethical, professional, and of service to others, the WSBA does great things for so many.

On the personal side, I thank my partners at the Lukins & Annis P.S. firm in Spokane for your support and your patience. You are the very best!

And most important of all, I thank my wife and my family for your encouragement and your love throughout this past year. By next summer, I’ll be looking forward to buying a fishing license again, teaching my grandsons how to bait a hook, and taking the dog for a walk now and then.

Thank you to the 38,000 members of our State Bar. I look forward to continuing to serve as your past president, and I encourage you to continue to contribute your time and your good efforts to our profession. Together, we will continue to do great things for the public that we serve and the justice system that we love! NWL

Bill Hyslop is the WSBA president and can be reached at whyslop@lukins.com.

NOTES
2. Introduction to WSBA Governance Task Force Report.
6. WSBA Bylaws, Article VI. Elections, Section D.I. At-Large Governors.
What’s the Supreme Court Have to Do With It?

Early in my time as an assistant dean at the University of Washington School of Law, I began to notice that many of my faculty and staff colleagues had certificates hanging on their office walls from the Washington Supreme Court. Finally I asked someone, “How do you get one of those?” Apparently, in the blur of information received from the WSBA after I passed the bar exam, I had missed the information about ordering the certificate from the Supreme Court marking my entrance as a licensed attorney in the profession.

Beyond that experience, I don’t recall thinking much more about the role of the Supreme Court vis-à-vis the legal profession other than to order my own certificate and hang it proudly on my office wall. Fast forward to 2003 when I joined the WSBA staff. I had been actively involved with both the WSBA and KCBA while assistant dean, but it wasn’t until I started working at the WSBA that I began to truly understand its twinned roles of regulator and professional association along with the relationship of the WSBA and the Supreme Court.

While the State Bar was created some 125 years ago, it wasn’t until 1933 that we became a mandatory bar: that is, a bar where it is mandatory to be a member to practice law in the state. The mandatory bar is actually the more common form across the U.S., with 33 jurisdictions having mandatory, or integrated, bars. Mandatory bars are often referred to as integrated bars because the regulatory functions and the professional association functions are integrated into one entity.

So what does the Supreme Court have to do with all of this and the WSBA? Put simply, everything. Granted, the integrated bar was created by the State Bar Act, but over the last several decades the Court has made clear through case law and rulemaking that the Court has sole and exclusive authority over the regulation of the practice of law in the state as well as over the WSBA, whether in relation to its regulatory work or other ancillary functions.

In addition to case law, the Court’s expression of its authority over the WSBA can be found in General Rule 12, which codifies the role of the Court in relation to the Bar. Interestingly, GR 12 was requested by the WSBA back in 1987 in order to, among other things, set forth the purposes of the Bar in court rule. Then-President William H. Gates Sr. wrote in the cover memo to the Court that the Board believes “this is a proper subject for the Court’s consideration and action in light of the Court’s control of the profession and the Association as set forth in the Graham case and other decisions.”

Later in the cover memo he relays: “The Association is clearly an instrumentality of the Supreme Court and it is wholly appropriate for the parent to, by rule, set the purposes of its instrumentality.” Later that year, the Court adopted GR 12.

In recent weeks, as the Board of Governors considers suggested Bylaw amendments to effectuate changes resulting from a years-long governance review, some members have expressed a concern that the Board is “giving control
UPCOMING DECISIONS ON WSBA FY17 BUDGET AND 2018–20 LICENSE FEES

In July, the Board of Governors reviewed the draft FY17 budget and proposed 2018–20 license fees, as recommended by the Budget & Audit Committee.

The FY17 draft budget, which supports regulatory work, professional service programs, and operations, includes $18.8 million in expenses, $16.9 million in revenue, and planned use of up to $2 million in reserves. FTE are reduced to the 2008–09 level (141.9). Proposed license fees are $449 in 2018, $453 in 2019, and $458 in 2020.

The Board will take action on each of these items in September. Additional background and details can be found at www.wsba.org/about-WSBA/Financial-Info.

JOIN US FOR A TOWN HALL ON SEPT. 14

If you are interested in discussing any of the issues being addressed by the Board of Governors, please join us in Seattle on Sept. 14, 4–5:30 p.m. This event will also be webcast. The panel will feature WSBA leadership and Washington Supreme Court Chief Justice Barbara Madsen. Check the WSBA website for more information.

BYLAWS WORK GROUP AND PROPOSED RECOMMENDATIONS

The WSBA Board of Governors created the Bylaws Work Group in August 2015 to incorporate the recommendations of the Governance Task Force Report that implicate the Bylaws and determine the necessary Bylaws changes for effective implementation of the report’s actions and ensure any revisions are consistent and uniform.

To learn more about the work group and to read about the proposed Bylaws amendments, visit http://www.wsba.org/legal-community/committees-boards-and-other-groups/bylaws-work-group.

PAULA LITTLEWOOD is the WSBA executive director and can be reached at paulal@wsba.org.

of the Association over to the Supreme Court” and trying to turn the WSBA into a governmental agency. The case law and GR 12 are both evidence that the current relationship already reflects that model. We are fortunate in Washington to benefit from such a close working relationship with our Court, a collaboration that not all states enjoy.

While some express concern that an integrated bar generates an inherent tension between the roles of serving its members and serving the public, those two roles are not mutually exclusive, as the integrated bar model provides a more robust mechanism for serving our members in furtherance of our obligation to serve and protect the public. Ensuring competent and qualified legal professionals is achieved through programming that benefits and enhances our members’ practices, which in turn provides the best and most qualified legal professionals to serve the public. Foremost, ours is a profession with special responsibilities to our clients, the public, and the courts of justice.

The license fee, as set by the Board of Governors and subject to a “reasonableness” review by the Supreme Court per GR 12.1, provides the funding to maintain both important member benefits and services, while meeting our regulatory obligations. The WSBA continually assesses the needs of the profession, the needs of the public, and the necessary resources to fulfill our obligations consistent with Court authority and our mission and Bylaws. The license fee reflects the Board’s careful deliberation and assessment about the programming needed to meet all of these responsibilities.

While an integrated bar is a complex organizational model, it also provides a great opportunity for serving our members and the public — and, perhaps most importantly, the vehicle for our Bar and the Supreme Court to work together on advancing a strong legal profession that meets the needs of the consuming public. NWL
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Left to right: Michael WSBA No. 45501; James Agent No. 007; Mark WSBA No. 8463; Donovan WSBA No. 5624

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In my role as a law librarian, I work with international students every day, most often in the areas of legal research and writing. I watch them embrace their studies and, often, commit themselves to becoming practicing members of our local legal community. It is a welcome reminder that for many students and attorneys, the law still represents a profession in which one can improve one’s own life trajectory, support social justice and access to legal services, and advocate for the most vulnerable in our communities.

Isatou Jallow is a foreign-trained attorney from Gambia, Africa, and a current LL.M. student in the Sustainable International Development (SID) program at the University of Washington School of Law. Recently, I had the privilege of sitting down with Isatou to hear her story about her path to the legal profession, her work as a disability and women’s rights advocate, and her own struggles with homelessness, displacement, and disability.

As a degreed lawyer and now LL.M. student, Isatou represents a growing trend in graduate legal education — once she earns her degree at the University of Washington in December 2016, she will be eligible to sit for the Washington State Bar Exam and become a licensed attorney in our state. Washington’s legal community is changing and expanding in ways that enhance the diversity of our profession and provide new opportunities for service, thanks to recent amendments to APR 3 (Applicants for Admission to Practice Law).

Early Life and Education
Isatou, the oldest of seven children, was raised by her grandmother in a small town called Bakau on Gambia’s Atlantic coast. She spent her childhood in a compound that included her grandmother, her siblings, and her grandfather’s three other wives. Isatou was born with a congenital malformation that affected one of her legs — a disability that, by community standards at that time, should have limited her options to one: a lifetime of begging on the streets of Bakau. As a disabled child, it was both common and acceptable for adults and children to publicly mock Isatou’s disability. Disabled children did not usually attend school, and there was no expectation that Isatou would ever be able to support herself.

Isatou’s grandmother, however, envisioned a better life for her granddaughter and encouraged her to go to school. For a time as a young child, Isatou was able to make the two-mile trek to elementary school in another part of town by dragging her deformed leg behind her down the sandy, red rock road. But things changed when Isatou was about eight years old. One day, a group of local women arrived at her compound and began rounding up the girls for what would turn out to be forced female genital mutilation (FGM). Isatou remembers feeling confused and scared when the women arrived. She tried to run but her leg slowed her down. She was captured and taken from her home with the other girls, including her five-year-old sister.

Isatou was forced to endure Type 3 FGM, the most severe and physically harmful kind. She recalls being held down during the mutilation so that she couldn’t escape. Being restrained further damaged her deformed leg, as did the next two months of sleeping on a dirt floor while she “healed.” When Isatou was finally allowed to return home, she experienced so much pain and atrophy in her leg that she could no longer walk by dragging it behind her. Attend...
ing school became impossible, and she spent the next academic year at home. This year-long isolation from school was a unique form of torture for a young girl with a bright mind and a deep desire to become educated.

During that year at home, her grandmother connected with a social welfare group that secured Isatou’s first wheelchair. The chair, which was adult-sized, was not a good fit for a then ten-year-old girl. She was unable to wheel it herself, but with the aid of that wheelchair, Isatou did return to school. For the next few years, someone wheeled her to and from school each day until she was old enough for junior high. Isatou spent three years in junior high and then moved to high school. She attended a private high school because the public school could not accommodate her disability; there were no elevators and no support for someone in a wheelchair. Even at the private high school, new logistical challenges arose and a dedicated friend once again accompanied Isatou to school during these years.

By the time Isatou graduated from high school, she had already achieved much more than anyone expected of her, but she was determined to keep moving forward. Her personal and painful experiences had ignited her passion for disability and women’s rights and she decided that the best way to advocate for these issues would be to attend law school and become a lawyer. There was one big problem with her plan, however, because there was no law school at the University of Gambia in 2005. Isatou’s only real option for getting a legal education and becoming a lawyer was to leave her country.

In 2006, Isatou was accepted into the law and political science program at the L’Université Mohammed V in Morocco on scholarship. When she arrived in Morocco, she encountered a whole new set of linguistic and logistical challenges, in addition to the deep homesickness that comes from being separated from one’s family and support system. Before beginning her law program, Isatou was required to study intensive French for a full academic year. Although Isatou lived in student housing, she could not actually attend classes in person because the classrooms were not wheelchair accessible. She was forced to stay in her apartment, relying on classmates to bring her handouts and other materials from class. She only went to school to write her exams, which were all in French. In the end, Isatou passed all of her exams, but the lack of accommodation for her disability prevented her from fully participating in the academic experience.

Isatou decided to do something that required courage and resourcefulness: she asked for help. Although she did not have high expectations, she sent a letter to the Gambian ambassador in Morocco asking for assistance with transportation to school. To her surprise, the ambassador agreed to help and even volunteered his driver to take her to and from school each day, which he did for the next three years. When the driver wasn’t available, the ambassador’s wife drove Isatou to school. Remarkably, Isatou graduated from law school on time with her class.

Return to Gambia
After Isatou graduated, she returned home to Gambia to find a legal job in government, one of the requirements of her scholarship. This requirement would turn out to be the catalyst for her leaving her family and country. No one would hire Isatou because of her disability. She experienced discrimination that she knew existed but could not prove — it was unusual for a Gambian law graduate from Morocco not to find employment. She applied for job after job and was rejected from each one, even though she was qualified and other newly-educated lawyers had no trouble finding government employment. Frustrated, Isatou tried the private sector and then volunteer legal positions. No one would hire her. Thus, the very same challenges that she endured as a child in her community followed her into adulthood. Her deformed leg was the only thing about her that potential employers noticed. She could not contribute to her family, her siblings’ education, or advocate for the disabled and the women in her community as she so desperately wanted.

Forced Migration
When Isatou finally accepted that there was no future for her in Gambia, she decided to leave for the United States in what felt to her like a forced migration. By then it was 2012, and the only plan she had was to travel from Senegal to Washington, D.C., alone. Though she knew some people in the United States, she had almost no money and no place to stay.

After arriving in the U.S., Isatou learned of a large Gambian community in Washington state and made her way to Everett. She found temporary lodging with a Gambian family and joined the Everett Public Library so that she could access the internet. During her first year in Washington, she connected with several social services organizations, including the Northwest Immigrant Rights Project, HealthRight International,
al, and Lutheran Community Services. Each of these organizations provided or connected her with legal counsel, therapy, transport, and medical care, including referral to Dr. Alexandra Molnar at Harborview Medical Center’s International Medicine Clinic, who continues to provide Isatou with primary care today.

Isatou would go on to have multiple surgeries, including one to amputate her deformed leg. Although she had always been optimistic that one day she would walk on her own two legs, it was not to be. In order to walk, Isatou would need to have her deformed leg amputated and fitted for a prosthetic. Isatou was very upset when she got this news, but she now accepts what she cannot control. After coming to terms with the diagnosis, she felt even some “excitement” about the amputation simply because it was a decision and she could move forward with her life.

On May 16, 2013, Isatou’s leg was amputated. The amputation was followed by more surgeries to reverse the FGM, all at a time when she also lacked stable housing and was essentially homeless. Her immigration attorney André Olivie, a sole practitioner in Seattle, even paid for her to rent a room so she would have a safe place to live and recover until she moved to Jubilee Women’s Center in December 2013.

Isatou lived at Jubilee for two years, during which time she had three more surgeries, got fitted for a prosthetic leg, and started planning to go back to school. She wanted to practice law in the U.S. and believed that the only way to do this was to attend law school and earn an American law degree. She was accepted into law school in Indiana but deferred because of the need for additional surgeries. While she was recovering, she completed job training at Goodwill and worked in customer service for Xerox in Federal Way.

Around the start of 2015, Seattle was starting to feel like home for Isatou. She had made connections and developed friendships with some of the professionals who had been providing her care. Dr. Molnar even invited Isatou to be her assistant teacher. Together, they did a number of presentations about barriers to health care for immigrants, including one at UW Law in February 2015. While at UW Law, Isatou happened to speak with a staff member for the school’s LL.M. programs and discovered that she was eligible to apply for admission into one of the programs because she holds a foreign law degree. She applied for, and was accepted into, the Sustainable International Development program, which focuses on international development law, for the 2015–16 school year. Receiving her acceptance into the program was one of the happiest days of her life, she says.

The UW Law Sustainable International Development LL.M. Program

Isatou began her LL.M. studies at UW Law in September 2015, which was also her first higher education experience in English. Though she was a new LL.M. student, she still lacked stable housing and would not move into her own apartment until March 2016. In spite of this and other challenges, Isatou has been thriving as a student at UW Law.
Isatou describes the LL.M. program as “amazing” because she has been able to take classes in core law subjects to prepare for the Washington bar exam while also taking law and development courses. Isatou plans to take the bar exam in 2017 and to practice law in Washington state. She believes that she will be well-prepared to practice in many different areas, but hopes to one day find a position at a nonprofit that specializes in development. In addition, Isatou has been accepted into the University of Washington’s Global Woman, Adolescent, Child Health (WACH) certificate program. She will be writing a capstone paper on women and development as part of that program.

Isatou also plans to continue her advocacy work for disability and women’s issues, focusing on the complete eradication of FGM and helping people with disabilities in Gambia learn life skills and gain independence. She currently serves on the Seattle Immigrant and Refugee Commission. During summer 2016, Isatou interned for Sexual Violence Legal Services in Seattle, where she used her personal experience, advocacy, and legal training to help victims of sexual assault. When she does become a licensed attorney in Washington, she will be in a unique position to advocate for and support those seeking access to legal services and contribute to the diversity of our local legal community.

——Michelle Lynn Graunke, Attorney

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There’s a popular saying among entrepreneurs, especially in the tech field: It’s better to ask for forgiveness than permission. Lawyers, though? Lawyers prefer permission.

“Lawyers are good at saying no,” says Steve Tapia, an intellectual property lawyer for more than 30 years. “But for entrepreneurs, no isn’t an acceptable answer. For lawyers to help entrepreneurs, they need to learn how to think like entrepreneurs. They need to figure out how they can say yes.”

Tapia, who has worked for companies like Microsoft and DirecTV, is now a distinguished practitioner in residence at Seattle University School of Law, where he’s helping to build programs that prepare students for legal careers assisting entrepreneurs at every level of the economy — from smartphone apps to mom-and-pop businesses to multinational corporations.

Those efforts have now grown into the law school’s first LL.M. program. This fall, Seattle University School of Law (Seattle U) will offer a master of law degree in technology and innovation — the first of its kind in the region — as well as an advanced degree in tribal law. A third LL.M. program in elder law will be added in 2017.

