TECH TALK
Artificial Ingenuity Is Here
Legal challenges posed by machine inventors and authors / p. 32
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Exploring the legal challenges posed by machine inventors and authors

BY LERON VANDSBURGER (A HUMAN)

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Book Reviews Wanted
Want to spread the word about a favorite book? Submit a short review to wabarnews@wsba.org.
Editor’s Note

Kirsten Abel is the editor of Washington State Bar News and can be reached at kirstena@wsba.org.

A Robot Wrote This

[Inspired by this issue’s cover story, I used a simple AI text generator (https://app.inferkit.com/demo) to help me write this Editor’s Note. The bolded sections were created by the generator after I fed it text from the preceding paragraphs.]

The cover story of the April/May issue is all about artificial ingenuity—the technical aspects of how and what different AI models have been able to create and the related intellectual property laws in the United States and elsewhere. For example, in the U.S., only a human can be granted a patent or a copyright for an invention or creation. Both South Africa and Australia, however, have granted patents to an AI model.

We have every right to be worried about AI. For the first time, it’s becoming part of our lives. For instance, in 2015, worldwide spending on AI was $2.2 billion, a staggering sum, but now it’s on the way to $50 billion, predicts IDC (International Data Corporation). Indeed, it’s as if we have already entered an era of omnipresent artificial intelligence. One cannot hope to escape it.

If the AI text generator that wrote those bolded sentences is correct, you should really read the article on page 32. The author, Leron Vandsburger, actually makes no doomsday predictions, but rather depicts a landscape of opportunities.

So, AI has the potential to change everything. But it is not yet clear which fields it will affect. Indeed, we might see different and unexpected outcomes. That said, I fear the outcome of any upcoming battles will determine whether we will evolve into a new type of human, or become extinct.

OK, enough of that.

Also in this issue: a recap of the recent state legislative session (page 28), a feature on Supreme Court portraits—historical ones with forgotten stories and modern-day ones representing new strides made (page 38), an article about the work of the Washington State Racial Justice Consortium (page 48), a From the Spindle column covering two recent Washington Supreme Court cases (page 22), an ethics column on the duty to report misconduct under RPC 8.3 (page 18), an MBA Spotlight on the Korean American Bar Association (page 26), and more.
“Seeking justice for an injured patient is a significant responsibility, one I gained an understanding for as a child when observing my father and uncle’s law practice. Standing up for what is right and just has been a passion of mine ever since.”

— Colleen Durkin Peterson, recently joined PCVA as partner

PCVA would like to welcome Colleen Durkin Peterson as a partner to our Tacoma office. For the last eight years, Colleen has served as a passionate patient advocate, focusing her practice on those who have been injured while receiving healthcare and residents who have been neglected in nursing home facilities.

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*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.

**Regarding Race and Directories**

In response to Terra Nevitt’s article in the February 2022 issue of Bar News [“Black History Month: What is Our Pathway Forward?”] and the Feb. 18 diversity [list serve] post regarding the 2022 Judges of Color Directory, would the Bar support a 2022 White Judges Directory? No, and on that same basis, I believe a 2022 Judges of Color Directory is just as inappropriate. Society needs the best judges regardless of their color.

Why are funds [either tax dollars or our Bar dues] being used to promote such a directory, which by its existence infers that white judges cannot be fair minded and race-blind when administering court proceedings. Is this another version of “Kendi speak” where white [people] are unilaterally oppressors and non-white [people] are the oppressed?

Why would any judge want to be listed in a directory based on race? What practical purpose does such a directory serve? A tool for judge shopping maybe?

And the ultimate question: Isn’t such a directory racist? And I think I can answer that.

The 2022 Judges of Color Directory is a public accommodation or service. It should be open to participation by all the judges without selection based on race. Limiting participation according to the color of a judge’s skin is racist and violates laws that forbid discrimination.

Inez Petersen
Enumclaw

**Impartiality First**

I feel that I have to comment on the structure of the WSBA [Future Structure of the WSBA Study, “Need to Know,” March 2022 Bar News]. Recent
lawsuits in other states claim that the bar violates their first amendment rights because lawyers are compelled to pay dues to support speech on politics that they do not approve of. If the bar association were part of the executive branch, like the Department of Motor Vehicles, then the head of the agency could speak about politics because the executive branch has a right and duty to communicate its views to the public, and the public has a right to know what they or it thinks. But the WSBA is not part of the executive branch. It is part of the judiciary. The judiciary is required to be neutral and impartial to all parties because their function is to interpret the laws, not to create them. I believe the judiciary must follow this standard in order to be a constitutional court under the federal constitution and the requirement of three branches, judicial, executive, and legislative. That being the case, when the WSBA takes political positions, which it constantly does, in favor almost always of the Democratic Party, the WSBA violates the constitutions both state and federal, and the Supreme Court, as supervisor and master of the Bar, violates the constitution as well.

Roger B. Ley
Portland, OR

Editor's note: The WSBA is not a court. The WSBA operates under the supervision of and pursuant to the Washington Supreme Court's authority to regulate the practice of law.
A TWO-TIERED CHESS GAME

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Why Young Attorneys Fear Working in Rural Areas and Why They Shouldn’t

When the towns of Malden and Pine City were destroyed by fire in 2020, the residents were left with nothing and are still trying to pick up the pieces. They [...] nwsidebar.wsba.org

Why Legal Professionals Should Embrace a Legal Regulatory Lab

The Washington Supreme Court’s Practice of Law Board recently met with the Washington Supreme Court justices to update justices on the latest version [...] nwsidebar.wsba.org

How Lawyers Can Create an Inclusive Environment for Coworkers and Clients

Our language, a shared communication tool, reflects our society. As such, we can use it to create a more inclusive environment where all belong. Part of [...] nwsidebar.wsba.org

AN OUNCE OF PRENUPTIAL PREVENTION

Ken Brewe reviews and prepares marital agreements and has served as an expert witness involving prenuptial agreements in litigation. He speaks regularly on the subject and authored the Washington Practice chapter on prenuptials. We can help draft, review or critique your prenuptial or postnuptial agreements.

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A NOTE FROM THE WSBA EXECUTIVE DIRECTOR

Here Comes the Sun ... and Joy, Even in the Most Difficult Times

It is remarkable how much the sun influences my well-being. As we welcome the longer days on this side of the spring equinox, my mood blooms in step with an adorable patch of mini-daffodils alongside my front walk. This year the changes feel particularly dramatic as we start to move tentatively toward what might become our new normal: living with an endemic COVID-19 virus. As we have experienced, the path forward will not be linear. Even as mask mandates begin to lift, we are watching a new variant increase case counts in parts of Europe and Asia. While some colleagues and loved ones have joyfully shed their masks (while they can?), others are taking a more cautious approach. I suspect this two-steps-forward-one-step-back dance will continue for quite some time.

The other day I told my colleagues that it feels like a hard time to be human. The news over the last few years has featured a parade of devastation, death, anger, divisiveness, and injustice. It’s unrelenting and it’s taking a toll—mentally, physically, and spiritually. At the same time, isn’t our history littered with devastation, death, anger, divisiveness, and injustice? I suppose, in many ways, it’s always been hard to be a human, for some more than others. And yet, and as always, part of our human nature is to find joy—sometimes despite and sometimes in direct response to what is happening around us.

I have found a tremendous measure of solace in rejecting “all or nothing” thinking in favor of “both and.” The light and the dark, the good and the bad ... they exist all at once. And (see what I did there?), sometimes it’s really hard to find the light. Sometimes the joy of a daffodil struggles to compete with the images of death and destruction in Ukraine or the realization that families just like my own are being accused of child abuse simply for affirming their kiddos’ gender identities.

Throughout my legal career, I have observed a lot of “all or nothing” thinking.

As a profession, legal practitioners are prone to black-and-white narratives (I am a total success or a failure; something is either right or wrong) and disqualifying the positive. Some psychologists have even suggested that the tendency toward pessimism, to catastrophize, and to think in absolutes are thinking patterns lawyers learn in law school in order to be successful.¹

So what is a human to do? And a human in the legal profession, at that? It’s a cliché, but I think it’s true: You really do have to secure your own oxygen mask first before you can help others. As legal professionals, we spend most of our lives in service to others, often during the most difficult times in our clients’ lives. And emotional well-being and self-care have not exactly been hallmarks of our profession.

Long before the pandemic, the ABA’s National Task Force on Lawyer Well-Being sounded the alarm about problem drinking, depression, anxiety, stress, suicide, social alienation, work addiction, sleep deprivation, job dissatisfaction, a “diversity crisis,” lack of work-life balance, incivility, an over emphasis on profit, and negative public perceptions of the profession and the justice system. In 2018, their report implored the legal profession, legal employers, law schools, and bar associations to take action in service of our businesses, our clients, and ourselves.²

At the state Bar, we are listening, learning, and responding to these studies, and, most importantly, to the experiences of our members. And that means striving to make well-being in the law a priority. As you have read about in previous columns in this magazine, we have recommitted to national wellness best practices. One significant step has been to change and expand our member wellness model. We

¹

²

Terra Nevitt
WSBA Executive Director
Nevitt can be reached at terran@wsba.org or 206-727-8282.
are in the process of hiring a full-time employee so members who call for mental health consultations will connect with a licensed mental health professional who focuses on the legal profession, instead of being referred to an outside agency. This wellness expert will also support the entire legal profession in Washington by creating relevant CLEs and resources available to all. Please stay tuned for more WSBA communications as we roll out these services.

