Buying or Closing? Navigate the Maze of Options with These Bright Ideas

How to Close Your Law Practice / p. 32
Tips for Buying a Law Practice / p. 36

ALSO INSIDE

COLUMN
Ethics & the Law
Representing organizations as clients / p. 14

COLUMN
The Inside Scoop
Experienced practitioners answer new lawyers’ questions / p. 23

FEATURE
Section Spotlight
The Construction Law Section / p. 30
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- Thomas Jefferson

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WRITE FOR US

CALLOUT TO READERS

Summer Book Reviews Needed

What’s that one book you can’t shut up about, the thing that everyone just has to read? We want to help you spread the word. Submit a review of no more than 150 words on any genre (law-related books welcome but not mandatory) to wabarnews@wsba.org or here: https://forms.gle/ FDfbqdDbuC7sahs17.
Editor’s Note

Reflecting on Time

What is your time-management strategy? How do you balance your caseload? Do experienced attorneys see new practitioners as future competition? These questions were submitted for a column we recently launched in which experienced lawyers respond to questions posed by lawyers who are just starting their careers. However, as this month’s edition of the column came together, I realized that the answers could be valuable beyond just the new-lawyer audience.

As a writer, I am endlessly fascinated by the writing habits and anti-procrastination strategies of other writers, even if I don’t have any intention of adopting them myself. The author César Aira, for example, composes the first drafts of his novels very carefully and doesn’t go back to make any edits.1 Journalist and writer Vauhini Vara recently wrote a series of stories with the help of an artificial intelligence model.2 Novelist Dave Eggers doesn’t own a smartphone and writes on an old laptop with no internet connection.3 And the poet Mary Ruefle, who composes most of her work by hand, doesn’t own a computer at all. The “contact” page on her website states: “The only way to contact me is by contacting my press … or by running into someone I know personally on the street.”4

Sharing professional tips and tricks takes vulnerability and builds camaraderie. It can expand your idea of how a writer—or a lawyer—can be successful. We hope that the “Inside Scoop” column, which you can read on page 23, will continue to be a space for honest questions and varied feedback.

Also in this issue: two articles on transitioning your practice—one on closing your law practice (page 32) and one on buying a law practice (page 36); an ethics column on representing organizations (page 14); and more. [EN]

NOTES
4. www.maryruefle.com/contact.html.
She helped us rebuild the family by building a bicycle.

We started the family foundation to bring us closer but had grown to distrust each other so much that we couldn’t work together anymore. There was even talk of shutting it down. When our advisor, Julie, brought us together, I thought it was for a state of the foundation meeting but it was actually for a bicycle building workshop. She challenged us to work as a team to build bikes for children in need. Turns out, we could get along after all. We developed a newfound appreciation for each other and we found it thanks to the **little things**.

—Sofia, Los Angeles
LET US HEAR FROM YOU!

We welcome letters to the editor on issues presented in the magazine. Email letters to wabarnews@wsba.org.

Letters to the editor published in Bar News must respond to content presented in the magazine and also comply with Washington General Rule 12.2 and Keller v. State Bar of California, 496 U.S. 1 (1990).* Bar News may limit the number of letters published based on available space in a particular issue and, if many letters are received in response to a specific piece in the magazine, may select letters that provide differing viewpoints to publish. Bar News does not publish anonymous letters or more than one letter from the same contributor per issue. All letters are subject to editing for length, clarity, civility, and grammatical accuracy.

*GR 12.2(c) states that the WSBA is not authorized to “(1) Take positions on issues concerning the politics or social positions of foreign nations; (2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or (3) Support or oppose, in an election, candidates for public office.” In Keller v. State Bar of California, the Court ruled that a bar association may not use mandatory member fees to support political or ideological activities that are not reasonably related to the regulation of the legal profession or improving the quality of legal services.

Empty Virtue Signaling

WSBA Executive Director Terra Nevitt’s column [*Black History Month: What is Our Pathway Forward?” February 2022 Bar News*] was a virtue signaling, sloganeering exhortation against something Ms. Nevitt calls “systemic racism.” The executive director neglects to define “systemic racism” or prove that it exists. And she offers no solutions for it even if it does exist.

Without evidence, Ms. Nevitt implies that disparity of incarceration regarding people of color is caused by systemic racism. If people of color are incarcerated for the crimes of drugs or prostitution, then there is a straightforward solution: The WSBA could promote the abolition of these victimless crimes and the freeing of people, including whites, convicted of these crimes. The disparity of power and resources in any legal contest between the state and almost any defendant citizen, regardless of race, is vastly weighted in favor of the state. When the police kill a citizen of any race, note of the part of the police. Note the Redmond police killing of the unarmed white woman, Andrea Churna, in 2020. ([The Seattle Times, 12-27-2021, page A-1.]) Instead of having a systemic racism problem, it is more likely that we are having a systemic police-state problem that harms all races.
Rather than dealing with any of the above considerations, Ms. Nevitt approvingly cites the Washington Supreme Court’s 2020 call to action:

As we lean in to do this hard and necessary work, may we also remember to support our [B]lack colleagues by lifting their voices. Listening to and acknowledging their experiences will enrich and inform our shared cause of dismantling systemic racism.

Instead of the legal profession “lifting their voices,” wouldn’t people of color rather be freed from prison and have the killings perpetrated by the police brought to an end?

I have read the books by Robin DiAngelo, White Fragility, and Ibram Kendi, How to Be an Antiracist, on the topic of systemic racism. These books offer the same vague sloganeering and finger wagging as the executive director’s column without proof or solutions. How can we “all own the work of dismantling systemic racism” when present day systemic racism has not been defined or shown to exist?

In contrast, the police state exists all around us and grows bigger every day with mandates, surveillance, and endless enforcement agencies with little or no accountability. Instead of pursuing the mirage of systemic racism, we should consider dismantling the systemic police state.

Tom Stahl
Ellensburg
The Ups and Downs of Starting Your Own Law Practice

For a lawyer who’s thinking about striking out on their own and starting a firm, there are naturally pros and cons. You gain more autonomy in how you practice, but lose the structure of an established firm. You get [...]

What You Need to Know About the Latest WSBA Bar Structure Review

The basic question remains the same: Does the structure of an integrated bar association like that in Washington, and 31 other states like it, infringe on its members’ constitutional rights? To provide further[...]

Strange New Trip: The Emerging World of Psychedelic Law and Decriminalization

After substances like LSD (acid), MDMA (ecstasy), and notably psilocybin (magic mushrooms) were classified as federally prohibited Schedule 1 drugs, a new wave of research into their therapeutic potential is growing, state and local governments are decriminalizing their use, and new areas[...]

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Bright v. Frank Russell Investments, 191 Wn. App. 73, 361 P.3d 245 (2015)

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The Benefits of True Civility

his will be a very short article. That is because our society has become very short on civility. I realize that the concept of civility is very broad and that the term “civility” has different meanings in different contexts. But no matter how civility is defined, at this point I’m sure the reader would agree there has been a measurable reduction in civility throughout many segments of our society in general. From my own experience, I have seen and heard conduct that causes me to grieve the loss of civility and to wonder whether it has been abandoned. The apparent loss of civility has generated a multitude of books, articles, videos, etc., about civility and its importance, in particular within the legal system.

Civility helps ensure public confidence in our legal system. When civility declines, fair-mindedness may be compromised. The late Hon. Mary Fairhurst, former Chief Justice of the Washington Supreme Court, and our current Chief Justice Steven González both have written about civility.

Chief Justice González distinguishes between “true civility” and “false civility,” explaining that the former depends on “context, cultural factors and ... other things,” while the latter might include using polite words in a patronizing or insincere tone. Former Chief Justice Fairhurst pointed out that incivility impairs cognitive function, reduces volunteerism, impacts psychological well-being, and costs money.

Business titan Jeff Bezos has recognized the need for more civility. In July 2021, he announced a new philanthropic initiative called the “Courage and Civility Award” to recognize “leaders who aim high, pursue solutions with courage and always do so with civility.”

When announcing the award, Bezos said: “We live in a world where sometimes instead of disagreeing with someone's ideas, we question their character or their motives [emphasis added]. Guess what,” Bezos said, “[a]fter you do that it’s [darn] hard to work with that person.” Bezos pointed out that what you should be doing is “questioning ideas, not the person.” He went on to say, “it’s easy to be courageous and mean. Try being courageous and civil. Try being courageous and a unifier.” His final point was that people can “argue hard and act hard for what they truly believe,” but they can do that “always with civility.”

To highlight, attorneys should not attack the character of other attorneys. Restating what Jeff Bezos said, if you attack the attorney instead of attacking the argument, it makes the case much harder to resolve because people whose character is attacked tend to react. So how can civility be improved in the legal profession?

Civility helps ensure public confidence in our legal system. When civility declines, fair-mindedness may be compromised.
• A person’s ability to recognize how another person’s words and actions may be wrongly misinterpreted.

• A person’s ability to be thoughtful and reasonable when making a response.

• A person’s ability to believe in fair treatment and equality irrespective of an individual’s attributes.

• A person’s realization that civility is vital to maintaining public confidence in the rule of law and society’s well-being in general.

The WSBA has thousands of attorneys who embody these traits and will continue to set the “bar” that best exemplifies our legal profession’s ability to be civil. Let’s do more together to enhance, promote, and model civility.

NOTES


8. Id.


10. Portions of the Middle Temple “Statement of Values” (See www.middletemple.org.uk/about-us/middle-temple-statement-values) and the speech given by Jeff Bezos helped me frame these factors.
Past, Present, and Future
Finance and Feedback News

Welcome to spring! In keeping with the season, I am happy to report that the WSBA will avoid the dreaded mid-March pinch because we are squarely in the green, at least when it comes to finances. As we close the books on our first quarter of the fiscal year (which runs from Oct. 1 to Sept. 30), the general fund is showing a better-than-anticipated bottom line as compared with the original FY 22 budget. While we always experience an influx of revenue in the early months of the fiscal year (when license fees are due) and heavier expenses in the final months (as contracts come due), we are seeing a pattern of greater-than-expected revenue that should hold steady in the areas of pro hac vice admissions, royalties, and MCLE fees. It is also good news for our CLE Fund, which is running about $350,000 ahead of budget estimates due to on-demand product revenue and high seminar attendance.