The new technology curriculum is based on conversations that the LL.M. program faculty and law school Dean Annette Clark had with employers and other lawyers about what skills and knowledge they wanted to see in the law school’s graduates.

“The ongoing dialogue we had with the legal community suggested that there was a real need for practitioners who understand privacy and security,” Tapia said. “These are increasingly important issues for everyone in business, from the smallest retailer to giant companies.”

The 24-credit LL.M. degrees are open to people who already have J.D. degrees, as well as qualified graduates of foreign law schools. Each degree can be completed in one year of full-time study or two years on a part-time schedule. Evening classes are offered to accommodate working students, building on the law school’s long-standing evening J.D. program.

Area experts and practitioners helped develop the curriculum and will serve as guest lecturers, instructors, and mentors to students in the programs. Tapia said the curriculum is specifically designed to help students pass professional certification tests after graduation.

Technology law

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and the various actors whose interests, perspectives, and goals affect the technology law landscape.

Beyond this core curriculum of study, students may choose to concentrate on either data privacy and cybersecurity or digital commerce and financial technology.

Ravi Kiran is a member of the LL.M. program’s inaugural class. He currently practices as a technology and corporate lawyer in Hyderabad, India, but hopes to relocate to the U.S. “There is an unprecedented demand for lawyers with specific expertise in technological and information security laws,” he says. “Having handled issues emanating from cyber-crimes and financial fraud, I was keen to equip myself with the intricacies of technological advancements, the adverse effects, and regulatory mandates.”

Many lawyers already work in the technology field with a J.D. degree. But Alejandro Villegas liked taking the bar exam. “I really did. I enjoyed it,” he says. “I liked figuring out which legal issues were relevant to the question, because it’s never just one. It’s all intertwined. And the time pressure just adds an extra challenge.”

Perhaps it’s his background as an engineer that gives him his natural affinity for solving complicated problems. As a graduate in Seattle University School of Law’s class of 2016, Villegas spent the last four years attending school part-time, figuring out how a legal education could augment his 10-year career as a security, privacy, and compliance engineer (formerly at Microsoft, now at Amazon).

As it turned out, he found a perfect niche. Intrigued by the overlap of legal questions and engineering challenges in his work, Villegas pursued an independent study with intellectual property scholar Professor Margaret Chon. The result was a research paper about the attorney’s role in cybersecurity and compliance, and it’s been so well-received that he’s traveled both nationally and internationally to speak on the topic at conferences.

“My J.D. is a good foundation. The legal analysis and writing skills I’ve learned have been so important, especially when communicating with a VP,” he says. As he travels to discuss his research at conferences, he realizes the need for more attorneys with cross-disciplinary skills. “Attorneys not only have an opportunity to provide cybersecurity compliance advice, but also a responsibility to participate in all aspects of compliance from an end-to-end perspective,” Villegas wrote in his paper.

Similar to patent attorneys having educational backgrounds in science and technology, security lawyers would be well-served by knowing how engineering works. “Sometimes attorneys will sign contracts with security addenda that aren’t even possible,” he says. “The technology just doesn’t exist.”

Villegas was inspired to keep going with his legal education and will be one of Seattle U’s first students in its new LL.M. degree program in innovation and technology. “This is a perfect opportunity to really focus on one particular area of the law,” he says.
the LL.M. program provides a depth that can’t be found by just learning on the job. “Rather than picking up conventional wisdom and lore, these students will be grounded in all the relevant statutes and regulations — really, the underpinnings of the technology sector,” Tapia says.

As the tech industry moves from adolescence to adulthood, it’s time — some might say past time — for lawyers to be more involved. Privacy and security regulations have long been in place for restaurants, hotels, and taxi services. The sharing economy, made possible by entrepreneurs who know code but not necessarily the law, is now grappling with some of the problems that made those regulations necessary.

“When you’re collecting customers’ information, when you’re taking their money, you have certain responsibilities,” Tapia says.

**Meeting a need**

The goals and dreams of incoming students show exactly how a degree like this can be useful. One is an engineer who plans to patent his own invention. Another is a human resources manager interested in business and employment law. And another is a paralegal for a tribe who would like to become a leader in a tribally chartered corporation.

And for the law school, it’s a chance to meet a need in the community in a way that takes advantage of existing strengths. Seattle University School of Law has the largest Indian and tribal law program in the United States, so the LL.M. and MLS degrees in that field were a natural extension.

The program provides lawyers with both academic and practical training in the areas of tribal law, federal Indian law, traditional forms of governance, and policy within the federal, state, and tribal structures through a rigorous program of study.

The LL.M. in elder law, planned for 2017, will emphasize building skills and knowledge in the areas of access to health care coverage, income maintenance and retirement planning, financing the high cost of long-term care, protection from abuse and neglect, consumer protection, guardianship, age/disability discrimination, housing, and estate and incapacity planning.

“Legal education is what we do best, so it just made sense to offer more of it,” said Dean Clark. “Our faculty are amazing teachers and scholars, and we have a great deal to offer students who want to go even deeper in their legal studies.”

Find out more about Seattle University School of Law’s new programs at www.law.seattleu.edu/gradlaw or email gradlaw@seattleu.edu.
It was spring break during my first year of law school. My friends were visiting their families, my husband was headed to Las Vegas, and I was preparing to go to the Kittitas County Jail. I wasn’t in trouble; I was surveying county jails on how they handle inmates with disabilities.

For the last three months, I had been preparing, doing research on jail policy, and planning the trip with an attorney from Disability Rights Washington (DRW). The night before I left for Kittitas County, I realized that I had no idea what to expect. I had never been to a jail before. What would I say to the inmates? At this point in my life, my knowledge of prisons and jails came from what I had seen on television, read in books and newspapers, and heard on podcasts. I didn’t feel qualified to go, but my nervousness didn’t dissuade me from going. I came to law school with the vision of someday working in the criminal justice system, and I knew I needed to experience a jail.

“You can’t understand most of the important things from a distance... You have to get close,” wrote Bryan Stevenson, a public interest attorney and founder of the Equal Justice Initiative, in his 2014 book, *Just Mercy: A Story of Justice and Redemption*. So I decided it was time for me to get close to the issue of disabilities in jails. I would be reviewing county jail policies while visiting and observing conditions in our jails with DRW.

**What is Disability Rights Washington?**

DRW is a private nonprofit organization that serves as Washington’s protection and advocacy system within the state for those with disabilities.

“DRW is designated by the governor as the protection and advocacy system for Washington state and has a federal mandate to protect the rights of people with disabilities,” says Reisha Abolofia, a DRW attorney in the Spokane office. “In establishing the protection and advocacy systems, Congress gave us the authority to enter any setting serving people with disabilities. This means we get the rare opportunity to wander the halls of locked facilities to see if people with disabilities are being mistreated or neglected.”

Because of DRW’s status, the settings it can enter range from jails, prisons, homeless shelters, psychiatric hospitals, and any other space where there is a person with a disability.

If and when DRW finds a rights violation, abuse, or neglect in any setting, it engages in any and all types of advocacy to remedy the problem. This advocacy can include litigation, investigation, coalition building, video advocacy, and public education.

DRW also works with thousands of inmates across the state to help them better understand their rights, provide short-term legal assistance, and improve their self-advocacy skills.

**Gonzaga Law Student Involvement**

In the fall of 2015, DRW came to Gonzaga University School of Law to discuss its new project: DRW wanted to view all of Washington jails over the span of one week so that the facilities could be compared and systemic problems would be more visible. DRW set out to visit all of the 38 county jails in Washington over the span of one week to see how inmates with disabilities were being treated. DRW published a report on the findings in the spring of 2016, using the notes gathered from attorneys and Gonzaga law students.

Law students who volunteered for the project spent time over the winter break reviewing and researching the county jail policies they were assigned. DRW prepared a survey tool that all of the students used in their review of the policies. We specifically looked for codes dealing with mental health screening, access to voting, and medication distribution. The survey tool allowed us to collect the same information from each jail. Students visited their assigned county jail with a DRW staff attorney over Gonzaga’s spring break. At the jails, students and attorneys conducted in-person interviews with jail inmates and staff, toured the facilities, gathered additional information not found in the policies, and took photographs and video.

“When we opened our Spokane office, we wanted to craft a project that would
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Jail inmates were almost five times more likely than the general population to report having at least one disability, according to a Department of Justice, Bureau of Justice Statistics, 2012 special report titled, “Special Report: Disabilities Among Prison and Jail Inmates.” The same study finds that nationally, about four out of 10 individuals in U.S. jails have a disability, nearly half of all women in jail have a disability, and, of those with disabilities in jail, 16% have multiple disabilities.

Washington has approximately 12,000 inmates in its jails. Additionally, people with disabilities are incarcerated at a far higher rate than people without disabilities, according to a Washington Office of Financial Management’s 2014 Analysis of Statewide Adult Correctional Needs and Costs report.

After student review of the jail policies with the DRW tool, and jail visits by students and attorneys, it was clear that there were several systemic problems throughout Washington county jails for inmates with disabilities. The most common problems faced by those with disabilities in county jails are the inadequate or nonexistent screening of inmates for mental illness, developmental disabilities, and brain injuries, according to the report published by DRW. Other problems include limited access to medication, inappropriate and unnecessary use of solitary confinement, limited or nonexistent access to programming, inaccessibility of jails for inmates with physical and sensory disabilities, and lack of access to voting.

An inmate I met in the Kittitas County Jail said he didn’t even know the jail had a yard because he had never seen it. He self-identified as having a disability, suffered from severe anxiety, and was kept in segregated housing. This troubled me, considering that inmates not in segregated housing usually got to spend roughly five hours outside in the yard each day. Another inmate I met, who was also in segregated housing, said that he had not been invited to any of the programs offered at the jail, including church services, even though he wanted to participate.

Conclusion

County jails in Washington serve a large population of those with disabilities and currently lack policies and resources to properly care for those inmates. DRW will be releasing more detailed reports throughout the year on the most common problems found in all of the county jails. All reports will be available on the DRW website at www.disabilityrightswa.org.

This experience was eye-opening in many ways for me and my fellow law students. First, we were all able to get firsthand knowledge of what a jail is like on the inside and what to expect from them. Like me, this was the first time many of us were inside a jail. Second, we were all able to witness and contribute to advocacy work in real time.

Throughout the remainder of my time in law school at Gonzaga, I will continue to seek experiences like this one that will allow me to get close to important issues.
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Education is our passport to the future, for tomorrow belongs to those who prepare for it today. — Malcolm X

Amidst proposals of holding state legislators in contempt, imposing personal out-of-pocket sanctions, and closing schoolhouse doors, the Washington Legislature anxiously awaits a decision from the Washington Supreme Court in what may be the next wave of a storm that has been brewing for nearly 40 years.

In January 2012, the McCleary Court held the Legislature had violated its constitutional duty to fully fund K–12 education. Three years later, the Court imposed sanctions of $100,000 per day on the Legislature for failing to comply with its order to adopt a complete plan to fulfill that duty.

Since then, the Legislature has increased K–12 education funding by billions of dollars — appropriating $18.2 billion during the 2015–17 biennium alone. The Legislature now asks the Court to lift its monetary sanction and dissolve its contempt order. Opponents, however, insist that the Legislature has still not done enough. But how did it come to this?

**Education Funding Pre-McCleary**

Decades before McCleary, the Court addressed the Legislature’s failure to adequately fund basic education in Seattle School Dist. No. 1 v. State. At the time of the Seattle decision, a large portion of funding for K–12 public education came from local levies. School districts with failed local levies were on the brink of financial ruin, yet their dependence on local levy funding continued increasing. Given the bleak state of funding, the Seattle Court held the Legislature had violated its constitutional “paramount duty . . . to make ample provision for the education of all children residing within its borders.” Thus, the Court required the Legislature to define “basic education” and provide funding by means of “dependable and regular tax sources.” Reliance on local levy funding was plainly unconstitutional.

Meanwhile, in 1977 the Legislature passed the Basic Education Act and the Levy Lid Act. These pieces of legislation defined “basic education,” created a formula to fully fund basic education costs, and placed a cap on the amount of funding a school district could depend on local levies.

At the time of passage, the Levy Lid Act limited levy funding to 10% of a school district’s annual budget. The levy lid was initially effective in reducing the amount of funding school districts received from local levies. Over time however, the Legislature gradually increased the levy lid. By 2010, the levy lid was back at a staggering 28%.

Compounding these levy deficits, in the early 1990s the Legislature began passing major education reforms to increase the
standards of the basic education program. The reforms placed additional demands on school districts, but failed to amend the funding formula resulting in additional budgetary constraints.

Recognizing a problem, in 2005 the Legislature began performing a comprehensive K-12 finance study to determine the actual costs of providing students with a “basic education.” The study revealed substantial deficits in funding, but the Legislature took no significant action to revise the funding formula.

**McClean and Legislative Reform**

Faced with a funding crisis resembling that of the 1970s, in 2007 a group of parents and over 200 school districts filed the McClean case proclaiming the Legislature was not meeting its “paramount duty” to amply fund education.

While litigation was pending, the Legislature passed two major pieces of legislation — ESHB 2261 and SHB 2776. This legislation redefined “basic education” and established the “Prototypical School Model.” The Prototypical School Model was aimed at fully funding K-12 education by 2018 without the use of local levy funds. The legislation specifically called for full funding of:

1. student transportation;
2. materials, supplies, and operating costs (MSOC);
3. full-day kindergarten; and
4. the reduction of class sizes in grades K-3.

On the heels of this new legislation, the McClean case reached the Washington Supreme Court.

**The McClean Decision**

On Jan. 5, 2012, the McClean Court reached a unanimous decision: “the State has failed to adequately fund the education” for all children in Washington as required by Article IX, Section 1 of the Washington State Constitution.

Echoing its Seattle predecessor, the McClean Court reaffirmed that the duty of the Legislature to fund education is “paramount.” That is, the State’s “first and highest priority” must be to fund education before any other program or operation.

In its examination of educational...
TIMELINE OF THE McCLEARY COURT’S ORDERS AND LEGISLATIVE RESPONSES

JULY 2012 ORDER — required periodic reports from the Legislature showing “real and measurable progress” toward achieving full funding by 2018.

SEPTEMBER 2012 LEGISLATIVE REPORT — provided a baseline description of the K-12 budget in Washington and described the steps taken in the wake of McCleary, including the establishment of the Joint Select Committee on Article IX Litigation.

DECEMBER 2012 ORDER — required the submission of a phase-in plan with periodic benchmarks detailing the progress made toward fully funding ESHB 2261 by 2018.

AUGUST 2013 LEGISLATIVE REPORT — detailed the progress made in the 2013-15 biennium, appropriating $982 million in enhancements to the program of basic education.

JANUARY 2014 ORDER — documented inadequate progress in funding basic education including personnel costs, class size reduction, and MSOCs. Ordered the Legislature to submit a “full-basic-education” plan including “a phase-in schedule for fully funding each of the components of basic education” by April 30, 2014.

APRIL/MAY 2014 LEGISLATIVE REPORT — detailed the progress made toward fully funding basic education, including full funding of student transportation. It did not establish timelines for a plan to fund basic education as ordered on Jan. 9, 2014.

JUNE 2014 ORDER — summoned the Legislature to a show-cause hearing to address why it should not be held in contempt of the Court’s Jan. 9, 2014, Order.

JULY 2014 LEGISLATIVE RESPONSE — admitted non-compliance with the Court’s Jan. 9, 2014, Order, but urged the Court not to hold it in contempt. Asked to have the 2015 budget session to develop and enact a plan.

SEPTEMBER 2014 ORDER — held the Legislature in contempt for its failure to comply with the January 2014 Order. Held sanctions in abeyance until the close of the 2015 legislative session.

JULY 2015 LEGISLATIVE REPORT — documented full funding of student transportation, meeting MSOC expenditure goals, full funding of COLA salary increases, and substantial progress toward full funding of full-day kindergarten and K-3 class-size reduction. Did not include a concrete plan addressing levy reform or personnel costs.

AUGUST 2015 ORDER — imposed sanctions of $100,000 per day until the Legislature adopts a complete plan to fully fund basic education by 2018.

MAY 2016 LEGISLATIVE REPORT — detailed a roughly $5 billion increase in education funding and assured the Court it now has a plan to address levy reform and fund personnel costs. Asked the Court to lift its monetary sanctions and dissolve its contempt order.

Contempt and Sanctions in the Wake of McCleary

True to its word, shortly after issuing its decision the Court began issuing orders to monitor legislative compliance. With each order, the Legislature responded. Each legislative response demonstrated inadequate progress and was met with an additional order. Two years later, the Court finally had enough. Its response: contempt.

For the first time in state history, the Court held the Legislature in contempt.

“The Court expects [orders] to be obeyed even though they are directed to a coordinate branch of government. When the orders are not followed, contempt is the lawful and proper means of enforcement ...”