I also want to mention that WSBA leaders are tackling head-on the stigma that seems to be associated with talking about mental health in the legal profession, especially in a personally vulnerable way. As an example, I commend past WSBA President Rajeev Majumdar, who has very candidly shared his mental-health challenges and journey with colleagues. (Please take a listen by going to https://nwsidebar.wsba.org and searching “mental health journey.”)

And here I am, also trying to normalize this important conversation. My own self-care practices have been critical in getting through these last few years as a parent, a professional, and a partner. Those practices include a commitment to daily yoga, regular therapy with a licensed professional, frequent walks in the fresh air throughout the workday, lots of good belly laughs with the people I love, and perhaps most importantly, perspective taking. What does that mean? In the most difficult moments, I focus on the people and things that matter most. I focus on the warm feeling I get from the sun on my shoulders and a sweet face of a daffodil emerging from the spring soil. I focus on the joy that exists alongside the difficulty.

After all, being human is hard. And it is also glorious. I get to make the choice about where I choose to focus.

I would love to hear about your own habits of health and wellness as we head toward May 2-6, which is Well-Being Week in Law. Please reach out, and we will compile and share!

NOTES
2. www.americanbar.org/groups/lawyer_assistance/task_force_report/.

Run for the WSBA Board of Governors or President-Elect

The WSBA Board of Governors focuses on the strategy, oversight, and policy of the organization.

Service on the Board requires vision, leadership, diplomacy, and passion in pursuit of the WSBA’s mission.

TWO OPEN POSITIONS:

PRESIDENT-ELECT

This one-year leadership role is an officer of the WSBA and assists the WSBA Board President. After one year, this position transitions to become WSBA President, also a one-year position.

The Board will elect an active lawyer member of the WSBA to serve as President-elect at the May 2022 Board meeting.

MEMBER AT LARGE GOVERNOR

Candidates for this three-year position (Sept. 2022-Sept. 2025) demonstrate experience and knowledge of those whose membership is historically underrepresented in governance.

The WSBA Diversity Committee reviews applications for this position. The election is May 15 – June 1.

APPLICATION DEADLINES:

President-elect Position
APRIL 15

Member at Large Governor Position
APRIL 15

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In late February, the WSBA Board of Governors spent nearly two full days meeting with the WSBA's Executive Leadership Team to work on team building between the two groups. The main objective of this get-together was to build shared expectations around and between the Board of Governors and the Executive Leadership Team and work on a leadership partnership between the two groups. For the most part, it was productive and full of heartfelt conversations.

One overlooked area during this “retreat” was figuring out a way to measure the efficacy of the WSBA Board of Governors and its different committees, councils, and task forces that are either under the direct supervision of the Board of Governors or are funded in large part by member license fees. I use the word “efficacy” deliberately. Efficacy means: “the power to produce an effect,” and “the ability of something to produce the results that are wanted.”

Boards of organizations are beginning to look at and evaluate their own structure and committees. The Washington Supreme Court has implied that this should be part of the structure study that I wrote about in the February 2022 issue of Bar News. About 70 percent of the overall WSBA budget is funded by member license fees. The Board of Governors has as one of its most important responsibilities each year the approval of the WSBA’s annual total budget. To approve a budget implies understanding and studying the budget prior to approval. So it would make sense to see if the disbursements approved by the Board of Governors are evaluated using some neutral performance criteria.

As an aside, some WSBA entities are not subject to the WSBA Board’s control and were created by the Washington Supreme Court. Among those are the Access to Justice Board, the Practice of Law Board, and the Limited License Legal Technician Board. This article is not about those entities, directly. The question is: Could they undergo the same analysis?

Also, some WSBA functions are not subject to any control by the WSBA Board of Governors. These have mainly to do with regulatory functions, such as licensing, discipline, ethics, trust account and MCLE compliance, and bar exam management. While a neutral evaluation of these entities likely would be beneficial, the Supreme Court will have to make that determination.

There is a WSBA webpage that lists most of the “committees, boards, and other groups” at the WSBA. The entire WSBA structure is set forth in the illustration on page 14. Not all the different Bar groups are listed; one or two have been added, but most of the organization’s structure is depicted.

The WSBA mission is “to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.” The difficulty with this mission statement is its lack of precision. How do you measure whether any WSBA committee, program, or service is fulfilling this mission?

There are many ways to evaluate group performance. There are whole books on evaluation. In fact, whole organizations have as their purpose creating evaluation criteria for different entities to use. One set of influential evaluation standards for measuring the success of a program was established in 1991 by the Development Assistance Committee (DAC) of the Organization for Economic Cooperation and Development (OECD). These standards were initially reduced to five criteria that have been widely used in the evaluation of development initiatives; they are: efficiency, effectiveness, impact, sustainability, and relevance. Over time, these five criteria became a set of seven criteria: relevance, connectedness, coherence, coverage, efficiency, effectiveness, and impact. These criteria are a comprehensive and complementary set of measures.

Using the OECD/DAC criteria as a guidepost, I have created a list of factors that I hope your Board of Governors will consider applying to evaluate the

CONTINUED >
committees, task forces, councils, etc., at the WSBA:

1. **Relevance:** Is it (i.e., the pertinent committee, council, or task force) doing the right things?
2. **Coherence:** How well does it fit together with other WSBA committees, task forces, councils, etc. Is there a duplication or overlap of scope?
3. **Effectiveness:** Does it have clearly defined objectives (e.g., mission and goals), and is it achieving its objectives?
4. **Efficiency:** How well are its resources being used?
5. **Impact:** What difference does it make?
6. **Sustainability:** Will the benefits last?

Where to go from here is primarily up to the Board of Governors. However, since membership funding is such a large and integral part of the WSBA’s budget, perhaps the membership should be consulted as part of the evaluation process, too. [2]

NOTES
1. The retreat members spent some time focusing on Board officers and maybe one committee. But the concept of an overall measurement for the structure of the Board of Governors, itself, was not discussed.
4. Shultz, S. “Conducting a committee assessment - As more work is given to board committees, comprehensive committee assessments are growing in importance.” Directors and Boards (Fourth Quarter, 2005) pp 41-44.
6. I will not be suggesting in any detail which committees, boards, or councils could stand to be more carefully evaluated.
7. At least one group (Task Force Team Administering Xenial Involvement with Court Appointed Boards) is not currently included on this list.
9. [www.wsba.org/about-wsba/who-we-are](http://www.wsba.org/about-wsba/who-we-are).
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Treasurer’s Report

Mid-Year Fiscal Outlook Update

March marked the middle of the WSBA’s fiscal year (October through September), and our budget narrative, I surmise, mirrors many of our own personal challenges in adapting to our new normal and our hope that we will return to our old normal. The WSBA has gone from being a workplace where almost all staff worked at the office to an organization in which most staff work from their homes. Now we venture into what the new reality will be for the WSBA.

The WSBA is in the process of completing its annual reforecast process, which is what we do mid-fiscal year to compare the budgeted revenues and expenditures in each cost center with actual revenues and expenditures. The reforecast process also considers unanticipated revenues and expenditures that could not have been predicted or foreseen at the time the 2022 budget was put into place. Once these changes in revenues and expenditures have been properly identified, we then adjust the projections for the remainder of the 2022 fiscal year. The Budget and Audit Committee reviewed the reforecast figures and submitted them to the WSBA Board of Governors for their review and approval. We do not expect the reforecast to require any significant changes from the original budget.

As of January 2022, the WSBA’s General Fund shows a positive variance from budgeted net revenue of about $1,038,805 for the 2022 fiscal year. This positive variance to budget is due in part to COVID-19-related changes and the fact that the WSBA fiscal-year cycle is always revenue-heavy in the first half (licensing season) and expense-heavy in the second half (when many service contracts and expenses come due). It should also be noted that due to the pandemic, the Washington Supreme Court deferred the reporting of MCLE credits for last year’s reporting group. Because of this, two groups of attorneys were required to report and be in compliance with their MCLE requirements as of Dec. 31, 2021. Due to a higher-than-anticipated demand for CLE products associated with the double reporting group, the WSBA CLE fund is also operating at a positive variance from budget. The CLE revenue for fiscal year 2022 was budgeted at $1,904,985, and we are approximately $300,000 ahead of our expected revenue at mid-fiscal year and we expect to maintain the positive variance for CLE revenue through the end of this fiscal year.

I am happy to report that we are making great progress on our three main projects (the “three streams”) for this year. As to the first stream, WSBA Governor Francis Adewale, Advancement Department Director Kevin Plachy, and Finance Manager Liz Wick have made great strides on a project to review and redline all of the fiscal policies for the WSBA. Once this team has finished with their revisions, they will present the redlined fiscal policies to the Budget and Audit Committee for review and feedback. As to the second stream, Director Plachy and WSBA Governors Brett Purtzer, Matthew Dresden, and Dan Clark have been working with the WSBA financial advisors to invest WSBA members’ money in a way that increases our return, but does so in a safe manner. Significant progress has been made on this second stream, but more work needs to be done to ensure that the Budget and Audit Committee is given the right options to consider regarding this important matter. Given the limited ability to increase revenue for the WSBA, this investment stream provides us the best opportunity to increase revenue to the benefit of the WSBA and its members. The third stream involves Governor Alec Stephens, Finance Manager Wick, and Accounting Manager Maggie Yu, who will explore ways we can improve the WSBA budget process to make it more efficient. This work is ongoing, and I am happy to report that they have made real progress and I expect the end result of this stream will be a better and more efficient WSBA budget process.

