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Now in Session: Holding Court in the Classroom p.28
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ON THE DOCKET

Q&A WITH WSBA PRESIDENT
Bill Pickett

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President-Elect and Class of
2018 Governors

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The WSBA’s Official Members’ Magazine

**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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Paula C. Littlewood
Executive Director
206-239-2120; paulal@wsba.org

Margaret Morgan
Senior Legal Editor
206-727-8250; morganm@wsba.org


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MORE ON CHARACTER AND FITNESS

In *In re Simmons*, 190 Wn.2d 374, decided this year, the Supreme Court applied many criteria to this rare admission-to-the-bar case and ruled that the applicant was entitled to take the bar exam. [See July *NWLawyer.*] Its decision was based on the court’s Admission and Practice Rules (APR). The court in those rules asserts that it has inherent authority to determine qualifications to take the bar exam.

This is not a judicial power, I think. The general rule of democracy is that the people rule, and that in ruling they delegate defined authority to government, in our case in the form of the federal Constitution. The federal Constitution gives courts authority to decide cases and controversies, and this grant applies to the states, too, because they must have a “republican” government, which means divided courts, executive, and legislature. Court authority to decide cases does not extend to the authority to regulate the entire legal profession, because this is legislation. A court may have authority to set forth rules for practice in its own forum, such as reading their rules and perhaps observing the court for a certain number of hours, but that is all.

I believe anyone who graduates from law school should be able to take the bar exam. It would no longer be necessary to strain to create rules for determining who is a suitable citizen and who might be a recidivist citizen. To penalize a person with a felony conviction may be double jeopardy, because the person is punished criminally first, after a plea or trial, and then judicially after applying to take the bar exam, even though that person has...
done no additional wrong. But there are reasons for different opinions and the matter should be decided by the public, by voting, or by act of the legislature. Democracy.

Intractable procedural problems also lie in the path of the APR. The rules are enacted by the Supreme Court acting as a legislature, and then they decide cases based on their own rules. The court cannot be a legislature and a court at the same time. The same is even truer of the disciplinary rules, where the Supreme Court has enacted both a quasi-criminal code, the RPC, and a code of procedure, the ELC. The court then hears cases based on its own legislation. It is impossible for the court to adjudicate constitutional or other challenges to its own rules. The conflict would be intense. It is almost impossible for lawyers to challenge any legislative act of the court, because most lawyers do not want to antagonize courts.

I realize these arguments may seem unconventional but I ask that all lawyers consider them.

Roger B. Ley, Svensen, OR (inactive)

NEUTRALITY NEEDED
While the recent high profile coverage of In re Simmons focuses on the standards to be applied in Bar Association Character and Fitness hearings, the suite of articles in the July 2018 NWLawyer glosses over the extent to which process influences outcome. I am a former WSBA section chair, I have served as an administrative law judge, I have practiced in the area of licensing and professional discipline of health professions for 14 years, and my participation as a character witness in a C&F investigation and hearing was one of the worst experiences of my career.

In retrospect, it appeared as though the applicant had been pre-judged with the intent that the application be denied. The fact that bar counsel may choose not to make express recommendations to the hearing panel does not mean that bar counsel is a neutral participant. The investigation and presentation by bar counsel resembled a criminal prosecution. The C&F process may be adversarial insofar that the applicant is entitled to independent legal representation. However, that should not relieve the disciplinary authority from conducting an impartial investigation and making a balanced presentation to help the hearing panel make a fully informed decision. In administrative proceedings, the presiding officer has a duty to facilitate a complete record. This should be true in C&F hearings as well, especially when the applicant appears pro se.

Good people make mistakes. Consequently, a character and fitness review may be warranted, but it should not be confused with a criminal proceeding. Good people seek atonement. Furthermore, good people who are willing to put their reputations on the line by testifying on behalf of an applicant should not be regarded as targets to be discredited at hearing. I felt betrayed at the conclusion of the process and my relationship with the bar association has been significantly damaged.

Change is constant; however, the opportunity for abuse remains. The decision whether to initiate an investigation should not rest with staff and bar counsel. Investigations should be conducted to develop evidence sufficient to enable a Character & Fitness oversight committee to make a fully informed decision whether a matter should be referred for a hearing. That is particularly important in light of the fact that the applicant subsequently bears the burden to establish good C&F by clear and convincing evidence. The legal profession could learn a lot about professional discipline by reviewing the procedures and standards developed in the medical and other health professions.

Larry Berg, Olympia

NEW HEALTH-INSURANCE EXCHANGE FOR MEMBERS
YOU WILL SOON HAVE A NEW resource when shopping for health insurance for yourself and your employees: WSBA is offering a private online exchange where members can compare and purchase products—including health, life, dental, and vision insurance—from leading providers. Although the insurance market is increasingly complex and costly, this provides another option to help you find the best coverage.

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WASHINGTON STATE BAR ASSOCIATION
THE BAR BUZZ
A hive of information, just for you.
IN THIS ISSUE, WE introduce you to the 2018-19 WSBA President Bill Pickett. He was elected to the Board of Governors in September 2015 and to the office of president-elect in September 2017. He became president several months before his planned tenure after former President Brad Furlong resigned on March 17, 2018.

**NWLawyer:** You have made it clear you are deeply committed to three ideas in your new role as WSBA President: trust, relationship, and service. Can you explain more specifically why these ideas are so important to you?

**Pickett:** Trust, relationship, and service will be our touchstones for 2018-19. In all that we say and do, we will be asking: Does this increase trust, enhance relationships, and breathe life into our mission of service leadership?

Honestly answering these questions at the beginning of any of our projects, initiatives, or decision-making processes—whatever those may be—will ultimately focus our energy on action that changes our legal profession for the better. In turn we, your Board of Governors and WSBA staff and volunteers, will serve the membership like never before.

**A word on TRUST.** Fundamentally, human beings work best when we collaborate. Trust and relationship
are the foundation upon which any meaningful, long-lasting service to others exists. Attempting to collaborate without first establishing a trusting relationship with each other is a recipe for wasting time, wandering in frustration, and planting seeds of anger.

We may disagree about the “how,” but we should never disagree about the “why” of the common purpose and values that bring us together in the first place. When we trust that we have the same goals and interests at heart, when we trust that we will treat one another with respect and dignity even in disagreement, we can move forward in ways that positively impact the people we serve: the public and our members. Lack of trust and/or increased distrust slows, and sometimes destroys, our ability to collaborate effectively. More importantly, a lack of trust prevents us from forming relationships and thriving in work and in life.

A word on RELATIONSHIP. The world works at the speed of relationships. The nature of our relationships with others is vitally important to all that we do, as it sets the foundation for trust and/or distrust. Relationships that are built on trust have the most potential for achieving positive results. As legal professionals, we all want to achieve positive results for the people we serve. The most effective world-changers I have known understand that relationships are key to our success or failure as servants, lawyers, business people, spouses, parents, and human beings.

A word on SERVICE. As lawyers we are called on to serve others. There is no other reason for our profession to exist. This is best accomplished when we dig deep to establish trusting relationships that allow us to fearlessly serve. When it comes to service, success or failure is directly linked to the degree of trust within the involved relationships. Tragically, distrust has poisoned many relationships that potentially could have changed our world for the better. If we truly desire to meet our call to serve, then we must do everything we can to build trust and relationship like never before.

NWLawyer: Do you feel optimistic about implementing these ideas during your tenure?

Pickett: That depends on the lens through which I view the world on a given day. Admittedly, I sometimes find myself looking through the negative lenses of frustration; skepticism; and, worst of all, fear. When this happens, the worst possibilities are given a chance to become reality. In these moments, progress can stall and fear runs wild. Fortunately, I have discovered, albeit painfully at times, that these negative lenses are enemies of trust, relationship, and service. I know that the longer I look through negative lenses, the harder it becomes to be optimistic and, more importantly, the harder it is to see the robust opportunities that actually exist. Conversely, when I view the world through the lenses of trust, relationship, and service, obstacles become opportunities. When I earnestly invest in meaningful relationships, I notice that problems fade and opportunities arise. When service beyond self becomes our default, life takes on a whole new meaning and the world around us changes for the better. With that in mind, I am both optimistic and inspired that my 2018-19 season as WSBA President will be a great time of opportunity for service to the public and our members.

NWLawyer: Talk about your viewpoint on license fees for WSBA members.

Pickett: One of the most important duties of the Board of Governors is to review and audit WSBA’s budget and financial integrity, which includes setting the annual fee for all licenses. The Washington Supreme Court then reviews these license fees for reasonableness. Our mutual goal is to ensure that WSBA is able to effectively and efficiently execute all of its court-ordered responsibilities.

I am a member of four state bar associations: Washington, Oregon, Alaska, and Arizona. My combined annual license fees are always more than I would like to pay. Of the four states, Washington is the least expensive. I’ll admit that at times I’ve asked, “What do I pay all this money for?” I have also asked, “What does the bar association do for me?”