All these indicators bode well as we go through the reforecast process. As I mentioned in previous columns, the reforecast allows us to reconcile initial budget projections with actual revenues and expenditures halfway through the fiscal year. The most important outcome is confidence that we are on track to end the fiscal year with the right-sized balances and reserves. Looking ahead, the Budget and Audit Committee will review and approve the budget reforecast at its March 23 meeting, sending it to the entire Board of Governors for review and, hopefully, approval at the May meeting. Please be on the lookout for more information in this column as we wrap up the reforecast. Meanwhile, you can find financial reports and Budget and Audit Committee meeting dates at www.wsba.org/finances.

A LONG HISTORY OF FINANCIAL EXCELLENCE

To expand on another piece of good news from last month's column, I want to reiterate that independent accounting firm Clark Nuber has once again issued a “clean” audit report for the previous fiscal year for the WSBA. This annual audit result has become somewhat “business as usual” at the state Bar, which might make it easy to overlook how commendable it is to receive such immaculate audit outcomes, especially when repeated consistently for decades. In 2021, a representative from Clark Nuber told the Board of Governors that the average number of adjustments they identify for nonprofit organizations is three to four per audit; and for the WSBA to consistently have no recommended corrections is a strong indication of high-quality financial systems. In addition, in 2020 we did an additional “deep dive” audit, which confirmed the WSBA's adherence to and execution of best-in-industry financial policies.

In other words, WSBA members can have confidence that the Bar’s finances are well managed and accurate. Furthermore—and here is what is truly remarkable—Bar records show a history of clean audits for at least 14 years running (and we believe many years in addition to that, when the audit reports were hard-copy only). That is an incredible track record, deserving of kudos to the WSBA's current and past financial team as well former treasurers. Although excellent audits may seem par for the course for the WSBA at this point, let’s not forget the tremendous amount of diligence and expertise behind each of these results.

MEMBER ENGAGEMENT SURVEY

In addition to being part of the WSBA Board of Governors, I serve as co-chair of the Member Engagement Council. The Council's goals are to proactively educate members about what's happening at the Bar, to build relationships with members, and to seek input and involve members in decision-making processes. As you might guess, I see a lot of overlap between my work here and as treasurer because, ultimately, it is the job of WSBA leaders to prioritize and make the best decisions we can, using finite resources to fulfill WSBA's mission. To do that, we need to understand your priorities, needs, and experiences as part of the legal community.

If you receive a WSBA member engagement survey invitation, please take the opportunity to weigh in.
Toward that end, the Member Engagement Council is overseeing a professionally administered, ongoing member engagement survey. Each quarter, a sample of the WSBA membership—with representation from each congressional district—is invited to take the online survey, which has questions about the Bar's communication, engagement, and services. If you receive the survey invitation, please take the opportunity to weigh in. The Board of Governors intends to use the information to make decisions about resources and services, and your voice will make a difference. The invitation will be via email from our survey administrators, the National Business Research Institute. Survey-takers’ identities will be kept completely anonymous to encourage candid answers. The survey kicked off last October, and we have the first quarter’s worth of data (go to www.wsba.org/survey). We will receive a larger report from the National Business Research Institute at the close of each fiscal year.

I also want to mention that the Member Engagement Council reserves the first agenda item each meeting for member feedback. Everyone is welcome and encouraged to participate. Meetings are the first Thursday of each month at 1 p.m. via Zoom. Type “Member Engagement Council” into the search bar at www.wsba.org for access details.

APPRECIATION FOR THE MANY PEOPLE HELPING OUT
As I’m sure you are experiencing, the pandemic continues to provide challenges to our operations. Traditional delivery of many services and resources—from Bar examinations to CLE programming to discipline hearings to committee work—have been upended, and it has taken ongoing innovation, flexibility, and, often, dogged determination to continue the work. For this, I offer my sincerest appreciation to our hundreds of volunteers as well as our outstanding staff. Thank you, as well, to all my WSBA colleagues who are on the user-end of these services and resources, who have also shown a tremendous amount of adaptability throughout the entire court system to keep the wheels of justice turning.

Here’s hoping for a rejuvenating spring ahead!

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RPC 1.13: Organizational Clients

BY MARK J. FUCILE

RPC 1.13 is entitled “Organization as Client.” Although representing organizations is common for lawyers in a wide variety of practice areas, Washington did not have a professional rule specifically addressing entity clients until RPC 1.13 was adopted in 2006. Washington’s rule closely resembles its ABA Model Rule counterpart. While not a heavily litigated rule in either a regulatory or civil context, RPC 1.13 provides important guidance for Washington lawyers representing entities. The WSBA Ethics 2003 Committee that developed the Washington rule expressed the hope that:

Rule 1.13 will significantly clarify a lawyer’s role in representing an organization, enhance the ability of lawyers in the corporate context to discharge their duties and promote corporate compliance with law, provide guidance to lawyers in resolving the difficult ethical dilemmas that arise upon discovery of corporate crime or fraud, and will inure to the overall benefit of organizational clients and the public.”

Nearing two decades later, the Ethics 2003 Committee’s hope for the rule has largely proven true.

In this column, we’ll look at three central aspects of RPC 1.13. First, we’ll examine the heart of the rule that generally defines the organization itself as the lawyer’s client. Second, we’ll survey conflicts that can, nonetheless, arise in the organizational context. Finally, we’ll outline the difficult reporting issues that follow when a lawyer for an entity discovers serious misconduct within the organization.
DEFINING THE CLIENT

RPC 1.13(a) states the simple but essential precept underlying the rule: “A lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents.” Comment 1 to RPC 1.13 notes that the term “organization” applies to a wide variety of entity forms—including unincorporated associations. Comment 2, in turn, explains that although a lawyer representing an entity deals with the client through its “constituents”—such as officers, directors, and employees—the client ordinarily is the entity alone (absent other circumstances that we’ll discuss in the next section).

RPC 1.13(f) puts the responsibility for explaining this distinction on the lawyer when the interests of the organization are, or may become, adverse to a constituent. Sometimes euphemistically called “Upjohn” or “corporate Miranda” warnings in recognition of these seminal United States Supreme Court decisions, explanations consistent with RPC 1.13(f) can avoid inadvertently creating attorney-client relationships with the individual constituent involved and serve to warn the constituent that he or she does not hold a personal attorney-client privilege.

Although RPC 1.13(a) provides sufficient certainty in most circumstances, there are nuances that are prudently clarified in engagement agreements in the organizational setting.

First, representation of one affiliate within a larger corporate group may—or may not—constitute representation of the larger corporate group, depending on the circumstances. Comment 34 to RPC 1.7, which addresses current client conflicts, notes that “[a] lawyer who represents a corporation or other organization does not, by virtue of that representation, necessarily represent any constituent or affiliated organization, such as a parent or subsidiary.” Both ABA and WSBA advisory opinions, however, caution that a broader representation may be implied from the circumstances if, for example, a parent and a wholly owned subsidiary share common legal affairs management.

To avoid uncertainty, a law firm can define the client in the engagement agreement for the matter concerned. In the same vein, law firms should carefully review “corporate counsel guidelines” provided by a prospective client to determine whether those guidelines define the client more broadly than the law firm is comfortable with and negotiate that point as appropriate.

Second, under RPC 1.13(h), which is a Washington addition not found in the ABA Model Rule, when an outside lawyer “represents a discrete governmental agency or unit that is part of a broader governmental entity, the lawyer’s client is the particular governmental agency or unit represented, and not the broader governmental entity of which the agency or unit is a part” unless there is a controlling written agreement or the governmental entity gives notice to the contrary. Despite the utility of this facet of the rule, firms (and their clients) gain further clarity if the client is defined specifically in an engagement agreement.

Representation of one affiliate within a larger corporate group may—or may not—constitute representation of the larger corporate group, depending on the circumstances.

CONFLICTS

Entity representation can involve the same kinds of current or former client conflicts that can occur when representing individuals. The entity setting, however, can spawn particular conflicts that are addressed in RPC 1.13 and its accompanying comments.

First, RPC 1.13(g) notes that entity counsel may also represent other organizational constituents subject to the current client conflict rule—RPC 1.7. For example, a law firm representing a corporation might do estate planning work for the CEO. However, the law firm would have a conflict if, while the estate planning work was ongoing, the corporation wanted advice on terminating the CEO. Although this outcome might be avoided through an advance waiver as a condition of taking on the estate planning work, another approach would be to refer the CEO to separate estate planning counsel. Common risks of unwaived conflicts in this scenario range from regulatory discipline for the individual lawyers involved to disqualification of their law firm.

Second, Comments 13 and 14 to RPC 1.13 address shareholder derivative litigation. Comment 13 notes that derivative litigation typically involves allegations by a shareholder nominally on behalf of a corporation against the directors contending that management has not acted in the organization’s best interests. Comment 14 then counsels that although some derivative cases may not pose conflicts for corporate counsel representing the directors and officers, others may when there are serious charges of wrongdoing against management. While not drawing a bright line, these comments suggest careful analysis by corporate counsel before taking on the additional representation of individual directors and officers.

REPORTING

The reporting elements reflected in RPC 1.13(b) through 1.13(e) were developed against a very specific historical backdrop. The ABA’s comprehensive review of the Model Rules in the early 2000s coincided with the unfolding Enron financial scandal and associated questions about the role of lawyers in the run-up to Enron’s collapse. That historical confluence produced the reporting “up” and “out” approach reflected in the rule.

RPC 1.13(b) counsels that a lawyer who discovers serious misconduct within an organizational client must report it “up” to a level within the entity that can take appropriate action:

If a lawyer for an organization knows that an officer, employee or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation that is a violation of a legal obligation
to the organization, or a violation of law that reasonably might be imputed to the organization, and that is likely to result in substantial injury to the organization, then the lawyer shall proceed as is reasonably necessary in the best interest of the organization. Unless the lawyer reasonably believes that it is not necessary in the best interest of the organization to do so, the lawyer shall refer the matter to higher authority in the organization, including, if warranted by the circumstances, to the highest authority that can act on behalf of the organization as determined by applicable law.

Because reporting “up” under RPC 1.13(b) remains within the organization-al client, confidentiality under RPC 1.6 and related attorney-client privilege and work-product protection ordinarily remain intact. RPC 1.13(c), in turn, addresses reporting “out” if the highest authority within the organization refuses to take appropriate action:

[I]f (1) despite the lawyer’s efforts in accordance with paragraph (b), the highest authority that can act on behalf of the organization insists upon or fails to address in a timely and appropriate manner an action, or a refusal to act, that is clearly a violation of law, and (2) the lawyer reasonably believes that the violation is reasonably certain to result in substantial injury to the organization, then the lawyer may reveal information relating to the representation whether or not Rule 1.6 permits such disclosure, but only if and to the extent the lawyer reasonably believes necessary to prevent substantial injury to the organization.