Giving the Legislature one last chance, the Court held sanctions in abeyance. Its options: purge its contempt by the close of the 2015 legislative session or face sanctions.

By August 2015 — three special sessions and several deadline extensions later — the Court found the Legislature’s 2015–17 budget still fell short. The Legislature had fully funded student transportation, reached MSOC expenditure goals, and made substantial progress toward funding full-day kindergarten and K-3 class size reduction, but it was not enough. The Legislature failed to submit a concrete plan to address personnel costs and levy equalization issues. Thus, on Aug. 13, 2015, the Court ordered $100,000 in sanctions per day until the Legislature “adopts a complete plan” to fully fund basic education by 2018.

Current State of Funding

In May 2016, the Legislature filed its latest report with the Court. Its report details a $5 billion increase in education funding and assures the Court that it now has a plan. That plan is E2SSB 6195. The Legislature promises E2SSB 6195 will fund the state’s basic education obligations “including competitive salaries and benefits for school staff — and [will] eliminate school district dependency on local levies.”

The Legislature thus asks funding, the Court documented discrepancies between the education funding formula and actual education costs; noted major deficits for teacher and administrative salaries; and stressed that the Legislature’s overreliance “on levy funding to finance basic education was unconstitutional 30 years ago ... and it is unconstitutional now.”

To remedy these funding blunders, the Court ordered the Legislature to fully fund the Prototypical School Model set out in ESHB 2261 and staff salaries and benefits by 2018 using “regular and dependable tax sources.” The Court retained jurisdiction and vowed it would not “stand on the sidelines and hope the State meets its constitutional mandate to amply fund education.”
anya L. Barton is an associate at Kutak Rock, LLP in Spokane. Her practice focuses primarily on education and public finance. She can be reached at tanya.barton@kutakrock.com.

NOTES
3. 2016 Report of Joint Select Committee on Article IX Legislation at 11 (K-12 funding increased from $13.4 billion during the 2011-13 biennium to $18.2 billion during the 2015-17 biennium).
5. In 1974-75, local levies supported roughly 25.6% of schools’ total maintenance and operation budgets. Id. at 524, 585 P.2d at 98.
7. McCleary at 539, 269 P.3d at 258.
8. Id.
9. Id. at 541, 269 P.3d at 259.
12. See Plaintiff’s 2016 Post-Budget Filing.
Despite the deeply partisan nature of modern politics, most can agree that optimal functioning of our constitutional democracy hinges upon a citizenry educated in a manner that promotes mindful and productive civic engagement. Each election cycle serves as a reminder that our country and communities alike are best served by constituents who have a basic understanding of the United States Constitution, understand their legal rights and responsibilities, know basic legal concepts, have a general understanding of how the judicial system works, and can identify the various options for exercising their rights or responsibilities. Consequently, providing a high-quality civic education for all young people is critical for meaningful and effective civic participation and government function for generations to come.

The necessity of civic education has long been recognized. In 1790, at the First Annual State of the Union Address to Congress, President George Washington advocated for the education of our nation, proclaiming that “knowledge is in every country the surest basis of public happiness.” He further asserted:

... by convincing those who are intrusted [sic] with the public administration that every valuable end of government is best answered by the enlightened confidence of the people, and by teaching the people themselves to know and to value their own rights; to discern and provide against invasions of them; to distinguish between oppression and the necessary exercise of lawful authority; between burthens [burdens] proceeding from a disregard to their convenience and those resulting from the inevitable exigencies of society; to discriminate the spirit of liberty from that of licentiousness — cherishing the first, avoiding the last — and uniting speedy but temperate vigilance against encroachments, with an inviolable respect to the laws.

President Washington’s words are still relevant today, perhaps more than ever before. The critical piece is identifying how and when to deliver content to young people in a manner that will prove effective. Today, our schools are subject to high-stakes tests that assess math, science, and literacy. Accordingly, instructional time in the classroom has been allocated to ensure competency in the tested subjects. The time dedicated to exploring other subjects in a meaningful manner has been diminished because social studies and civics are not tested. The importance of providing our youth with a high-quality civic education, whether in the classroom or beyond the schoolhouse, must be recognized and given proper priority among other subjects.

Nationwide, there is a growing civic initiative propelled by those who believe that we must address the lack of civic education and work to ensure that all youth are provided access to meaningful civic education either in school or by participating in out-of-school programming. States such as Florida, Illinois, and California have developed robust and dynamic civic education programs that prove promising.

Locally, the Washington Legislature identified and responded to this need for our state’s students, and has added a one-semester civics requirement to the greater social studies graduation requirement for all students.¹

Further addressing this need, our local Council for Public Legal Education (CPL) has launched an ambitious
Civic Learning Initiative to bolster civic learning for Washington state students. Founded in 1997, the CPLE was created to promote public understanding of the law and civic rights and responsibilities. Today, the CPLE pursues this mission by conducting, coordinating, encouraging, and publicizing public legal education efforts in Washington state.

The CPLE will be convening two civics summits in 2017, the first in January in Olympia and the second in Seattle in October. The Civic Learning Initiative is the result of a strong coalition of leaders who believe in the value of bringing high quality civic education to our youth. The co-sponsors are Chief Justice Barbara Madsen of the Washington Supreme Court, United States District Court’s Chief Judge Ricardo Martinez, Governor Jay Inslee, Attorney General Bob Ferguson, Secretary of State Kim Wyman, Superintendent of Public Instruction Randy Dorn, the CPLE chaired by Judge Marlin Appelwick and former Superintendent of Public Instruction Judith Billings, and Initiative Lead Margaret Fisher.

This coming January, the first Civics Summit will include educators and legislators and focus on what civic learning means in the 21st century, and identifying civic learning obstacles and solutions to accomplish goals. The following October, the second Civics Summit will be joined by U.S. Supreme Court Justice Sonia Sotomayor, who will have a chance to interact with existing high-quality civic learning programs. This may include programs such as Youth Court, Street Law, iCivics, We the People, Capitol Classroom, Storypath, and Mock Trial.

The summits will move forward the Initiative’s goal of establishing a public-private partnership to further professional development of teachers and after-school youth development workers.

Members of the Bar have an inherent, multifaceted self-interest in supporting the mission to provide our students with a robust civic education. Our government and communities benefit from constituents who understand how to effect change, who can communicate effectively and efficiently within our various government institutions, and who can identify various avenues for resolving grievances — all elements that contribute
to developing a citizenry that feels empowered and capable of interacting with their government, community, and elected officials in a constructive manner.

As attorneys, we benefit from a rising class of future lawyers and judges who are dedicated to the pursuit of knowledge and understanding of the law and government. Additionally, we benefit from a citizenry that is engaged in civic life, which not only votes but is information-literate and seeks to understand the issues prior to voting, shows up for jury duty, and is aware of current civic issues.

And perhaps paramount to all — we have an interest in cultivating a generation of young people who are capable of identifying and listening to viewpoints other than their own. To empower students with the ability to participate in civic discourse where they can engage with others of differing viewpoints in a meaningful and productive way, is critical.

To follow the development of the Initiative and to identify opportunities to participate, please visit www.courts.wa.gov/education.

Grifan Cayce is a high school social studies teacher turned attorney at Cayce Grove Law Office, in Renton. She is passionate about civic education. She can be reached at grifan@caycegrove.com.

NOTES
1. Students must complete three social studies credits to graduate, 0.5 of which must be civics. This typically equates to one semester of civics.
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ANIMAL LAW

FIVE THINGS EVERY LAWYER SHOULD KNOW

by Shanna Lisberg

1. Animal law crosses every legal discipline.

An animal law issue can be found in almost every legal subject. Tort law governs dog bites and nuisance claims. Issues regarding animal custody disputes and agreements involving companion animals in prenuptial contracts and divorce settlements fall under family law.

“A person who’s interested in animal law has to realize it’s not just one discrete area,” says Adam Karp, adjunct professor of animal law at Seattle University Law School. Whether it’s criminal law that deals with anti-cruelty statutes or property law regulating patents on genetically engineered animals, if an animal is involved, an animal law issue will be created. Business law oversees bailments and contract disputes between animal buyers and sellers, while administrative law ensures that animal law statutes are enforced. Animals are even visible in constitutional issues such as students asserting their right not to engage in animal dissection or the rights of prisoners to vegan or vegetarian diets.

2. Animals have no legal standing.

The biggest hurdle animal advocates face is standing. Under the law, animals are classified as property and have no legal rights; therefore, they cannot meet the standing requirements needed in order to bring lawsuits on their own behalf. In order to sue for an animal that has been injured or killed, animal advocates must prove a person has been injured as a result of the harm or death of the animal. However, it is difficult to meet this injury requirement, mainly because advocates have no personal relationship with animals.

There are exceptions where the law has granted animals specific legal protections, such as anti-cruelty statutes, but generally we cannot sue for pain and suffering of an animal. Instead, advocates must find other legal pretext by which to bring their disputes into court. Issues such as the mass killings of wild burros may be framed as violations of environmental law — namely what effect the decline in population of a species will have on the habitat. Concerns regarding the cruel treatment of calves raised for the veal industry may be framed as consumer protection law or unfair and deceptive business practices.

In recent decades there has been a movement to grant members of the great ape family legal personhood. In 2007, the parliament of the Balearic Islands (an archipelago of Spain that includes the islands of Majorca and Ibiza, among others) passed legislation that would grant legal personhood rights to all great apes. Additionally, several European countries currently ban the use of great apes in animal testing. In 2015, a lawsuit was filed in New York on behalf of two captive chimpanzees, demanding that the courts grant them the right to bodily liberty and to send them to a primate sanctuary. The order was subsequently amended and refiled with the phrase, “Writ of Habeas Corpus” crossed out, likely to emphasize that the order was granted only to allow a hearing for an evaluation of arguments, and not to declare that the two chimpanzees are legal persons for the purpose of habeas corpus proceeding. Conversely, a federal judge held earlier this year that a monkey cannot own the copyright to his photographic image in a selfie.

3. The definition of “animal,” as well as the definition of “cruelty,” varies from state to state.

If anti-cruelty statutes exist, how is it that fish can be caught to eat, or an exterminator can do his job, without violating these laws? This is because the law holds that humans are more important than animals and current law only protects animals to the extent that the protection does not interfere with the interests of humans. Animals that are used as a means to a human end are typically exempted from animal cruelty laws. This includes animals used in re-
search, as well as those that are hunted, fished, raised for food, considered to be pests, or appear in rodeos, zoos, and circuses.

Many states vary in their definition of the word “animal.” In Arkansas, an animal is every living creature. In Idaho, the definition of an animal is any vertebrate member of the animal kingdom, except humans. In Utah, it is a live, non-human vertebrate creature, except for animals raised for agricultural purposes and wildlife.

Similarly, states differ in what is excluded from protection in anti-cruelty statutes. In Florida, exclusions include animal husbandry practices, zoological practices, hunting, trapping, and scientific research and animal exhibitions. In New Jersey, exclusions include state-regulated scientific experiments, state-sanctioned killing of animals, hunting of game, training of dogs, normal livestock operations, and the killing of rats and mice (unless they are pets).

While the laws’ intent is to protect “animals,” only certain groups of animals are protected, while others are not.

4. The law treats companion animals differently than wild or free-living animals.

A companion animal is an animal kept primarily for a person’s company or protection and often lives in close quarters with human beings. As opposed to working animals, service animals, animals raised for food, or used in research or entertainment, it is not unusual for individuals to form strong bonds with companion animals and they are often treated as part of the family.

While companion animals are considered personal property, there has been a shift in the law with respect to neglect and abuse. An individual’s ownership right does not trump the right of the animal itself to be free from injury, pain, or suffering. Similarly, there has been an influx of cases brought where individual’s companion animals are injured or killed. These cases can consist of professional malpractice against veterinarians, pharmacists, or trainers; individuals whose negligent actions kill a companion animal; or instances where companion animals create nuisances. Additionally, individuals can bring lawsuits involving custody of pets and set instructions for care of their pets after they have passed.

In contrast, wild animals live in their native habitat and are not considered property. These animals are not subject to control by humans and must be captured to be owned. An animal lawyer who wants to practice in the realm of wild animal law will need some basic familiarity with key federal animal statutes.

Early wildlife protection laws were enacted due to the severe decline of wildlife population near the end of the 1800s. Since the 1800s, federal laws such as the Endangered Species Act, the Fish and Wildlife Act, the Whaling Convention Act, the Animal Welfare Act, the Marine Mammal Protection Act, the Bald and Golden Eagle Protection Act, and the Migratory Bird Treaty Act have been enacted. These laws not only serve to protect wild animals, but also to conserve their habitat.

However, animal law exists collectively with environmental law and there continues to be overlap with others areas of non-federal law. For instance, a real estate attorney who represents developers who have cleared large areas of land to make room for their development, must be knowledgeable about fish and game statutes and the consequences the cleared land may have on natural animal habitats.

5. Animals can be patented.

The U.S. Patent and Trademark Office has been issuing patents for genetically engineered animals since 1988. These animals must be genetically engineered by humans and, as such, do not exist naturally in the wild. There are two types of genetically engineered animals: transgenic and knockouts. A transgenic animal is an animal that carries genes from another animal. Knockouts are animals that have had one or more of their genes removed to create a specific flaw.

One of the most famous transgenic animals, and the first to receive a patent, is the Harvard Oncomouse. The Oncomouse is a mouse that has been genetically engineered to carry a specific gene that makes it susceptible to cancers and makes the mouse suitable for cancer research.

Recently, the first genetically engineered animal was approved for human consumption in the United States. The AquAdvantage salmon, patented and trademarked by AquaBounty, is a sterile Atlantic salmon female that produces extra growth hormone, allowing the salmon to grow to market size in 18 months rather than the usual three years.

Proponents of animal patents argue that genetically engineered animals help to advance cancer research and breakthroughs. Anti-patenting groups argue that the patenting of animals leads to pain and suffering. There is a naturally high failure rate in creating genetically engineered animals and it is estimated that only 10–30% of animals bred for their

**KEY ANIMAL LAW CASES AND PATENTS**

**NY chimpanzee case:**

**Monkey selfie:**

**Harvard Oncomouse patent:**
U.S. Patent 4,736,866 (filed June 22, 1984; issued April 12, 1988; expired April 12, 2005)

**AquaBounty patent for AquAdvantage salmon:**
U.S. Patent 5,545,808 (filed March 10, 1994; issued August 13, 1996)

**FDA approval:**
See pages 73104–73105 of Federal Register Volume 80, Number 226 (Tuesday, Nov. 24, 2015); New Animal Drug Application (NADA) # 141–454
transgenic properties will inherit the characteristics needed for research. The rejected animals will be disposed of, often in inhumane ways. In the case of genetically engineered salmon, the modified salmon could potentially ease pressure caused by heavy fishing of wild populations.

**Conclusion**

Animal law is a combination of statutory and case law. Statutes concerning animals vary by state, so it’s important to read and know your state’s laws. As time has passed and societal viewpoints have shifted, ideas such as protecting animals from neglect, cruelty, or exploitation have become more common. However, the interests of animals and the interests of people are often disproportionate and while laws have changed over time, the prevailing thought continues to be that animals only warrant the protection of the law to the extent that protection will not interfere with some more important human interest.

NOTES

1. The New Zealand Animal Welfare Act of 1999 banned the use of non-human hominids (chimpanzees, bonobos, gorillas, and orangutans) in research, testing, and teaching except where such uses are in the hominids’ best interests. In 2002, the Netherlands prohibited the future testing on chimpanzees after the end of trials already in progress. In 2003, Sweden banned the use of all nonhuman apes in research. In December 2005, Austria amended its animal protection laws to forbid experiments on chimpanzees, orangutans, and gorillas. In 2013, a European Union Directive went into effect that banned the use of great apes in scientific procedures except in cases of “conservation of the species itself” or in the case of “a serious pandemic affecting the human population of Europe.”


7. West’s F. S. A. § 828.01–828.43.


10. See pages 73104–73105 of *Federal Register* Volume 80, Number 226 (Tuesday, Nov. 24, 2015).

Is Our State Ready for the Next Chapter in Real Estate Finance?

by Wendy Walter

The greater Seattle area is one of the hottest real estate markets in the nation. Prices are surging and buyers are willing to pay close to half a million dollars for a house with toxic mold. For most in our state, foreclosures seem to be an issue of the past, from a time when our economy was dealing with the hangover effects of a massive housing bubble. But I’m not sure our real estate finance community has forgotten the sins of the past, or even that we are on a path to more foreclosures. Still, foreclosure law cannot remain status quo. The foreclosure process is a necessary one for any healthy economy, and our state’s law is less than ideal in several areas. While the Legislature made strides when the volumes of foreclosures were mounting, Washington law might not be ready for the next stages in our economy’s trajectory, when our foreclosure timelines are longer.