The reality is that each bar association I am privileged to be a member of provides me (us) with a “license” to engage in the practice of law. This license gives us a key to do something that is incredibly special. Specifically, our license gives each of us a key that opens the doors of justice for the people we serve. Over the course of 20 years, I have come to understand that this key is worth every dime it costs. We should never forget that our licenses represent that key and hopefully we always use it to open wide the doors of justice for all.

NWLawyer: What else do WSBA members have on their minds?

Pickett: My sense is that a large number of our members simply want to practice law and be left alone. Specifically, they do not want WSBA to get involved in their professional lives any more than is absolutely necessary. For many of us this means paying our license fees, working hard, and staying out of the discipline system. This resonated well with me early in my career as I wanted to do just that: practice law and be left alone.

That being said, over the years I have realized that another large number of legal professionals want to be more involved with their membership association than just writing a check for their license fee once a year. I have grown to appreciate these folks for all that they sacrifice and give to the WSBA.

As a general rule, Washington state is unbelievably blessed with...
people who care about each other. WSBA is no exception to this rule, as evidenced by the hundreds of volunteers who selflessly give to this organization daily. And this goes beyond volunteering with the WSBA—I am overwhelmed by the extent to which Washington lawyers and legal professionals volunteer and give straight from their hearts to champion a variety of other causes. It is truly something special and sets the WSBA membership apart in so many ways.

For those of us who choose not to be deeply involved with the WSBA, that is OK, too. Know that we will do our best to not hamstring your ability to practice, and hopefully to assist where we can. I ask only that you hold open the possibility of more involvement whenever the season is right for you. When that season occurs, we will welcome your participation at whatever level works for you.

For those of you who are currently involved with WSBA boards, committees, programs, and services, thank you for ALL that you do each day. Never stop doing what you do best: caring for people on a deep level. Sharing your time and talents is invaluable. WSBA needs and appreciates YOU!

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

**PICKETT**: The discovery that serving others does not happen by simply obtaining enough “head” knowledge to “practice law.” Serving others happens best at the “heart” level. This often takes place when we reach out to truly connect and care about the people we meet. This includes the people we represent; people we get the privilege to know; people we like and love; and yes, even people we don’t much like at all. More importantly, when we take action from our “heart,” I believe we stop “practicing law” and start pursuing justice for the people we serve.

**NWLAWYER**: Who has been your biggest influence?

**PICKETT**: Easy answer. That would be a guy named Jesus—he advocated powerfully, spoke truth, lived fearlessly, opposed powerful abusers, loved people like crazy, and laid down his life in service to others. Great example for anyone who wants to truly know what it means to love everybody—always!

**NWLAWYER**: What do you do in the off hours?

**PICKETT**: Off hours? Huh? When I am not lawyering (whatever that means) I spend time with Laura.
and the kids (Jack, Grant, and Maddie). Sherman, the worst dog in the world (just kidding, sort of), is also often included. We do anything and everything that we can together, including the occasional disagreement while playing Settlers of Catan.

Additionally, our family has been blessed to partner with YWAM (Youth With a Mission) in Cambodia for the past several years. This has been a huge experience that has allowed us to travel and serve together as a family. Humbling, life-changing, knock-your-socks-off experience. Totally blown away by the world-changers who are serving others in this part of our planet! Be sure to let me know if you would be interested in joining me in February 2019, when I will be journeying to Cambodia again on a “Bridge Building” tour to hopefully meet with leaders from the Kingdom of Cambodia Bar Association. While this is not a WSBA-sponsored event (that means no WSBA funds will be involved in this), I plan to extend friendship and encouragement to Cambodian lawyers in support of adherence to the rule of law.

**NWLawyer:** What do you hope to achieve as WSBA president?

**Pickett:** I will strive to build relationships with my colleagues on the board and all of WSBA to instill a sense of trust. We may not always agree on how best to achieve our goals, but I hope that we can learn to trust that each of us wants to continue to move the profession forward so that every legal professional in Washington is empowered to provide the best possible service to the public. I am honored to be your board president and excited for my own opportunity to serve.

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**Gosney v. Fireman’s Fund Ins. Co.,** ___ Wn. App. 2d __, 419 P.3d 447 (2018);

**Marriage of Kaplan,** ___ Wn. App. 2d __, ___ P.3d ___, 2018 WL 3526186 (July 23, 2018);

**Federal Home Loan Bank of Seattle v. RBS Securities,** ___ Wn. App. 2d __, 418 P.3d 168 (2018);

**Harris v. Griffith,** 2 Wn. App. 638, 413 P.3d 2018;

BACK TO SCHOOL IN THE LEGAL COMMUNITY:
A Message to Your Future Colleagues

FALL IS BACK-TO-SCHOOL SEASON, and not just for children who have been plucked from the languid pace of summer camps and bicycle rides. About 530 1Ls in Washington state have begun their journey toward a juris doctorate. Deans at two of our three law schools are new as well: Welcome to Dean Mario L. Barnes, who came to the University of Washington School of Law in July from the University of California, Irvine; and to Dean Jacob H. Rooksby, who came to Gonzaga University School of Law in June from Duquesne University School of Law in Pittsburgh. And, of course, kudos to Dean Annette E. Clark, who will continue her excellent leadership of Seattle University School of Law for the sixth year.

It’s always a pleasure to hear from our law-school deans during the September Board of Governors meeting. Traditionally, entrance into the profession has been divided into three seemingly separate stages: law school, the bar exam, and membership within the profession. In Washington, the law schools and the bar have been working to break down those barriers by emphasizing to entering students that day one in law school is day one in the profession. When I speak to incoming law classes, I admit that I remember nothing from my own orientation and ask students—in the overwhelming flurry of information and advice that will be offered to them in the weeks ahead—to hold on to at least two critical ideas:

• Today, you join a profession. When you leave these halls at the end of your educational experience, you will not just get a job, you will be a member of a profession.
• Day one in law school is day one in the profession; starting today, you will begin building your reputation in this profession.

Do you agree? Think back to law school and that one classmate you still remember—the one who often made intemperate comments or generally didn’t have a positive reputation. Imagine walking into a courtroom and seeing that classmate on the bench or finding yourself across the table from him or her representing a client. Despite the many years and changes that may have occurred since graduation, your immediate thoughts will almost assuredly be informed by your law-school interactions.

In an effort to ensure that students—your future colleagues—get off to a strong start in the profession, the bar has been forging relationships with our law schools on several fronts. Our Washington Young Lawyers Committee (WYLC) promotes two-way communication with students through standing law-school liaisons. We also host many section receptions and other events, such as this year’s Diversity Celebration, where we specifically invited law students and included them in the agenda.

The most systematic and significant way we connect with law students is through the WSBA Professional Outreach Initiative, which ensures that a volunteer and I visit each professional responsibility class at each Washington law school every year. The goal of these presentations is to stress that the Rules of Professional Conduct are the floor for our profession’s expectations of conduct and that we should all strive to go beyond these minimums. We emphasize the duties and obligations as well as the rights and privileges one has as a member of the only self-regulated profession in the United States. We also offer practical tips on building a positive reputation and maintaining strong relationships within the legal community.

The roots of the legal profession in society are deep and profound. We are the guardians of the cornerstone of a system based on the rule of law. Lest we begin to lose our ethos around being a profession, we collectively need to instill in the next generation of legal professionals—from day one—a respect for the privilege we hold as lawyers and the recognition that we hold ourselves to a high standard as the only self-regulated profession. The responsibility is awesome, and we must honor the trust society has placed in us if we are to retain this privilege. We honor each other, to honor the profession. Together, WSBA and our three Washington law schools are ensuring this perspective forms the foundation for legal education.

This September issue of NWLawyer continues the “back-to-school” theme with two fun and relevant articles in the pages ahead: “Advice I Wish I Heard Before Law School: Counseling the Next Generation of Lawyers,” on page 20, in which pre-law advisor Ralph Flick shares his perspective, and “Bringing Justice to the Classroom,” on page 28, a feature about an innovative Thurston County District Court program.

WSBA is starting its own new (fiscal) year with some exciting news.
As a member benefit, a private insurance exchange will soon be available to you with a variety of products (health insurance, life insurance, dental and vision insurance, disability insurance, etc.). For the many members who asked us to research such an option to counterbalance the escalating costs and uncertainty of the health-care market, we did our homework! This private exchange will allow WSBA members to join a large pool of applicants to get competitive services and costs. While we can’t guarantee better rates than what you have currently, we want members to have another viable option, especially in counties with few providers.

Enrollment begins Nov. 1. You can find out more about WSBA's new health-insurance exchange at www.wsba.org.

Finally, a hearty congratulations to the 504 lawyer, Limited License Legal Technician, and Limited Practice Officer candidates who passed the summer exams. Welcome to the profession! We are honored to call you colleagues.