RPC 1.13(c) does not specify the outside authority to which the lawyer should report misconduct. Rather, that will depend on the circumstances. RPC 1.13(d) notes that external reporting under RPC 1.13(c) does not apply when a lawyer has been retained by an organization to investigate or defend alleged misconduct.

RPC 1.13(e) concludes the reporting subsections by authorizing a lawyer who reasonably believes the lawyer was discharged (or has been forced to withdraw) in retaliation for the lawyer’s reporting misconduct to inform the organization’s highest authority.

SUMMING UP
RPC 1.13 continues to provide critical guidance to corporate counsel in an environment that has only grown more complex since the WSBA Ethics 2003 Committee recommended its adoption nearly two decades ago.

NOTES
1. See generally Robert H. Aronson, An Overview of the Law of Professional Responsibility: The Rules of Professional Conduct Annotated and Analyzed, 61 Wash. L. Rev. 823, 829-30 (1986) (noting that Washington did not adopt a state equivalent of ABA Model Rule 113 when it moved to the RPCs in 1985); WSBA, Reporter’s Explanatory Memorandum to the Ethics 2003 Committee’s Proposed Rules of Professional Conduct at 164-66 (2004) (Reporter’s Memorandum) (discussing the recommendation to adopt an entity client rule when the Washington RPCs were comprehensively reviewed in the early 2000s) (on file with author). When the RPCs were originally adopted in Washington in the 1980s, the task force that reviewed the then-new ABA Model Rules felt that entity representation was best left to case law development. Reporter’s Memorandum, supra, at 165; Jan. 18, 1985, Letter from WSBA to Supreme Court at 4 (WSBA Archive). The anticipated development did not occur and, therefore, the Ethics 2003 Committee recommended adoption of RPC 113 patterned on the ABA Model Rule. Reporter’s Memorandum, supra, at 164-66. Corresponding Limited License Legal Technician (LLLT) RPC 113 is simply listed as “reserved” and is accompanied by the following comment: “At present, the authorized scope of LLLT practice does not contemplate representation of an organization.” Although not an exact parallel, Sections 96, 97, and 131 of the Restatement (Third) of the Law Governing Lawyers (2000) also address entity representation.
4. See also RPC 113, cmts. 10-11 (discussing this point).
7. See, e.g., Avcent Redmond Corp. v. Rose Electronics, 491 F. Supp. 2d 1000, 1004 (W.D. Wash. 2007) (quoting from engagement agreement that defined the client).
8. See, e.g., Atlantic Specialty Ins. Co. v. Premera Blue Cross, 2016 WL 1615430 (W.D. Wash. Apr. 22, 2016) (unpublished) (disqualifying law firm for opposing affiliate included within definition of “client” under corporate counsel guidelines provided in another matter law firm was
handling for another member of same corporate group).

9. This provision, which was adopted in 1995 and was formerly at RPC 1.7(c), has no direct counterpart in the ABA Model Rules. See Reporter’s Memorandum, supra n.1, at 166 (discussing history of this provision); see also RPC 113, cmt. 15 (same).

10. See Goldman v. McKenna, 172 Wn.2d 568, 580 n.5, 259 P.3d 1095 (2011) (noting that the parties can define the “client” for a specific matter under RPC 1.13(h)). Comment 9 to RPC 1.13 addresses governmental representation and offers further guidance for what are sometimes imprecise circumstances.


12. See RPC 1.7, cmt. 22 (advance waivers).

13. See, e.g., In re Goldstein, 18 B.D. Rptr. 207 (Or. 2004) (disciplining corporate counsel for unwaived conflict arising from personal work for executive while the lawyer’s firm was offering corporation advice on the executive’s termination); Commercial Dev. Co. v. Abitibi-Consolidated, Inc., 2007 WL 4041992 (W.D. Wash. Nov. 15, 2007) (unpublished) (law firm disqualified on finding that it represented corporate officer individually and later represented another party against officer’s interest).


16. See ABA Legislative History, supra n.2, at 324-32; see also Reporter’s Memorandum, supra n.1, at 165.

17. For discussions of the difficult practical issues on the duty to inquire when a lawyer suspects the lawyer is being consulted to further a planned or ongoing crime or fraud and associated considerations under the crime-fraud exception to the attorney-client privilege, see, respectively, ABA Formal Op. 491 (2020) and United States v. Chen, 99 F.3d 1495 (9th Cir. 1996). See also RPC 113, cmts. 4-5.

18. Unlike RPC 1.6(b)(3), which shares historical roots with the amendments to RPC 1.13 influenced by the Enron scandal, reporting “out” under RPC 113(c) is not dependent on the client having used the lawyer’s services to further the conduct being reported. See RPC 113, cmt. 6; see generally ABA Legislative History, supra n.2, at 329; Reporter’s Memorandum, supra n.1, at 165.

19. RPC 113, cmts. 6-8.
‘Sent from my iPhone’

5 practical tips for communicating effectively on your mobile device

BY MARY ZOU
According to a 2021 study, people are more likely to open emails through their smartphone or tablet than on their computer.  

With more people than ever before using mobile devices to read and write emails, it is more important than ever for lawyers to focus on the art of effective communication in this medium. This article provides five tips for communicating in the age of the smartphone.

**1 Put Your Conclusion First**

People often are not focused on their email while they are scanning it; they check their inboxes while watching TV, during work meetings, while eating, driving, and even in the bathroom. This means that your important email is fighting for your reader’s attention against an onslaught of other distractions. That’s why you need to prioritize the most important information at the very beginning of your email. Your reader should not have to scroll to understand the main point of your message—draft it so that the most important information fits within the frame of a smartphone screen.

Your first one or two sentences need to concisely explain to the reader (1) why you are writing the email and (2) what the key takeaway is. When in doubt, remember the CRAC (Conclusion-Rule-Analysis/Application-Conclusion) writing structure from law school and introduce the conclusion first. By putting your main conclusion, recommendation, or takeaway at the very top of the email, you will both capture your reader’s attention and prime your reader to absorb the rest of the information contained in your email.

For example, you can write the following:

Hi John,

I looked into dismissing the defamation lawsuit, and based on my review of recent cases, we have a strong chance of success with a motion to dismiss.

Notice how the example quickly orients the reader as to the subject of the communication and the writer’s key point. The reader is now ready to follow along with the writer’s analysis of recent case law with the understanding that the cases will support the writer’s recommendation for a motion to dismiss.

If you are preparing a long response to someone else’s email, include a brief refresher about the sender’s original email. After all, the average office worker receives 121 emails and sends 40 emails a day. Given the sheer volume of email traffic people send and receive, it’s always helpful to gently remind the reader what you are responding to, which may be an email that was sent days ago! Rather than forcing the reader to scroll down through the email chain to understand the background and context of your email, simply provide a short reminder at the beginning of your response:

Steve,

I have reviewed your proposed terms for the licensing agreement below. My client is unwilling to accept the proposed licensing fee.

Avoid long introductions and wordy pleasantries; you can always put those at the end of your email after you have finished sharing important information.

**2 Embrace the Listicle**

Digital content sources like Buzzfeed or Cracked.com are famous for lists such as “10 Important Life Lessons You Can Learn From Cats” or “25 Ways to Tell You’re a Kid of the ’90s.” These “listicles” (content presented wholly or partly in the form of a list) have trained readers to quickly digest information presented in list formats, and lawyers should use that to their advantage. Don’t bury important information in bulky paragraphs—list them out instead, using bullets or numbering.

Your listicle should present the information in a thoughtful and organized manner. For example, if you are curating a list of breach of contract case decisions, consider categorizing the decisions into cases in which the breach of contract claim was successful versus cases where the claim was unsuccessful. You can also organize your decisions by year, court, type of contract, or relevance to your present issue. When information is presented in a listicle format, the organization of the list should make sense to the reader, and the most important information (such as the most on-point cases) should be at the top of the list.

A listicle by itself cannot serve as a substitute for analysis and synthesis; you still need to show the reader how the different items in your listicle fit together. A list of cases without explanation or analysis is as unhelpful to the reader as simply printing off and sending a list of search results would be. Use parentheticals to summarize key and relevant holdings or reasoning from each case or source; explain how the listed items collectively form the answer to the legal issue.

Finally, a helpful heading or introduction is critical for an effective listicle. For example, a list with the heading “Contract Provisions at Issue” quickly orients the reader to digest the information that follows.
An email is still a permanent record of your communication, even if typing it out on your smartphone makes it feel more like a text message than a memorandum.

Adopt Cloud Technologies

The 2021 ABA Legal Technology Survey Report found that 60 percent of respondents utilized web-based software or cloud computing services or solutions. The adoption of cloud computing in law firms has been steadily growing, and the rise of remote work is expected to continue to propel that growth. Clients and colleagues nowadays expect lawyers to be familiar with basic cloud technology. The following are just a few quick tips to help you easily adopt cloud technologies and showcase your 21st-century tech savviness.

Technology novices can start with simple steps such as utilizing Dropbox, Google Drive, or another cloud storage service to share documents within your email. Instead of attaching many PDFs or overly large documents to an email (which risks an undeliverable bounce back message), just upload the proposed attachments to a cloud storage service and share the link with the email recipient.

The more tech savvy can take advantage of more advanced features to share comments or communally edit work product directly in the cloud service. Most cloud services offer smartphone apps that allow users to easily access, edit, or comment on documents directly from their phones or tablets. This means that you can communicate directly through the cloud service without having to toggle between windows on your smartphone.

But cloud technologies are not without their risks to confidentiality, privacy, and data security. If you have concerns about uploading sensitive or confidential information to a cloud storage space, protect documents with a password or other encryption.

Proofread, Proofread, Proofread

Just as readers are opening more emails from their mobile devices, lawyers are also sending more emails from their phones or other mobile devices. But gone are the days in which “Sent from my mobile device” served as an excuse for brevity and typos. If the communication is important enough to send, then it is important enough to proofread to catch spelling or grammatical errors. Remember that an email is still a permanent record of your communication, even if typing it out on your smartphone makes it feel more like a text message than a memorandum. Even a quick proofread is better than none.

As work continues to shift away from the physical office and into remote settings, people will increasingly rely on their smartphones and tablets. These are just a few tips to help you more effectively communicate through that small screen with your colleagues, supervisors, clients, opposing counsel, or even the court.

NOTES

1. Litmus, “Email Client Market Share in August 2021: Email Clients Hold Steady” (Sept. 8, 2021), www.litmus.com/blog/email-client-market-share-august-2021/ (survey finding that 41.6 percent of emails were opened via mobile, 40.5 percent of emails were opened via webmail, and the Apple iPhone is the most popular email client).