We have four main gaps in foreclosure law that, if left unfilled, will create more issues for all parties involved. These include neighborhoods dealing with blight, successors-in-interest facing judicial foreclosure, borrowers wanting the process to be expedited, and lenders trying to originate new deals in an electronic age.

Zombie Foreclosures and Unintended Consequences of Jordan v. Nationstar

In Jordan v. Nationstar, the Washington Supreme Court was asked to decide whether hundreds of thousands of deeds of trust provisions allowing the lender to take measures necessary to secure vacant and abandoned properties were enforceable. Despite a well-written amicus brief on behalf of the City of Spokane voicing the public policy concerns it had about invalidating these contractual provisions, the Supreme Court found that there is a hole in our state law prohibiting lenders from non-judicially obtaining possession of a property, even if it is vacant, before completion of a foreclosure sale.

If you take that ruling into the context of a judicial foreclosure, when the sale might not happen for eight to 12 months and the sheriff’s deed might not be issued for another four to five months after expiration of the additional eight-to-12 month redemption period (that’s up to 2.5 years, if you’re doing the math), the impact of this decision in a judicial foreclosure context is potentially severe.

This opinion was rendered in response to certified questions involving a case where a foreclosure had not yet been initiated, but all parties (and the Court) seemed to focus on the possibility that if foreclosure did occur, it would be non-judicial, and the foreclosure sale would concurrently vest title and right of possession. Most judges and non-foreclosure lawyers assume that the non-judicial foreclosure process doesn’t take that long, perhaps 120 days. Due to the pre-foreclosure contacts that are necessary before initiating a non-judicial action—many of these done before it is discovered that a judicial foreclosure might be necessary—the Washington foreclosure process is lengthy whether you move judicially or non-judicially.

The Fannie Mae standard for the time frame from last payment default to foreclosure sale in Washington is now 540 days—almost two years. This number is based on a study of Fannie Mae’s portfolio, blending judicial and non-judicial matters. While Washington’s process is not as long as Oregon or New York—which reached a new high of 1,020 days in that same report—we are heading down that track if our lawmakers decide to introduce any more legislative amendments either designed to slow down the process or ultimately have that unintended effect.

If it takes an average of 540 days to go to sale, and the lender is statutorily

WASHINGTON FORECLOSURE LAW
prohibited from making entry into the property if one conservatively interprets the Jordan decision, we have a problem with vacant and abandoned properties that won’t be solved efficiently, absent legislative amendment.

Many states have recently enacted “fast-track legislation” designed to speed up the process for vacant and abandoned properties, including Ohio and Illinois. Washington might be up next.

Spokane does not benefit from the mortgage contract as both the lender and the borrower do. Yet its taxpayers will incur the costs of appointing custodial receivers when lenders cannot secure and maintain vacant or illegally occupied homes. — Brief of Amicus Curiae on Behalf of the City of Spokane

Heirs and Devisees: Or, as the CFPB Calls Them, “Successors in Interest”

In addition to concerns over vacant and abandoned properties, we also have an issue with how deceased borrower cases are handled in the foreclosure process.

For heirs and devisees, it’s no secret that “successors in interest” have the attention of the Consumer Finance Protection Bureau (CFPB) because of the high number of complaints the Bureau has received related to servicer interactions with heirs of deceased borrowers and other successors. In fact, the Bureau has proposed rules to try to provide more rights to such successors and has informed servicers covered under the rules to come up with better policies and procedures to guide the successors toward a non-foreclosure resolution, if possible.

This is where our state’s struggle comes in. Under the current Washington law, heirs and devisees do not have a quick, efficient way to transfer title, absent filing a potentially expensive probate and appointing a personal representative. A lack of probate affidavit will work in certain cases, depending on which title company is underwriting the transfer. My firm has over a thousand cases in judicial foreclosure in Washington because of this issue of a gap in title transfer upon the death of the borrower.

In Washington, even though the Legislature has allowed a right for a successor to mediate, many of those successors will not have the opportunity. The non-judicial remedy, which is where the mediation statute arises, is not an option for beneficiaries and servicers of mortgage loans when title is not clearly vested after the death of the borrower. In other words, those parties have to foreclose judicially because title can’t be ascertained and there is no great guidance in Washington law on who is entitled to notice of the foreclosure.

Heirs and devisees of the deceased borrower must be named as defendants in the lawsuit. In certain counties, the creditor is being asked to open a probate and appoint a personal representative to help with getting notice out to all possible heirs. These probate cases can add thousands of dollars onto the already expensive judicial foreclosure process.

Even if the heirs and devisees are interested in reinstating the loan, chances are good that they will likely pay more for it because the Legislature has not modernized the statute to create a more efficient foreclosure process. It is difficult to explain to a relative of a deceased borrower that they were sued, not because we need them to pay anything (these lawsuits are brought in rem), but rather because Washington law requires that they be sued. There is pressure from the investor, the homeowners or condominium association, and from the city or county to foreclose on properties like this because of the risk of loss. The investor is concerned about lost interest and the city and neighborhood is concerned that the property is vacant or abandoned, with the possibility of squatters or unsavory characters drawn to the neighborhood. Still, there is no fast track to get notice out and complete the title transfer.

Judicial Foreclosure: Why Does It Take So Long?

Obtaining a judgment does not typically take any longer in a foreclosure case compared to a regular civil action. But getting to the sale is when the delay happens. Comparing the process to the non-judicial sale process, it can take just as much time, if not more, to obtain an order of sale, get the sheriff to set up their side, publish notices, hold the sale, and get the return on the sale. After the sale, the plaintiff or winning bidder must obtain an order confirming the sale, apply to obtain the certificate of sale, get it recorded, and take the recorded copy back to obtain the sheriff’s deed. All of this assumes no redemption period. If, however, the sale was subject to an eight- or 12-month redemption period, there is another delay after that period expires to request the sheriff’s deed and send it out for recording.

Foreclosure trustees are really efficient at processing sales. Our county sheriffs’ offices, while they have improved in processing many of these actions, are not the most efficient, as they often process using paper-based systems. They are not funded enough to make the process efficient, since this is not their primary duty in our communities.

In Ohio, for example, to reduce the burden on sheriffs’ departments from handling the sales, legislation allows private sale officers to more efficiently conduct the foreclosure in an expedited fashion for vacant and abandoned properties. The Ohio law also allows electronic bidding. Colorado allows online foreclosure sales, recognizing that the market of potential buyers will be much larger if a physical presence at a foreclosure sale is not required.

Washington law could be modernized to allow certain counties the ability to work with foreclosure trustees to help relieve the backlogs of foreclosure sales and to help allow for a more efficient deed delivery process.

Lack of Authority for E-Notes

Mortgage lending is modernizing. With almost all states adopting a uniform standard under the Uniform Electronic Transactions Act (UETA), there is a common and consistent understanding of how electronic contracts and notes are negotiated.
This is just a minor part of the origination market at this point, but if the Legislature doesn’t look at adopting UETA or modernizing existing foreclosure law, we will continue to see an increase in the number of judicial foreclosures. Because the beneficiary in Washington must be the “actual holder” of the note in order to foreclose, and we do not have UETA or laws to provide that electronic control over the note would be acceptable, as we originate more e-notes, we will have more judicial foreclosures.

**Much Work to Be Done**

Even though foreclosure volumes have returned to pre-crisis levels and real estate values are on the rise, there is still much work to be done to modernize our foreclosure laws so that they can be more efficient for the modern economy. The good news is that we can learn from the programs put into place from other states grappling with the same concerns. “Zombie” foreclosure and fast-track processes for vacant and abandoned properties are a national hot topic. Allowing non-judicial foreclosure when a borrower is deceased is allowed in California, for example. Ohio and Colorado are modernizing the sheriff sale process and electronic auctions. Electronic notes and UETA are prevalent in almost every other state.

Washington is home to some of the most cutting-edge technology and industry in the country. With some focus and hard work, our laws can meet these same high standards. NWL

### NOTES

5. It is not clear whether a party can waive their right to redemption under Washington law. A clear waiver provision in state law might help in those cases where the borrowers really want to move on.
ATTORNEYS AND ALCOHOL ABUSE

A Personal Recovery Story

by Gail Ragen

Just this morning I read an article concerning the results of a large new study showing that lawyers have a very high rate of alcohol abuse and depression. After writing about the sobering statistics of our profession’s substance problem, the author concluded by saying that our profession as a group — and individual lawyers — have a responsibility to address this issue. When I read the word “individual,” I thought, “Whoa, that includes me!” So I decided to take the plunge and share my story about how kicking booze has improved my life. I hope you won’t think ill of me for admitting I can’t drink alcohol any more, but if I can encourage anyone with a similar problem to come back from the precarious limb of alcohol abuse, it will be worth it to me.

I was a light social drinker for a long time. When I was a law student at the University of Texas School of Law in Austin, I had a wonderful group of friends, and we would joke on the weekends that we were going to do a “bar review.” Austin had an awesome jazz/fusion music scene, and after a long week of class and studying, it was fun to dance under the stars to the music of Beto y Los Fairlanes. I didn’t have a problem with alcohol — yet. Alcohol and I were mere social acquaintances.

After graduating, I moved to San Francisco with my new husband and we both started practicing law with excellent downtown firms. I remember sitting in the gorgeous law library that looked over San Francisco Bay and hearing two colleagues discussing champagne and wine from Napa and France. Words like “Chateau Lafite Rothschild” rolled from their mouths as they compared favorites, and I thought, “Wow, these people are so cool!” I wanted to learn about wines, and to understand wines and discuss them coolly, you must drink them.

In the olden days of law practice in San Francisco, I went to work seven days a week for months at a time. Coming home after work late at night was the norm, and having some wine became a ritual. I loved the law, and I loved practicing in San Francisco. Everyone, it seemed, loved wine. We’d go to lunch at one of the many fabulous restaurants, often having wine with the meal. It was no big deal. Alcohol and I were mere friends still, but gradually we were hanging out more. We liked to spend evenings and occasional lunches together.

After making partner, I brought in a large corporate client headquartered in

The WSBA Lawyer Assistance Program (LAP) offers consultation, support, peer resources, and connections with alcoholism groups for attorneys. See wsba.org/lap or call 206-727-8268.

Have a recovery story to share? If you are a member of the legal community who would like to write about your story of recovery from addiction, stress, burnout, or depression, contact NWLawyer at nwlawyer@wsba.org.
the Midwest and spent a lot of time on airplanes. I knew I was a pretty cool lawyer by then because I flew first class and was served “free” wine as I whisked back and forth across the country.

Somehow in the midst of all of this, I had three awesome children. I did not drink while I was pregnant, but I waited like a thoroughbred in the starting gate to resume my friendship with wine. I left my partnership in San Francisco because practicing law with three small children was, shall we say, difficult. But my large corporate client, who had become embroiled in mass tort litigation, went with me, and my practice exploded. It was exciting and lucrative, but stressful, and my friendship with wine deepened. Every evening, I had to have wine with my dinner in order to unwind. My friends loved wine, too. We were all cool and funny and erudite and successful, and somehow wine was at the center of all the coolness and relaxation. Then I got divorced (amicably, thank goodness) and moved to Seattle to be close to my family. My ex-husband graciously moved to Seattle, where his firm was based.

My friendship with wine was very solid by the time I hit about 45. I hated to wake up in the morning thinking, “What stupid thing did I say last night?” I was drinking a whole bottle of wine by myself every evening and had come to be OK with it. No one was criticizing me about it. My life was fine. I had awesome kids. I was practicing law well. But I knew that wine was now hooked into me. I couldn’t relax, couldn’t be funny, and couldn’t imagine life without it.

One night I found myself with a nightmarish headache and thought, “I’ve had it.” I had known for quite some time that I had a problem, and I decided I had too much to lose not to fix it. I quit drinking — for 5 ½ years.

Jim and I bought a cool house in Palm Springs, planning to someday retire. One night, sitting under the stars and looking at the beautiful mountains and sipping away on my wine, I thought, “I don’t really belong on this earth. I don’t fit here very well.” It took a lot more hemming and having to really admit that I am a problem drinker. But I am also a good person, a good wife, a good mom, a good daughter, and a good lawyer. Lots of people would have been pretty bummed if I let wine take me down. So I decided to kick wine’s butt.

Two and a half years ago, I threw it out on the curb. My husband did, too. We did some math and figured we were spending about $1,000 per month on drinking and all the dinners out and general excesses that go along with it. Now, Jim and I can’t retire because we keep getting awesome cases. We are sober. We are happy. We are kicking butt. You can be, too. There is too much good life out there. I am sitting in the sunshine looking at a gorgeous snow-dusted mountain and remembering that I actually thought I did not belong on this planet. I don’t know that person any more. I don’t know how long I have left on this planet, but I want to enjoy it and make the best of my time here. I want to help others. I want to give back to this profession that has been so good to me. My friends, a sober life is terrific.

If you have an alcohol problem or addiction, please do not think you can’t kick it, because you can. NWL.

GAIL M. RAGEN

has practiced law for over 35 years and is admitted to practice in California, Washington, and Alaska. She was born in Seattle and earned her law degree at the University of Texas School of Law in Austin. She practices with her husband, Jim Ragen. They focus their practice on disputes involving business breakdowns, partnership and minority shareholder disputes, and trust litigation. Gail can be reached at gail.ragen@ragenlaw.com or 425-260-4670.

NOTE

1. The program I used does not advertise, but it worked for me, and if you want to know what it was, you can contact me.
Karen Denise Wilson was elected to the WSBA Board of Governors in September 2013. She has her own firm, KD Wilson Law PLLC, and focuses on criminal defense. Previously she was a deputy public defender with the Skagit County Public Defender’s Office. Wilson is an alumna of the 2012 Washington Leadership Institute, a partnership between the WSBA and the University of Washington School of Law. She received her law degree from Tulane Law School.

1 Why did you want to serve on the WSBA Board of Governors?
I learned about and got exposure to the Board during my participation with the Washington Leadership Institute (WLI). WLI recruits and trains traditionally underrepresented attorneys for future leadership roles in the legal community. Over the course of my year as a WLI fellow, I got to know Past-President Ron Ward and former At-large Governor Tracy Flood. Both helped me see how service on the Board aligned with my commitment to public service. Without question, the opportunity to serve the legal profession and to meet and get to know so many attorneys across Washington has been the greatest benefit of joining the Board.

2 What is the most important lesson you have learned about Bar members since you’ve been on the board?
I have been moved by the number of volunteers contributing their time in service to the Bar and the larger community. I have had the opportunity through my work on the Board to learn about and meet a few of the hundreds of lawyers across Washington who take time away from their practice or paid employment to volunteer and serve on sections, the Character and Fitness Board, the Practice of Law Board, the Diversity Committee, the Access to Justice Board, and many other organizations inside and outside the WSBA that give back to the community. It is absolutely inspiring.

3 What decision or accomplishment are you most proud of from your service on the Board?
It’s a tie. The decision I am proudest of is the Board’s approval of a statewide mentorship program. A 2012 WSBA membership study showed that WSBA members want and need mentorship, and showed that lack of mentorship may impact retention in the profession, particularly for diverse members. I believe MentorLink, the mentorship program the WSBA is implementing, will provide training to new lawyers and help seasoned lawyers transition to different practice areas. It will promote ethics, civility, and competency in the profession. Additionally, the program will help to promote retention of attorneys of diverse backgrounds. The mentorship program is one of many ways I hope that I have contributed to advancing diversity and inclusion at the WSBA.

The other accomplishment I am proudest of is my role as treasurer of the Board. I have gained a thorough understanding of how the WSBA works as an organization. I have also had an opportunity as treasurer to be a member of the executive committee, to shape what the organization looks like, and to bring important missions to a head.

4 What has been the most difficult decision you had to make as a governor and why?
License fees. An increase in license fees impacts all of our members but can be particularly challenging for our new and young lawyers. I remember both being excited and struggling to pay my first year’s membership to the WSBA as I looked for my first job. This is one of many things I thought about as the Board carefully examined our license fee structure.

From 2013–15, the WSBA has not only continued to provide valued services like our confidential ethics line and our law office management assistance program, but has also added free CLE credits through the Legal Lunchbox Series and enhanced our Casemaker service for our members — all with funding from a license fee set at the 2001 level of $325. Yet the reality is that sustaining even mandatory regulatory and disciplinary functions at the 2016 cost of business with funding from the 2001–02 license fee rate is not a possibility. Raising the license fees was a difficult decision, but a necessary one. When I think about it as a general member paying the license fee, rather than as a Board member deciding what the license fee should be, I try to put it in context: my annual license to practice law, plus the additional services I value as a member of the WSBA, cost less than I pay for three months of cell service or three months of gym membership.

5 Can you share one thing we may not know about you?
I have a passion for travel. With the exception of Antarctica, I have traveled to every continent multiple times. Next up on the travel bucket list: Iceland and Greenland.