The Budget and Audit Committee motto for this year is “do good and have fun.” I have also instituted “fines and penalties” for those who do not call everyone by their first names—the goal being to make our meetings more informal. While I encourage diverse opinions, it is also very important to me that we are all respectful and civil to each other during these exciting meetings. The Budget and Audit Committee meetings are open to all WSBA members, and you can find the information on the meeting dates, times, and zoom link at www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/budget-audit. Some members may find these meetings exciting, while others may find them to be a quick and efficient aid to sleep. Whichever group you find yourself in, you are always welcome to attend!

It has been and continues to be a pleasure to be your treasurer for this fiscal year. Please contact me if you have any questions or concerns regarding the WSBA budget.
Tough Call

Reporting misconduct under RPC 8.3

BY MARK J. FUCILE

The duty to report professional misconduct is not new. Canon 29 was adopted in 1908. The reason is not new either. Comment 1 to Washington’s current reporting rule—Rule of Professional Conduct (RPC) 8.3—notes that the duty to report is a fundamental obligation of a self-regulating profession. At the same time, many situations giving rise to potential reporting are often more nuanced than a lawyer who stole money from a trust account or lied to a judge.

In this column, we’ll look at two aspects of Washington’s reporting rule. First, because Washington’s rule varies in a central respect...
from its ABA Model Rule counterpart, we’ll briefly survey the history of the Washington version for context. Second, we’ll examine the principal elements of the rule.

Before we do, three preliminary points are in order.

First, although we will focus on misconduct, reporting may also be triggered when another lawyer’s “fitness ... in other respects” leads to a serious violation of the RPCs. ABA Formal Opinion 03-431 (2003) discusses when reporting may be necessary due to another lawyer’s rule violation—such as competence under RPC 1.1 or the failure to withdraw under RPC 1.16(a)(2)—stemming from an illness or other impairment. ABA Formal Opinion 03-429 (2003) also touches on reporting with respect to a lawyer with an impairment within your own firm.

Second, we will focus on reporting misconduct by other lawyers. RPC 8.3(b), however, also extends reporting to misconduct by judges.3

Third, we will discuss reporting another lawyer you encounter rather than a lawyer you are defending or advising on past professional misconduct. RPC 8.3(c) excludes from reporting misconduct learned through confidential information subject to RPC 1.6.4 Therefore, Comment 4 to RPC 8.3 notes that reporting does not apply to counsel retained to represent a lawyer regarding past misconduct: “This Rule does not apply to a lawyer retained to represent a lawyer, LLLT, or judge whose professional conduct is in question.”5

HISTORICAL CONTEXT

As noted at the outset, Canon 29 encouraged lawyers to report professional misconduct. When the 1908 Canons of Professional Ethics were replaced by the ABA Model Code of Professional Responsibility in 1969, encouragement was transformed into an obligation under ABA DR 1-103(A): “A lawyer possessing unprivileged knowledge of a violation of DR 1-102 [misconduct] shall report such knowledge to a tribunal or other authority empowered to investigate or act upon such violation.”6 Washington, however, rejected that change—with the WSBA review committee at the time writing in Bar News that “the concept of a lawyer’s duty to bring to the attention of proper officials violations of the canons by other lawyers was covered sufficiently in the form of an ethical consideration [using the word “should”] and that it was unnecessary and unrealistic to subject a lawyer to discipline for failure to comply[.]”7 Instead, the review committee stressed a lawyer’s duty under a companion provision to cooperate with disciplinary investigations.8

When the ABA replaced the Model Code with the Model Rules of Professional Conduct in 1983, the scope of ABA Model Rule 8.3(a) changed somewhat from its Model Code predecessor, but reporting remained mandatory.9 Washington again followed a different trajectory. When Washington moved to Rules of Professional Conduct patterned on the ABA Model Rules in 1985, reporting under Washington RPC 8.3(a) was framed as discretionary (“should”) rather than mandatory (“shall”).10

In the early 2000s, the WSBA comprehensively reviewed the RPCs in light of then-recent amendments to the ABA Model Rules. The WSBA committee appointed to review the ABA amendments—known as the “Ethics 2003” Committee—recommended in a close vote to retain discretionary reporting rather than move to the ABA’s mandatory formulation.11 In forwarding the Ethics 2003 Committee’s report to the Supreme Court, however, the Board of Governors recommended that reporting under RPC 8.3 be made mandatory.12 Ultimately, the Supreme Court left reporting under RPC 8.3 as discretionary.13 Other than amendments in 2015 to incorporate references to LLLTs, the rule has remained the same since it was last updated in 2006 in the Ethics 2003 process.

Washington RPC 8.3(a) now reads:

A lawyer who knows that another lawyer or LLLT has committed a violation of the applicable Rules of Professional Conduct that raises a substantial question as to that lawyer’s or LLLT’s honesty, trustworthiness or fitness as a lawyer or LLLT in other respects, should inform the appropriate professional authority.

WSBA Advisory Opinion 1633 (1995) noted that “should” is stronger than “may” in encouraging lawyers to report cases of serious misconduct. Recent annual reports from the Office of Disciplinary Counsel reflect that around 5 percent of all complaints received in a typical year are from other lawyers and judges.14 This is not dramatically different from mandatory reporting jurisdictions like Oregon which, for the pre-pandemic years 2017 through 2019, received roughly 10 percent of all complaints from other lawyers and judges.15,16

ELEMENTS OF THE RULE

Two of the most prominent features of the Washington rule are what is not included. First, as just discussed, reporting is discretionary rather than mandatory. Second, under the Washington rule (like its ABA Model Rule counterpart), self-reporting is not required— with reporting framed in terms of the misconduct of “another lawyer.”18
On a practical level, most reporting issues usually center around requisite knowledge, what constitutes a “substantial question,” and where (and when) to report.

Knowledge. “Knows” is defined in the terminology section of the RPCs (at RPC 1.0(A)(f)) as “actual knowledge of the fact in question”—while noting that “knowledge may be inferred from circumstances.” Learning from a document that another lawyer has lied to a court, for example, is actual knowledge. Having a hunch that opposing counsel “skirted the line” is not.19 As noted earlier, RPC 8.3(c) specifically excludes confidential information protected by RPC 1.6 from reporting.20 No duty to report would arise, for example, if the only source of a lawyer’s knowledge was through a privileged attorney-client communication.

Substantial Question. In many respects, the most difficult practical assessment lawyers face with potential reporting is what constitutes a “substantial question” about another lawyer’s “honesty, trustworthiness or fitness as a lawyer.” Comment 3 to RPC 8.3 underscores this tension: “A measure of judgment is ... required in deciding whether to report a violation. The term ‘substantial’ refers to the seriousness of the possible offense and not the quantum of evidence of which the lawyer is aware.”21 WSBA Advisory Opinion 1701 (1997), for example, notes that malpractice may—or may not—meet this standard depending on the circumstances. An isolated error in docketing a limitation period by an otherwise competent lawyer likely would not meet the “substantial” threshold. Comment 1 to RPC 8.3 counsels, however, that even “[a]n apparently isolated violation may indicate a pattern of misconduct that only a disciplinary investigation can uncover” and adds that “[r]eporting a violation is especially important where the victim is unlikely to discover the offense.” The ABA added the qualifier “substantial” to the reporting requirement when it moved to the Model Rules in 1983, noting both that the earlier Model Code formulation that required reporting any violation “proved unenforceable in practice” and that introducing the “substantial” trigger “was intended to incorporate a rule of reason.”22

Where and When. In most instances, the “appropriate professional authority” for reporting is the Office of Disciplinary Counsel.23 Instructions and forms are available on the WSBA website. Under ELC 1.4, there is no statute of limitation on the filing of a grievance or the commencement of a disciplinary proceeding in Washington. A lawyer considering reporting, therefore, potentially has some discretion on timing if, for example, a violation by opposing counsel, while serious, will not cause imminent harm to others and the lawyer is in the middle of delicate negotiations with the opposing counsel over settlement of a lawsuit and reporting immediately would prejudice the reporting lawyer’s client if the negotiations would likely “blow up” due to the report.24

SUMMING UP
Reporting another lawyer for a violation of the RPCs can be a tough call. For every clear instance of serious misconduct, lawyers are likely to be confronted with more subtle situations that call for the discretion vested in the rule.

**NOTES**

1. www.americanbar.org/content/dam/aba/administrative/professional_responsibility/1908_code.pdf.
2. Reporting misconduct under RPC 8.3(a) includes both other lawyers and LLLTs. Similarly, LLLT RPC 8.3(a) also includes both lawyers and LLLTs.
3. RPC 8.3(b) reads: “A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge’s fitness for office should inform the appropriate authority.”
4. RPC 8.3(c) reads: “This Rule does not permit a lawyer to report the professional misconduct of another lawyer, judge or LLLT to the appropriate authority if doing so would require the lawyer to disclose information otherwise protected by Rule 1.6.”
5. See also ABA Formal Op. 08-453 (2008) at 5 (discussing this point in the context of law firm in-house ethics counsel). Although consultation with the WSBA’s Professional Responsibility Program does not create an attorney-client relationship, APR 19(e)(7) designates such consultations as confidential and exempts them from RPC 8.3. Similarly, information learned in the course of a lawyer’s or judges’ assistance program is confidential under APR 19(b). See also RPC 8.3, cmt. 5 (discussing the exemption for information learned while participating in such programs).
8. See WSBA, Board of Governors’ Revisions to Ethics 2003 Committee’s Proposed Rules of Professional Conduct at 213 (2004) (on file with author); see also Andrews, supra note 6, at 12-5 (recounting the Ethics 2003 Committee’s review on this point).
9. See WSBA, Reporter’s Explanatory Memorandum to the Ethics 2003 Committee’s Proposed Rules of Professional Conduct at 213 (2004) (on file with author); see also Andrews, supra note 6, at 12-5 (recounting the Ethics 2003 Committee’s review on this point).
10. See WSBA, Board of Governors’ Revisions to Ethics 2003 Committee Recommendations at 20-21 (2004) (on file with author); Andrews, supra note 6, at 12-5.
11. Andrews, supra note 6, at 12-5.
14. In mandatory reporting jurisdictions, lawyers who fail to report are at disciplinary risk themselves. But, aside from a few well-publicized decisions (see, e.g., In re Himmel, 533 N.E.2d 790 (Ill. 1988)), cases involving reporting failures are


18. Self-reporting, however, is required under three provisions of the Rules for the Enforcement of Lawyer Conduct: ELC 7.1(b) requires reporting felony convictions; ELC 9.2(a) requires reporting public discipline in another jurisdiction; and ELC 15.4(d) requires reporting receipt of a trust account overdraft notification. Violation of a duty imposed by the ELCs, in turn, is a basis for discipline under RPC 8.4(d).