**Paula C. Littlewood** is the WSBA executive director and can be reached at paulal@wsba.org.
Ethics and the Law
By Mark J. Fucile

Two-Dimensional Disqualification: The Lawyer-Witness Rule

THE LAWYER-WITNESS RULE, RPC 3.7, HAS BEEN AROUND FOR A LONG TIME. IN FACT, AN EARLIER VERSION was one of the original ABA Canons of Professional Ethics adopted in 1908. At the same time, it remains a frequently misunderstood rule. Although RPC 3.7 can ripen into a rule of law-firm disqualification, it is more often limited to the personal disqualification of a lawyer-witness. But even the latter is not absolute and there are several exceptions.

In this column we’ll first examine the circumstances when a lawyer-witness is personally disqualified and the scope of that disqualification. Next, we’ll survey the exceptions. Finally, we’ll discuss situations when a lawyer’s personal disqualification ripens into a disqualification of the lawyer’s entire law firm.

PERSONAL DISQUALIFICATION
RPC 3.7(a) prohibits a lawyer from “act[ing] as advocate at a trial in which the lawyer is likely to be a necessary witness[.]” The Washington rule is patterned on the corresponding ABA Model Rule and in terms of personal disqualification has remained relatively unchanged since Washington adopted the ABA Model Rules in 1985.

As the text of the rule suggests, the personal disqualification element is limited to being trial counsel in a case in which the lawyer will be a trial witness. Comment 2 to RPC 3.7 explains the rationale underlying this personal disqualification: “[T]he trier of fact may be confused or misled by a lawyer serving as both advocate and witness.”

The Washington Supreme Court in In re Pfefer, 182 Wn.2d 716, 725-26, 344 P.3d 1200 (2015), noted that the rule also applies in other trial-like proceedings such as arbitrations and administrative hearings. Civil Rule 43(g) contains a similar prohibition specific to civil jury trials.

Because the personal disqualification is limited to being trial counsel, another lawyer at the same firm could handle the trial—as long as the nature of the lawyer-witness’ testimony is not adverse to the law firm’s client, creating a conflict under RPC 1.7(a)(2). Further, a lawyer-witness generally remains able to participate in other aspects of a case. In In re PPA Products Liability Litigation, 2006 WL 2473484 (W.D. Wash. Aug. 28, 2006) (unpublished), and Snohomish County v. Allied World
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David Starks, Partner
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Named Top 100 Attorneys in Washington State by Super Lawyers
Listed in The Best Lawyers in America
As the text of the rule suggests, the personal disqualification element is limited to being trial counsel in a case in which the lawyer will be a trial witness.

The exceptions

RPC 3.7 includes four practical exceptions.

First, RPC 3.7(a)(1) permits a lawyer to be both an advocate at trial and a witness on an uncontested matter. Comment 3 to RPC 3.7 notes in this regard that “if the testimony will be uncontested, the ambiguities in the dual role are purely theoretical.” In State v. Tolias, 135 Wn.2d 133, 137, 954 P.2d 907 (1998), for example, the Washington Supreme Court concluded that a lawyer’s personal disqualification was not required when the lawyer’s testimony on uncontested facts was introduced through a stipulation.

Second, RPC 3.7(a)(2) allows a lawyer to testify about the nature and value of legal services provided in the case. Comment 3 to RPC 3.7 observes that “where the testimony concerns the extent and value of legal services rendered in the action in which the testimony is offered, permitting the lawyers to testify avoids the need for a second trial with a new lawyer to resolve that issue.” The federal district court in Seattle extended this exception to related cases in which attorney fees were at issue in Aeon Bldgs., Inc. v. Zurich North America, 2008 WL 2940599 (W.D. Wash. July 24, 2008) (unpublished), and American Safety Casualty Insurance Company v. Happy Acres Enterprises Co., Inc., 2017 WL 279616 (W.D. Wash. Jan. 20, 2017) (unpublished).

Third, RPC 3.7(a)(3) creates a “hardship” exception. This exception might be triggered, for example, if the trial lawyer’s testimony could not be anticipated and the issue arose in the middle of a trial. Comment 4 to RPC 3.7 notes that the trial judge is in the best position to assess whether this exception applies. Comment 4 also cautions, however, that reasonable foreseeability is a primary factor in balancing the equities involved. In Lease Crutcher Lewis WA, LLC v. National Union Fire Insurance of Pittsburgh, 2010 WL 11527179 (W.D. Wash. Sept. 27, 2010) (unpublished), for example, the court denied a motion to disqualify counsel, filed shortly before trial, where it appeared that the potential lawyer-witnesses would not add materially to the evidence, their involvement had been known for some time, and their disqualification would create a substantial hardship on their client.

Fourth, RPC 3.7(a)(4) permits trial counsel to remain when the opposing party called the lawyer and the court rules that the lawyer may continue to handle the trial. Comment 8 to RPC 3.7 stresses that the lawyer-witness rule is not intended to be used inappropriately as a litigation tactic and “[p]aragraph (a)(4) is intended to confer discretion on the tribunal in determining whether disqualification is truly warranted[.]” In Adams v.

National Assurance Company, 276 F. Supp. 3d 1046, 1065-66 (W.D. Wash. 2017), for example, the federal district court in Seattle found that the lawyer-witness rule did not apply to summary judgment proceedings.

To be personally disqualified from acting as trial counsel, a lawyer must be, in the vernacular of the rule, a “necessary” witness. The Washington Supreme Court set a relatively high bar in this regard in Public Utility Dist. No. 1 of Klickitat County v. International Insurance Company, 124 Wn.2d 789, 812, 881 P.2d 1020 (1994):

When an attorney is to be called . . . a motion for disqualification must be supported by a showing that the attorney will give evidence material to the determination of the issues being litigated, that the evidence is unobtainable elsewhere[.]

(Citation omitted.)


In State v. Schmitt, 124 Wn. App. 662, 666-67, 102 P.3d 856 (2004), the Court of Appeals noted that the burden of demonstrating that a lawyer is a “necessary” witness is on the party seeking the lawyer’s disqualification. Further, the Court of Appeals explained in Barbee v. Luong Firm, P.L.L.C., 126 Wn. App. 148, 159-60, 107 P.3d 762 (2005), that the mere possibility that a lawyer will be a witness is not sufficient to invoke the remedy of personal disqualification. In State v. Sanchez, 171 Wn. App. 518, 546, 288 P.3d 351 (2012), the Court of Appeals also found that a lawyer was not a “necessary” witness when the information involved could be obtained through another readily available source.

When an attorney is to be called . . . a motion for disqualification must be supported by a showing that the attorney will give evidence material to the determination of the issues being litigated, that the evidence is unobtainable elsewhere[.] (Citation omitted.)
New York Life Insurance Company, 2008 WL 11338298 (E.D. Wash. Dec. 10, 2008) (unpublished), for example, the court concluded that a defendant’s contention shortly before trial that it intended to call plaintiff’s trial counsel was simply a litigation tactic, and the court advised that it would allow the lawyer to remain under RPC 3.7(a)(4) even if the defendant persisted in its effort to call the lawyer at trial.

FIRM DISQUALIFICATION
When RPC 3.7 was adopted in Washington in 1985, a lawyer’s personal disqualification as a witness was imputed to the lawyer’s firm as a whole. In 2006, however, RPC 3.7 was amended to remove this automatic firm disqualification.

Instead, firm disqualification under RPC 3.7(b) now turns on whether the lawyer-witness’ testimony creates a conflict for the firm as a whole under RPC 1.7 or 1.9, which govern, respectively, current and former client conflicts. This situation ordinarily arises when a lawyer-witness’ testimony will be materially adverse to the client the lawyer’s firm is representing in the matter concerned. By way of illustration, a firm business lawyer who negotiated a contract for a client, and whose testimony at a subsequent trial over the meaning of a key term will support the opposing party, creates a disqualifying conflict for the lawyer’s firm as a whole.

Although Comment 6 to RPC 3.7 suggests that a firm lawyer-witness conflict may be waivable in some circumstances, the practical barriers to meeting the conflict waiver standards in this context usually mean that the firm must withdraw. In State v. O’Neil, 198 Wn. App. 537, 547, 393 P.3d 1238 (2017), the court discusses a firm lawyer-witness conflict as resulting in “obligatory disqualification.” Although O’Neil was a narrow holding on unusual facts where the potential testifying lawyer was supervised by the defendant’s trial lawyer, it illustrates the unpredictable practical barriers that can impede an effective waiver. In short, if a lawyer’s testimony ripens to the level of a conflict for the firm as a whole, the most likely practical outcome is that the firm is “out.”