Mary Zou is a visiting professor at the University of Washington School of Law and a litigation associate at Wilson Sonsini Goodrich & Rosati. The views expressed in this article are those of the author and do not reflect the views of the University of Washington School of Law or Wilson Sonsini Goodrich & Rosati.

Flag & Include Key Information

Use bolding, underlines, or even colors to flag key information such as deadlines or action items. Remember that an email is not the same type of communication as a formal letter or memorandum. An email will be consumed digitally rather than printed, and you should optimize the formatting for that digital consumption. Don’t be afraid to use bright colors to highlight critical information or boldface for names when assigning action tasks to team members. This ensures that important information will stand out on the screen as people scroll through your email.

Be sure to include key information in the body of the email itself. If you are talking about a contract provision, for example, copy and paste the relevant provision or parts of it directly into the email. The reader may not be at their computer in that moment, so you want to make all relevant information available to them without the need to toggle between multiple windows.

If you do rely on external sources or relevant material, then attach them to the email or link to publicly available versions of the documents. Most opinions are published on the court’s website, and governments publish their statutes and regulations online. These versions are free and easily accessible through a mobile device. Avoid sharing links that are behind a paywall or require the reader to sign into a service, such as links to Westlaw, Lexis, or Bloomberg. This all but assures that the reader will not actually review the document—and likely also assures that the reader who clicked on the link will be frustrated.

Write to Counsel

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Q & A

Motivation, Mentorship, & Managing Your Time

This is a new semi-regular column, developed in collaboration with members of the Washington Young Lawyers Committee (WYLC), in which experienced practitioners answer questions from those new to the practice of law.

Q What is your time-management strategy, and what is your biggest motivation?

Stacia Hofmann: I arrange my schedule and organize my tasks as much as I can in advance, but the nature of my current practice is one in which I need to have some flexibility. Except for deadline-driven items, I break up my upcoming tasks into two-day or three-day “windows of completion” so that I can adjust as needed on a daily basis. I took the CliftonStrengths personality assessment (highly recommended for new and seasoned attorneys!), and it was enlightening to learn that planning and completing a task is the sort of thing that naturally matches my personality. It is no wonder, then, that I gravitate toward to-do lists and outlines.

However, I don’t think there’s a one-size-fits-all approach to time management. I’ve worked in a law firm setting, a corporate
setting, and a solo practice setting, and how I manage my time has been fairly different in each. I recommend tailoring time management in a way that is appropriate for your attorney role, but don’t fix what isn’t broken: The time-management, problem-solving, and studying approaches that worked for you in law school should form a terrific foundation for how you manage your work as a new attorney.

**Marcel Green:** My time-management strategy is threefold. First—and this step need only be done once—is reflecting on my “on” and “off” productivity periods—that is, those times where I tend to be productive no matter what versus those periods where, no matter what I do, I can never concentrate. Once I determine those periods, I try to keep my most important, urgent work scheduled in my productive periods, and all other work set for my “unproductive” (less productive?) periods. Second, I make use of a scheduling app, namely Google Calendar. Whatever it is, from a meeting to a deadline, I try my best to input it into my calendar so that at a glance, I can understand what needs to be done now and what can be put off until later. Lastly, I always try to preview tasks. That is, I try to understand the basic goal of a task each day. I also start to brainstorm on what needs to be done during downtimes such as on my ride home or just before bed. While many of the ideas that pop into my head are nonsense, by the time I start work the next day, all the mental clutter has been removed and it is easier to focus on the specifics.

**Stan Glisson:** Time management is a critical skill for attorneys, not only for professional success but also for minimizing stress. One of my pitfalls is delaying unpleasant tasks. A very smart person once taught me to always start the day off with the calendar item you need only be done once—is reflecting on my “on” and “off” productivity periods—that is, those times where I tend to be productive no matter what versus those periods where, no matter what I do, I can never concentrate. Once I determine those periods, I try to keep my most important, urgent work scheduled in my productive periods, and all other work set for my “unproductive” (less productive?) periods. Second, I make use of a scheduling app, namely Google Calendar. Whatever it is, from a meeting to a deadline, I try my best to input it into my calendar so that at a glance, I can understand what needs to be done now and what can be put off until later. Lastly, I always try to preview tasks. That is, I try to understand the basic goal of a task each day. I also start to brainstorm on what needs to be done during downtimes such as on my ride home or just before bed. While many of the ideas that pop into my head are nonsense, by the time I start work the next day, all the mental clutter has been removed and it is easier to focus on the specifics.

**Stan Glisson** is a partner at Glisson & Morris in Kitsap County, with a practice focused on criminal law. He is a 1995 graduate of the University of Washington School of Law and worked as both a public defender and a deputy prosecutor before entering private practice. Stan lives in Port Orchard with his wife, Brenda, and their two children are students at the University of Washington.

**Stacia Hofmann** is a solo practitioner at Cornerpoint Law in Seattle, where she practices business law. Hofmann helps small business owners use risk-management concepts and the power of employment, customer, and other business contracts for more effective operations and enhanced legal protection. She also assists clients with business ownership offers and exits. Hofmann became a new lawyer in 2005 after moving to Seattle from San Francisco. Although she did not know any Washington attorneys at the time, she now enjoys fantastic relationships with many of the attorneys who either supported her legal growth or whose legal development she has supported.

**Marcel Green**'s work focuses on the intersection of comparative Sino-American criminal law, international law, and cybersecurity. He originally went to China as an undergrad at Pomona College. A former public defender in Seattle, he returned to China to manage an indigent defense training project. He received his J.D. from Lewis and Clark Law School in Portland, Oregon.
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**Q** How do you typically balance “I can’t take on too many cases or they’ll all go to trial at the same time and I won’t be able to correctly handle them” with “I can’t take on too few cases or I won’t make my billable hours”? Do you lean toward overbooking your time or underbooking it?

**Hofmann:** If you have the option of saying “no,” I think it’s better to turn down cases when things get too busy rather than burn out trying to keep all of the balls up in the air. I have found that when I need to decline a matter, the next opportunity or the one after that ends up being a better fit for my interests and bandwidth. Even when there is a lull in billable work, there are so many things an attorney can be doing to become a better lawyer or businessperson, from volunteering their time to continuing education to networking. There is no shortage of opportunities to grow.

**Green:** I do not do trials in my present capacity, but I do take clients. Practicing as long as I have, I tend to understand how much work I can do and when. Experience has told me what is “too much.” Accordingly, I will take as many clients as I believe I can effectively handle without a degradation in the level of work that I put into each. I do prefer to have a fuller schedule rather than a thinner one.

One reason for this is, as a solo attorney, there is a significant need to have a constant flow of work. Days off are, unfortunately, job opportunities missed. However, for cases that are likely to go to trial, if I were a solo trial lawyer, I would focus on those and would take only as many other cases as I could handle without interfering with my trial preparation.

**Glisson:** This is a very difficult skill to learn—and probably one that I have yet to master. For me, certainly the most important thing is properly representing the client. As long as you are willing to put in the extra hours that may be required during busy times in order to do that, then you can afford to accept more cases when they present themselves. The most important thing is to communicate clearly and honestly with the client. If you know you are going to be very busy and realistically not able to start work on their case for a month, tell them so. If they understand and appreciate your work, they will still want to hire you. If they don’t, then in all likelihood it would have been a needlessly challenging relationship, and you are both better served if they go elsewhere.

There is a great temptation during lean times to take on a difficult client or a case that you otherwise wouldn’t. Be confident that the better client and case is right around the corner, and when it appears, you don’t want to be tied up with a case you took out of a momentary panic. For many of us, our month-to-month income is unsteady and it’s counterintuitive to turn away work. But you’re better off personally and professionally with fewer, higher-quality clients than with too many potentially dissatisfied ones. Remember that as attorneys, the main product we have to offer is our reputation, and you earn that by being genuine with client expectations and doing high-quality work.

**Q** What does mentorship mean to you? What approach would you recommend to a new lawyer trying to find a mentor?

**Hofmann:** To me, mentorship means learning from someone else’s experiences or skills, and I found out early on that mentorship can arise in many types of repeated interactions. A mentor might be a supervising attorney or a senior attorney within your workplace, but it might also be another new attorney. A mentor might be opposing counsel, a mediator, or even a judge. Most lawyers like to share stories or talk about what they do and how they help clients. Use that to your advantage.

**Green:** While I never experienced official mentorship when I was a new lawyer, I have been a mentor to a few new lawyers. I think it is a great way to experience the practice of law in a real-world setting, but with the help and assistance that is so important in a new lawyer’s development. My advice to getting the best mentorship possible is to seek out lawyers who practice in a desired field and contact them. This allows them, if they choose, to start getting to know you. Additionally, it allows you to understand whether you want to actually take the mentorship.

**Glisson:** Mentorship takes several forms in the practice of law. As a practical concern, subject matter mentors are essential. It is crucial to the development of young lawyers to have an experienced practitioner in their area upon whom they can rely for day-to-day practice advice. Whether it’s an office mate or just another lawyer in the area you can call or email with everyday questions, find this person as soon as you can. I hope you will find that the great majority of experienced lawyers are more than happy to take that call and offer what they know.

CONTINUED >
It is also vital to seek out people in your profession with whom you can discuss aspects of this job other than just your specific practice questions. I found it essential to have experienced lawyers around me to discuss work-life balance, long-term career goals, and what it means to be a lawyer in your community. For this kind of mentorship, it’s nice to be in the same practice area, but I believe it’s more important to find people with similar life and family goals. Is it important for you to travel? To save and retire early? Or maybe to manage your work life around being present as a parent? Older lawyers are great resources, sometimes just to help envision the direction of a career. I think it’s valuable to ask of colleagues, and of yourself, “Why did you become a lawyer?”

Do experienced attorneys see young practitioners as future competition? Or is there a desire to support them in their growth/practice?

Hofmann: In my opinion, competition breeds innovation, so I’m all for competition. But truth be told, there is more legal work to be done than there are attorneys to do the work, so I don’t think most attorneys view other attorneys as threats.

At the risk of sounding cliché, every attorney was once a new attorney, so don’t hesitate to reach out to one to ask them to share a bit of their time. It truly helps to have a genuine interest in the attorney—maybe you graduated from the same law school or college, have a mutual friend or family connection, or even read about one of their cases. The worst they can do is not respond.