Top: On the roof of Casa Milà designed by Antoni Gaudí in Barcelona, Catalonia, Spain. Bottom: At Cuevas del Drach on the Balearic Islands of Spain.

Take 5 lets you learn a little more about your Board of Governors. If you have further questions for Gov. Karen Denise Wilson, she can be reached at bog@kdwilsonlaw.com.
When you have a tough issue of professional ethics and need an opinion or representation before the WSBA or the Commission on Judicial Conduct, or representation in the Supreme Court – CALL us. We know the issues.

Thomas Fitzpatrick
Former member ABA Ethics and Discipline Committees, ABA Center for Professional Responsibility, Member of the Commission that wrote the CJC, Adjunct Professor Seattle University

Philip Talmadge
Sponsored CJC law in 1981, served on Supreme Court Rules Committee that addressed ethics rules, handled In re Niemi, In re Marshall

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My foray into the morass that is international law began when my boss asked me to find out how to serve process on a foreign national. We had a case involving a probate without a will and needed to notify siblings abroad of the petition for appointment of an administrator. So I delved into the nuances of international service of process.

Washington Civil Rule 4
With trepidation, I reviewed Washington’s rule on service of process on a party in a foreign country, Civil Rule 4, sub part (i). This rule allows service a) in accordance with the law of the foreign country; b) as directed by the foreign authority in response to a request; c) by personal delivery; d) by registered or certified mail; e) pursuant to applicable treaty or convention; f) through diplomatic or consular officers “if authorized by the United States Department of State”; or g) as directed by the court. Whatever method is chosen must comply with applicable treaties and “must be reasonably calculated, under all the circumstances, to give actual notice.” CR 4(i)(l).

We had addresses for the recipients, so I had the second caveat covered. But the first required that I begin digging into treaties governing service of process in the receiving county — in this case, Japan. I began with the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters of 14 Nov. 1965 (“Service Convention”), of which Japan is a party.

The Hague Service Convention of 1965
Purpose. The purpose of the Hague Convention on Service of Process Abroad (Service Convention) is to make it easier for lawsuits across international boundaries. Before the Service Convention was adopted, there were various treaties amongst countries and if there was none, then service had to be done through consular channels, which meant it might never happen.

How to Find It. The full text of the Service Convention is found on the Hague website (www.hcch.net/en/home). Click on “service” and you will find the text of the convention, mandatory forms, and a tab to find Central Authorities for each of the member states.
Pertinent Articles. The Hague Service Convention applies only to civil and commercial matters and only when the address of the person to be served is known (Article 1). The Member States agreed that service could be made through a central authority to be designated by each member country (Article 2). This method is a bit cumbersome. It requires that a person authorized under the law of the originating state forward the request to the central authority of the state where the party to be served resides (Article 3). The documents must be accompanied by the summary form annexed to the Service Convention filled out in English, French, or one of the official languages of the receiving state (Article 7). The central authority of the receiving state will serve the document or arrange for service in accordance with the receiving state’s own laws or by the method requested by the originator, as long as that method is not incompatible with the receiving state’s laws (Article 5). The central authority may require the document be translated into the official language of the receiving state (Article 5). As you can imagine, this is not only expensive (consider the cost of translating pleadings with attachments) but time-consuming. Of course, you can always use the old method of service through diplomatic or consular agents (Article 8).

Alternate Methods of Service. I read on and was pleasantly surprised to read Article 10 of the Service Convention. Section (a) of that Article authorizes service by mail directly to the foreign national. Section (b) authorizes service by judicial officers, officials, or other competent persons of the originating state through judicial officers, officials, or other competent persons of the destination state; and section (c) authorizes service by any person through judicial officers, officials, or other competent persons of the destination state. These alternate methods of service are available only if the destination state does not object.

Further, the Service Convention preserves the right of member states to agree to other methods of service (Article 11). Finally, the Service Convention does not affect other methods of service that are in accordance with the internal laws of a Member State (Article 19).

Contracting States. You can find an up-to-date list of the Member States to the service convention at www.hcch.net. It begins with Albania and ends with Venezuela and includes Russia, Belgium, China, Japan, Canada, Mexico, Monaco, Romania, Sri Lanka, Turkey, and more. While it includes Egypt, most other Middle Eastern countries are not signors; nor are many Central or South American countries. If you need to serve anyone in those countries, you will have to do some more digging. Places to start: U.S. Department of State at travel.state.gov/content/travel/en/legal-considerations/judicial/service-of-process.html.

Objections/Limitations. I discovered that while Japan does not object to service by mail, it has noted that “the absence of a formal objection does not imply that the sending of judicial documents by postal channels to addresses in Japan is always considered valid service in Japan.” Japan may not consider service by mail to be valid “in circumstances where the rights of the addressee were not respected.” Japanese Central Authority, www.hcch.net/index_en.php?act=authorities_details&id=261. Thus, Japan refused to recognize or enforce a New York judgment on the grounds that service of an untranslated subpoena by mail violated the defendant’s rights. I buckled down to do some background research to learn what exactly Japan was objecting to and whether we could still serve our documents by mail.

The purpose of the Hague Convention on Service of Process Abroad is to make it easier for lawsuits across international boundaries.

RESOURCES

Practical Handbook
Practical Handbook (2016 Version) — This document is not available at our local law libraries. You can order a downloadable version or paper copy from the Hague for €105 (or approximately US$118 as of August 2016).

Articles


Serice of Process Abroad
Service of process abroad is also discussed on the U.S. Department of State website, https://travel.state.gov/content/travel/en/legal-considerations/judicial/service-of-process.html.

www.legallanguage.com
While reading the briefs filed in the Kim case, I came across an amicus brief filed by Legal Language Services, a for-profit company providing international litigation support for attorneys. They claim to be proficient in serving process abroad. They also provide translation services. This is an option for those of you who don’t want to bother wading through all the requirements of service abroad and would prefer to simply pay someone else to do it.
Interpretations

The Practical Handbook on the Operation of the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (hereafter Practical Handbook) on the Hague’s website is a wealth of information. Unfortunately, it is not readily available. According to the Practical Handbook of 2006, service by mail under Article 10(a) of the Service Convention is valid if it is allowed by the law of the State of origin (and the proper procedure is followed) and the State of destination has not objected (Handbook (2006), at 69). Accordingly, the law of the state of Washington determines whether service by mail is appropriate and how it is to be performed (Id. at 71). Japan’s statement is mentioned in the handbook, but the Permanent Bureau did not believe that it was really an objection to alternate methods of service... More like a warning that any judgment entered after such service may not be valid and enforceable in Japan (Id. at 74-5).

U.S. Court Interpretations of Article 10(a) — Does “Send” = “Serve”? Moving on, I discovered that there is a difference of opinion amongst the various federal court circuits whether original process can be served by mail. The argument comes down to whether the term “send” as used in Article 10(a) means “serve.” Some courts have held that since the term “send” was used instead of “serve” in only that article, the original service of process cannot be served by mail. Subsequent documents may then be mailed. Other courts have held that the terms are identical and that original service may be made by mail. Fortunately, the Ninth Circuit has concluded that the only reasonable interpretation of Article 10(a) is to allow service by mail as long as the destination state has not objected and the law and procedure of the State of origin for service of process is followed. (Brockmeyer v. Marquis Publications, Inc, 383 F.3d 798 (9th Cir. 2004)). The Special Commission has stated that “send” means “serve” and appeared to be a bit perplexed at the U.S. Courts’ interpretation otherwise. The confusion may have arisen due to the original Service Convention being in French. Conclusions and Recommendations Adopted by the Special Commission on the Practical Operation of the Hague Apostille, Evidence and Service Conventions (28 October to 4 November 2003).

Washington Courts Weigh In. I came across Kim v. Lakeside Adult Family Home (2016 WL2756026). The plaintiffs served a defendant personally in accordance with the internal laws of Norway. The court stated that the alternate methods of service authorized in the Hague Convention may be used as long as the receiving nation does not object (Id. at 406). However, Norway has objected to the alternate means of service authorized in the Hague Convention. Fortunately, the plaintiffs also served the defendant through Norway’s central authority. The court held service was proper even though Norway’s central authority still had not served the defendant. The court stated that delivery by the plaintiff to the central authority tolled the statute
Conclusion

After reviewing and considering the information summarized in this article, we decided to proceed with service of the pleadings via registered mail, return receipt requested, pursuant to Washington’s CR 4. We did use the model summary form on the Hague’s website — even though it is not required for the alternate methods of service — because it is strongly recommended by the Special Commission and because we chose not to have the documents translated into Japanese. We were not concerned about enforcing a judgment against a Japanese national. If we had been, we likely would have taken the Central Authority route instead. 

NOTES
1. Although a court could conclude that “actual notice” requires translation of the documents into the recipient’s native language.
2. If you must serve someone in a country that is not a member of this Convention, you will need to do some more digging. Also, there may be bilateral or multilateral treaties that differ from the Service Convention.
3. “Persons authorized” in the United States include lawyers.
4. You can also do an internet search for the individual country, but the information may not be in English.
5. Our paralegal located the 2006 version at the Seattle University Law Library and was able to obtain copies of the relevant pages.
6. A revised version dated 2016 is now available on the Hague website for €105. The current version is not yet available through the local law schools or the King County Law Library.
7. Members of the Permanent Bureau are listed on the Hague website, under the “Governance” tab.
8. A Special Commission drafts the convention to be adopted or amended and meets occasionally to monitor the practical operation of the Conventions.
9. Only citation available as of this writing.

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congratulates

Gene Moen, JD, on his inclusion in Super Lawyers© “Top 100 Lawyers in Washington” for the fifth time

and

Angela Macey-Cushman, RN, JD, on her inclusion in Super Lawyers© “Rising Stars” for the sixth time.
The WSBA Board of Governors (Board) met on July 22–23 at the Marcus Whitman Hotel in Walla Walla. On July 22, the Board met in executive session, where it approved the executive session minutes from its June 2–3 meeting in Seattle; heard reports from the executive director, president, disciplinary counsel, and general counsel; and discussed gift recommendations from the Lawyers’ Fund for Client Protection Board.

The Board then met in public session, where it heard a report from the Committee on Mission Performance and Review (CMPR), heard an update on the Limited License Legal Technician (LLLT) professionals, discussed a proposed WSBA religious and spiritual practices policy, discussed suggested amendments to the Admission to Practice Rules, heard recommendations regarding the WSBA APEX Awards, discussed the Escalating Cost of Civil Litigation (ECCL) Task Force recommendations, heard an update on the proposed WSBA bylaw amendments, and heard an update from the Sections Policy Work Group.

On July 23, the Board met with participants from the Washington Leadership Institute. In public session, it elected Governor Jill Karmy as its treasurer for FY2017, discussed the draft WSBA FY2017 budget and 2018–20 WSBA license fees, reviewed the WSBA Fund Balance (Reserves) Policy, and reviewed a revision to the Construction Law Section’s Design Professional Model Residential Contracts.

Friday, July 22

Committee on Mission Performance and Review
President-elect Robin Haynes and WSBA Legal Community Outreach Specialist Sue Strachan presented a report on the CMPR’s work reviewing all of the WSBA committees and councils and Supreme Court boards to ensure that resources are being used efficiently. The CMPR recommends that all committees focus on diversity, including race and gender, but also characteristics unique to Bar members, such as area of practice, geography, and inclusion of new and young lawyers. The CMPR made specific recommendations about the Amicus Committee and the Legislative Committee. It noted that the Amicus Committee often receives no request for amicus briefs in a year and the timing of receiving the requests can sometimes lead to difficulty evaluating requests and identifying drafters in a timely fashion. The CMPR recommends the Board sunset the Amicus Committee and have future requests for amicus briefs handled by the Executive Committee. The CMPR proposes that a work group be formed to determine best practices for a new and improved process for vetting legislative proposals from WSBA.

At the close of the CMPR report, President-elect Haynes invited former WSBA President and Limited License Legal Technician (LLLT) Board Chair Steve Crossland to join her in order to answer questions by the Board regarding the LLLT license. Crossland noted that the LLLT Board gave a report to the Supreme Court in February, which included a proposed opportunity for LLLTs to have a limited role in court appearances. He noted that the next practice area is being explored in which LLLTs could be licensed.

Religious or Spiritual Practices Policy
WSBA General Counsel Jean McElroy, Director of Human Resources Frances Dujon-Reynolds, and Diversity Specialist Robin Nussbaum presented two draft religious and spiritual practices policies for the Board to consider. The first proposed policy would not permit any religious or spiritual practices at WSBA events. The second proposed policy would open WSBA events to any religious or spiritual practice under specific criteria and administrative procedures. Tribal law attorneys and members of the Indian Law Section provided extensive feedback. The Board plans to engage in further dialogue to address concerns.

Amendments to the Admission to Practice Rules
Executive Director Paula Littlewood and General Counsel Jean McElroy presented information on suggested amendments to the Admission to Practice Rules to address the administration of three types of licenses currently regulated by the WSBA: attorneys, limited practice officers (LPOs), and LLLTs. The proposed amendments aim to combine administrative processes, streamline applications, coordinate the bodies that consider applications, and eliminate duplication of rules and regulations. The Board will consider the information further at its August meeting before moving forward with proposed amendments.

APEX Awards Committee
Chief Communications Officer Debra Carnes and Governor Keith Black presented recommendations for amendments to the APEX Awards. The awards committee recommended eliminating, consolidating, and adding to award categories. Specifically, the committee’s recommendations are to eliminate the Courageous Award and Public Service...
AT THE JULY 22–23 MEETING

1. Local Hero Award Honorees Linda Lathan and Tina Driver pose for a photo with WSBA President Bill Hyslop.
2. 2nd District Governor-elect Rajeev Majundar addresses the Board.
3. 2016–17 President-elect Brad Furlong with 7th-North District Governor Ann Danieli (R) and Pierce County Superior Court Judge Susan Serko (L).
4. At-large Governor Mario Cava participates in a discussion.
5. 3rd District Governor Jill Karmy makes a point.

Award, rename the Pro Bono Award to Pro Bono and Public Service Awards and create separate categories for individuals and firms, and add a Legal Innovation Award. Changes would maintain the number of categories, while streamlining criteria and eliminating duplication. The proposed changes will be on for action at the Board’s September meetings.

Escalating Cost of Civil Litigation Task Force
President Bill Hyslop presented a report prepared to communicate the Board’s position on the Task Force recommendations and seek the Supreme Court’s input on whether the Board should proceed to draft new rules to address ECCL Task Force findings.

Bylaw Amendments
WSBA Past President Anthony Gipe and General Counsel Jean McElroy presented an update on the Bylaws Work Group. The proposed amendments will be available for review and comment a few days after the work group’s Aug. 8 meeting, and will be presented and discussed for first reading at the Board’s Aug. 23 meeting in Seattle.
**Sections Policy Work Group**
WSBA Past President Anthony Gipe, Chief Operations Officer Ann Holmes, and Director of Advancement Terra Nevitt presented an update on the Sections Policy Work Group. The work group expanded to include five section member representatives. The work group has held multiple meetings to discuss priority areas of concern identified after section feedback. The work group will be discussing proposed language for areas of section governance that could be standardized.

**Saturday, July 23**

**Election of FY2017 Treasurer**
The Board unanimously elected Governor Jill Karmy from District 3 to serve as treasurer in FY17.

**FY2017 Budget, 2018–20 License Fee Increases, Reserves Policy**
FY2016 Treasurer Karen Denise Wilson, Chief Operating Officer Ann Holmes, and Controller Tiffany Lynch presented, and the Board considered, the recommendations of the Budget and Audit Committee regarding the FY2017 budget, WSBA reserves, 2018–20 license fees, and revisions to the WSBA reserves policy. The FY17 draft budget, which supports regulatory work, professional service programs, and operations, includes $18.8 million in expenses, $16.9 million in revenue, and use of up to $2 million in reserves. FTE are reduced to the 2008–09 level (141.9). License fees, the Bar’s main source of funding, are set at a level that enables the Bar to continue to meet our regulatory obligations, advance our mission, provide value and benefits to our members at reasonable cost, and preserve a prudent level of reserves. The Committee recommended, and the Board considered, $2 million as an appropriate minimum level of reserves. In order to 1) continue to provide high quality regulatory and professional service programs, while 2) maintaining appropriate reserves, the Committee recommended that license fees should increase to $449 in 2018, $453 in 2019, and $458 in 2020. The Board then reviewed revisions to the WSBA reserves policy as recommended by the Committee. The Board will vote on the final FY17 budget, 2018–20 license fees, and revised reserves policy at its Sept. 29–30 meeting in Seattle.

**Design Professional Model Residential Contracts**
The Construction Law section requested Board approval for its fifth updated Design Professional Model Construction Contract to be made available on the WSBA website. The Board reviewed the request. No concerns were raised. The contract will be before the Board for approval at the September meeting.