MARK J. FUCILE of Fucile & Reising LLP handles professional responsibility, regulatory, and attorney-client privilege matters and law-firm-related litigation for lawyers, law firms, and legal departments throughout the Northwest. He teaches legal ethics as an adjunct for the University of Oregon School of Law at its Portland campus. He can be reached at 503-224-4895 and Mark@frllp.com.
THE WSBA WELCOMES

New President-Elect and Class of 2018 Governors

MICHAEL CHERRY, DISTRICT 1

Michael Cherry is the founding attorney of Lexquiro PLLC in Redmond, where he serves as legal consultant to technology companies and startups. Previously, he spent more than 15 years at “Directions on Microsoft” as an independent analyst covering Microsoft products and strategies. Prior to that, he worked at Microsoft for a decade in a variety of technical positions. In 2016, Cherry was named Pro Bono Attorney of the Year by the King County Bar Association for his volunteer work with the Housing Justice Project.

Cherry recently earned an LL.M. degree in innovation and technology from Seattle University School of Law. He previously earned his J.D. at Seattle University School of Law in 2011 and an M.B.A. in information systems from Regis University in 1992. He was admitted to the bar in 2014.

MICHAEL CHERRY, DISTRICT 1

Prior to his current role, Rajeev Majumdar was first elected to the Board of Governors in 2016. He focuses his practice on civil litigation and business-oriented law at the Law Offices of Roger Ellingson PS on the Canadian border in Blaine. He also serves as the City Prosecutor for the City of Blaine and for Bellingham’s Mental Health Diversion Court.

Majumdar earned undergraduate degrees in biology and philosophy from the Albertson College of Idaho; master’s degrees in international affairs and public administration from the University of Washington; and his law degree from Seattle University School of Law, where he was on law review.

As an adjunct professor at Western Washington University, Majumdar teaches Rights, Liberties, and Justice in America. He previously worked for the National Nuclear Security Administration in Washington, D.C., helping to establish protocols of cooperation between the U.S. and other nations for containing weapons of mass destruction technology. In 2015, he received the WSBA Local Hero Award for his work in improving public access to civil legal aid and advocating for homeless youth. When not engaged in public service, Majumdar is devoted to savoring life with his wife, Sara, and his daughter, Savitri.

RAJEEV MAJUMDAR, PRESIDENT ELECT

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Carla J. Higginson, District 2

Carla J. Higginson was elected by the Board of Governors in June 2018 to represent District 2. She replaced Rajeev Majumdar, who became president-elect in May 2018. Since her admission to the bar in 1980, Higginson has practiced in Friday Harbor, handling family law, real property and land use, estate planning and probate, elder law and guardianship, and civil litigation. She formerly handled criminal defense as well. After 30 years in solo practice, Higginson was joined in 2010 by Garrett J. Beyer, who practices in the area of international tax and business.

Higginson served as president of the San Juan County Bar Association for five terms. Early in her career, she served as a municipal court judge for the town of Friday Harbor, and she once was the youngest judge in the state. She also served on the San Juan County Planning Commission, Bastyr University Board of Trustees, and as a long-time volunteer attorney for several nonprofit organizations. A native of Western Washington, Higginson earned her B.A. in communications at Western Washington University and her J.D. at the University of Washington School of Law.

Jean Y. Kang, District 7-South

Jean Y. Kang is a civil litigator at Smith Freed Eberhard, handling complex litigation suits. Prior to civil work, she served as a criminal deputy prosecuting attorney in King and Cowlitz Counties.

Kang was previously elected to the WSBA Board of Governors as an At-Large Governor in 2017. She serves as a Judge Pro Tempore at Edmonds Municipal Court and also serves on the Pacific ADR Consulting panel as a Mediator/Arbitrator. She was a member of the 2017 class of the Washington Leadership Institute and currently serves as an advisory board member. She is also on the state board for Washington Women Lawyers and the Latina/o Bar Association of Washington. She graduated from Seattle University School of Law and the University of Washington.

Peter Grabicki, District 5

Peter Grabicki is a managing partner at Randall | Danskin in Spokane, where he focuses his practice on estate planning, probate, trust, and estate litigation. He is the current president of the Legal Foundation of Washington, which administers grants for low-income civil legal aid support. He also serves on WSBA’s Mandatory Malpractice Insurance Task Force.

Grabicki earned a B.A. in economics from the University of San Francisco and his law degree from the University of Texas School of Law, where he graduated cum laude.

Russell Knight, At-Large (New and Young Lawyers)

Russell Knight is a partner with the Tacoma law firm of Smith Alling, P.S., and focuses his practice on the litigation of business, real estate, and employment disputes. He has tried cases before judges, juries, arbitrators, and governmental agencies and has defended and appealed cases to the Washington Court of Appeals and 9th Circuit Court of Appeals. Knight is a past president of the Young Lawyers Section of the Tacoma-Pierce County Bar Association and served as the Pierce County representative to the Washington Young Lawyers Committee. He is a member of the Robert J. Bryan American Inns of Court. Knight earned his B.A. at the University of Puget Sound and his J.D. at Gonzaga University School of Law.
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is back-to-school season, and for almost 60,000 people it is the beginning of the application season for law school. Like many practicing lawyers, I have been asked by friends and family to counsel aspiring lawyers about the profession. My default advice was not always positive, for the reasons we all know: law school is expensive, student loan debt can be crushing, and law practice is stressful.

It is now part of my job, as a university professor and pre-law advisor, to advise pre-law students on potential careers in law. Accordingly, I have been working on a more thoughtful—rather than default—method for providing prospective law students with encouragement and mentorship while also sharing information and insights that I hope will assist them in making an informed choice about their future.

What follows is a summary of the advice I tend to give. It is not offered as a perfect solution or approach, but rather in hopes of sparking a conversation among my colleagues in the bar about strategies for counseling the next generation of lawyers about our profession.

CONSIDER YOUR VOCATIONAL INTERESTS

Before I even begin to talk about law school, I advise students to first reflect more broadly on what they want to achieve in life. At Pacific Lutheran University, where I teach, we encourage students, through our Wild Hope Center for Vocation, to examine what they are called to do in life. The Center defines vocation as “being called into a relationship with others to promote human and ecological flourishing.” While students can certainly define vocation in a variety of ways, they should reflect on what they want to do with their lives, beyond just their job. It took time for me to realize how important it is to align what is important in your life with your career path. And while traditional undergraduates are very young and may not yet have enough life experience to discover their true vocational interests, we need to get them at least thinking about it before they invest the substantial resources necessary to obtain a legal education.
THINK ABOUT ALTERNATIVES
I build on the advice to consider vocational interests by asking students to also consider alternatives to law school. Students can become set on the idea of going to law school based on superficial rationales—such as the way lawyers are portrayed on television or in films, or because friends and family suggest that they are an “argumentative” person and therefore a good fit for law school—or, sometimes, for no specific rationale other than the challenge of it. Even if their rationale for attending law school is perfectly sound, students should still be sure that they have considered alternatives. If their vocational interest is environmentalism, for example, the best way to pursue that interest may be through a career path other than law. Encouraging students to think carefully about the impact they want to have in the world through their profession, and whether the practice of law is the profession most likely to advance that goal, is an important early step. I have been surprised by how many prospective law students base their decisions on very naive and inaccurate assumptions about how the practice of law will, or will not, achieve their real vocational objectives.

TAKE SOME TIME OFF
One of the mistakes I made was to enter law school directly after completing my undergraduate program. I consider it a mistake because I think I would have benefitted, both in maturity and experience, had I taken some extra time after graduation. I share this story with students because many of them will respond to this advice as I did when I was their age, by worrying that if they do not go straight into law school they might not actually go through with it. In retrospect, this worry was, for me, an intuition to which I should have paid more attention. It is important for students to know that taking a pause after obtaining an undergraduate degree is valuable to gain practical experience, to help assess vocation, and to reflect on possible alternative career choices. Should they decide they do want to go to law school, it might even help their chances of admission—students with some post-undergraduate work experience make up a larger and larger percentage of law school entering classes.²

BEFORE I EVEN BEGIN TO TALK ABOUT LAW SCHOOL, I ADVISE STUDENTS TO FIRST REFLECT MORE BROADLY ON WHAT THEY WANT TO ACHIEVE IN LIFE.