I got my first attorney job because I cold-emailed an attorney who went to my law school. He was gracious enough to meet with me for an informational interview and ask about my legal interests. He knew people who knew people and so on and so forth, and connections were made. Within a few weeks, and because of that meeting, I had an exciting new job. I know many attorneys with similar stories, and I think most of us try to pay it forward by helping new attorneys when we can.

Green: I do not see, or think experienced attorneys should see, young practitioners as future competition. First, there is the fact that the legal profession is an experience-heavy field. That is, there are few younger lawyers who can easily match the experiences and understanding of a more experienced lawyer. That is, they are not a threat. Second, experienced lawyers tend to get set in their ways. However, working with younger lawyers provides an endless opportunity to revamp, upgrade, and deepen one’s understanding of the law and its applicability. As such, new attorneys should be supported and nurtured to not only grow the practice but also to keep more senior lawyers up to date on the law.

Glisson: This is a great question, because at its core this is a competitive profession. From my perspective though, I have not seen that sense of competition extend outside of the professional arena. In other words, while we want to win and get great results for our clients, no one wants to see another attorney fail. At the end of the day, we probably have a lot more in common with opposing counsel than with most of our clients. Further, at different stages of our careers, we’re chasing different goals and we really do want to see newer lawyers succeed.

When I first went into private practice, the most amazing thing happened. Established lawyers referred clients to me. Good clients, who actually could afford to pay, and I remember every single one of them. What humbled me was that there was no financial reason to send these clients to me. All of these lawyers could easily have taken these cases, but they referred them to me out of sheer kindness and good will. I have been fortunate enough to pass that along to many new lawyers in my community, and I really believe that spirit of support within the profession continues to thrive.

There is always room for the next generation. You are creative, smart, driven, and highly capable. If the legal community ever seems crowded, young lawyers always seem to find a new way to thrive in sometimes non-traditional paths and forge their way to the place that’s right for them. A significant amount of legal need still goes unmet in this state, and we definitely need the energy and inspired thinking of new lawyers to meet those needs. I am always excited to meet new lawyers in my area and do what I can to let them know they are welcome and extend any support I can. The legal community (like all communities) stagnates without a constant influx of new, diverse voices from different backgrounds and experiences. You make us all better and we need and welcome the challenge.

Every attorney was once a new attorney, so don’t hesitate to reach out to one to ask them to share a bit of their time.
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– Anelga Doumanian, recently promoted to partner at PCVA

PCVA would like to congratulate Anelga Doumanian for her elevation to partner. Her abundant compassion, disciplined work ethic, and tireless dedication to helping survivors of childhood sexual abuse reflect the mission and culture of PCVA. She’s also an excellent role model and mentor to junior attorneys.

Anelga has been helping survivors of childhood sexual abuse since 2013 in cases against state institutions and Catholic Archdioceses and Dioceses in Missouri, Washington, and New York, including working to secure one of the largest settlements against the Archdiocese of Seattle. We look forward to seeing what else she accomplishes in what will certainly be a long and successful career.

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Section Spotlight

Construction Law Section

A Q&A WITH WSBA CONSTRUCTION LAW SECTION CHAIR COLM P. NELSON

Q. What is the most valuable benefit members get from joining your Section that they can’t get anywhere else?
The Construction Law Section is committed to serving as a resource to our members through programs, materials, and events we create to help inform them and get them up to speed on industry matters, including new legislation, hot button topics, and case law updates. For members with construction practices, our annual midyear, full-day conference offers a deep industry dive into matters of current significance to construction industry clients. We also offer CLE events throughout the year that can assist anyone navigating the complex terrain of construction law, including a general education roadshow presentation on construction law.

Members also have access to several educational documents and construction contract form templates on our website that our Section has created; they are a great resource for general practitioners. We are also quite proud of the WSBA’s 2019 Washington Construction Law Deskbook, developed in collaboration with the Section, which offers 30 chapters of insightful industry matters specific to our state.

Q. What is a recent Section accomplishment or current project that you are excited about?
Our council is in the process of publishing updated residential construction contract forms, which, once approved by the WSBA, will be available on our Section website, including new design-build contract forms. These timely enhancements showcase our commitment to providing relevant and useful materials that give practical support to our members. In addition, the Construction Law Section’s annual midyear CLE is coming up on June 10.

This will be a day-long virtual presentation focusing on Washington public projects that will include a legislative update, construction law update, and perspectives from the bench. Section members will soon receive an invitation.

Q. What opportunities does your Section provide for members who are looking for a mentor or for somebody to mentor?
Currently, we have a list serve portal where members are able to ask questions and seek the help of their peers, which is an invaluable lifeline. We are a tight-knit Section with great organic comradery among members; so for those who are looking for industry support, there is no shortage of members happy to bend an ear and lend insight.

Q. What advice do you have for building a successful practice in the area of law related to your Section and how does membership in your Section help do that?
In my experience, the best way to attract clients is by word-of-mouth referrals, so you’ve got to be doing great work. In addition to anticipating your clients’ needs and communicating in a clear and timely manner, producing great work involves understanding the landscape of laws and industry regulations that may affect your clients. Our Section’s materials and CLEs provide valuable insights for those serving clients in the construction industry and connect practitioners to peers working in the same wheelhouse. Connections formed through our Section can help build your referral sources, and presenting at industry CLEs and joining the council is a great way to raise your profile.

Q. In addition to membership in your Section, what are the best ways to stay up on the developing law in this practice area?
When talking to your clients, think beyond their immediate needs and ask them about what is going on in their world. Staying engaged on industry trends is just as important as—if not more than—staying up to date on legal trends. The value of building relationships in the industry also cannot be overstated. The field of

Since 2005, Colm P. Nelson has represented public owners, private owners, and developers in a wide variety of construction transactions across the West Coast and Midwest. He also advises clients on risk management and construction disputes, including construction litigation in various forums.

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The Section membership year is Jan. 1 - Dec. 31. For more information and to join the Construction Law Section, or any other Section, visit www.wsba.org/legal-community/sections/sections.
The Washington Construction Law Deskbook

(WSBA 2019)

This single-volume ready resource on every facet of construction law was developed in collaboration with the Construction Law Section.

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construction law is unique in that we do contract work and litigation. In either arena, building relationships with the attorneys you will be engaged with on the opposite side of a contract, or may face off against in litigation, opens the door to more civil exchanges and the possibility of more productive outcomes. Plus, our line of work is demanding; building quality relationships with peers and clients makes it rewarding and is key to preventing burnout.

NOTES

How to Close Your Law Practice

BY MARGEAUX GREEN
S

o it’s time to close your law practice. Whether it’s because of a change in career, family matters, or a hard-earned retirement, you’re ready to shutter the windows and close the door to your business. Now what? This article lays out the basic components of closing your practice: financial considerations, giving notice, insurance issues, closing accounts, what to do with open cases, retaining documents, and handling directory and online listings.

1. CREATE A TIMELINE

It is important to establish and follow a timeline. To create your timeline, ask yourself two preliminary questions:

• When do you want to close your practice?
• How long will it take to close your practice?

Give yourself six months to a year to fully wind down your practice. Set a future closing date considering your active cases and the steps involved to close your office doors.

2. LAW PRACTICE CLOSURE TO-DO LIST

FINANCIAL

Collect your accounts receivable. Before you announce your office closure to clients, be sure to collect outstanding fees. Be diligent in your collection efforts. Upon learning of your plans to close your office, some clients may use this as an opportunity to avoid paying their bills.

Reconcile and close your trust account. Ensure that you are continuing to properly reconcile your trust account in compliance with Rule of Professional Conduct (RPC) 1.15B.1 Refund or transfer any unused funds from fee deposits per RPC 1.15A.2 Treat funds you are holding for clients or third parties that you cannot locate as unclaimed property and file a report with the Department of Revenue.3 Additionally, be sure to comply with RPC 1.15B regarding preserving trust account records. Contact your bank about fees associated with closing your trust account and be sure your account has sufficient funds to cover the fee. (Do not use client funds to cover this fee—you are responsible for this charge.) See the WSBA’s Managing Client Trust Accounts Booklet4 for additional trust account information.

Address outstanding liabilities. Pay balances and then cancel firm credit cards. Meet with lenders regarding outstanding loans.

NOTICE

Announce your plan internally. Provide your staff with ample notice of your intention to close your practice. Walk through your office closure plan with them and delegate tasks where you can.

As an incentive for staff to stay and help you to close, consider offering bonuses. Also consider helping staff find new employment by reaching out to your network to ease the transition.

Announce your plan externally and stop accepting new cases. Inform your clients, past and present, that you are closing your law practice. Per RPC 1.16(d), to the extent reasonably practicable, a departing lawyer shall protect a client’s interests such as giving reasonable notice to the client, surrendering papers and property, and refunding any fee that has not been earned. Document the communications you make of your office closure, including information about when and how you told your clients. Inform clients of the closing date, the status of their case with you, and how to transfer their files to themselves or a new lawyer. Address any client funds you hold in trust. Notify opposing counsel, courts, and other tribunals of your office closure as well. For additional information regarding notice, see Advisory Opinion 201801 Lawyers Moving from Firm-to-Firm in Private Practice.5

The WSBA offers forms to help notify clients and track file transfers:6

• Client Authorization of File Transfer Form
• Letter Advising that Lawyer is Closing Office
• Client Acknowledgment of File
• File Closure Tracking Spreadsheet
• Timelines for File

INSURANCE

Tail policy. Contact your malpractice carrier and inform them of your office closure. Consider adding a tail policy. A tail policy adds coverage to your malpractice insurance, providing protection for claims reported after your insurance policy ends.

Health insurance. Make a health insurance plan for after you close your office. An insurance broker can help to guide this process. Consider enrolling in a plan from the Health Insurance Marketplace.7
CLOSE ACCOUNTS
Manage and contact (and maybe close) digital subscriptions and databases. Software services often limit the amount of time a past subscriber has access to their data post cancellation. Be sure to export all information and data you intend to keep before you lose access to it. Check your terms of service for software data policy. The document retention section below describes how to track your files.

Forward mail, email, and calls. Arrange your mail forwarding with USPS. Also forward calls and emails. Consider including an automatic response in your emails, stating the date of your office closure and your contact information thereafter.

Close utilities and manage lease/rental agreements. End your phone and internet services when your practice closes. Finalize arrangements with your landlord and with vendors such as office equipment rentals.

Dispose of furniture, fixtures, art, electronics, and library. Consider selling, donating, offering items on a WSBA list serve, using a furniture disposal service, or taking the items to the dump.

Cancel other services, like process service and remote receptionists.