19. Noting the analogous ABA Model Rule definition of “knowledge,” the Illinois Supreme Court in Skolnick v. Altheimer & Gray, 730 N.E.2d 4, 14 (2000), commented on this tension: “[T]he ABA has concluded that the ‘knowledge’ requirement of Model Rule 8.3 requires ‘more than a mere suspicion’ but need not amount to ‘absolute certainty.’” (Citation omitted.)

20. In assessing whether RPC 1.6 precludes reporting under RPC 8.3, the exceptions to the confidentiality rule under RPC 1.6(b) should also be weighed. See Weiss v. Lonnquist, 173 Wn. App. 344, 356, 293 P.3d 1264 (2013) (noting the availability of exceptions under RPC 1.6(b) in determining lawyer could have reported under RPC 8.3(a)).

21. Under ELC 2.12, participants in the regulatory process—including lawyer-reporters under RPC 8.3—are afforded a privilege from civil suit for providing the information involved.

22. ABA Legislative History, supra note 9, at 840.

23. See generally In re Schafer, 149 Wn.2d 148, 165, 66 P.3d 1036 (2003) (noting that reporting under RPC 8.3 is limited to an “appropriate professional authority”).

24. At the same time, a lawyer cannot use the threat of reporting to gain “leverage” against opposing counsel. See generally ABA Formal Op. 94-383 (1994) (discussing this topic).
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Recent significant cases decided by the Washington Supreme Court

BY BRYAN HARNETIAUX

Lawyer Disciplinary Proceeding and Standard for Determining “Knowing” Violation of Rules of Professional Conduct (RPC)

In In re Cross (slip op. #201, 993-5, decided Dec. 23, 2021), on review of a lawyer disciplinary proceeding, the Washington Supreme Court affirmed the Washington State Bar Association Disciplinary Board (Board) determination that lawyer Geoffrey Cross’s unauthorized disclosure of information relating to a former client was “knowing” rather than “negligent,” and upheld a nine-month suspension imposed by the Board.

Cross was charged with violating RPC 1.9(c)(2) (limitation on revealing information relating to former clients) and RPC 1.6(a) (limitation on revealing information relating to clients generally), by disclosing information about the former client to that client’s adversary—a serious act that would cause any reasonable lawyer to at least pause and look up the rules on former client disclosures.

Id. at 16.

Regarding the sanction for Cross’s misconduct, the court concluded that in light of the knowing violation, and its own assessment of the aggravating and mitigating factors, imposition of a nine-month suspension was appropriate. See id. at 16-22.

Admissibility of a Criminal Defendant’s Incriminating Cell Phone Text Messages Based Upon Recipient’s Consent

In State v. Bowman (slip op. #99062-0, decided Nov. 10, 2021), the Supreme Court was asked to decide whether, in a criminal prosecution for possession of methamphetamine issue as “whether Cross’s purposeful disclosure of this information to the adverse party should be considered ‘negligent,’ rather than ‘knowing,’ because Cross did not realize that the RPCs barred such disclosure.” Id. at 2.2 In a unanimous opinion authored by Justice Gordon McCloud, the court agreed with the Board’s determination that Cross had knowingly violated the two RPCs, and, after conducting its own review of the record on aggravating and mitigating factors, upheld the nine-month suspension. See id. at 2, 22.

Relying on American Bar Association standards, the court determined that for a lawyer to violate an RPC “knowingly” it is not necessary that the lawyer have actual knowledge of the violation. A knowing violation occurs if the lawyer knew or should have known that the conduct violated an ethical rule. See id. at 14-16.3 This standard places upon lawyers faced with a potential ethical dilemma an affirmative duty to investigate fully the relevant RPCs in charting a course of action:

Cross knew that he was providing a declaration with “information relating to the representation” of his client to his client’s adversary—a serious act that would cause any reasonable lawyer to at least pause and look up the rules on former client disclosures.

Id. at 16.

SIDEBAR

What is a ‘Spindle’?

To this day, in the Temple of Justice hallway between the clerk’s office and the courtroom, there’s a spindle on top of a wooden lectern where on any Thursday the Supreme Court’s newly issued opinions are placed for public viewing. This is the paper version of the “slip opinion” of the court. In the “old days,” before the internet, the press and media, or members of the public, would have to check the spindle to quickly access the latest decisions from the court. Although we now all have near-instant access to the court’s decisions via cyberspace, for reasons that seem more ceremonial than practical, the spindle remains—a small relic and enduring symbol of the open administration of justice. Caveat: This column is based on slip opinions of the court, which are not necessary the court’s final decisions and are subject to change; the official opinions of the court are those published in the Washington Reports.

CONTINUED >
We reverse the Court of Appeals and reinstate Bowman's conviction. While our decision in Hinton recognizes that an individual retains a privacy interest in text messages sent to a known associate's cell phone, it does not bar police ruses that capitalize on lawfully obtained information. Here, [the recipient of the messages] consented to the search of his cell phone, and law enforcement acted with authority of law in viewing Bowman's text messages on [the recipient's] phone. The ruse that followed ... did not violate Bowman's privacy rights.

Bowman, maj. op. at 24. The majority explained that “[w]hile Bowman retained a privacy interest in the text messages he sent to [the recipient], [the law enforcement officer] acted with authority of law in viewing the text messages based on [the recipient's] consent to search that phone. The ruse that followed simply capitalized on validly obtained information and did not intrude on Bowman's private affairs.” Id. at 7-8.

A four-justice concurrence, authored by Justice Yu, agreed with the majority's disposition of the case, but was careful to “emphasize that we are distinguishing this case from Hinton on a factual basis without disturbing its legal analysis ... and the result here should not be misconstrued as a retreat from our strong commitment to Hinton's protections.” Bowman, Yu, J., concurrence at 12. This concurrence seems to be based upon perceived limitations in the record and the issues raised by Bowman on review. For example, the concurrence noted:

While it is possible that such authority of law could be obtained with proper consent or a warrant, I doubt that it is present here. It is clear that [the recipient's] consent to [the law enforcement officer]
NOTES
1. Cross made no claim that his former client had consented to disclosure of the information he revealed. See Cross, slip op. at 6.
2. The court framed the overall inquiry as follows: “The crucial question in this case is whether Cross acted knowingly, thus warranting a presumption of suspension (whether or not his violation caused potential injury), or whether Cross acted negligently with potential injury, thus warranting a presumption of reprimand.” Cross, slip op. at 11.
3. The court also noted that a lawyer’s duty of non-disclosure is not limited to “confidences,” but encompasses “all information relating to the representation, whatever its source.” Cross, slip op. at 14 (quoting RPC 1.6 cmt.) It concluded that the information revealed in this particular case, involving the pros and cons of filing a civil lawsuit, was privileged and confidential in nature. See id. at 14.
4. The majority also rejected other constitutional challenges to the admissibility of the text exchange evidence, and altered Bowman’s sentence in one respect by striking a discretionary supervision fee imposed by the trial court. See id. at 18-24.
5. What Justice Yu seems to be alluding to is the absence of any argument by Bowman that the recipient’s consent did not contemplate that the text message exchange would be used as a basis for the ensuing ruse by the law enforcement officer, posing as the recipient. See Bowman, Yu, J., concurrence at 7, 9, 12-13, 15-17.
Q. How and when did your MBA get started?
The Korean American Bar Association of Washington (KABA) was formed in 1993 by a small group of Korean American attorneys in and around the Seattle area. That year, KABA started with about 18 attorneys. Sam Chung (now a judge on the King County Superior Court) was KABA’s first president.

Q. What are some of the core goals and/or purposes of your MBA?
When KABA was first founded, a big part of its goal and purpose was simply to connect Korean American attorneys with one another. There were fewer at the time, and they were essentially the first generation of Korean American attorneys—period. Another goal and purpose was community service. In fact, the first iteration of KABA’s pro bono legal clinic predates KABA itself. In June 1992, six of the original KABA attorneys started a pro bono legal clinic in partnership with the Korean Community Counseling Center (KCCC). From the very beginning, KABA sought to give back to the Korean American community as well as connect and cooperate with the greater legal community in Washington.

Q. What need does your MBA fill that is unmet elsewhere?
Many, if not most, Korean Americans in Washington (and the United States generally) are first- or second-generation immigrants. As a result, the Korean American community is in many ways still trying to find its place in this country. As a bar association particularly focused on Korean Americans (as opposed to Asians or people of color generally), KABA tries to remain responsive to the particular needs and concerns of Korean Americans. KABA tries to represent the interests of, and provide a communal space for, the Korean American legal community and provide a line of communication and cooperation between the legal community and the broader Korean American community in Washington.