GAIN PRACTICAL EXPERIENCE
Whether students have confirmed that their vocational interest truly lies in the law or whether they are still considering alternatives, it is helpful for them to gain some practical experience in the type of law or career in which they have an interest. I encourage students to seek out lawyers practicing in their target area of law. Students should, at the very least, meet with lawyers who are willing to give them some of their time for an informational interview, but ideally they should seek out a job or internship in that specific practice area. There is no substitute for actual observation to either confirm or discredit assumptions. Sometimes the practical experience will validate a decision, but in other cases it can serve as a warning that the prospective career path is different from the student’s expectation. I have found that most lawyers I have personally asked to meet with or talk with a student are willing and excited about the opportunity to offer some insight into the actual practice of law, and I am proud of our profession for being willing to contribute to the career development of prospective law students.
UNDERSTAND THE DIFFERENCES BETWEEN THE UNDERGRADUATE AND THE LAW SCHOOL EXPERIENCE

Even if a student concludes that a law career is desirable from a vocational perspective, and even if alternatives have been considered, I still walk them through the differences between the undergraduate student experience and the law school student experience. I completed my undergraduate studies almost 30 years ago, and the undergraduate world has evolved during this time. It is difficult—for me at least—to fully appreciate the perspective of today’s undergraduate students and how little they may perceive the dramatic differences between the law school environment and the undergraduate environment (in some of the ways described below). When I try to describe law school and the skills that are necessary to succeed to prospective law students, it is not to scare them but to ensure that they consider carefully whether, or to what degree, law school aligns with their dominant skills. These warnings are not meant to discourage, but rather to allow students to realistically assess their prospects for succeeding in law school with their particular skill sets.

Reading. Law school is largely about reading—and not the type of reading undergraduates do, but rather a specialized version of English in the form of case and statutory law, and at high page volumes! My undergraduate business law students often complain about 20 to 30 pages of textbook (not case law) reading per week. Law students are assigned, on average, four times that quantity of reading. Moreover, research indicates that only 20 to 30 percent of students in higher education institutions complete assigned readings before class. As a result, undergraduates may not be prepared for the volume of reading or the degree of preparation that is necessary for success in law school. For students who do not like to read or for whom reading comprehension is a challenge, law school can be an even greater, and possibly insurmountable, challenge.

Assessment. Undergraduates are used to grading systems that generally include points earned toward a semester grade based on tests, quizzes, papers, presentations, and similar assessment tools. In law school, however, such systems are rare. In most cases, law school grades are based on a single comprehensive exam, usually written, given at the end of the semester that accounts for most, if not all, of the course grade. And, of course, many law schools still grade on a forced curve. I often encounter undergraduates who experience test-taking anxiety or who just do not perform well on tests and who expect (and perhaps need) other forms of assessment to account for their grades.

Environment in general. As we all know, law school can be a very competitive and stressful environment. While undergraduate programs can also be competitive and stressful, the experience of law school is very different, and often much more intense. Some students thrive in competitive and stressful environments, while it may be unhealthy for others, and I encourage students to examine whether their personality is a good fit.

Attending and underperforming in law school may result in a career path that diverges materially from the student’s true vocational interest, and that is a possibility that must be considered.
CALCULATE THE COST AND THE DEBT

It is impossible to ignore the cost of law school and the ultimate debt load when considering a career in law. According to 2017-2018 U.S. News & World Report data, the annual cost, just for tuition, averaged $47,112 among private law schools as compared to public schools, which averaged $26,843 for in-state students and $40,308 for out-of-state students.\(^5\) These numbers do not include room and board, books, or the cost of the undergraduate education necessary as a prerequisite to law school. Accordingly, the total investment necessary to obtain a law degree can amount to well over $250,000.

A majority of law students finance some or all of the cost of law school with debt. A 2014 study by New America estimated the average debt at $140,616 and an average monthly payment on that debt at $1,187 per month.\(^6\) The 2015 Report of the Task Force on Financing Legal Education showed a range from $88,000 for students at public universities to $127,000 for students at private universities.\(^7\)

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According to *U.S. News & World Report* data for 2016 graduates, average total debt for law students ranged between $90,217 and $130,349 for public and private school graduates, respectively. These statistics are not difficult to find and many students already understand, at least generally, that law school will be expensive and that they will graduate with significant debt. So why add to their angst by quoting these numbers and statistics? In my experience, students sometimes fail to consider a few aspects of the cost and debt of law school, including the opportunity cost of spending three years in school and out of the workforce. Students also sometimes fail to compute a realistic expected cash budget upon completion of law school. Some public interest jobs, for example, although they may align well with vocational interests, may not pay enough to reasonably service the student loan debt. With an average law school student loan payment of almost $1,200 a month, the total debt service would consume almost one-third to one-half of take-home pay for the lowest paying law jobs.

**THE CASH FLOW OF LAW**

**Challenge the assumptions:** One mistake that I have seen clients and students make is to seek to validate rather than challenge their assumptions. To remedy this, I often encourage students to find someone in their target practice area who is unhappy or dissatisfied in some way in order to test the student’s assumption that he or she will be happy practicing in that area. If assumptions are appropriately challenged and explained, and the trap of confirmation bias is avoided, the plan has a higher chance of success.

**Start with the end in mind:** Students often start with law school and then plan forward; however, I encourage them to start with vocational self-reflection and then evaluate and learn about specific jobs in their targeted areas of practice. From there, students should work backward to understand the school rank and class rank necessary to obtain the target job, which will inform their law school application choices. Assuming they are admitted, they should realistically assess their skills and ability to graduate from such a school with the class rank necessary to achieve their goals. Likelihood of admission and expected performance may, depending on the targeted practice area, greatly limit, reduce, or make impossible the target law practice.

**Bring it all together: make a personal business plan**

Using all of the information discussed above, I often recommend that students make a business plan for themselves. Although I understand the hesitation to make something as cold and mathematical as a business plan for something that is aspirational, there is a bottom line—even for the pursuit of a passion or a true vocation—and that bottom line is that it is reckless to invest without a plan, significant borrowed money in an endeavor that may result in financial distress, lack of job satisfaction, or both. The business plan should therefore take into account the following elements:

**WHEN I TRY TO DESCRIBE LAW SCHOOL AND THE SKILLS THAT ARE NECESSARY TO SUCCEED TO PROSPECTIVE LAW STUDENTS, IT IS NOT TO SCARE THEM BUT TO ENSURE THAT THEY CONSIDER CAREFULLY WHETHER, OR TO WHAT DEGREE, LAW SCHOOL ALIGNS WITH THEIR DOMINANT SKILLS.**
**Do the math:** Students often ignore or are desensitized to the impact of their student loan debt while they are undergraduates because they are not yet living the reality of servicing the debt (much less the additional law school debt). Any good business plan will attempt to forecast income and expenses to validate the assumptions of the plan, and prospective law students should try to do the same thing.

**Have a back-up plan:** As I often say to both students and clients, the only certainty about a business plan is that it will not work out as expected almost all of the time. Among the uncertainties are how far off the plan will be and in which direction. A good business plan will identify possible points of failure and establish a plan for contingencies. I challenge students to identify their “Plan B” if they do not gain admission to their school of choice, if they do not perform as well as they expect, or if their target job is not available to them.

**MY CONVERSATIONS WITH STUDENTS**

these days focus on providing information and fostering an honest and open dialogue that I hope helps them make an informed decision about their future. Encouraging potential law students to do their due diligence and seek as much information as possible, challenging their assumptions, and advising them to make a business plan as well as contingency plans are ways to both inform and encourage.

**WHAT’S YOUR ADVICE?**

How do you talk about our profession with the next generation? What advice do you wish someone had given to you when you were pre-law?

Start the conversation on Twitter @ProfRalphPLU and @WAStrateBar.
Tweet at us and use the hashtag #WhatIWishIKnewBeforeLawSchool.

**RALPH Flick** is an Assistant Professor of management and business law at Pacific Lutheran University and formerly was in-house counsel for public companies. He can be reached at flickrw@plu.edu.

**NOTES:**

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52 Gonz. L. Rev. 1 (2017)

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Shon Hathcock says he knew he was in for something different the moment he opened the envelope and recognized a notice to appear for small claims court. Another ex-tenant was challenging him for her security deposit. He’d been through the process a dozen times and he knew his legal standing like the shape of his wallet. He never loses in court. Except, this appearance wouldn’t be in a courtroom. The notice instructed him to report at 8:30 a.m. to Capital High School in Olympia.

It was the luck of the draw. The landlord landed on the docket the very day that Thurston County District Court was conducting small-claims hearings at a local high school to offer students a lesson in jurisprudence. It’s called Court in the Classroom, and it was the court’s second outing in a program bringing teenagers up close and personal with proceedings in civil lawsuits brought for less than $5,000 in damages.

“I just wanted to get it over with,” Hathcock said after he walked out of his small claims hearing. “I wasn’t sure what to expect—it was a little bit like a reality TV show or a civics class.”

Commissioner Paul Wohl was presiding the day his court set up on the auditorium’s stage. The impromptu courtroom was a bit surreal—two large folding tables stage left and a smaller table center stage to serve as the judicial bench, all set before the backdrop of huge striped mushrooms, undulating houses, and day-glow truffula trees. (It was the ornate set of the school’s spring performance of “Seussical the Musical,” which would open the following weekend.)

Once the last of the students filed in and took their seats, the 400-capacity auditorium was nearly full, and the place buzzed with giggles and hormones. The commissioner donned a black robe, called the court to order, and affably explained that

“ I wasn’t sure what to expect—it was a little bit like a reality TV show or a civics class.”