OPEN CASES
Finish what you can. In addition to notifying your current clients of the office closure, plan and manage the client work you can finish. For client matters that cannot be resolved prior to the firm closure date, address continuances, upcoming hearing dates, and attorney referrals to continue the client’s legal work. For forms to notify your clients and transfer files, see the “Notice” section above.

Contact counsel for opposing parties and third parties involved in current matters. Other parties and entities may include social workers, financial advisors, experts, and guardians ad litem.

DOCUMENT RETENTION
Manage client files according to your document retention policy. Remind clients of your file retention and destruction policy. Review the WSBA’s Law Firm Guide to Document Retention for your professional obligations for document retention, the scope of the client file and property of the client, suggested best practices for document retention, and practice forms.

DIRECTORY AND ONLINE LISTINGS
Address existing advertisements, legal directory listings, Google listing, website, and social media. Update your information on legal directory listings. Make it clear on your website the date of your office closure and update your free Google business listing to say that your office is closed.

Titles In Our Lending Library

The WSBA Lending Library is a free service to WSBA members offering the short-term loan of books on topics related to practice management, wellness, and career development. Titles relevant to closing a law practice include the following:

- **Passing the Torch Without Getting Burned.** By Peter A. Giuliani, ABA, Law Practice Management Section, 2014.
- **Lawyer Interrupted.** By Amy Impellizzeri, American Bar Association, Solo, Small Firm and General Practice Division, 2016.

MORE ONLINE ➤ [www.wsba.org/for-legal-professionals/member-support/lending-library](http://www.wsba.org/for-legal-professionals/member-support/lending-library)
3. RELATED ISSUE

This article does not cover the related issue of closing another attorney’s law office (see the WSBA’s “Checklist For Closing Another Attorney’s Office”).

For specific questions about professional responsibility and ethics issues related to closing a law office, contact the WSBA Ethics Line at 1-800-945-9722.

4. ADDITIONAL RESOURCES

For personalized advice, WSBA members can schedule a free confidential consultation with a practice management advisor. The Practice Management Assistance page on the WSBA website provides guidance on starting, managing, and transitioning your practice. You can also download and explore other practice guides and accompanying forms on disaster planning and recovery, cybersecurity, hanging your own shingle, and document retention.

NOTES
Tips for Buying a Law Practice

BY JUSTIN FARMER
Whether you have started a law practice and are looking to expand rapidly or are thinking about leaving a large firm and venturing out on your own, buying a law practice may be right for you. Regardless of where you are in your career, it can be much easier (and more cost-effective) to buy a law practice than it is to start one on your own. Many attorneys do not even consider purchasing a law practice because they do not realize they can, or they do not know where to start with the process. However, buying a law practice is both possible and a great avenue to pursue for the savvy business person. Below are a few things to consider if you are thinking about starting your own practice by purchasing a practice.

1. FIND LAW PRACTICES FOR SALE

You cannot purchase an existing law firm if you cannot find one for sale. Unlike real estate, you will not find a “For Sale” sign outside of a law firm, even when the owner of the firm wants to sell the practice. So how do you find a firm that you can purchase? One organic path is to network with older attorneys who may be looking toward a transition soon. You can also look at registries created for this niche, such as Private Practice Transitions (https://privatepracticetransitions.com), BizBuySell (www.bizbuysell.com), or the WSBA Career Center (https://jobs.wsba.org). Some registries even provide support by making experts available to answer your questions.

2. CONSIDER THE PRACTICE TYPE, CLIENT BASE, AND BRANDING

Of course, you do not want to buy a commercial law firm if your area of practice is personal injury. To ensure that you target the firms that most align with your expe-

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Tips for Buying a Law Practice
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When looking for a new law practice, you need to first consider your long-term goals, what type of attorney you want to be, where you want to practice, and what area or areas of law you want to practice. You should review financials, tax returns, and cash flow projections, and meet with the owners and key staff. While making the decision to purchase a firm is an important first step, due diligence will be the most time-consuming and enlightening step in actually purchasing and taking over a practice. When conducting your due diligence, you should assemble a purchasing team that includes your financial advisor (to address whether and how the purchase of the firm will help you with your long-term financial goals), your CPA (to advise on the tax benefits of purchasing a law firm), and an advisor who can help you with deal structure (asset purchase versus stock purchase versus asset purchase treated as a stock purchase?).

3. DO YOUR DUE DILIGENCE

Due diligence can and should be extensive. You should request and review the relevant materials and documentation about the seller. You will then be able to utilize this information to draft a final purchase agreement so that you can move forward with the acquisition and proceed with closing.

4. CREATE A TRANSITION PLAN

After the sale, there will be a transition period. Think of it as a new business and, with any new business, there must be a business plan. While the transition occurs after you purchase the practice, planning for that transition should occur well before the purchase (i.e., during the due diligence phase). The business plan should include a detailed (yet organic, as things can change) checklist of items that you will need to work through, including:

- **Production** (who will be responsible for what work and at what level moving forward);
- **Firm management** (hiring, firing, vendor management, lease negotiations, technology, and marketing plans); and
- **“Everything else”** that the former owner was responsible for, which you will now be handling.

The business plan also must be flexible enough to adapt to the changing business environment. During the transition phase, the seller should transfer the knowledge base, key clientele, referral networks, and other elements to give you the best chance of success in your new firm.

WSBA member Justin Farmer is the president and founder of Private Practice Transitions, a professional services brokerage in Washington. He can be reached at 253-509-9224 or justin@privatepracticetransitions.com.

These professionals will help you identify, request, and review the relevant materials and documentation about the seller. You will then be able to utilize this information to draft a final purchase agreement so that you can move forward with the acquisition and proceed with closing.

Tips for Buying a Law Practice
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With its Powerful Communities Project grant, The Way to Justice relaunched Justice Nights in Spokane County.

These events, held in partnership with the Carl Maxey Center and Spokane County Bar Volunteer Lawyers Program, pair individuals navigating legal issues with volunteer attorneys and legal technicians for expert legal advice.

Justice Night is a significant resource in the community, opening access to the legal system for all, as well as sharing information from other nonprofit service providers.

Pictured: Theresa Cronin and Camerina Zorrozua at Justice Night

**Justice Nights Are Back!**

These generous firms and organizations contributed crucial funding for the Washington State Bar Association’s public service programs like the Powerful Communities Project and the Moderate Means Program.

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Foundation gifts received from January-December 2021.

To give visit [wsba.org/foundation](http://wsba.org/foundation)
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Funding Legal Aid Makes Our Communities Stronger

BY CANDELARIA MURILLO, THOMAS VERTETIS, AND MICHELLE MOERSFELDER

The Legal Foundation of Washington (LFW), founded at the direction of the Washington Supreme Court in 1984, funds civil legal aid for more than 20,000 individuals and families in need of legal services every year. The annual Campaign for Equal Justice and the Endowment for Equal Justice raise funds to support more than 40 legal aid programs such as Northwest Immigrant Rights Project, Columbia Legal Services, TeamChild, Unemployment Law Project, King County Bar Pro Bono Services, TacomaProBono, and more. As members of the legal community in Washington state, we are asking you to join us in supporting critical legal aid programs.

During the continuing COVID-19 pandemic and economic recession, we have seen a dramatic increase in the number of

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Legal aid is a powerful tool in breaking the cycles of poverty that exist in Washington and across the nation.
Funding Legal Aid Makes Our Communities Stronger

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families in need of civil legal aid, and an exponential increase in reports of eviction and domestic violence. Tens of thousands of Washington families need the representation and relief that only civil legal aid can provide. So we are asking you for your support again this year.

Here’s why the LFW needs your support:

• **Legal aid is a lifeline in a time of crisis.** Solving legal problems provides immediate and long-lasting relief for individuals, families, and society—especially as civil legal issues like eviction, domestic violence, and denial of health, unemployment, and social security benefits increase due to the pandemic.

• **The numbers are staggering.** Each year, approximately 1 million people in Washington state need legal aid they cannot afford. Unfortunately, due to a lack of resources, only one in four low-income people receive the help they need.

• **It’s not justice if it’s not equal.** Support for legal aid is critical for closing the justice gap and advancing equal access to justice—particularly for communities of color disproportionately impacted by civil legal issues and most harmed by the COVID-19 pandemic.

• **Supporting civil legal aid is part of being a member of our profession.** When each lawyer helps out, we expand access to the legal system for members of our community who are not able to retain a lawyer. As lawyers, we see first-hand the huge positive impact legal aid programs make in our community. It’s our job to help these programs succeed.

• **If you are able, please donate at:** https://legalfoundation.org/givenow.

As a community of legal professionals, we should set the example for supporting worthwhile programs that advance justice and equal access to the courts for everyone in our community. Supporting access to the justice system is part of who we are—it goes to the core of what our profession stands for.

Legal aid programs help the people most harmed by COVID-19 protect their health, employment, housing, and other basic rights needed for stability. The Unemployment Law Project (ULP),1 one of the groups we fund, experienced unprecedented demand during this pandemic. Here’s how legal aid helped poet and writer Danny Sherrard after he was laid off from his restaurant job during the COVID-19 shutdown:

We were told to apply for unemployment after being laid off, and from March until October I didn’t receive anything and rent was piling up. I was getting anxiety attacks. I found out about the Unemployment Law Project the week of my hearing and started working with them. My attorney gave me a lot of hope—which was the most important thing I had lost. We lost the hearing in October, which was really devastating, but ULP stayed on my team and had my back every single time. They were able to secure pandemic unemployment insurance for me and all my back rent was paid. If not for this legal help, I would have given up on ESD and thought my state had given up on me. But they didn’t, and now it feels like the dawn has broken.

Thank you for joining us to support civil legal aid and to make a difference for those who need our help. Legal aid is a powerful tool in breaking the cycles of poverty that exist in Washington and across the nation.

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**NOTES**


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**A SPECIAL NOTE**

Thank you to those of you who support civil legal aid. If you joined LFW last month at the 36th Annual Goldmark Award Luncheon or donated through our annual Law Firm Campaign for Equal Justice, you helped transform lives through legal services.

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**Candelaria Murillo** is the president of the Legal Foundation of Washington and a partner at Anderson Law in the Tri-Cities. She was born and raised in Sunnyside and graduated from Gonzaga University in 2001 with a major in political science and from Gonzaga University School of Law in 2004. Murillo started her career at Northwest Immigrant Rights Project in Seattle and moved to the Tri-Cities in 2005 to work for Columbia Legal Services, where she has been a staff attorney for over a decade. She has a rich legal history in serving communities who face injustice and poverty.