For more information on any of these topics, email questions@wsba.org. For more on the WSBA Board of Governors and future meeting dates, see wsba.org/about-wsba/governance.
ACCESS TO AFFORDABLE LEGAL HELP

WSBA’s Moderate Means Program Celebrates Five Years of Service

by Catherine Brown, Ana Selvidge, and Clay Wilson

The Moderate Means Program is vital for our state. With so many people unable to afford legal assistance, programs like this provide great hope and meaningful access to justice where there was none, while enabling our judges to receive the information they need to make fair and just decisions. It’s gratifying that we have so many lawyers and law students committed to serving those without access to affordable legal help.... These legal professionals exemplify the promise of justice provided in our constitution.” — Washington Supreme Court Justice Steven González

The Gap in Affordable Legal Help

Despite advances in technology, change in systems, robust analysis on the escalating cost of civil litigation, and increased awareness from civil legal needs studies, the gap between those who have access to the justice system and those who can’t afford legal help continues to widen. Those who cannot afford full-fee legal services, but earn too much to qualify for free legal aid, are caught in the middle and may eventually slip into poverty when they pay more than they can afford for legal help. This is the gap the Moderate Means Program (MMP) was created to address.

The WSBA officially launched the MMP in partnership with Washington’s three law schools — Gonzaga University School of Law, Seattle University School of Law, and the University of Washington School of Law — in April 2011. MMP has grown and evolved during the last five years of intakes and referrals, and it has increased attorney, law student, and client participation. It also marks five years of helping Washington state’s moderate income population connect with affordable legal help for family, housing, and consumer law matters.

MMP addresses two intersecting needs: 1) new attorneys faced with building and strengthening their careers in a changing legal profession, and 2) clients of moderate means with limited access to help with navigating the legal system. Many law school graduates are opting to start solo and small firm practices earlier in their careers. These new attorneys need training, mentorship, and hands-on experience as they learn to deliver quality legal services. At the same time, many moderate income households experience civil legal matters without help because they do not qualify for free legal aid and cannot afford market rate legal help.

MMP addresses these needs by connecting clients with household incomes between 200–400% of the federal poverty level to lawyers who offer legal assistance at a reduced rate in areas of family, housing, and consumer law. Nearly 30% of our state’s population falls into this moderate income category, which equates to a household income between $48,600 and $97,200 for a family of four.
**Filling the Gap**

Since its inception, MMP has referred more than 3,000 moderate income clients and worked with approximately 600 attorneys. The benefits of this statewide program are numerous — law students gain hands-on experience with real clients through intake; attorneys gain access to free referrals, free continuing legal education, and case-specific mentorship; and moderate income clients have better access to affordable legal help.

The MMP has also been a catalyst for a larger statewide conversation about access to justice for moderate income households and how the statewide legal delivery system can evolve to meet their needs. Since its launch, a number of new initiatives have emerged to complement this effort. In 2013, Seattle University School of Law began an incubator program that engages recent alumni in serving moderate means clients, and in 2015 the WSBA approved the creation of a Low Bono Section, which is comprised of lawyers and other professionals who serve clients of moderate means.

Washington’s three law schools have recruited and trained more than 300 law students to conduct MMP intakes, analyze cases, and refer moderate income clients to lawyers. These partners have instilled law students with legal analysis skills, hands-on client interview skills, and a greater understanding of the complexities that clients face in accessing the justice system. Many of these students are graduating, joining MMP as participating attorneys, and taking on MMP cases to continue making a profound impact on the profession and the justice gap in Washington state.

**Closing the Gap**

Some might think that we have done our job, and that we have filled the gap and solved the problem — yet we are far from it. Considering the newest Civil Legal Needs Study, and the growing income, education, and access to justice gaps in our state, we are far from finished in our effort to close the gap in affordable legal services available to moderate income people in Washington.

The WSBA, MMP staff, and MMP participating attorneys now have a unique opportunity to collaborate and build increased innovation into our state’s MMP efforts. To help us continue serving the moderate means population, we need your help and input to expand the MMP by:

- Creating a structured formal mentorship program for MMP attorneys to receive free CLE credits
- Exploring the addition of new referral areas
- Exploring the addition of a Limited License Legal Technician Panel in family law
- Increasing the number of MMP participating attorneys who connect those in moderate income households with affordable legal help

We invite you to join the more than 600 Washington attorneys, 300 volunteer law students, and 3,000 donors who support the Moderate Means Program to bring meaningful legal help to some of those in our communities who need it most. By standing alongside us, we will make a collective impact and bring justice, accessibility, and opportunity to our communities, neighbors, families, and friends. *NWLawyer*

**ORIGINS**

In 2000, the Washington Young Lawyers Division and the Access to Justice Board created the Greater Access and Assistance Project (GAAP) Committee to establish a structure for a statewide reduced-fee lawyer referral service for moderate income clients. The Committee identified Spokane as a pilot site and continued to replicate its success in several counties around the state (Kitsap, Thurston, and Snohomish). The GAAP Committee continued to work with the WSBA’s Board of Governors to develop what is now the statewide Moderate Means Program. Through the support of the WSBA Board of Governors and the Washington State Bar Foundation, the Moderate Means Program brings meaningful help to those in need in our communities. To participate, attorneys must be active WSBA members in good standing and carry malpractice insurance.

**GET INVOLVED**

*Benefits to MMP Participating Attorneys:*

- Obtain free referrals to help build your client base.
- Learn new skills and expand your practice areas.
- Provide public service and help close the access to justice gap.
- Attend free or low-cost online trainings.
- Gain increased access to mentoring and peer support opportunities.

*Creating a structured formal mentorship program for MMP attorneys to receive free CLE credits*

*Exploring the addition of new referral areas*

*Exploring the addition of a Limited License Legal Technician Panel in family law*

*Increasing the number of MMP participating attorneys who connect those in moderate income households with affordable legal help*

*We invite you to join the more than 600 Washington attorneys, 300 volunteer law students, and 3,000 donors who support the Moderate Means Program to bring meaningful legal help to some of those in our communities who need it most. By standing alongside us, we will make a collective impact and bring justice, accessibility, and opportunity to our communities, neighbors, families, and friends. NWLawyer*

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**Catherine Brown** is the Moderate Means Program staff attorney and the assistant director of the Center for Law in Public Service at Gonzaga University School of Law. She can be reached at brownc@lawschool.gonzaga.edu.

**Ana Selvidge** is the programs manager for mentorship, new lawyers and public service at the Washington State Bar Association. She can be reached at anas@wsba.org.

**Clay Wilson** serves as the Seattle University School of Law Moderate Means Program attorney and adjunct faculty teaching the Moderate Means Practicum. He can be reached at wilsoncl@seattleu.edu.
Legal Help Within Reach

The Washington State Bar Association’s Moderate Means Program puts legal help within reach for Washington’s moderate-income population.

The Washington State Bar Foundation is proud to support this program. Your donation will help ensure continued and affordable access to the legal system for everyone.

“The Moderate Means Program inspired me to promote access to justice in our community. My participation, beginning as a student intake intern, laid the groundwork and shaped the vision of the law firm I now own. It’s a privilege to be involved in a program that serves underrepresented individuals.”

Mikel J. Carlson
Moderate Means Attorney

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

Denton P. Andrews
Denton Andrews was born in Boise. He worked in Alaska as a commercial fishing boat deckhand and as a pea processor for Twin City Foods. He obtained his legal education and qualification to sit for the bar exam through the APR 6 Law Clerk Program. Andrews served as associate counsel to the Secretary of the Navy at the Pentagon, and in 1991, joined the Department of Justice as a senior Navy trial attorney in the Criminal Division. In 1996, he became the deputy prosecuting attorney for Asotin County. He then went into private practice as a bankruptcy attorney. Andrews was a competition bench-rest shooter and won the 1996 World Championship, held that year in Finland.

Denton Andrews died April 29, 2016, at the age of 74.

Roger K. Anderson
A Seattle native, Roger Anderson received his undergraduate degree from the University of Washington in 1962 and his J.D. from Gonzaga University School of Law in 1973. He practiced law and was active in politics in Spokane before returning to Seattle in 1988. He practiced law in Seattle for the remainder of his career. Anderson was an enthusiastic fan of anything UW and the Mariners, and an avid fisherman.

Roger Anderson died Oct. 12, 2015, at the age of 76.

Mark T. Bader
Mark Bader was born in Chicago and moved to Seattle in the early 1980s to work at Boeing. He returned to school in his late thirties and earned his J.D. from Seattle University School of Law. An avid reader, Bader also enjoyed music and making people laugh.

Mark Bader died Jan. 29, 2016, at the age of 57.

William T. Beeks Jr.
William Beeks Jr., a Seattle native, was a graduate of the University of Washington and of George Washington University Law School. Following law school, he worked in Washington, D.C., as a government legal advisor. Beeks supported numerous humanitarian, animal, and arts organizations. He created the Florence and William T. Beeks — Las Brisas Foundation in honor of his parents.

William Beeks Jr., died Nov. 3, 2015, at the age of 81.

John P. Braislin
John Braislin was born in Tacoma. He earned an undergraduate degree in business administration from the University of Washington in 1967, where he was a member of the Delta Upsilon Fraternity. Braislin received his J.D. from Willamette University College of Law in 1971. He served in the U.S. Army Reserves for six years. He practiced law for 45 years, becoming a managing partner at Betts, Patterson and Mines, and later of counsel to the firm. He enjoyed boating, gardening, razor clamming, and travel.

John Braislin died June 25, 2016, at the age of 70.

Larry M. Carter
Larry Carter was born in Houston, Mississippi. He received his undergraduate degree from Western Michigan University in 1960 and his J.D. from the University of Michigan Law School in 1963. After law school, Carter worked for the Oregon Supreme Court for two years, then joined the firm now known as K & L Gates, where he became a partner. Carter enjoyed hiking and climbing mountains. His travels included China, France, Germany, and Jerusalem.

Larry Carter died May 17, 2016, at the age of 79.

Philip L. Carter
Philip Carter was born in Bend, Oregon. He earned a degree in economics from the University of Washington, followed by his J.D. in 1965. After law school, he joined the Livengood firm in Kirkland, serving as managing partner from 1980–2000. He was a founding member of Evergreen Hospital, Evergreen Hospice, and Evergreen Hospital Foundation, where he served as board president. Carter received the Evergreen Community Service Award in 2000. He was an active member of the Northshore Rotary Club and a founder of the Northshore Scholarship Foundation. Carter enjoyed fishing, boating, Husky and Seahawks football, and hosting family and friends on Maui and at Pearl Island in the San Juan Islands.

Philip Carter died June 20, 2016, at the age of 74.

Ann T. Cockrill
Ann Cockrill was born in Spokane and grew up in Yakima. She attended Seattle University and Gonzaga University School of Law. She began her legal career at Evergreen Legal Services in Walla Walla, Spokane, and Yakima. Cockrill went on to practice environmental law in the Office of the Attorney General in Olympia. In 1985, she joined the Boeing Co., focusing on health and safety law, retiring as senior counsel. Cockrill served on many nonprofit boards and volunteered with legal service organizations.

Ann Cockrill died April 3, 2016, at the age of 62.

Jerry A. Creim
Jerry Creim was born in Chattanooga, Tennessee. In 1977, he received his undergraduate degree from Emory University, and in 1981, his J.D. from the University of Puget Sound School of Law. Creim was a law clerk for Justice James Andersen for two years before joining the law firm of Williams Kastner, where he served on the board of directors and chaired the business and real estate transactions practice group. He enjoyed live music, cooking, and travel.

Jerry Creim died June 22, 2016, at the age of 59.

Dan P. Danilov
Dan Danilov was born in Vladivostok, Russia, and moved with his family to China before his second birthday. He grew up in China and Hong Kong, and during WWII set up an underground intelligence network in Shanghai with his brother, smuggling radio transcripts into POW camps. The brothers were captured, then freed by American troops, and the family immigrated to the United States, joining relatives in Seattle. Danilov joined the U.S. Army during the Korean War, and after being discharged, he received his undergraduate and J.D. from the University of Washington. He began his legal career with the King County Deputy Prosecutor’s Office, worked in private practice, and later became a judge in Des Moines. In 1961, Danilov was appointed the honorary consul of Honduras by President John F. Kennedy. A well-known immigration attorney, his practice focused on immigration law and he wrote several books on the subject. He enjoyed photography, was a lifetime member of the Seattle Yacht Club, and loved his Rolls Royces.

Dan Danilov died Feb. 9, 2016, at the age of 88.

Harrison H. deMers
Harrison deMers was born and raised in Montana, where he received his undergraduate degree. After graduation, he served in the U.S. Air Force as an officer in Morocco. Returning to the U.S., DeMers received his J.D. and served as a judicial law clerk for Federal District Judge George Boldt. He practiced law in Federal Way and served as a lieutenant colonel in the JAG Division at McChord Air Force Base. He loved hunting, fishing, football, hiking, and traveling.

Harrison deMers died on Feb. 9, 2016, at the age of 88.
Kent C. Diamond
Kent Diamond was born in Mountain View, California. He received an undergraduate degree in economics and computer science from the University of California, Berkeley, and received his J.D. from the University of Washington School of Law. After retiring from Microsoft, he took an extended trip across Africa and served with the U.N. in Southern Sudan. With his son, he installed a solar lighting system in a Kenyan school and taught local residents how to maintain it. He provided legal advice through the Union Gospel Mission’s Open Door Legal Services and coached Bear Creek School’s high school golf teams.

Kent Diamond died on Feb. 19, 2016, at the age of 54.

George E. Fraiser
George Fraiser was born in Hooper, Colorado, and moved to Washington when he was a young boy. He received his undergraduate degree from the University of Washington and his J.D. from Stanford Law School. Upon graduation, he received the Stanford Law Review Prize and became a member of the Order of the Coif. He joined the law firm Riddell Williams in Seattle, where he practiced tax and labor law and later went on to found the firm’s bankruptcy and creditors’ rights practice. He enjoyed downhill skiing, sailing the Puget Sound, camping in the Olympics, and golfing.

George Fraiser died on Feb. 7, 2016, at the age of 73.

Robert Hansen
Robert Hansen was born and raised in Seattle. He received his undergraduate degree from the University of Washington, and after serving in the U.S. Army, went to law school in California. He founded SeaMark Properties, a Seattle real estate investment and development company. He was a member of the 101 Club at the Washington Athletic Club and was a dedicated fundraiser for athletic scholarships. In retirement, he spent the winters in Palm Desert, California, where he loved to play golf with friends.

Robert Hansen died on Feb. 3, 2016, at the age of 83.

Russell W. Hansen
Russell Hansen served as an officer in the U.S. Coast Guard before moving to Ellensburg to practice law. He was a professor of sociology and law and justice at Central Washington University. He practiced family law for several years and also worked with the Department of Corrections and the Department of Transportation, but described himself as a teacher. After retirement, he spent two years on the sea.

Russell Hansen died on April 2, 2016, at the age of 76.

C. Henry Heckendorf
Henry “Hank” Heckendorf grew up in Winthrop. He studied engineering at the University of Washington and worked at Boeing before joining the Naval Air Corps in WWII. He received his J.D. from the University of Washington and practiced law for over 50 years. He represented the Queen Anne Hill district in the 1955-56 state Legislature. In his free time, Heckendorf enjoyed travel, boating, hiking, and skiing.

Henry Heckendorf died on Jan. 30, 2016, at the age of 94.

Douglas R. Hendel
Douglas Hendel was born in Los Angeles and moved to Kirkland with his family in childhood. He won a full scholarship to Yale University and received his J.D. from the University of Washington School of Law. He joined the Ryan Law Firm, where he was a partner and corporate attorney for over 30 years. In 1986, he went into partial retirement, which allowed him to travel for months at a time, visiting more than 100 countries. He enjoyed genealogy and history and was a dedicated season ticketholder to all Seattle sports teams.

Douglas Hendel died on Jan. 3, 2016, at the age of 84.

John E. Iverson
John Iverson was a Seattle native who grew up in the Ravenna neighborhood. He received his undergraduate degree in music education and his J.D. from the University of Washington. After law school, he clerked for Washington Supreme Court Judge Robert Hunter and with Federal District Judge George Boldt. He joined the Seattle law firm of Ryan Swanson, where he practiced business and estate planning law for 43 years, including several years as its managing partner. He loved music and sang with many groups over the years, including the Seattle Opera Auxiliary Chorus, a quintet called the Tinkers, and the Rotary Rogues. He was a past president and trustee of the Seattle Rotary Service Foundation, a trustee and past chair of the Pacific Northwest Ballet, a past trustee and vice president of PONCHO, and many other organizations. In his free time, Iverson enjoyed gardening, fishing, and celebrating holidays with family.

John Iverson died on March 2, 2016, at the age of 79.