- Shon Hathcock
what the students were about to see involved real people with real conflicts. Just as in the district courthouse, litigants in each case would first try to resolve their conflicts with the help of a mediator. If they could not reach a compromise, they would immediately argue their case before the commissioner, who would make the final ruling. There are no lawyers representing parties in small claims, he explained. That keeps it affordable and accessible to all.

“We've started working on our effort to bring the court out into the community, so you can see what we do every day,” Commissioner Wohl told the students. “We hope you walk away with a better understanding of the entire process.”

In the course of six different cases, students saw a number of tenants suing over security deposits, allegations of theft between friends, and a claim of minor property damage. Most cases, including the case brought against landlord Hathcock, ended in the defendant’s favor. They were the everyday small-claims conflicts you don't see in courtroom dramas. More “People’s Court” than “Perry Mason.”

Thurston County District Court Judge Brett Buckley said the notion of bringing real-life courtroom experience to students in school sprouted from the court’s community-minded ethos known as “Serving Justice Through Serving People.”

“As elected officials and members of the third branch of government, we have a responsibility and an opportunity to contribute to civics education,” Buckley said. “I can’t think of a better way to lift the curtain on what courts do than taking what we do to the students on their home turf.”

Not one of the cases on the docket that day was resolved through mediation so as to avoid a hearing before the commissioner. That’s unusual, said retired Judge Sue Dubuisson, who served as a volunteer mediator with the Dispute Resolution Center of Thurston County. “We almost always settle at least half of the cases,” she said, adding that it’s much better for the parties to reach an agreement because a judge can only order a judgment. Collecting on the judgment often requires the help of an attorney.

Before they broke for lunch, students watched a couple quibble in mediation over a question of gift versus theft. The two had been mostly platonic friends the evening he invited her over to his place. She said he offered to help her with some expenses—a cash gift of about $300. But when things started to get too cozy she left, grabbing the cash from the coffee table on her way out. But that’s not how he remembered it; his claim was for $900 that she allegedly snatched from his wallet after he fell asleep. “I don’t really get the situation,” a female student whispered to a friend in the audience. “Can you explain it in simple terms?”
The case provided enough of a cliff-hanger to keep the auditorium nearly as full after lunch as it was before. Despite the drama, the judge declined to award the man the $900 he asked for, chiding him that if there was a theft he should have called the police. When the man then claimed the gift was actually a loan, the judge dismissed the case with a tap of his gavel.

“I had no idea that they had the opportunity to mediate, which I think is great,” Capital High junior Emily Jackson said in the hallway between hearings. “It’s interesting to connect with the facts of the case and see how people frame their arguments. It connects with real life and makes the system easier to understand.”

Sean Swett, also a junior, said he had never been in a courtroom to see the law at work. Watching the day’s drama unfold on stage in Whoville left him with at least one important lesson. “I found it very interesting,” he said. “I know now to make sure you document your claims.”

Once the last of the students filed in and took their seats, the 400-capacity auditorium was nearly full, and the place buzzed with giggles and hormones.

Retired Judge Sue Dubuisson, a volunteer mediator with the Dispute Resolution Center of Thurston County, explains the pros and cons of going to trial.
With the help of the schools, the legal roadshow isn’t that difficult to manage, said District Court Administrator Jennifer Creighton. Small claims proceedings are already public, so the court only had to notify litigants of the new location. The biggest hurdle is getting schools to invest the time and precious attention of their students. If early results are any indication, this traveling courtroom might soon be in demand.

“I was a little hesitant to take a whole day for it,” said Capital High social studies teacher Mike Deakins, “but now I see how valuable this experience is for them. The kids came out with so many questions. Of course they all want to come back and see the next trial.”

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**Happy Birthday**

100 YEARS

Charlie Warner

- Founding Partner of The Walthew Law Firm -

From storming the beaches of Normandy in World War II, to fighting for workers’ rights in Washington State, Charlie Warner has lived 100 years of principles and passion. Happy Birthday, Charlie!

---

**Noel S. Brady** is the online communications specialist at the WSBA. He spent nine years as the criminal justice reporter for the King County Journal. He can be reached at noelb@wsba.org.
In Remembrance

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

- Eric V. Berg, #28011, 8/31/2018
- Elizabeth Jean Caldwell, #31900, 11/2/2017
- Scott Alexander Candoo, #7815, 4/4/2018
- Christina Elizabeth Ekman, #25641, 3/7/2018
- Joseph E. Fischmiller, #5132, 4/9/2017
- Harry Allan Follman, #3010, 8/18/2018
- Roger Kell Garrison, #2852, 7/4/2017
- Phillip H. Ginsberg, #164, 09/15/2018
- Martin A. Godsil, #1868, 7/8/2018
- Rodger C. Gustafson, #459, 10/3/2016
- Donald Dean Haley, #202, 7/30/2018
- Thomas Ray Hargan Jr., #31498, 6/15/2018
- James Talmadge Harston, #14977, 5/8/2017
- Sam Zolondek Haviland, #22707, 5/29/2018
- George N. Hayes, #4549, 4/9/2018
- Bradley Fowlkes Henke, #1710, 4/5/2018
- Terrence C. Kabanuck, #11493, 6/18/2018
- Kim Diane Koenig, #11878, 05/28/2018
- Jack Michael Kozak, #38575, 9/13/2017
- Patrick L. Kubin, #17029, 2/22/2018
- Richard Alan Lemargie, #5710, 6/13/2018
- Carol MacKinnon, #13291, 4/23/2018
- Philip Mahoney, #1292, 5/21/2018
- Ruth Susan Martinson, #29123, 8/24/2018
- Anthony Philip Mauhar Jr., #12372, 5/14/2018
- James Carlisle Middlebrooks, #1157, 7/5/2018
- Jane Leslie Newberry, #17705, 6/27/2018
- Tait O. Norton, #27769, 12/4/2018
- Stuart Gregory Oles, #218, 4/8/2018
- John "Jack" Kirby Pain Jr., #594, 7/5/2018
- Robert Llewellyn Parlette, #4752, 9/26/2017
- John Lawrence Paulson, #5772, 1/10/2018
- John Roger Pettit, #5312, 8/10/2018
- Randy Revelle, #2558, 6/3/2018
- Peter Kirk Schalestock, #27013, 9/15/2017
- Benjamin P. Shuey Jr., #2946, 2/26/2018
- Richard Isadore Sindell, #2194, 6/16/2018
- Ann Farrell Stenberg, #22596, 4/25/2018
- Donald H. Stout, #1942, 3/21/2018
- D. Michael Tomkins, #4979, 3/18/2018
- Gordon Lee Walgren, #4222, 3/13/2018
- Thomas Charles Warren, #3749, 4/23/2018
- Griffith Way, #2330, 7/27/2018
- Hunt Meyer Whaley, #46419, 8/10/2017
- Paul W. Whelan, #2308, 4/13/2018
- P. Bruce Wilson, #2292, 4/13/2018
- Michael Richard Wrenn, #11217, 6/3/2018
- Kathleen Cheryl Zimmerman, #12892, 1/20/2018
WSBA NEWS

MANDATORY MALPRACTICE INSURANCE TASK FORCE
The Mandatory Malpractice Insurance Task Force issued an interim report with a tentative conclusion that malpractice insurance should be mandated for Washington-licensed lawyers, with specified exemptions (in Oregon, for example, exempted groups include government attorneys, in-house private-company attorneys, and others). The task force’s preference thus far is to mandate a minimum level of coverage, purchased through the open marketplace. Before its final report is due in January, the task force will focus on details (what exemptions? what minimums?) for rule drafting. Members are encouraged to read the interim report and provide comments to insurancetaskforce@wsba.org. (Please note: Limited License Legal Technicians and Limited Practice Officers are already obligated to show proof of financial responsibility, which is typically established by certifying malpractice insurance coverage.) To read the interim report and task force minutes and resources, go to www.wsba.org/insurance-task-force.

PRESIDENT-ELECT SELECTION WORK GROUP
The Board of Governors in May formed a work group to review and gather feedback about eligibility, outreach, and selection criteria in the bylaws for the WSBA President-Elect office. Under the current bylaws, the President-Elect must come from eastern Washington if no President-Elect in the preceding three years was from the eastern part of the state. The work group will also consider WSBA’s diversity goals for leadership positions and explore how to recruit and encourage more candidates from underrepresented backgrounds to run for President-Elect. Meeting dates and more information will be posted at www.wsba.org as they become available.

WSBA BUDGET
WSBA’s draft 2019 budget is available at www.wsba.org/about-wsba/finances. The budget is approved annually at the Board of Governors September meeting, before the end of the WSBA fiscal year. To learn more about the WSBA FY19 budget, and the programs and services that it supports, visit www.wsba.org/about-wsba/finances.