Q. What are a few of the opportunities or benefits that your members receive?
KABA consistently works to provide networking and mentorship opportunities to its members. These can be simple happy hour events or more organized panel discussions and CLE programs. In particular, KABA hopes its focus on the Korean American community can allow for lawyers (and law students) with similar experiences to connect with one another and share their knowledge on how to navigate their professions and careers. In addition, KABA members receive complimentary membership in NAPABA (National Asian Pacific American Bar Association), and law students have multiple scholarships they can apply for each year.

Q. Does your MBA offer any mentorship or scholarship opportunities? If so, please describe.
KABA offers scholarships each year to at least two or three students who demonstrate a commitment to community service and promoting diversity and inclusion in the legal profession. Given our membership, those students are often from the Korean American community, but KABA has consistently awarded scholarships to students of different backgrounds as well. KABA also offers other scholarships from time to time in partnership with other organizations or businesses. KABA also offers mentorship opportunities. Recently, KABA has been implementing its “KIMBAP” mentorship program, which seeks to foster mentorship in the group context (rather than one-on-one). The idea behind forming mentorship groups is to allow law students and attorneys to form...
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With the pandemic, KABA started doing remote consultations, which has allowed our volunteers to reach clients ... wherever they may be located.

relationships with multiple people, each of whom may be able to bring something different to the table, and to relieve the burden on two people for making things work. While the COVID-19 pandemic has delayed the full implementation of the program, KABA hopes to rejuvenate it in the next year.

Q. What is a recent MBA accomplishment, current project, or event that you are excited about?
Before the pandemic, KABA's pro bono legal clinic served clients from a physical location in Edmonds on the second and fourth Saturday of each month. Needless to say, those limitations created barriers preventing certain clients from receiving aid. With the pandemic, KABA started doing remote consultations, which has allowed our volunteers to reach clients at any time of the day, any day of the week, wherever they may be located. It’s a change that is probably long overdue, and KABA intends to continue providing aid in this manner even as in-person consultations become feasible again.

Q. How can WSBA members support the work of your MBA? The simplest thing is to attend our events. And if you like our events, become a member. Many attorneys seem to think that to join an MBA you have to be a part of whichever minority group the MBA represents, but that is not true. Nor do you have to be a part of the relevant minority group to enjoy the benefits of membership. Part of KABA’s mission is to connect the Korean American community with the broader legal community. That only happens if that broader legal community is there to make that connection. KABA believes that everyone stands to benefit by learning more about one another and finding common ground and common goals.

Q. Is there anything else you would like WSBA members to know about your MBA? Even after 30 years, KABA is still an all-volunteer organization. Everything that KABA organizes has been organized by full-time lawyers and law students who have decided to volunteer what time they have (and sometimes time they don’t have) to furthering KABA’s mission. There are pros and cons that come with that, but we think ultimately it helps keep KABA grounded in listening to the current needs of the community.

Questions? Contact sections@wsba.org.
The 60-day 2022 legislative session began on Jan. 10 and adjourned Sine Die on March 10. Legislators passed a $17 billion transportation package providing funding for new ferries, roadway maintenance, and public transportation improvements and a $64.1 billion supplemental operating budget that funds raises for state workers, rental assistance, and further support of the state’s mental health system.

Several significant policy measures passed this year. The Legislature delayed the state’s long-term care benefit program by 18 months (Substitute House Bill 1732) and expanded voluntary exemptions to the program (Engrossed Substitute House Bill 1733). A number of bills related to policing and public safety passed this session, including legislation expanding situations when police can use reasonable force (Engrossed...
THE WSBA CELEBRATES NATIONAL VOLUNTEER WEEK APRIL 17–23, 2022

To all our volunteers:

THANK YOU FOR ALL YOU DO

Join us in celebrating and recognizing the important accomplishments of our 1,000+ volunteer community. Here are just a few highlights of the outstanding work of volunteer WSBA members:

- The 27 members of the **Adjunct Disciplinary Counsel Panel**: 
  - Served as practice monitors or special disciplinary counsel in more than 20 matters.

- The 9 members of the **Committee on Professional Ethics** issued Advisory Opinions on: 
  - Lawyer ghostwriting court documents.
  - Disclosure of client’s civil commitment in a court proceeding.
  - Neutrality of lawyer mediators in domestic relations.

- The 23 members of the **Council on Public Defense** published Advisory Notices on: 
  - Public defender caseloads in response to the emergency caused by the pandemic.
  - Implementing the Standards for Indigent Defense to include guidance on awarding defense contracts and the independence and oversight of public defense services.

- The 18 members of the **WSBA Diversity Committee**: 
  - Supported MBAs in their work serving law students from underrepresented communities and the creation of the Joint Minority Mentorship Program.
  - Helped in diversifying the bench by partnering to offer scholarships to attorneys from underrepresented communities for the Biannual Pro Tem Training.

- The 370 **section executive committee** members across 29 sections collectively planned and implemented: 
  - 83 section-sponsored education programs.
  - $57,200 awarded in scholarships, donations and/or grants.
  - Over 100 legislative bills reviewed/drafted.

Source: 2020-2021 Annual Reports
Substitute House Bill 2037), allowing police to use .50 caliber less-than-lethal rounds (House Bill 1719), clarifying that police can use reasonable force to take someone in crisis into custody (Substitute House Bill 1735), and addressing catalytic converter theft (Engrossed Second Substitute House Bill 1815).

Legislation around firearms was also a priority for Democrats in the majority. Lawmakers passed bills banning the manufacture, sale, or distribution of gun magazines that hold more than 10 rounds (Engrossed Substitute Senate Bill 5078), and barring openly carried weapons at school board and local government meetings and concealed weapons at ballot counting facilities (Engrossed Substitute House Bill 1630).

Below are some of the WSBA Legislative Affairs team’s highlights from the session.

BAR-REQUEST BILL PASSES LEGISLATURE
One of the WSBA’s main priorities during each legislative session is to support Bar-request legislative proposals initiated by WSBA Sections and approved by the Board of Governors. This year’s request legislation, Senate Bill (SB) 5489, passed the Legislature and was signed into law by Gov. Jay Inslee. Originating from the Corporate Act Revision Committee and the Partnership and LLC Law Committee of the Business Law Section, SB 5489 aims to modernize and clarify portions of Washington’s Business Corporations Act, Uniform Limited Partnership Act, and Limited Liability Companies Act.

WSBA SECTIONS WEIGH IN
In addition to Bar-request legislation, the WSBA Legislative Affairs team monitors and takes appropriate action on legislative proposals significant to the practice of law and administration of justice.

The WSBA Legislative Affairs team was busy this year, referring and tracking nearly 300 bills for WSBA Sections through the end of session. Key bills involving WSBA Section action and collaboration include:
One of the WSBA’s main priorities during each legislative session is to support Bar-request legislative proposals initiated by WSBA Sections and approved by the Board of Governors.

- **Substitute Senate Bill 5548:** Concerning the Uniform Unregulated Child Custody Transfer Act. This legislation prohibits a parent or guardian of a child, as well as an individual with whom a child has been placed for adoption, from transferring custody of a child to someone beyond family members and other specified categories of individuals. The bill was supported by the Family Law Section and passed the Legislature this session.

- **Senate Bill 5788:** Concerning guardianships of minors. This bill makes several changes to provisions of law related to a minor guardianship, including changes to the definition of “guardianship ad litem” and establishing concurrent jurisdiction between a juvenile court and a probate court over minor guardianship proceedings. The bill was supported by the Family Law Section and passed the Legislature this session.

- **Substitute House Bill 1901:** Updating laws concerning civil protection orders. This bill is a follow up to last year’s E2SHB 1320, which established a new chapter of law to govern all types of civil protection orders. This year’s legislation revises provisions governing court jurisdiction over civil protection order proceedings and includes “coercive control” within the definition of domestic violence (and defines the term), among other changes. The bill was supported by the Family Law Section and passed the Legislature this session.

- **Substitute House Bill 1747:** Supporting relative placements in child welfare proceedings. This bill makes several changes to dependency court proceedings and guardianships, including prohibiting a child who is placed with a relative or other suitable person from being moved unless, under certain criteria, the court finds that a change in circumstances necessitates a change in placement. This bill was supported by the Family Law Section and passed the Legislature this session.

- **Substitute House Bill 2050:** Repealing requirements for parent payment of the cost of their child’s support, treatment, and confinement. This bill eliminates the requirement for parents or other legally obligated persons to pay a portion of the cost of their child’s support, treatment, and confinement while that child is confined or detained. The bill was supported by the Family Law Section and passed the Legislature this session.

- **Senate Bill 5629:** Concerning control of the disposition of remains. This bill requires the relinquishment of the right of control for the disposition of human remains if any person has certain convictions or had certain orders issued against the person that are related to the decedent. This legislation was supported by the Real Property, Probate and Trust Section. The bill passed the Senate but did not advance in the House this session.

**ISSUES TO WATCH NEXT YEAR**

For bills that did not achieve final passage this year, legislators have already expressed an interest in studying issues for potential re introduction in 2023. A few bills and issues to watch include:

- **Second Substitute House Bill 1850 and Senate Bill 5813:** Concerning consumer data privacy rights and protections. These bills were monitored by the Intellectual Property Section.

- **Substitute Senate Bill 5947:** Concerning property exempt from execution. This bill was monitored by the Creditor Debtor Rights Section.

- **Substitute Senate Bill 5920:** Concerning parenting plans. This legislation was monitored by the Low Bono Section and opposed by the Family Law Section.