Thomas S. James, Jr.
Thomas James Jr. was born in 1954 in Tacoma. He received his undergraduate degree from the University of Washington and later received his J.D. from Harvard Law School. James was a partner at Davis Wright Tremaine and went on to found Opus Law Group with several colleagues.

Thomas James, Jr. died Jan. 8, 2016, at the age of 61.

Robert H. Lorentzen
Robert Lorentzen was born in 1930 in Seattle. He received his undergraduate degree from the University of Washington in 1952 and served in the U.S. Navy from 1955–58. Upon his return to Seattle, Lorentzen enrolled in the University of Washington School of Law and received his J.D. in 1961. He practiced corporate law for over 40 years and spent his free time volunteering for various boards and golf organizations throughout the Puget Sound area.

Robert Lorentzen died May 25, 2016, at the age of 85.

C. James Lust
The Honorable C. James Lust was born in 1936 at Station Hospital at Fort Lewis. He attended Washington State University (formerly College) and completed Army ROTC training in 1958. When given the choice between the Army Rangers and the University of Washington School of Law, Lust chose legal studies and completed his J.D. in 1963. He was elected to the Yakima County Superior Court Bench in 1998, where he served until his retirement.

C. James Lust died March 15, 2016, at the age of 79.

Donald P. Marinkovich
Donald Paul Marinkovich was born in 1931 in Cathlamet. He received his undergraduate degree from the University of Washington in 1954. After completing a portion of his legal studies at the University of Washington School of Law, he entered the U.S. Army. At the end of his term in the military, he returned to the University of Washington and received his Bachelor of Law and Letters in 1959. For the next 40 years, Marinkovich served as a maritime trial lawyer. Outside of work, he was often found playing golf, a hand of gin rummy, or dominoes.

Donald Marinkovich died June 6, 2016, at the age of 84.

Ronald E. McKinstry
Ronald E. McKinstry was born in 1926 in Bakersfield, California. He received his undergraduate degree from the University of Washington School of Law. After serving in the U.S. Navy during World War II, he received his J.D. from the University of Washington School of Law. McKinstry practiced law in Seattle for over 50 years, primarily with the law firm Bogle & Gates as a trial lawyer and later with his son Michael and others at Ellis, Li & McKinstry.

Ronald McKinstry died March 5, 2016, at the age of 90.

Edward L. Mueller
Edward Lee Mueller was born in 1930 in Kansas City, Missouri. Shortly after graduating from high school, Mueller enlisted in the U.S. Army. He attended Seattle Univer-
Edward Mueller died April 21, 2016, at the age of 85.

William J. Powers
William J. Powers was born in 1920 in Seattle. He received his undergraduate degree from Seattle University (then College) and earned his J.D. from the University of Washington School of Law. After serving in the U.S. Army during World War II, Powers worked as an attorney with Whitmore, Vinton, Powers and Ishikawa and later as in-house counsel for Murray Franklin, Inc. Powers enjoyed coaching youth football and baseball as well as playing golf.

William Powers died on April 7, 2016, at the age of 95.

M. Martha Ries
Mary Martha Ries received her undergraduate degree from Boston College and earned her J.D. from Saint Louis University. She served as a judicial clerk for the Missouri Supreme Court, then joined the U.S. Department of Justice as an attorney in the commercial litigation branch. She practiced law in Seattle, where she was a partner at Bogle & Gates. She had numerous positions at the Boeing Co., including vice president of intellectual property and vice president of ethics and business conduct.

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

Louis Rouso
Louis Rouso was born in 1928 in Seattle. He served in the U.S. Marine Corps before heading to Seattle, where he received his undergraduate degree from the University of Washington and his J.D. from the University of Washington School of Law. Rouso was a solo practitioner who provided legal services for clients of all incomes. He enjoyed reading, cooking, and spending time with family.

Louis Rouso died at the age of 88.

Michael H. Runyan
Mike Runyan was born in 1947 and grew up in St. Joseph, Michigan. He attended the University of Michigan, where he majored in economics. He served in the U.S. Army during the Vietnam War, then earned his J.D. from the University of Michigan in 1975. Runyan was a law clerk for United States District Judge Talbot Smith before he joined Lane Powell in Seattle, where he practiced for 34 years. He was a fellow of the American College of Trial Lawyers and received the Jack P. Schofield Outstanding Achievement Award by the Washington Defense Trial Lawyers. He co-founded the Foundation for the Washington Courts and was the president of the Michigan Club in Seattle.

Michael Runyan died Dec. 19, 2015, at the age of 68.

W. John Sinsheimer
John Sinsheimer was born in 1932 in Chicago, Illinois. He attended the University of Washington for his undergraduate degree in political science and his J.D. in 1956. Sinsheimer served in the U.S. Army, where he was stationed in Orleans, France. He practiced estates and business law in Seattle, at the firm of Sinsheimer & Melitzer, Inc. He enjoyed history, books, current events, and travel.

W. John Sinsheimer died Jan. 29, 2015, at the age of 82.

Horton J. Smith
Rear Admiral Horton Smith was born in 1925 in Seattle. Smith received his undergraduate degree and later his J.D. from the University of Washington, where he was commissioned from the Naval ROTC in 1945. He served in the Korean War, then returned to the U.S. Navy Reserve, achieving the rank of rear admiral in 1975. Smith served as a King County Superior Court judge for nearly 20 years. He returned to active duty in the U.S. Coast Guard after 9/11 and became the oldest active member serving in the Persian Gulf.

Horton Smith died April 29, 2016, at the age of 90.

Payton Smith
Payton Smith was born in 1932 in Fort Worth, Texas. He attended Southern Methodist University and earned his J.D. from the University of Chicago Law School. He practiced law in Seattle at David Wright Tremaine from 1963–2011. He was a member and regent of the American College of Trial Lawyers and the author of a biography of Governor Albert D. Rosellini published by the University of Washington Press.

Payton Smith died Sept. 22, 2015, at the age of 82.

Thomas A. Stang
Tom Stang was born in 1935 in Seattle. He earned an undergraduate degree from the University of Washington in 1956. He served in the U.S. Army, then earned his J.D. at the University of Washington School of Law in 1962. He practiced law in Seattle and served as the Honorary Norwegian Consul, receiving The Royal Norwegian Order of St. Olav, Knight 1st Class from the King of Norway in 1975, and the Royal Order of Merit Commander in 1997.

Thomas Stang died Jan. 14, 2016, at the age of 80.

Marja Starczewski
Marja Starczewski was born in 1962 in Poland. She earned her undergraduate degree in architecture and later a J.D. from the University of Washington. She practiced law in Seattle, moving to Wenatchee 10 years ago. She was a longtime parishioner of the Blessed Sacrament Church in the University District and an active member of Seattle’s Polish community. She was a folk dancer and played the organ, as well as ringing handbells with the Northwest Bell Ensemble.

Marja Starczewski died April 8, 2016, at the age of 54.

Cleveland Stockmeyer
Cleve Stockmeyer was born in 1957 in New Orleans, Louisiana. He earned a B.A. in government from Oberlin College, a master’s degree in political science from Columbia University, and his J.D. from New York University School of Law. He moved to Seattle in 1992, where he practiced personal injury law and became involved in numerous local political issues. Stockmeyer enjoyed hiking, salsa dancing, and cooking.

Cleveland Stockmeyer died May 2, 2016, at the age of 59.

Robert K. Waitt
Robert Waitt was born in Seattle in 1931. He attended Washington State College (now University) and served in the U.S. Marines. He earned his J.D. from Gonzaga University School of Law in 1957, later serving on its Board of Regents. He practiced insurance defense in Seattle and was a judge in Issaquah District Court for 20 years. Waitt enjoyed golf, boating, and travel.

Robert Waitt died April 3, 2016, at the age of 84.

Robert W. Winsor
Bob Winsor was born in Mitchell, South Dakota, in 1928. He earned his undergraduate degree and J.D. from the University of Minnesota. He practiced law in Seattle from 1954–72, then served as a judge in King County Superior Court, where he was the presiding judge in 1986–87. He served on the Court of Appeals, Division I, until 1991. He joined JAMS in Seattle after his retirement from the bench. Winsor served on the board of the Washington state chapter of the ACLU and the Clemency and Pardons Board. He received the William L. Dwyer Outstanding Jurist Award in 2006. He enjoyed music and the arts, singing in the choir of East Shore Unitarian Church, playing tennis and squash, spending time with friends, and travel.

Robert Winsor died June 12, 2016, at the age of 87.
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Opportunity for Service

Northwest Justice Project Board of Directors

Application deadline: Sept. 9, 2016

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving on the Northwest Justice Project (NJP) Board of Directors. The WSBA Board will appoint up to three attorneys to three-year terms commencing January 2017. Two incumbents are eligible for reappointment. The NJP is a statewide not-for-profit law firm providing free legal services to low-income individuals and communities throughout Washington. The NJP’s Board is responsible for setting program policy, assuring adequate oversight of NJP operations and finances, and supporting, partnering with, and overseeing the executive director in his/her leadership role. Board members are expected to attend quarterly meetings in Seattle, attend an annual board retreat, and serve actively on two standing committees. Board members are expected to participate in and support NJP legal community activities and support fund-raising efforts for the organization. Board-related travel and lodging expenses are reimbursed as appropriate. For more information, please contact César Torres, NJP executive director, at cesart@njusticew.org, or Monica Langfeldt, board development committee chair, at langfeldtm@hotmail.com. Please submit letters of interest and résumés to WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; or email barleaders@wsba.org.

WSBA Launches CLE Faculty Database

The WSBA is pleased to announce the launch of a faculty database to better support the delivery of quality CLE programming. It will provide a single repository to access information about current faculty and those interested in becoming faculty, so the WSBA can best match expertise/qualifications to program needs. If you are currently serving as CLE faculty, or are interested in working with the WSBA as a future CLE faculty member, we ask that you register in the database. Serving as a faculty member provides you the opportunity to engage with other attorneys across the state, give back to your profession and expand your professional growth. Whether it’s upcoming changes in the law, emerging hot topics, or substantive content, our goal is to ensure we are engaging with the right faculty at the right time, matching practice expertise and knowledge to our educational programming needs. If you are current CLE faculty or are interested in future opportunities, please register in the CLE faculty database today at https://www.mywsba.org/CleFacultyApplication.aspx.

Open Sections Night in Spokane

New and young lawyers are invited to participate in this networking event in collaboration with the Washington Young Lawyers Committee (WYLC) Thursday, Oct. 20, from 5–7 p.m. at Gonzaga Law School (721 N. Cincinnati St., Spokane). Enjoy food, beverages, and door prizes while meeting representatives from many of WSBA’s 28 sections. Learn more and RSVP at www.wsba.org/Events-Calendar/2016/October/Open-Sections-Night-Spokane.

Take the Call to Duty Pledge

The WSBA Call to Duty initiative is designed to inform, inspire, and involve you in meeting the legal needs of veterans and their families. Take the Pledge and commit to serving Washington veterans in 2016. As part of the pledge, we will support you by providing resources both legal and non-legal to serve veterans; education and CLEs; and the chance to answer the various calls to duty in serving veterans. You can sign up to take the pledge at www.mywsba.org/CallToDutyPledge.aspx.

ALPS Attorney Match

ALPS Attorney Match is a free online networking tool made available through the WSBA-endorsed professional liability partner, ALPS. This resource allows attorneys to set up a profile and indicate whether they are looking for or available to act as a mentor. Mentorship programs that meet requirements are now eligible for MCLE credits. The WSBA provides information and links to the ALPS Attorney Match online system as a service to the legal community. For more information, email mentorlink@wsba.org.

WSBA Board of Governors Meetings

Sept. 29–30, Seattle; Nov. 18, Seattle

With the exception of the executive session, Board of Governors meetings are open, and...
Volunteer Custodians Needed
The WSBA is seeking interested lawyers as potential ELC 7.7 volunteer custodians. An appointed custodian is authorized to act as counsel for the limited purpose of protecting a client’s interests whenever a lawyer has been transferred to disability inactive status, suspended, disbarred, dies, or disappears and no person appears to be protecting the client’s interests. The custodian takes possession of the necessary files and records and takes action to protect clients’ interests. The custodian may act with a team of custodians and much of the work may be performed by supervised staff. If the WSBA is notified of the need for a custodian, the WSBA will affirm the willingness and ability of a potential volunteer and seek their appointment as custodian. Costs incurred may be reimbursed. Current WSBA members of all practice areas are welcome to apply. Contact Sandra Schilling at sandras@wsba.org, 206-239-2118 or 800-945-9722, ext. 2118 or Darlene Neumann at darlenen@wsba.org, 206-733-5923 or 800-945-9722, ext. 5923.

Legal Community
Access to Justice Board Technology Symposium
The Access to Justice Board is planning a Technology Symposium for Sept. 9, 2016. Held at the University of Washington School of Law, the event will bring together representatives from the tech community, legal aid providers, nonprofits, law firms, and stakeholders to engage at the intersection of technology and justice. The goal is to drive implementation of the Access to Justice Technology Principles through conversations and connecting individuals from a variety of backgrounds. The full-day symposium will explore current court technology, legal tech innovation, and the Technology Principles through a series of workshops, flash talks, and small group sessions. We hope members of the Washington legal community will be able join us for this important event. Request registration details and the final agenda from ATJ Tech Committee Co-chair Emily McReynolds at emcr@uw.edu.

Lawyers Helping Hungry Children, a nonprofit dedicated to ending childhood hunger in Washington, will hold its annual fundraiser on Oct. 13, 2016, at the Grand Hyatt in Seattle. This year marks the 25th Anniversary of Lawyers Helping Hungry Children’s mission of raising money and advocating on behalf of hungry children. The money raised by Lawyers Helping Hungry Children goes to beneficiary organizations that provide food to children of low-income families and to advocacy for childhood hunger issues, including the City of Seattle Summer Food Program, Northwest Harvest, Emergency Feeding Program, and CARE.

The luncheon will be emceed by Ian Lindsay and headlined by keynote speaker Rob McKenna, former Washington state attorney general. Individual tickets are $100 for the event or $60 for students and attorneys with government and nonprofit organizations. Tables can be reserved for $1,000. Online registration is available at www.lhhcwa.org.

Also on Oct. 13, the Pierce County Chapter of Lawyers Helping Hungry Children will be holding its 8th Annual Breakfast to benefit three food banks that have backpack programs for school-age children at St. Leo Food Connection from 7:30–8:30 a.m. Dr. Anthony Chen, director of health with the Tacoma Pierce County Health Department, will be the guest speaker. For more information, contact Arlene Joe at arlenejoe@hbornet.com or 253-212-0349.

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

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

WSBA Lawyers Assistance Program (LAP)
WSBA Connects Offers Free Counseling
WSBA Connects provides free counseling in your community. All Bar members are eligible for three free sessions on topics as broad as work stress, career challenges, addiction, anxiety, and other issues. By calling 800-765-0770, a telephone representative will arrange a referral using APS’s network of clinicians throughout the state of Washington. We encourage you to make the most of this valuable resource.

Weekly Job Search Group
The Weekly Job Search Group provides strategy and support to unemployed attorneys. The group runs for 7 weeks and is limited to eight attorneys. We provide the comprehensive WSBA job search guide, “Getting There: Your Guide to Career Success,” which can also be found online at www.tinyurl.com/7heb8b. If you’d like to participate or would like to schedule a career consultation, contact Dan Crystal at danc@wsba.org or 206-727-8267.

Mindful Lawyers Group
A growing number of legal professionals across the nation are applying mindfulness-based skills and training to lawyering. The Washington Contemplative Lawyers group meets on Mondays on the 6th floor of the WSBA offices in the LAP group room from noon to 12:45 p.m. For more information, contact Greg Wolk at greg@rekhiwolk.com.

The “Unbar” Alcoholics Anonymous Group
The Unbar is an “open” AA group for attorneys that has been meeting for over 25 years. Meetings are held Wednesdays from 12–1:30 p.m. at the Skinner Building at 1326 5th Ave., 7th Floor. If you are seeking a peer advisor to connect with and perhaps walk you to this meeting, the Lawyers Assistance Program can arrange this and can be reached at 206-727-8268.
Need to Know

Overwhelmed?
It’s easy to become overwhelmed by billable hour requirements, managing your practice, or the sheer volume of files piled in your office. Feelings of being overwhelmed can quickly turn into avoidance, then paralysis. If you’d like counseling for this problem, call WSBA Connects at 800-765-0770.

WSBA Law Office Management Program (LOMAP)

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

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

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

Usury Rate
The average coupon equivalent yield from the first auction of 26-week treasury bills in August 2016 was 0.401%. Therefore, the maximum allowable usury rate for September is 12%.

Visit the WSBA Career Center!