OPPORTUNITIES FOR SERVICE

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

BE A NEGOTIATION COMPETITION JUDGE
The Moot Court Council at Gonzaga University School of Law invites you to share your skills and experience by helping to judge the Negotiation Competition. Competitions will be held at the Law School at 721 North Cincinnati Street on Oct. 10–12, with finals scheduled on Oct. 15. Judges will be provided dinner and are eligible for CLE credit. To receive CLE credit (one

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credit for each hour you judge, maximum six credits per reporting cycle), you must attend the required Moot Court training session, held during the dinner starting at 5:30 p.m. each night. Registrations are due by Oct. 7. Send your name, address, WSBA number, telephone, email address, and the dates you are available to judge to jmosby@lawschool.gonzaga.edu.

JOIN THE WSBA NEW LAWYERS LIST SERVE

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

ALPS ATTORNEY MATCH

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

THE ALLIANCE for Equal Justice

Join the Alliance for Equal Justice in closing the justice gap in Washington. The Alliance for Equal Justice is the central communications hub for our state’s network of civil legal aid providers, pro bono providers, and partners. To learn about Alliance events, jobs and internships, and volunteer opportunities, and to find tools and resources to promote access to justice, visit www.allianceforequaljustice.org.

ACCESS TO JUSTICE CONFERENCE

Save the Date for the 2019 Access to Justice Conference, to be held June 14–16, 2019, at the Spokane Convention Center. Information will be posted to the Alliance for Equal Justice website, www.allianceforequaljustice.org, as it becomes available.

WSBA CLE FACULTY DATABASE

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

ETHICS

FACING AN ETHICAL DILEMMA?

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

SEARCH WSBA ADVISORY OPINIONS ONLINE

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

WSBA MEMBER WELLNESS PROGRAM

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

VIRTUAL JOB GROUP
This group meets online and reviews core skills like networking, interviewing, identifying your ideal career, and resume review. It is limited to 10 attorneys. We meet on six consecutive Monday mornings and the total cost is $30. For more information, go to www.wsba.org/wellness and click on the link for the group to learn more and sign up.

Welcome, Maggie Lund!

Abeyta Nelson Injury Law is pleased to welcome attorney Maggie Lund to our law firm. Maggie is a graduate of Washington State University where she studied political science. She graduated magna cum laude from Seattle University School of Law and was on the Law Review. Maggie also served as a judicial law clerk. Welcome, Maggie!

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JAMS welcomes Hon. Helen L. Halpert (Ret.)

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JAMS

JAMS Seattle Resolution Center
1420 Fifth Avenue | Suite 1650
Seattle, WA 98101
**CAREER CONSULTATION**
Want someone at WSBA to take a look at your résumé? Or maybe you want to brainstorm approaches to networking. The job search requires a game plan. We are happy to set up a time to speak. Email wellness@wsba.org.

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

**THE “UNBAR” ALCOHOLICS ANONYMOUS GROUP**
The Unbar is an “open” AA group for attorneys that has been meeting for over 25 years. Meetings are held Wednesdays from noon to 1:30 p.m. at the Skinner Building at 1326 Fifth Avenue, 7th Floor, Seattle. If you are seeking a Peer Advisor to connect with and perhaps walk you to this meeting, the Lawyers Assistance Program can arrange this; call 206-727-8268.

The WSBA offers free resources and education on law practice management issues, including financial management, marketing and client retention, and technology. For more information, visit www.wsba.org/pma.

**LENDING LIBRARY**
The WSBA Lending Library is a free service to WSBA members offering the short-term loan of books on health and well-being as well as the business management aspects of your law office. You can view available titles and arrange for a book loan by visiting www.wsba.org/library. Books may be borrowed by any WSBA member for up to two weeks. If you live outside of

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Need to Know

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.

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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. We have now enhanced this member benefit by upgrading to add Casemaker+ with CaseCheck+ for you. Just like Shepard’s® Citations and KeyCite®, CaseCheck+ tells you instantly whether your case is good law. If you want more information, you can find it on the Casemaker website, or call 877-659-0801 and a Casemaker representative can discuss these features with you. For help using Casemaker, call the WSBA Service Center at 800-945-WSBA or 206-443-WSBA.

QUICK REFERENCE

$ USURY RATE
The maximum allowable usury rate can be found on the Washington State Treasurer’s website at www.tre.wa.gov/partners/for-state-agencies/investments/historical-usury-rates-archives/.

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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. We have now enhanced this member benefit by upgrading to add Casemaker+ with CaseCheck+ for you. Just like Shepard’s® Citations and KeyCite®, CaseCheck+ tells you instantly whether your case is good law. If you want more information, you can find it on the Casemaker website, or call 877-659-0801 and a Casemaker representative can discuss these features with you. For help using Casemaker, call the WSBA Service Center at 800-945-WSBA or 206-443-WSBA.

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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 www.nwlawyer.wsba.org or by looking up the respondent in the legal directory on the WSBA website (www.wsba.org) and then scrolling down to “Discipline History.” As some WSBA members share the same or similar names, please read all disciplinary notices carefully for names, cities, and bar numbers.

Disbarment

Paul James Burns (WSBA No. 13320, admitted 1983) of Spokane, was disbarred, effective 8/09/2018, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.8 (Conflicts of Interest: Current Clients: Specific Rules), 1.15A (Safeguarding Property), 1.16 (Declining or Terminating Representation), 4.1 (Truthfulness in Statements to Others), 8.4 (Misconduct). Joanne S. Abelson and Marsha Matsumoto acted as disciplinary counsel. Brett Andrews Purtscher represented Respondent. William E. Fitzharris Jr. was the hearing officer. James S. Craven was the settlement hearing officer. The online version of NWLawyer contains links to the following documents: Hearing Officer’s Decision; Disciplinary Board Recommendation; and Washington Supreme Court Order.

Megan M. Perry (WSBA No. 47621, admitted 2014) of Albany, OR, was disbarred, effective 7/10/2018, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. Joanne S. Abelson acted as disciplinary counsel. Nellie Quinn Barnard represented respondent. The online version of NWLawyer contains a link to the following document: The Washington Supreme Court Order.

William H. Waechter (WSBA No. 20602, admitted 1991) of Seattle, was disbarred, effective 6/21/2018, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.4 (Communication), 1.5 (Fees), 1.15A (Safeguarding Property), 1.15B (Required Trust Account Records), 8.4 (Misconduct). Craig Bray and Francesca D’Angelo acted as disciplinary counsel. William H. Waechter represented himself. Evan L. Schwab was the settlement hearing officer. The online version of NWLawyer contains links to the following documents: Hearing Officer’s Decision; Disciplinary Board Recommendation; and Washington Supreme Court Order.
Resignation in Lieu of Discipline

Michael Lucien Jacob (WSBA No. 11622, admitted 1981) of Bainbridge Island, resigned in lieu of discipline, effective 6/27/2018. The lawyer agrees that he is aware of the alleged misconduct in disciplinary counsel’s Statement of Alleged Misconduct and rather than defend against the allegations, he wishes to permanently resign from membership in the Association. The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.15A (Safeguarding Property), 1.16 (Declining or Terminating Representation), 8.4 (Misconduct). Sachia Stonefeld Powell and Emily Krueger acted as disciplinary counsel. Michael Lucien Jacob represented himself. Erik Samson Bakke Sr. was the hearing officer. Karen A. Clark was the settlement hearing officer. The online version of NWLawyer contains a link to the following document: Resignation Form of Michael Lucien Jacob (ELC 9.3(b)).

Suspension

Kristian Scott Beckett (WSBA No. 43812, admitted 2011) of Issaquah, was suspended for 60 days, with 32 days of that suspension withheld followed by six months of probation, effective 8/08/2018, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Idaho. Joanne S. Abelson acted as disciplinary counsel. Kristian Scott Beckett represented himself. The online version of NWLawyer contains a link to the following document: The Washington Supreme Court Order.

Interim Suspension

Calli Lynn Hisey (WSBA No. 49748, admitted 2015) of Vancouver, is suspended from the practice of law in the State of Washington pending the outcome of supplemental proceedings, effective 8/16/2018, by order of the Washington Supreme Court. This is not a disciplinary sanction.
FRANK FREED SUBIT & THOMAS LLP

is pleased to announce that

Christie J. Fix

has become a partner with the firm.

Christie’s practice focuses on representation of individual employees in employment disputes, including discrimination and retaliation cases. Her practice also focuses on representation of labor unions.

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David Ko

named partner at

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David practices in the firm’s nationally recognized Complex Litigation Group. He focuses on cases involving breaches of fiduciary duty under ERISA, consumer protection violations, securities misrepresentations, and general corporate malfeasance. He is one of the lead attorneys handling the firm’s opioid cases in the national opioid Multi-District Litigation in Ohio.