- **Engrossed Second Substitute Senate Bill 5597:** Concerning the Washington Voting Rights Act. This bill was monitored by the Civil Rights Law Section.

- **Substitute House Bill 1782 and Substitute Senate Bill 5670:** Concerning multifamily housing in single-family zoned neighborhoods.

- **Senate Bill 5909 and House Bill 1772:** Concerning changes to Washington’s emergency powers statute.

- **House Bill 1507:** Concerning the authority of the attorney general to investigate and prosecute cases involving the use of deadly force by police officers.

The next legislative session will begin in January 2023 and is scheduled for 105 days, marking the first half of the 2023-2024 biennium. During the interim and the upcoming session, the WSBA will continue to monitor and take action on legislation significant to the practice of law and administration of justice.

**NOTES**


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n recent years, artificial creative systems have crossed from rudimentary creativity, typified by the traceable recombination of known concepts or predictable rules-based outputs, to a creative domain that—if practiced by a human—would be worthy of interpretation, analysis, examination, or critique. Enabled by large sets of training data and computing resources, generative machine-learning models can produce truly original works of visual art, music, literature, and technical innovation. When weighed against the standards used to judge originality, novelty, inventiveness, or misappropriation, works of artificial ingenuity would merit protection under intellectual property law.

Efforts at getting substantive review of artificially created works in the patent context have been blocked in the United States, Europe, and the United Kingdom for lack of a natural person to name as an inventor. Australia and South Africa reached a different answer to the same question, bringing the technical state of the art into a confrontation with legal systems established to protect and encourage the arts and sciences—legal systems that will only grow as artificial ingenuity and creativity become more sophisticated and accessible. Already, generative models and their conditional variants are essential elements in machine translation and human-computer interface technology, and will soon permit software developers to “write code” by speaking in their native languages to a trained AI model.

The U.S. and Europe have refused to recognize inventorship or authorship in machines.

Two examples of generative models are the sequence-to-sequence model and the generative adversarial network (GAN). While quite different in structure, both models are trained to generate “original” outputs according to a learned distribution. Synthetic natural language and sound are often generated using sequence-to-sequence models, while images and other visual media are often generated using GANs, but combinations of these models are also common. In some cases, images can be described as sequences of pixels, making image generation possible with sequence-to-sequence models.

Very briefly, a sequence-to-sequence model includes an encoder model and a decoder model that are trained in tandem to convert an input sequence to an output sequence and vice versa. The “sequence” in the model’s name describes a variable length sequence of values that can represent letters, numbers, pixels, or other values. A familiar example of a sequence-to-sequence model is a translator that takes in a phrase in one language and generates the corresponding phrase in another language. Sequence-to-sequence models are also useful as predictors, where the sequence is a vector of time-series data.

Training the sequence-to-sequence model includes comparing the output of the decoder to ground truth training data, as part of supervised learning. Training can also include bi-directional operation so that the model can also generate the input sequence from the output sequence. In the example of the translator, training a model to translate from English to Mandarin would rely on a large set of training data including English and corresponding Mandarin phrases. Bi-directional training would, in effect, train a model to be an English-to-Mandarin translator and a Mandarin-to-English translator.

A GAN also includes two models, but instead of working together the GAN pairs a generator model with a discriminator model, each
with a different role. The generator is trained to create an arbitrary output without an explicit input that could be an image, sound, text, or video, or many other forms. The discriminator is trained to judge the output of the generator against the training data to decide if it is from the training set or not. Training is done in an adversarial way, with each model being trained to “defeat” the other. After many rounds of training, the output of the generator can be quite convincing to humans, giving the impression that the output comes from the same ground truth dataset used to train the GAN. For this reason, GANs form a basis for deceptive technologies used to create deep fakes and voice/affect simulators, but also have been developed to generate art.

Real world examples of artificial ingenuity

Two notable examples of artificial ingenuity include DABUS, an “artificial inventor” created by Imagination Engines, Inc. and OpenAI’s GPT-3 model, but many other examples exist. DABUS and GPT-3 highlight developing legal and popular recognition of machines as creative agents.

DABUS: The Artificial Inventor Project (AIP) is an international group of IP attorneys and computer scientists that is working with Imagination Engines to secure patents for artificially generated inventions around the world. The DABUS system generates outputs that are used to apply for patents naming DABUS as the sole inventor, which cannot be traced to a human’s inventive concept, either through training, selection of training data, or model architecture.

DABUS is “a swarm of many disconnected neural nets, each containing interrelated memories, perhaps of a linguistic, visual, or auditory nature.” As a machine-learning model, DABUS simulates associational creativity to generate outputs relatively free of external constraint. In technical terms, “through cumulative cycles of learning and unlearning, a fraction of these nets interconnect into structures representing concepts, using relatively simple learning rules. Thereafter, such ephemeral structures fade, as others take their place, in a manner reminiscent of what humans consider [a] stream of consciousness.” In this way, DABUS forms a new architecture for each problem without human intervention, such that the system structure and output are not traceable to a human inventor.

Inventions created by DABUS include a fractal food container and a “neural flame,” described as a light source designed to attract attention and stimulate mental activity using transient light signals that incorporate a fractal dimension. The apparent tendency of DABUS to add a fractal dimension to objects or methods could be a result of its creativity paradigm (e.g., the simple learning rules mentioned above), but it could also be a result of simulating natural systems that present fractal geometries.

GPT-3: The General Purpose Transformer (GPT) model is a text generator developed by OpenAI. The GPT-3 is an example of a sequence-to-sequence model that accepts natural language as inputs and generates natural language or code outputs. In particular, GPT-3 is a deep neural network designed to translate text, answer questions, summarize natural language, and create original written text including software code. The outputs of GPT-3 can be indistinguishable from text created by humans and have been used in popular media with the model being credited with authorship. GPT-3 has also been incorporated into products as a tool to translate natural language into code. A noteworthy aspect of GPT-3 is that it conceptualizes natural language inputs and describes abstract conceptual outputs using an arbitrary “language” that can be natural language or structured language, such as code. In this way, GPT-3 generates outputs that satisfy the originality threshold of copyrights.

Legal Treatments

The global nature of computer technology, and explicit goals of organizations like the AIP, have led to simultaneous test cases of artificial creativity in multiple IP jurisdictions, with inconsistent results. The United States and Europe have refused to recognize...
inventorship or authorship in machines. Australia, however, has granted patents that name DABUS as sole inventor, while refusing to credit machines with authorship. These divergences between jurisdictions and between IP domains can be traced to technical and philosophical issues that are difficult to reconcile with creative machines.

Copyright
In the United States, a copyright is only available to “register an original work of authorship, provided that the work was created by a human being.” Copyright law only protects “the fruits of intellectual labor” that “are founded in the creative powers of the mind.” See Trade-Mark Cases, 100 U.S. 82, 94 (1879). Because copyright law is limited to “original intellectual conceptions of the author,” the U.S. Copyright Office refuses to register a claim if it determines that a human being did not create the work. See Burrow-Giles Lithographic Co. v. Sarony, 111 U.S. 53, 58 (1884).

In Europe, a consistent position has been that copyright only applies to original works, and that originality must reflect the “author’s own intellectual creation.” See C-5/08 Infopaq International A/S v Danske Dagabaltes Forening. Similarly, in Australia, a human author is required and a work generated with the intervention of a computer cannot be protected by copyright. See Acohs Pty Ltd v Ucorp Pty Ltd.

In contrast, jurisdictions such as India, Ireland, New Zealand, and the U.K. attribute authorship to the nearest human creator. The philosophical basis for this distinction lies in recognizing the creative effort dedicated to building a creative machine. For Americans, this approach parallels the treatment of photography in Burrow-Giles. As an example, the U.K. defines that for “a literary, dramatic, musical or artistic work which is computer-generated, the author shall be taken to be the person by whom the arrangements necessary for the creation of the work are undertaken.” (U.K. copyright law, section 9(3) of the Copyright, Designs and Patents Act (CDPA)).

Patent
Current patent systems trace their origins to enlightenment-era philosophies of
Artificial Ingenuity Is Here  
CONTINUED >

rewarding individual genius, in contrast to the preceding system by which a patent could be bought or otherwise arranged politically. In the United States, the patent system was created to stimulate the economy through innovation and to discourage anti-competitive behavior, such as secrecy and destructive monopolies through mechanisms like mandatory publication and substantive examination. Similar systems were established in Europe, albeit with slightly different philosophical bases.

Unforeseeable at the time of the drafting of the U.S. Constitution, artificial ingenuity is precluded in the U.S. and in many other IP jurisdictions on a statutory basis by requirements for naming natural persons as inventors. AI inventors, while capable of generating patentable outputs, are excluded from the patent system for lack of legal status.

Most of the test cases in the patent regime result from explicit efforts by the AIP. In April 2020, the U.S. Patent and Trademark Office (USPTO) ruled that only “natural persons” could be credited as the inventor of a patent.\(^9\) Federal District Court Judge Leonie Brinkema reinforced the USPTO interpretation by tying the term “individual inventor” to a “natural person.” See Thaler v. Hirshfeld, 20-903, 2021 WL 3934803 (E.D. Va.). Applications in Europe and the U.K. have met with similar treatment, being denied substantive examination for lack of a human inventor. For example, the international patent office (IPO)\(^11\) and the European Patent Office (EPO)\(^12\) have ruled that patent applications listing DABUS as an inventor are void.