JOB SEEKERS: access job postings, manage your job search, post an anonymous résumé

EMPLOYERS: post openings, manage recruiting, search résumés, reach targeted candidates

http://jobs.wsba.org

Announcements

PREG, O’DONNELL & GILLETT
A trial attorneys defense firm in the Pacific Northwest led by
Mark F. O’Donnell • Eric P. Gillett • Bennett J. Hansen
Lori K. O’Tool • Jeff W. Daly • Emma Gillespie
Alex S. Wylie • John K. Butler • David Poore

Announces the addition of

William T. Cornell
University of San Diego School of Law, 1989
to our Seattle office as Of Counsel, focusing
his practice on general liability, real estate,
construction, complex commercial disputes
and risk management advice

and

Daniel W. Rankin
Saint Louis University School of Law, 2015
as an associate in our Seattle office

They join our talented team of lawyers:
Justin Bolster • David Chawes • Debra Dickerson
Mary Eklund • William Fitzharris • Rod Fonda
Amber Gundlach • Molly Kosten
Gregory Latendresse • John Lee • Jennifer Loynd Jinju
Park • Michelle Pham • Karen Phu
Christine Tavares • Mark Wilkerson

Portland Office Associates:
Gregory P. Fry • Jonathan Liou • Abby Michels
Anna S. Raman

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Seattle, WA 98101-1340 Anchorage, AK 99501 Portland, OR 97202
Tel: 206-287-1775 Tel: 907-276-5291 Tel: 503-224-3650

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Seattle, WA 98101-1340 Anchorage, AK 99501 Portland, OR 97202
Tel: 206-287-1775 Tel: 907-276-5291 Tel: 503-224-3650
It is with mixed emotions that

**Dean Standish Perkins & Associates**

announces its merger with the law offices of

**Karen J. Zimmer, P.S.**

Now operating as Dean Standish Perkins, the merger was filed with the assistance of Justin D. Farmer of Private Practice Transitions, before the untimely passing of Ms. Zimmer in July 2016.

A highly regarded personal injury attorney with long-time ties to the Seattle area, we are honored by Karen’s confidence in us, and look forward to continuing her legacy of excellence in legal counsel.

**Dean Standish Perkins & Associates**

119 First Avenue South, Suite 310
Seattle, WA 98104
206-467-0701

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

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**Ahlers & Cressman, PLLC**

is proud to announce that effective June 2016

Ellie Perka

and

James Lynch

have become partners of the firm.

Ellie Perka is a litigator and regularly handles multimillion-dollar construction disputes including terminations; differing site conditions, delay, and change order claims; alternative procurement disputes; construction defect litigation; and lien claims. In addition, Ms. Perka represents the firm’s clients in employment-related matters and issues concerning minority and women-owned DBES (Disadvantaged Business Enterprises), including constitutional challenges. She has demonstrated excellence and dedication in helping the firm’s clients resolve complex construction disputes.

James R. Lynch is a construction and real estate litigator representing private and public clients on a variety of high-value construction and development projects. He routinely represents clients in contract negotiations, procurement protests, change order disputes, construction claims, construction defect matters, and real estate and business transactions. Mr. Lynch currently serves on the Washington State Project Review Committee (PRC) in the Private Sector seat, was the primary drafter of recently-enacted Heavy Civil GC/CM public works legislation (RCW 39.10), and is currently the lead drafter for the Public-Private Partnership Committee of the state Capital Projects Advisory Review Board.

**Ahlers & Cressman, PLLC**

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[www.ac-lawyers.com](http://www.ac-lawyers.com)
Ryan, Swanson & Cleveland, PLLC

is pleased to announce

Jessica A. Cohen

has joined the firm’s Real Estate, Development & Finance and Healthcare groups. Jessica will represent real estate and healthcare clients in acquisition transactions and general corporate matters.

Jessica can be reached at 206-654-2228 or via email at cohen@ryanlaw.com.

Ryan, Swanson & Cleveland, PLLC
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3600 Port of Tacoma Rd., Ste. 304
Tacoma, WA 98424
253-922-4140

WAMS@usamwa.com
www.usamwa.com

Jackson Lewis P.C.

is pleased to announce that

Sherry L. Talton
Of Counsel Attorney

and

Jonathan M. Minear
Associate Attorney

have joined the Seattle office.

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is pleased to announce that

Alexander J. Wisbey,
Amanda D. Daylong

and

Casey M. Bruner

have joined the firm as associates.

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Discipline and Other Regulatory Notices

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

Suspended

Christopher William Bawn (WSBA No. 13417, admitted 1983), of Olympia, was suspended for nine months, effective 5/2/2016, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.15A (Safeguarding Property), 1.15B (Required Trust Account Records), 3.2 (Expediting Litigation), 3.4 (Fairness to Opposing Party and Counsel), 8.4(f) (ELC violation). Craig Bray acted as disciplinary counsel. Christopher William Bawn represented himself. The online version of NWLawyer contains links to the following documents: Disciplinary Board Order Approving Stipulation to Nine-Month Suspension; Stipulation to Nine-Month Suspension; and Washington Supreme Court Order.

Suspended

Robert A. Clough (WSBA No. 27447, admitted 1997), of Bainbridge Island, was suspended for 30 months, effective 5/2/2016, 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). Kathy Jo Blake and Sachia Stonefeld Powell acted as disciplinary counsel. Robert A. Clough represented himself. Karen A. Clark was the hearing officer. Timothy J. Parker was the settlement hearing officer. The online version of NWLawyer contains links to the following documents: Disciplinary Board Order Approving Stipulation to 30-Month Suspension; Stipulation to Suspension; and Washington Supreme Court Order.

Suspended

Craig Richard Elkins (WSBA No. 14608, admitted 1984), of Bellevue, was suspended for one year, effective 5/2/2016, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.2 (Scope of Representation and Allocation of Authority Between Client and Lawyer), 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.7 (Conflict of Interest: Current Clients), 1.8 (Conflict of Interest: Current Clients: Specific Rules), 1.15A (Safeguarding Property), 1.16 (Declining or Terminating Representation), 5.3 (Responsibilities Regarding Nonlawyer Assistants), 8.4(d) (Prejudicial to the Administration of Justice). Debra Slater acted as disciplinary counsel. Craig Richard Elkins represented himself. Seth A. Fine was the hearing officer. James S. Craven was the settlement hearing officer. The online version of NWLawyer contains links to the following documents: Disciplinary Board Order Approving Stipulation to One-Year Suspension; Stipulation to Suspension; and Washington Supreme Court Order.

Suspended

Rene Erm II (WSBA No. 25299, admitted 1995), of Walla Walla, WA, was suspended for 30 days, effective 6/3/2016, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. For more information, see https://www.osbar.org/publications/bulletin/16apr/discipline.html. Joanne S. Abelson acted as disciplinary counsel. Rene Erm II represented himself. The online version of NWLawyer contains links to the following document: Washington Supreme Court Order.

Suspended

Brian K. Hammer (WSBA No. 7642, admitted 1977), of Everett, was suspended for nine months, effective 5/31/2016, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.4 (Communication), 1.5 (Fees), 1.7 (Conflict of Interest: Current Clients), 1.15A (Safeguarding Property). Marsha Matsumoto acted as disciplinary counsel. Sam Breazeale Franklin represented Respondent. Christopher C. Pence was the hearing officer. Craig C. Beles was the settlement hearing officer. The online version of NWLawyer contains links to the following documents: Disciplinary Board Order Approving Stipulation to Nine-Month Suspension; Stipulation to Suspension; and Washington Supreme Court Order.

Suspended

Carolyn Renee Smale (WSBA No. 31125, admitted 2001), of Hood River, OR, was suspended for 60 days, with the entirety of the suspension stayed pending successful completion of the two-year probation term in the State of Oregon, effective 5/4/2016, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. For more information, see https://www.osbar.org/publications/bulletin/16apr/discipline.html. Joanne S. Abelson represented herself. The online version of NWLawyer contains links to the following documents: Washington Supreme Court Order.

Suspended

Andre Stratman Wooten (WSBA No. 6677, admitted 1976), of Honolulu, HI, was suspended for six months, effective 5/2/2016, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Hawaii. For more information, see www.odchawaii.org/uploads/Order_of_Suspension_Ander_S_Wooten_021513.pdf. Joanne S. Abelson acted as disciplinary counsel. Andre Stratman Wooten represented himself. The online version of NWLawyer contains links to the following document: Washington Supreme Court Order.

Reprimanded

Geoffrey Colburn Cross (WSBA No. 3089, admitted 1968), of Tacoma, was reprimanded, effective 5/16/2016, by order of the hearing officer. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.15A (Safeguarding Property), 1.15B (Required Trust Account Records). Francesca D’Angelo acted as disciplinary counsel.
counsel. Geoffrey Colburn Cross represented himself. Renee Glenda Walls was the hearing officer. The online version of NWLawyer contains links to the following documents: Order on Stipulation to Reprimand; Stipulation to Reprimand; and Notice of Reprimand.

Reprimanded

Cristina B. Mehling (WSBA No. 38862, admitted 2007), of Bellevue, was reprimanded, effective 5/6/2016, by order of the hearing officer. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.6 (Confidentiality of Information), 116 (Declining or Terminating Representation). Francesca D’Angelo acted as disciplinary counsel. Cristina B. Mehling represented herself. Karen A. Clark was the hearing officer. The online version of NWLawyer contains links to the following documents: Order Approving Stipulation to Reprimand; Stipulation to Reprimand; and Notice of Reprimand.

Reprimanded

Rajiv Nagaich (WSBA No. 32991, admitted 2002), of Federal Way, was reprimanded, effective 4/26/2016, by order of the Chief Hearing Officer. The lawyer’s conduct violated the following Rules of Professional Conduct: 5.3 (Responsibilities Regarding Nonlawyer Assistants). Jonathan Burke acted as disciplinary counsel. Thomas M. Fitzpatrick represented Respondent. The online version of NWLawyer contains links to the following documents: Order on Stipulation to Reprimand; Stipulation to Reprimand; and Notice of Reprimand.

Admonished

Mary Simon (WSBA No. 17737, admitted 1988), of Bremerton, was ordered to receive an admonition, effective 2/12/2016, by order of the hearing officer. The lawyer’s conduct violated the following Rules of Professional Conduct: 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation). Francesca D’Angelo acted as disciplinary counsel. Stephen Gift Skinner represented respondent. David B. Condon was the hearing officer. Erik S. Bakke was the settlement hearing officer. The online version of NWLawyer contains links to the following documents: Hearing Officer’s Decision; Disciplinary Board Chair Order Declining Referral for Sua Sponte Consideration; and Admonition.

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.wbsa.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., Jan 1 for the Feb. issue.) Advance payment required. For payment information, see http://bit.ly/NWLawyerAds. These rates are for advertising in NWLawyer only. For questions, email classifieds@wsba.org.

FOR SALE

Washington Reports 1st and 2nd and Washington Appellate Reports through 1990. Email M. McKean: mckeangun@aim.com.

Growing South King County Practice that is experiencing 19% growth year over year! Case breakdown is approximately 55% Business (transactional and litigation), 40% Estate Planning and Probate and 5% Real Estate. This is a fantastic opportunity to build upon a booming practice! Contact justin@privatepracticetransitions.com or Justin Farmer, 425-785-2453.

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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.

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**SPACE AVAILABLE**

Office sublease available through 2018, in the Denny Building (Seattle), 2200 6th Ave, 6th floor, just north of new Amazon buildings. Approximately 1500 sq. feet @$25 sq. ft. Includes 4 or 5 window offices, with adjacent workstations. Shared use of 2 large conference rooms, kitchen, work area and lobby. Parking in the Denny Building garage. Showers and lockers available.


Mill Creek Conference Room Rental Space: Professional environment to meet clients. This legal office is centrally located with easy access. Hourly rates available. Call 206-999-7433.

Office share space available in Walla Walla, WA. Three-attorney law firm with one attorney office and one secretarial office space available for sub-lease and overhead sharing, due to one attorney’s retirement. Each attorney is a separate law firm. These law offices are located downtown Walla Walla in the Denny Building, 6 E. Alder Street. This office space has been leased since 1977. For further information please contact Gregory L. Lutcher or Rene Erm II at 509-529-2200.

South Lake Union — Eastlake (Seattle). Great professional space available for sublease/great rates: Small real estate law firm to sublease 1- to 4-attorney offices with addition staff space. Collegial atmosphere. Conference room, kitchen, storage space, front desk, fax/copier/ scanner/shredding. Onsite parking available. John, 206-224-3475.

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Professional offices near Court House in Ephrata, WA. Grant County. Renting cubicles for small business or attorneys. Potential remodel to suite for small business. Contact: Barbara Valentine, 509-378-0402 or email valentinemercer46@yahoo.com.

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

**CIVIL RIGHTS**

**Racial Progress or Deepening Racial Divide?**
Sept. 23, Seattle and webcast. 7 Law & Legal Procedure CLE credits. Presented by the WSBA in partnership with the WSBA Civil Rights Law Section; 800-945-WSBA or 206-443-WSBA. [www.wsba.org](http://www.wsba.org).

**CRIMINAL LAW**

**Movie Magic: How the Masters Try Cases**
Sept. 12, Seattle. 6 CLE credits (4 Law & Legal Procedure plus 2 Ethics). Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. [www.wsba.org](http://www.wsba.org).

**23rd Annual Criminal Justice Institute**

**ELDER LAW**

**Elder Law**
Sept. 16, Seattle and webcast. CLE credits pending. Presented by the WSBA in partnership with the WSBA Elder Law Section; 800-945-WSBA or 206-443-WSBA. [www.wsba.org](http://www.wsba.org).

**ETHICS**

**18th Annual Ethics, Professionalism & Civility Workshop**
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Valerie “Val” Ohlstrom
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Why I became a lawyer: I love going to school, but was prevented from continuing my education right after undergraduate studies because my husband and I had a severely disabled child. I began law school wanting to work with families like mine, who have an adult child with disabilities; along the way I discovered elder law, and haven’t looked back. I had a great time going to law school as a “non-traditional” student.

Before law school I was active in family life and advocacy for people with special needs and their families, including acting as founding president of the Lifetime Secure Personal Assistance Network (LifeSPAN), a family-directed organization that works with families to plan for the future of their loved one with disabilities. We also spent time at our beach place and my husband and I sang in several choirs.

My greatest talent as a lawyer is analyzing the details and complexities of the goals, needs, and family dynamics of a senior’s legal issues, and creating a plan to meet such goals and needs.

The best advice I have for new lawyers is to attend WSBA and county bar events, as well as networking with non-legal professionals as appropriate to your field of practice. Establish relationships by showing interest in others and always express your gratitude.

The most rewarding part of my job is succeeding in supporting the needs and goals of my clients.

The worst part of my job is running the business.

A funny story that happened to me while practicing: I was walking to the King County Courthouse on a beautiful sunny day for my first hearing when I was pelted by a seagull. The commissioner looked at me funny because the front of my hair was wet, but said nothing.

During my free time, my husband and I cruise Lake Washington and Puget Sound in our Bayliner Cruiser and enjoy activities and celebrations with our three sons at the Queen City Yacht Club. And of course in the fall, there is Husky and Seahawks football. We often attend the former by boat.

My most memorable trip was in 2000, when we packed up our two younger sons, flew to Baltimore, and rented a minivan. We drove for three weeks, which included a family reunion of 150 at Plymouth Plantation, a Fourth of July bonfire and barbecue on Cape Cod, and seeing “Music Man” in New York City. For every cultural event we dragged our sons to, we took them to an amusement park, too.

If I took one day off in the middle of the week, I would spend it outside hiking or beach walking, followed by a nice dinner and bottle of wine with family and/or friends.

I enjoy reading adventure stories and sci-fi.

My favorite places in the Pacific Northwest are the small towns on or near the water, including Langley, Coupeville, and La Conner.

Nobody would ever suspect that I have sung and danced professionally.

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

This is on my bucket list: more travel, including more boating, and seeing more sights across the country.

My worst habits are chili-flavored Fritos and Manhattans.

My best habits are dark chocolate and exercise.

If I have to choose one favorite band, it would be Chicago. I also love musical theater.

My all-time favorite movies or TV shows: “Star Trek,” “Star Wars,” and “A Muppet Christmas Carol.”

My dream trip would be New England, including shows in New York City, driving along the New England Coast, and lobster almost every night for dinner.

My heroes are parents of special needs children of any age, and families supporting their aging parents.

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My name is VAL OHLSTROM and my practice focuses on elder law, including consultation on all aspects of estate and disability planning, Medicaid and long-term care planning, guardianship, and probate. I have offices in North Seattle and on Mercer Island, as well as meeting clients in their homes. I am a member of the WSBA, King County Bar Association Elder Law section, National Academy of Elder Law Attorneys (NAELA), and the Washington Academy of Elder Law Attorneys (WAELA), where I serve as a director and co-chair of the programming committee. You can reach me at valerie@ohlstromlaw.com or 425-881-5251, and my website is www.ohlstromlaw.com.

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