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**Thomas Vertetis** is the president of the Campaign for Equal Justice. As the first in his family to attend college, Vertetis was inspired to attend law school based on the encouragement of his father. It was the clearest path to try and make a big difference in helping others. If waking up at 3 a.m. and emailing colleagues to share a new legal strategy is an indication, Vertetis clearly found his calling. With a passionate commitment to assisting victims in complex personal injury cases, including medical malpractice, wrongful death, sexual abuse, school liability, and civil rights claims, Vertetis works tirelessly to help those with the greatest needs.

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**Michelle Moersfelder** is president of the Endowment for Equal Justice, an organization providing unrestricted sustainable funds for civil legal aid, impact litigation, and system advocacy. Moersfelder is also senior legal counsel to the Open Society Foundations, a philanthropy working to build vibrant and inclusive democracies whose governments are accountable to their citizens.
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## Need to Know

**NEWS & INFORMATION OF INTEREST TO WSBA MEMBERS**

### 2022 LICENSE RENEWAL

**Pre-Suspension Notices Mailed**

If you have not completed all mandatory portions of your license renewal, including MCLE requirements and certification, trust account declaration and disclosing professional liability insurance or financial responsibility, if applicable, you are delinquent and your license is at risk of administrative suspension. You may complete licensing requirements either online at [www.licensing.wsba.org](http://www.licensing.wsba.org) or by using the License Renewal form. To learn more, visit [www.wsba.org/licensing](http://www.wsba.org/licensing).

### WSBA NEWS

**WSBA Office Space for Sublease**

The state Bar is offering space for sublease at its headquarters in the Puget Sound Plaza Building in the heart of downtown Seattle. There is a mix of size and space configurations available with competitive terms. All interested parties should go through broker Adam Chapman at 206-521-2672 or adam.chapman@am.jll.com. The WSBA’s current lease runs through December 2026, and space has become available as many positions have transitioned to remote flexibility. The WSBA’s Long Range Strategic Planning Council is currently investigating the future of the WSBA’s office location beyond 2026.

### Engage with WSBA Leaders

The Member Engagement Council, which seeks member input and involvement in decision-making processes, wants to hear from you! The first agenda item of each meeting (the first Thursday of each month from 1-3 p.m. via Zoom) is reserved for member comments. All topics are welcome. Visit the events calendar at [www.wsba.org](http://www.wsba.org) for more information.

### Leaders Wanted

The annual WSBA volunteer application and selection cycle opens March 14. The WSBA, the profession, and the legal community greatly benefit from members like you! Join our dedicated, skilled, and knowledgeable volunteer community! More information at: [www.wsba.org/connect-serve/volunteer-opportunities](http://www.wsba.org/connect-serve/volunteer-opportunities).

### Comment by April 30: Proposed Amendments to Civil Rules

The Washington Supreme Court has published for comment—

*THE BAR BUZZ*

**Joint Minority Mentorship Program**

The Joint Minority Mentorship Program is looking for volunteer mentoring attorneys and judges, from both systemically oppressed groups and allies, to mentor law students and new attorneys as they prepare to enter and navigate their legal careers. Email questions to jmmp.wash@gmail.com. The sign-up sheet can be found at [https://bit.ly/JMMP2022](https://bit.ly/JMMP2022).

### WSBA Board Feedback

Send your feedback to boardfeedback@wsba.org. Please note that all WSBA emails are subject to public records requests.

### Receive Notice of Upcoming Board Meetings

Join the Board meeting notice subscription list to receive WSBA Board of Governors meeting notices straight to your inbox! To join, email barleaders@wsba.org or complete the form at [www.wsba.org/about-wsba/who-we-are/board-of-governors](http://www.wsba.org/about-wsba/who-we-are/board-of-governors).

### Volunteer

**With the Lawyer Discipline System**

Learn more about volunteering as an adjunct disciplinary counsel (ADC). ADCs assist as needed in carrying out the functions of the lawyer discipline system pursuant to Rule 2.9 of the Rules for Enforcement of the Rules. An ADC must have been an active lawyer or judicial member of the WSBA for at least seven years at the time of appointment. Appointment is for a five-year term. Visit [www.wsba.org/adc-panel](http://www.wsba.org/adc-panel) or contact rachela@wsba.org to learn more.

### Serve as WSBA President-Elect

**Applications are due April 15.**

Candidates for president-
Volunteers Needed as Attorney Advocates
Unique opportunity to assist families or individuals in crisis by serving as a volunteer attorney advocate on the first-ever national advocacy hotline. Work from home or office at times you choose with hotline calls routed there. Resolution is typically achieved in under an hour. The nonprofit Help Now! Advocacy has assisted at no fee over 8,700 clients, mostly in Oregon, over the past 17 years. The organization is expanding its unique services to a national scope through the hotline. Contact LMKahn@HelpNowAdvocacy.org for more information.

Congressional District Board of Governors Elections
If you reside in districts 2 or 10, please look for an electronic ballot to your email address on March 15. Visit www.wsba.org/about-wsba/who-we-are/board-elections to learn more. Congratulations to Congressional District 9 Governor-elect Kevin Fay, who ran unopposed.

Board of Governors At-Large Position
Applications are due April 15. Applicants will be interviewed by the WSBA Diversity Committee, which will select candidates to be included on the ballot who have experience and knowledge of the needs of those who have been historically underrepresented in WSBA governance. Application instructions will be posted at www.wsba.org/about-wsba/who-we-are/board-elections.

Custodians Are Needed
The WSBA is seeking interested lawyers as potential volunteer custodians of files and records to protect clients’ interests. Visit www.wsba.org/connect-ser/ volunteer-opportunities/act-as-custodian, or contact Darlene Neumann: darlenen@wsba.org, 206-733-5923, 800-945-9722, ext. 5923.

WSBA NEWS
Future Structure of the WSBA Study: Next meeting April 23

In light of recent constitutional challenges to integrated bar associations across the country, the Washington Supreme Court has asked the WSBA Board of Governors to consider three questions and make a recommendation back:

1. Does current federal litigation regarding the constitutionality of integrated bars require the WSBA to make a structure change?
2. Even if the WSBA does not have to alter its structure now, what is the contingency plan if the U.S. Supreme Court does issue a ruling that forces a change?
3. Litigation aside, what is the ideal structure for the WSBA to accomplish its mission?

The Board of Governors named the study process ETHOS—Examining the Historical Organization and Structure of the Bar. There will be eight full-day meetings between January and August 2022—open to the public via Zoom and in person at the WSBA offices—to gather information and build a common understanding of the issue, to explore other bar structures, and to form a recommendation. Throughout each phase, the Board has committed to gathering wide stakeholder feedback. In addition to specific outreach opportunities and comment periods during meetings, you can send feedback to boardfeedback@wsba.org.

MORE ONLINE

For more information—such as the ETHOS charter, meeting dates, and legal background—visit www.wsba.org/about-wsba/who-we-are/board-of-governors/bar-structure-study.
Career Consultation
Get help with your résumé, networking tips, and more—www.wsba.org/for-legal-professionals/member-support/wellness/consultation—or email wellness@wsba.org.

Free Consultations and Practice-Management Assistance
The WSBA offers free resources and education on practice management issues. For more information, visit www.wsba.org/pma. You can also schedule a free phone consultation with a WSBA practice-management advisor. Visit www.wsba.org/consult to get started.

Lending Library
The WSBA Lending Library is open to members for both in-person and online checkouts. We have made a few changes to be aware of. For more information, visit www.wsba.org/library or email lendinglibrary@wsba.org.

Work at the WSBA
The Washington State Bar Association currently has the following openings: member wellness program clinical and outreach lead, CLE program coordinator, and equity and justice program coordinator. To find out more and apply, please visit www.wsba.org/career-center/work-at-the-wsba.

Special Discount on WSBA Career Center
Nonprofit, government, and small-firm employers can post job openings on the WSBA Career Center, https://jobs.wsba.org, at 50 percent of standard rates. This special discount, offered to prevent pricing from becoming a barrier as the legal community continues to navigate the effects of the COVID-19 crisis, has been extended through March 31, 2022. Contact Mike Credit at 727-494-6565 Ext 3332 or michael.credit@communitybrands.com for more information.

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

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

WSBA MEMBER WELLNESS
Telehealth is Here!
The Member Wellness Program is now offering hi-def, HIPAA-protected video consultations using the telehealth portal Doxy.me.

COVID-19 NEWS TO KNOW

Court Emergency Operations & Closures
The Washington Supreme Court has published a COVID-19 response page, which is a compilation of its emergency orders and court modifications; www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.COVID19.

Law Office Reopening Guide

WSBA Community Networking
Sign Up for Low Bono
The Moderate Means Program connects moderate income clients with family, housing, consumer law, and unemployment cases to legal professionals who offer reduced rates. This special discount, at 50 percent of standard March is 5.25%. Contact Mike Credit at 727-494-6565 Ext 3332 or michael.credit@communitybrands.com for more information.

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

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

HAVE SOMETHING NEWSWORTHY TO SHARE?
If you have an item you would like to place in Need to Know, please email it to wabarnews@wsba.org.
No one should suffer in an abusive environment.

CMG Law is thrilled that Carl-Erich Kruse has agreed to join us as partner in our continued mission to advocate for victims of medical malpractice.

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**Resigned in Lieu of Discipline**

**Linda Staples** (WSBA No. 32854, admitted 2002) of Vancouver, resigned in lieu of discipline, effective 01/07/2022. Staples agrees that she is aware of the alleged misconduct in disciplinary counsel’s Statement of Alleged Misconduct and rather than defend against the allegations, 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), 1.15A (Safeguarding Property), 3.2 (Expediting Litigation), 8.4(a) (Attempt, Assists or Induce), 8.4(d) (Prejudicial to the Admin of Justice), 8.4(f) ELC violation.

Staples’ alleged misconduct, as stated in disciplinary counsel’s representation of a client in a non-parental custody matter. Staples’ alleged misconduct includes: 1) failing to act quickly when her client’s matter was at risk of dismissal; 2) failing to respond to her client’s repeated requests for information; 3) entering into a fee agreement that provided that the funds could be transferred out of the trust account at the time of billing without allowing for reasonable notice to her client; 4) failing to provide her client with a written accounting, despite her client’s requests; and 5) failing to provide the Office of Disciplinary Counsel with the requested information in response to the grievance.

Sachia Stonefeld Powell acted as disciplinary counsel. Linda Staples represented herself. The online version of Washington State Bar News contains a link to the following document: Resignation Form of Linda Staples ELC 9.3(b).