This approach is not consistently applied everywhere, even in jurisdictions that trace their origins to the British legal tradition. Notably, South Africa and Australia have each granted patents to DABUS. See Thaler v Commissioner of Patents [2021] FCA 879. In Australia, the judge found that while only a human or other legal person can be a patentee, it is a fallacy to extend ownership to inventorship, to say that an inventor can only be a human.\(^13\) As such, an inventor can be an artificial intelligence system, but cannot be the owner, controller, or patentee of the patentable invention. The judge extended his reasoning to include that denying a patent to an otherwise patentable invention that is eligible, novel, and inventive, is “antithetical” to the purpose of the patent system. In this way, Australia and South Africa represent a perspective on artificial ingenuity that focuses on the value of generative models to the stimulation of the arts and sciences, rather than as a reward for individual inventive effort.

CONCLUSION

Artificial creative systems including DABUS and GPT-3 interrogate the purpose of the IP system. Is a patent meant to reward individual genius or to stimulate the marketplace of ideas? Or is intellectual property meant to discourage anti-competitive behavior like secrecy, destructive monopolism, and political corruption?

Generative models are complex, being created and maintained by large teams of experts that can be entirely uninvolved in the models’ creative end-use. For example, GPT-3 is accessible to anyone to use, so would copyright vest in its creators or its users? Artificial ingenuity is within the authority of the government to protect, because intellectual property as a concept is itself a creation of the human mind. IP systems can be reshaped to best serve society by balancing the benefits of artificial ingenuity against the potential risks of artificial competition with human genius and the concentration of innovation in the hands of resourceful entities.

NOTES

4. Tom Scott: “I asked an AI for video ideas, and they were actually good,” The Guardian. Available at https://www.the guardian.com/commentisfree/2020/sep/08/robot-wrote-this-article-gpt-3.
6. See note 3.

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IN-RAM
In April 1914, while construction was underway on the Temple of Justice in Olympia, the Washington State Bar Association commissioned a Seattle artist to paint portraits of three of the state’s first Supreme Court justices. A year later, when the paintings were installed at the Temple of Justice, which was still a brick building with no stone cladding, The Seattle Daily Times reported the unveiling of the portraits.

So why, a century later, should this still be news?

Until recently, the history of those portraits—how and when they were acquired, who commissioned and paid for them, and even the name of the artist who painted them—was lost. Due in part to the separation of powers among the branches of government and chronic underfunding of the judicial branch, the Temple of Justice had no system in place for inventorying, tracking,
The forgotten history of these portraits represents the tip of a broader problem. And maintaining its art collection. No judicial branch employee is tasked with maintaining a history of the building and its historically significant contents. The Washington State Arts Commission does not oversee historic artworks installed at the judicial branch and no other state entity appeared to have a record of the works.

The forgotten history of these three portraits represents the tip of a broader problem. At the Temple of Justice alone, several of the portraits on display have unknown origins. Some are admiring portraits of unidentified subjects. We have no way of knowing how many other important historical artworks and artifacts might be hanging or stored at courthouses around the state, unidentified or damaged, or how many have been lost.

During the past 10 years, the Supreme Court has acquired five new portraits to honor groundbreaking justices of color, beginning with the late Justice Charles Z. Smith, the first person of color to serve on the court. Justice Smith, who retired in 2002, was the son of a Cuban father and a Black mother. His portrait, commissioned from renowned artist Alfredo Arreguín, provided a serious and beautiful departure from the severe, traditional style of previous court portraits. Arreguín’s portrait added color and light to the lineup of dark, formally posed pictures that hang in a hallway at the Temple of Justice. It was an important first step toward creating new representations for a supreme court that has become the most diverse in the nation, with seven women and two men, of multiple racial and cultural backgrounds. The portrait was commissioned by Chief Justice Steven González and was funded by many donors, including the Loren Miller Bar Association and the Latina/o Bar Association.

Seattle University Law School and others recently commissioned Arreguín to paint a portrait of Justice Mary Yu—the first Latina, first Chinese-American, and first openly gay justice to serve on the court. A scholarship for women of color has been established in Justice Yu’s name at SU Law, where a copy of her portrait hangs. The Supreme Court itself commissioned Arreguín to paint a portrait of Chief Justice Steven González, the first person of color to hold that position. Chief Justice González personally commissioned and donated two more portraits by University of California, Berkeley, law student and artist Ximena Velázquez-Arenas, of Justice Raquel Montoya-Lewis, the first Native American, and Justice G. Helen Whitener, the first African American woman, to serve on the court. The portrait of Justice Montoya Lewis includes references in pattern, color, and musical instruments to her Pueblo of Isleta and Pueblo Laguna roots. The portrait of Justice Whitener includes the chaconia, the national flower of her native Trinidad and Tobago. The dedication and installation of these portraits has been delayed by the pandemic, however.

The addition of the Arreguín portraits brought renewed attention to the art collection at the Temple of Justice. Arreguín is internationally acclaimed for his densely patterned, vividly colored paintings, and his work hangs at the National Portrait Gallery and the Smithsonian American Art Museum in Washington, D.C. Born in 1935 in Morelia, Michoacán, Arreguín moved to Seattle in 1956 and earned a Master of Fine Arts degree at the University of Washington. His signature style blends elements of Mexican folk art with contemporary subject matter. In addition to commemorating significant justices, the new paintings can also be appreciated in themselves, as vibrant and valuable artworks.

**PRESERVING COURT HISTORY**

With the court’s new acquisitions came an effort to identify and label the historical portraits that have been hanging, mostly overlooked, throughout the 20th century. Our first clue came from that old Seattle Times article about portraits purchased by the Bar Association back in 1914. Those portraits of Justices Ralph O. Dunbar (who served on the court from 1880-1902), Thomas J. Anders (who served on the court from 1880-1902), and Ralph O. Dunbar (who served on the court from 1889-1905), top, and Ralph O. Dunbar (who served on the court from 1880-1902), hang in a public reception area. Their provenance was discovered through research done by Sheila Farr.
from 1889-1905), and James Reavis (who served on the court from 1897-1905) were commissioned for the price of $1,100. And it turns out that the long-unacknowledged artist was a woman: Ella Shepard Bush (1863-1948), a highly respected early Seattle portrait painter and miniaturist. For a supreme court that remained a stronghold of white males for nearly a century, this is news worth celebrating.

A native of Philadelphia, Bush trained at the top academies of her day, the Corcoran School of Art in Washington, D.C., and the Art Students League, New York, where she became a lifetime member. She also studied with renowned American painter Robert Henri. After moving to Seattle in 1887, she opened a studio and art school on 3rd Avenue. Her students included the artist Roi Partridge (1888-1984), husband of renowned photographer Imogen Cunningham (1883-1976), and University of Washington professor Frederick Morgan Padelford (1875-1942).

At the Temple of Justice, two of Bush’s portraits, of Justices Dunbar and Anders, hang in a public reception area that once served as a second courtroom outside the chief justice’s office. The portrait of Justice Reavis hangs in a group of nine other historical portraits in an upstairs hallway. Some of those portraits are labeled with the name of the subject, but the artists previously were not known or acknowledged. We are still trying to determine when and how many of the paintings were acquired, and confirm whom they depict.

However, with initial help from David Martin, a specialist in early Northwest art, we have been able to identify some of the artists. For example, we know that Samuel Armstrong (1893-1977) painted the portrait of Justice Walter French (who served 1927-1930). Armstrong studied art in Philadelphia and New York, and then lived in Tacoma from 1918 until the 1930s. He ran an art school and served as art editor for the Tacoma News Tribune before moving to Southern California. There he worked at the Walt Disney Studios as an animator on the movie Fantasia, and as an illustrator for Sunset magazine and children’s books.

The Hungarian-born artist Morris Spielberger (1890-1950) was chosen to paint Justice Walter French (who served 1927-1930). Armstrong studied art in Philadelphia and New York, and then lived in Tacoma from 1918 until the 1930s. He ran an art school and served as art editor for the Tacoma News Tribune before moving to Southern California. There he worked at the Walt Disney Studios as an animator on the movie Fantasia, and as an illustrator for Sunset magazine and children’s books.

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Seattle artist Jeanie Walter Walkinshaw (1885-1976) painted another portrait in the hallway, of Frederick Bausman (1861-1931), who served briefly on the court. Walkinshaw’s inclusion is no surprise: a well-known portrait artist of the early to mid-20th century, she was closely connected to the legal community through her family. Her work was exhibited widely, from the Seattle Art Museum to the Paris Salon, and she created illustrations for the book On Puget Sound, written by her husband, attorney Robert Walkinshaw. Their son, Walter (1917-2010), was a partner in the firm Riddell, Williams, Bullitt and Walkinshaw.

Most recently, we identified the subject of one previously unknown portrait. It turns out that the slightly disheveled, white-bearded gentleman, whose image is wrapped in an ornate gold frame, was the territorial judge and U.S. Congressman Obadiah B. McFadden (1815-1875). McFadden’s log house reportedly still stands in Centralia and is said to be the oldest continuously occupied residence in the state. It was completed in 1859, while McFadden served as chief justice.

In the course of our research into paintings at the Temple of Justice, we found that the work of artist Ella Shepard Bush reaches into other Washington courthouses as well. In the early 20th century, she was the go-to artist to commemorate many prominent citizens, among them six superior court judges. Those portraits, commissioned by the King County Bar Association, hung with others at the King County Courthouse throughout the 20th century. However, Superior Court Judge Jim Rogers reports that “a number of them were destroyed or lost in the 2014-16 time frame, in an unfortunate attempt to change what was displayed.” A portrait of Judge and Seattle Mayor Thomas Humes (1847-1904) was found, badly damaged, along with a portrait of Territorial Chief Justice, U.S. Rep., and Seattle May-
or Orange Jacobs (1827-1914). Another portrait by Bush, of Judge Isaac Lichtenberg, still exists, in poor condition and stripped of its valuable period frame. There was no inventory of the paintings, so we do not know how many are missing.