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Richard has over 30 years of tax experience, including Director of BU’s Graduate Tax Program, Deputy Director at Harvard’s Law School International Tax Program, Senior Litigation attorney with IRS Chief Counsel, and Legal Issues Officer with the NH Department of Revenue. He currently teaches at BU and NYU Law Graduate Tax Programs. His expertise is in transaction taxes and the fraudulent abuse of technology. He has written over 100 tax articles.

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MEDIATION

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MEDIATION

Mac Archibald
Mac has been a lawyer in Seattle for over 40 years. He has tried a wide range of cases including maritime, personal injury, construction, products liability, consumer protection, insurance coverage, and antitrust law.

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

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FREEDOM OF SPEECH
(See, e.g.,):

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

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

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

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

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

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**BUSINESS LAW**

**Navigating the Trends in Commercial Contracting**
October 4, Seattle & webcast. 6.25 CLE credits (5.25 Law & Legal Procedure + 1 Ethics). Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org

**Nonprofit Law Institute 2018**
November 8, Seattle. 7.5 CLE credits pending. Hosted by the WSBA Corporate Counsel Section in partnership with Wayfind. https://www.brownpapertickets.com/event/3500034

**ENVIRONMENTAL AND LAND USE LAW**

**Climate Rights: Defense of Activists and Climate Justice**
October 5, webinar. 1 Law & Legal Procedure CLE credit. Presented in partnership with the WSBA World Peace Through Law Section; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org

**Water Rights Transfer**
November 1-2, Seattle. 10.75 CLE credits (7.5 Law & Legal Procedure + 2.25 Other). Presented by The Seminar Group; 800-574-4852 or 206-463-4400; http://www.tsgregistration.net/5870WSB

**GENERAL**

**Legal Research Reboot: Sharpen Your Skills and Update Your Resources**
October 18, Seattle & webcast. 3.75 Law & Legal Procedure CLE credits. Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org

**LEGAL LUNCHBOX**

**October Legal Lunchbox**
October 30, webcast. 1.5 Law & Legal Procedure credits. Presented by the WSBA; 800-945-WSBA or 206-443-WSBA. www.wsbacle.org

**ETHICS**

**Case Studies: Confidentiality and Attorney-Client Privilege v. the Cloud**
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Thriving East King family law practice that has a stellar reputation within the community and average gross revenues for the last three years of over $1.5 million. The practice/case breakdown is 100% family law and the practice employs three attorneys and six support staff. Contact info@privatepracticetransitions.com or call 253-509-9224.

Profitable Pacific Northwest intellectual property practice that operates locally, nationally and internationally. The practice is mobile and amenable to working out of a home office, with a flexible month-to-month office lease available for assignment to new ownership, if desired. This practice is thriving with owner’s discretionary earnings over $250,000 each of the last three years! Contact info@privatepracticetransitions.com or call 253-509-9224.

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

Highly reputable & well-rounded Pierce County law practice that was established in 1967 which equates to over 50 years of client acquisition and goodwill to be transferred to the new owner! The practice/case breakdown is 39% estate planning/probate/wills, 37% personal injury, 7% corporate/business/real estate/litigation, and 16% other. For more details contact info@privatepracticetransitions.com or call 253-509-9224.

Highly Profitable Whatcom County criminal defense & personal injury practice with revenues in excess of $1,000,000. You won’t find a better criminal practice on the market today. The approximate breakdown, by revenue, is 80% Criminal Law and 20% personal injury and infractions. Contact info@privatepracticetransitions.com or call 253-509-9224.

Thriving Kitsap County workers’ compensation practice that was founded in 1965 and has average gross revenues over $900,000 the last three years. The practice/case breakdown is 100% workers compensation. The practice is located in a 2,230 SF office building that is also available for sale. Contact info@privatepracticetransitions.com or call 253-509-9224.

Washington guardianship practice that is completely turn-key and looking for new ownership. The practice was established in 2011 and has provided high-quality professional guardianship services to countless clients. Contact info@privatepracticetransitions.com or call 253-509-9224.

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

Portland based family law practice that is completely turn-key and poised for growth. The practice/case breakdown is...
100% family law. In 2017, the practice’s gross revenue was over $400,000. The owner, who is a top-rated lawyer in Oregon, is ready to transfer her goodwill and provide mentorship to the new owner as desired. For more details contact info@privatepracticetransitions.com or call 253-509-9224.

Successful Oregon appellate practice that is highly reputable within the community seeks new ownership. The practice/case breakdown is 100% appeals. The current owner, who is a Harvard Law graduate and a top-rated lawyer, is ready to transfer her goodwill to a new owner. If you’d like to be your own boss and learn from one of the best, this is the opportunity for you! Contact info@privatepracticetransitions.com or call 253-509-9224.

Million dollar profit Clark County personal injury practice that has been in business for more than 12 years. The practice has an average net income of over $1,050,000 the last three (3) years, and the owner desires to sell the practice as a turn-key operation. The practice/case breakdown is 100% personal injury cases. The practice is located in a 3,200 SF fully furnished building that is also available for sale! Contact info@privatepracticetransitions.com or call 253-509-9224.

Profitable Pierce County general practice with a focus in estate planning, real estate & civil litigation. With a unique service offering this practice is seeing consistent growth and revenue over the last three years. This is a truly amazing opportunity with a turn-key operation including an option to purchase the office building. Contact info@privatepracticetransitions.com or call 253-509-9224.

Extremely profitable Pierce County family law practice that is growing substantially year-over-year with gross receipts of over $1.5M in 2017. The office space is beautiful and the team is tremendous. This is an incredible opportunity you do not want to miss! Contact info@privatepracticetransitions.com or call 253-509-9224.

East King County real estate & estate planning practice that has been operating for more than 40 years! A true staple in the community, the practice offers a variety of services, focusing on estate planning (35%) and real estate (25%). Contact info@privatepracticetransitions.com or call 253-509-9224.

Growing Tri-Cities general law practice that has seen 22%, 36%, and 25% growth over the last three years. Offering a variety of services, including family law, criminal law, and estate

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Thriving Eastern Washington practice that includes a piece of history and excellent revenues. Case breakdown is approximately 40% criminal law, 25% plaintiff’s personal injury, 20% workers’ comp, 10% bankruptcy, and 5% estate planning and real estate work. Don’t let this one get away. Contact info@privatepracticetransitions.com or call 253-509-9224.

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- I became a lawyer because I have always been interested in processes and how processes are created and implemented.
- Before law school, I studied chemical engineering and worked in the United States Senate.
- My greatest accomplishment as a lawyer is working to get legislation, built on sound public policy, enacted into law.
- The best advice I have for new lawyers is, unless you want a very specific job that requires a degree from a certain school (i.e., you want to clerk for a federal judge or be a judge yourself one day), go to the most affordable law school you can get into.
- My long-term professional goal is to continue to push the boundaries of what people just assume is fact and to open their eyes to the possibility of new ways of thinking about statutes and regulations.
- The most rewarding part of my job is seeing our customers respond well to the products and services we provide.
- The worst part of my job is regulatory inertia.
- I wish that more lawyers would think about how to get to “yes” instead of finding all the reasons that something cannot be done.
- Since I graduated from law school, the legal profession has not changed as quickly as technology (from a pricing and service-delivery perspective).
- The most humbling experience I have had as a lawyer was getting sworn into the bar by U.S. Supreme Court Justice Antonin Scalia.
- I look up to people who question the status quo.
- If I took one day off in the middle of the week, I would go to a baseball game or be out on the boat.
- My best recipe I make at home is cornbread and sausage stuffing.
- I create work/life balance by spending time with my kids.
- In my life, I work on improving how I listen to people and work to show them how to solve problems.
- I worry about general economic conditions and the lack of education in the younger generations about democracy, capitalism, and the negative consequences of the alternatives.
- This changed my life: 9/11.
- My best parenting advice is work to show kids how to think through problems in an organized way.
- Nobody would ever suspect that I used to play drums in a heavy metal band in high school.
- Friends would describe me as focused, strong, caring and aggressive (in business).
- I regret some silly business decisions made early on, but that is how you learn.
- Aside from my career, I am most proud of this: helping to change the landscape for craft distillers in Washington.
- This makes me roll my eyes: participation trophies.
- This makes me smile: watching kids laugh.
- My best habit is always asking what can be done bigger and better.
- I am thankful that the people around me have faith in my vision.
- My idea of misery is meetings with uncreative people.
- My motto is: (1) If you walk into a fair fight, your strategy sucks to begin with; and (2) you don’t get what you deserve, you only get what you negotiate.
- My favorite restaurant is Dick’s Drive-In.
- You’ll find me outside in the Northwest doing this: boating.
- My dream trip would be Scandinavia, Greenland, Iceland, and a trip through the Northwest Passage by boat.
- I would like to meet James Madison because of the time, attention and detail he spent dedicated to the creation of our country.
- If I have learned one thing in life, it is don’t be the first person to talk.

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