**Suspended**

**John A. Cimino** (WSBA No. 11698, admitted 1981) of Denver, CO, was suspended for six months, with four months to be served and two months to be stayed upon completion of a one year probation, effective 01/17/2021, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Colorado. For more information, see [https://coloradosupremecourt.com/pdj/Decisions/Cimino,%20Conditional%20Admission%20of%20Misconduct,%2021PDJ027,%20005-13-21.pdf](https://coloradosupremecourt.com/pdj/Decisions/Cimino,%20Conditional%20Admission%20of%20Misconduct,%2021PDJ027,%20005-13-21.pdf). Henry Cruz acted as disciplinary counsel. John A. Cimino represented himself. The online version of Washington State Bar News contains a link to the following document: The Washington Supreme Court Order.

**Matthew S. Furness** (WSBA No. 43649, admitted 2011) of Houston, TX, was suspended for 12 months, effective 12/27/2021, by order of the Washington Supreme Court. Furness’ conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication).

In relation to his handling of two client’s immigration matters, Furness stipulated to suspension for: 1) failing to act with reasonable diligence and promptness in representing client A and by willfully abandoning and willfully disregarding a legal matter entrusted to him; 2) failing to keep client A reasonably informed about the status of the case, failing to explain the matter to the extent reasonably necessary to permit client A to make informed decisions regarding the representation, and failing to maintain communication with client A; 3) neglecting client B’s legal matter and by failing to act with reasonable diligence and promptness in representing client B; and 4) failing to keep client B reasonably informed about the status of the case, by failing to promptly comply with client B and client B’s fiancé’s reasonable requests for information, by fail-
ing to explain a matter to the extent reasonably necessary to permit client B to make informed decisions regarding the representation, and by failing to maintain communication with client B.

Francesca D'Angelo and Amanda Lee acted as disciplinary counsel. Matthew S. Furness represented himself. David Bruce Condon was the hearing officer. Carl Joseph Oreskovich was the settlement hearing officer. The online version of Washington State Bar News contains links to the following documents: Disciplinary Board Order Approving Stipulation; Stipulation to 12 Month Suspension; and Washington Supreme Court Order.

Amanda Rae Lilly (WSBA No. 48416, admitted 2014) of Yakima, was suspended for two years, effective 01/18/2022, by order of the Washington Supreme Court. Lilly's conduct violated the following Rules of Professional Conduct: 1.15A (Safeguarding Property), 1.16 (Declining or Terminating Representation). In relation to the handling of her trust account and the closing down of her family law solo practice, Lilly stipulated to suspension for: 1) removing client funds by wrongfully charging duplicate expenses; 2) failing to place client cash deposits into the trust account, and by disbursing more funds than the clients had on deposit; 3) disbursing more funds on behalf of one or more clients than the clients had in trust; 4) failing to refund clients' unearned trust account funds after withdrawal from representation; and 5) failing to reconcile the check register balance to the bank statement balance and reconcile the check register balance to the combined total of all client ledgers.

Francesca D'Angelo acted as disciplinary counsel. Amanda Rae Lilly represented herself. The online version of Washington State Bar News contains links to the following documents: Disciplinary Board Order Conditionally Approving Stipulation to Suspension; Consent Under ELC 9.1(e); Stipulation to Two Year Suspension; and Washington Supreme Court Order.

Lynn Earl Smith (WSBA No. 20060, admitted 1990) of Lake Oswego, OR, was suspended for 90 days, effective 09/01/2019, with the entire suspension stayed based on his successful completion of the two-year term of probation in Oregon, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. For more information, see https://www.osbar.org/members/member_search_display.asp?b=901216&s=1. Joanne S. Abelson acted as disciplinary counsel. Lynn Earl Smith represented himself. The online version of Washington State Bar News contains a link to the following document: The Washington Supreme Court Order.

Troy Alvord Stewart (WSBA No. 15561, admitted 2006) of Seattle, is suspended from the practice of law in the State of Washington pending the outcome of disciplinary proceedings, effective 01/13/2022, by order of the Chief Hearing Officer. Crollard's conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 8.4(l) ELC violation. In relation to his handling of a nursing home litigation matter, Crollard stipulated to a reprimand for: 1) failing to finalize the client's legal matter promptly; 2) failing to respond promptly to the client's repeated requests for information about the status of their case; and 3) failing to respond to disciplinary counsel's written requests for a response to the grievance, necessitating subpoenas and noncooperation deposits.

Joanne S. Abelson acted as disciplinary counsel. Jeff B. Crollard represented himself. The online version of Washington State Bar News contains links to the following documents: Order Approving Stipulation to Reprimand; Stipulation to Reprimand; and Notice of Reprimand.

Interim Suspension

Nicholas A. Fay (WSBA No. 47603, admitted 2014) of Bellingham, is suspended from the practice of law in the State of Washington pending the outcome of disciplinary proceedings, effective 01/13/2022, by order of the Washington Supreme Court. This is not a disciplinary sanction.

Michael Graham (WSBA No. 37391, admitted 2006) of Seattle, is suspended from the practice of law in the State of Washington pending the outcome of disciplinary proceedings, effective 01/13/2022, by order of the Washington Supreme Court. This is not a disciplinary sanction.
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(See, e.g.):
• Ground Zero v. United States Navy, 860 F.3d 1244 (9th Cir. 2017)
• Seattle v. Long (2021)
• Witt v. the Air Force 527 F.3d 806 (9th Cir. 2008)
• Daybreak Youth Services (2021)
• Bonivert v. Clarkston 883 F.3d 865 (9th Cir. 2018)

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Etter, McMahon, Lamberson, Van Wert & Oreskovich, P.C. has elected Andrew M. Wagley as Partner as of January 1, 2022.

Mr. Wagley’s practice emphasizes commercial litigation, criminal defense, and other complex litigation. Prior to joining the firm in 2016, Mr. Wagley served as a Judicial Law Clerk to Judge Robert Lawrence-Berry in Division Three of the Court of Appeals of Washington. Mr. Wagley graduated summa cum laude from Gonzaga University School of Law in 2015, where he served as an Associate Editor for the Gonzaga Law Review. Mr. Wagley also graduated from the University of Washington, Michael G. Foster School of Business (cum laude) in 2011 with a Bachelor of Arts in Business Administration—Accounting Option.

Stoel Rives LLP is pleased to announce Jennifer Spaitth has joined the firm’s Seattle office as a partner in the Technology & Intellectual Property group.

A prominent Seattle attorney, Jennifer’s practice is focused on patent prosecution and portfolio management. Jennifer has represented companies of all sizes that manufacture a wide range of technologies (including virtualized software systems, electronics, wireless communication systems, artificial intelligence and neural networks, augmented reality / virtual reality (AR/VR) applications, LiDAR systems, clean/renewable energy technologies, purification technologies, and waste-to-energy systems).

Prior to joining Stoel, Jennifer was a partner at Dorsey and Whitney LLP, where she began as a patent agent and later served as the Seattle office managing partner.

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Note: certain entities have specific eligibility requirements. The skills and descriptions described are general and not intended to limit an eligible applicant from applying and seeking appointment.

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has joined the firm as an Of Counsel in the firm’s Employment Rights, Benefits & Labor group.

Jennifer’s practice focuses on providing employers with defense services under the Washington Workers’ Compensation and Washington Industrial Safety and Health acts. Before joining the firm, she represented employers before the Board of Industrial Insurance Appeals and Superior Courts. Jennifer has also provided corporate counsel services to a broad range of industries including hospitality, construction, transportation, staffing and healthcare. 206.654.2273 * truong@ryanlaw.com

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Aaron D. Paker

BAR NUMBER: 56331

I am a happy husband and proud father of two, who came to law later in life. I started my adulthood as an early education teacher, then transitioned to work as a paralegal after nearly 14 years of teaching. It only took a year or two of that to decide I wanted to be an attorney. Now I am an elder law attorney at Life Point Law in Federal Way. I run the Medicaid Planning, Probate, and Guardianship Departments.

Why did you decide to pursue a career in the legal field?
I needed a change from teaching and law seemed like my best opportunity to keep helping the most vulnerable members of society.

What is one memorable case you had recently?
I had a case where a client’s father was denied benefits due to poor planning by another attorney and looked to be out of luck for at least the next 5 to 10 years. I was able to find a creative solution that got him onto benefits in under a month.

How has your career surprised you thus far?
My career has surprised me by bringing me joy. I did not choose elder law to begin with (it was the only paralegal job I could find) and did not think I would enjoy it, but over the last seven-plus years I have learned to love all of it, especially the Medicaid work.

What is your best piece of advice for someone who’s just entered law school?
The best advice I have for new lawyers is never lose sight of why you became a lawyer, unless you did it for the money. The clients you help and the good you do for them and the community as a whole is far more important than the accolades or the paychecks. So long as you keep that in front of you, you will find joy in your work.

What is one of your career goals?
My long-term professional goal is to become a recognized authority on Medicaid planning and help educate the next generation of elder law attorneys on how to make the greatest positive impact for the most clients. This is an area of law that can go very wrong if done improperly and the negative impact on clients who desperately need help can be devastating.

What are a few of your hobbies or passions in life, outside of work?
I love to spend time with my family, play golf, practice for my next career as a chef, and watch the Seahawks. Get on my good side and we could find ourselves on the links with a cooler full of 24-hour brisket in the back of the cart and the Hawks game on the radio.

Who do you look up to in life?
Anyone who can look outside of the box: Children and elderly people who don’t care what you think of their latest outfit because it brings them joy; poets and artists who create what is meaningful to them whether anyone else gets it or not; authors who create whole universes that do not follow the rules we all expect from a genre. Creativity and being true to yourself is the most beautiful trait in anyone.

What is one new thing you want to try?
Bladesmithing. During the pandemic I have become addicted to the show Forged in Fire and would love to set up a forge and make my own chef’s knives.

What is one thing you think other people should try? Cook a batch of chocolate chip cookies on a smoker.

What is your best recipe?
Either my 24-hour brisket with homemade rub and barbecue sauce, my chipotle barbecue party wings, or my stuffed meatballs in scratch tomato sauce.

What is your favorite restaurant?
The Herb Farm, but it is reserved for very special occasions because of the cost. On a more regular basis I would lean toward Katsu Burger, the Melting Pot, or Cooks Tavern.

What is one thing your colleagues may not know about you?
I spent a semester in college taking ballet. It did not work out so well.

What is your favorite movie?
Princess Bride, with Good Will Hunting coming in a close second.

Name one thing on your bucket list.
I want to compete on Master Chef, Chopped, or Cutthroat Kitchen.

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