MOVING FORWARD
What can we do to prevent the loss and damage of other historic artworks held by the courts? What steps can be taken to ensure that the works are inventoried, their condition supervised, and the proper care maintained? What role can the Bar Association take?

The Supreme Court has begun the process internally, by photographing and inventorying all the artworks in the collection. In addition, the Department of Enterprise Services, which oversees some of the state’s properties, plans to keep a more robust and accessible database of artworks. Prompted by our research, the department’s new cultural and historic planner, Jeff MacDon ald, is working to uncover old inventories, add to existing databases, and create more transparent systems for tracking the state’s valuable historical artifacts.

Arts professionals at the Washington State Arts Commission and 4Culture stand ready to assist administrators at other courthouses, offering advice and sharing policies on best practices. They recommend crafting an in-house policy statement for artworks, adding oversight of the collection to a job description, and training facilities staff in proper handling of paintings.

As a general rule, keeping the artworks on display is the best policy, says Janae Huber, collections manager at the Washington State Arts Commission. She cautions that “storage is an absolute risk point for us, a danger point.” Most of the irreparable damage and loss of artworks comes from not being properly wrapped, labeled, or securely stored in a climate-regulated place, she says. In cases where there are artworks that are no longer recognized or relevant to the court, they may still have historic or artistic importance. Rather than placing them in storage, those pieces could be housed at a history museum or archive, where they can be professionally cared for, researched, and re-contextualized.

The history of Washington state’s judicial system is relatively brief. Yet already important visual representatives of that history have been lost. The initial purchase price of a portrait is a meaningful gift, but only the first step toward preserving a legacy. As paintings age, they require professional evaluation and conservation to prevent damage by light, moisture, smoke, and other environmental stresses. There are costs involved with documentation, condition reports, and inventories, with conservation work and creating informative signage. It would be especially helpful if there were a biographical essay and artist information associated with each portrait, so that future generations could easily recognize the work’s significance. To ensure that this happens, the chief justice will work with leaders in the Bar, the Legislature, and the executive branch to identify reliable funds and a mechanism to preserve and enhance the art in our courthouses.

Portraits are windows into history. Properly documented and displayed, they help us understand our past and build a vibrant and inclusive future where everyone can see someone who looks like them honored in our courthouses. We must find a way to secure this legacy.

NEW WORKS. A portrait of Justice Mary Yu, painted by Alfredo Arreguín and commissioned by the Seattle University Law School and others, is one of the five new portraits the Supreme Court has acquired to honor groundbreaking justices of color.

DAMAGED PAINTING. A portrait of Judge and Seattle Mayor Thomas Humes (1847-1904), commissioned by the King County Bar Association, was removed from display and badly damaged in the 2014-16 time frame.
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FOSTERING HOPE

How attorneys can help youth in the foster care system and beyond

BY CHRISTINE KUGLIN AND JACQUI MERRILL MARTIN

On any given day, over 424,000 children are in foster care in the United States. In Washington, over 10,000 children are currently in the foster care system. In 2019, there were more than 20,000 young people in the U.S. who aged out of the foster system at 18 without ever having had permanent families to guide them into adulthood. Research has shown that those who leave care without being linked to a family have a higher likelihood of experiencing homelessness, unemployment, and incarceration as adults.

States differ as to the extent of extended assistance offered after a young person turns 18 and leaves foster care, but common examples include financial support for post-secondary education and training. This assistance is often subject to legislative funding and not all states provide a sufficient level of care for young adults. In Washington, a state program called the Washington State Independent Living Services (WSILS) provides classes and workshops to help current and former foster youth get and keep a job, find and keep a safe place to live, prepare for training past high school, and many more related topics.

Despite these avenues of support, the WSBA Pro Bono and Public Service Committee recognizes that this is still a pressing issue in Washington. To bring attention and increase awareness, we reached out to knowledgeable individuals and organizations for advice on how the legal community can help young people in foster care as well as those between the ages of 18 and 26 after they leave the foster care system. The advice we received is not limited to legal issues. Washington attorneys are well situated to help in all the ways described in this article.

ATTORNEYS SERVING AS MENTORS

Jamerika Haynes-Lewis graduated from Washington State University and was named USA Ambassador Ms. 2021 through the USA Ambassador Pageant, where her platform is “A Chance to Succeed: Empowering Youth in Foster Care.” Haynes-Lewis grew up in the foster care system. Determined to have a better life, she studied communications and went on to compete in the USA Ambassador pageant in order to create a platform to advocate for foster children. She emphasized that attorneys can serve as strong role models for foster youth—that legal representation is not the only avenue for guiding young adults. Haynes-Lewis explains:

What youth in foster care want from legal professionals is honesty. When I was in foster care, I was very vocal about what I experienced and needed. The point of contact I had from the courts was my appointed GAL [Guardian Ad Litem]. My GAL was very communicative and listened to me.

Haynes-Lewis also encourages lawyers to prepare young clients for the possible outcomes of their case and to connect with other adults in the young person’s circle. These types of cases can include the request for access to medical records or other familial

CONTINUED >
Attorneys can help navigate the complex system of records and court documents and to access benefits these young people may be entitled to receive.

- The John H. Chafee Foster Care Independence Act of 1999, which provided states with flexible funding to help young people, ages 18 to 21, who were transitioning from foster care.
- The Fostering Transitions to Success and Increasing Adoptions Act of 2008, which expanded funding to states that elected to extend foster care support to age 21.
- The Family First Prevention Services Act of 2018, which expanded eligibility for transitional services under Chafee, including the option for states to provide aftercare services up to age 23.
- The Consolidated Appropriations Act of 2021 — passed during the coronavirus pandemic — which provided a one-time allotment of $400 million in additional funding for Chafee programs offering housing, education, and direct assistance to current and former foster youth, and temporarily expanded eligibility through age 26.7

Young adults aged 18 and older may have access to public defense, but gaps still exist in their ability to obtain services and proper access to family information such as medical histories and birth records. These young adults are legally emancipated based on termination of parental rights but are generally considered legal orphans.8 Attorneys can help these young people to navigate the complex system of records and court documents and to access benefits they may be entitled to receive.

One organization helping to address this need is Legal Counsel for Youth and Children (LCYC). Lu Jiang is the Pro Bono Manager of LCYC, a nonprofit that protects the interests and safety of youth in Washington by advancing their legal rights through direct legal representation, strong community partnerships, and systemic advocacy. LCYC recently launched a Pro Bono Champions program that offers free civil legal assistance to youth experiencing homelessness across the state.

Through this program, legal professionals and community members alike can help remove legal and social barriers so that youth aged 12-24 have the opportunity to build toward their future. Areas of focus include name changes, record sealing (outside of King County), emancipation, and Special Immigrant Juvenile Status. Attorneys have the option of volunteering for virtual legal clinics, as legal experts in substantive areas, or by providing direct representation. For more information, visit https://lcycwa.org/pro-bono-champions.

ATTORNEYS AND FOSTER YOUTH—ADVICE FOR THE FUTURE

Most children have parents or guardians to teach them academic, social, emotional, and general life skills. There are integral steps along the way and children need adults they can trust to guide them. For example, parents or guardians may teach young people how to drive, help them secure a job, or connect them to a family member or neighbor to do yardwork and earn some money—things that help to develop soft skills. A parent or guardian may also help teach more formal skills like opening a bank account, applying for a loan, preparing for college, or negotiating the purchase of a car.

Many of the youth who age out of foster care have never had a home where such help and guidance was available. In only rare circumstances will they age out of a home that was healthy, where the adults will continue to be helpful to them. Karen Pillar, director of Policy and Advocacy at TeamChild, emphasizes that if pro bono attorneys want to get involved with foster youth, they should be thinking about and holding onto this context—many of these young people have not had the opportunity...
to learn these skills, and many do not trust that adults in their lives will follow through in supporting them.

Pillar and TeamChild aim to help youth overcome obstacles that get in the way of their success, such as securing ID cards, assisting with employment, supporting with banking and consumer issues, and helping with access to education, among other areas. There are a number of wonderful organizations that are doing critical work in this space in addition to TeamChild, including Mockingbird, YMCA Transitional Housing, and Treehouse. Attorneys seeking to help foster youth could reach out to these organizations and offer their services, in whatever manner they can.

The consensus is that there is a tremendous need to expand and blend the areas of service of the legal and social work communities to assist foster youth. Legal professionals are uniquely situated to step up and support these young people in overcoming the barriers they face.

NOTES
1. www.childrensrights.org/newsroom/fact-sheets/foster-care/
3. www.childrensrights.org/newsroom/fact-sheets/foster-care/
8. “In the dependency court system, a legal orphan is a child whose parents’ rights have been terminated and who has no legal permanent connection to a family. The child remains in foster care and has not been adopted or placed in a legal relationship with a guardian or with kin. A legal orphan may have no legal relationship with her parents’ extended families, might not inherit from his parents or their families, and is effectively a child of the state. With no family connections, these children frequently age out of the foster care system once they reach adulthood. At that point, they face statistically poor outcomes.” National Council of Juvenile and Family Court Judges. More information at www.ncjfcj.org/publications/forever-families-improving-outcomes-by-achieving-permanency-for-legal-orphans/.
Israel Carranza walks away from a building, looks into his phone’s camera, and begins recording. Through the falling snow and his COVID-19 face mask, he describes to his Instagram audience what happened to him when he went to his local courthouse to obtain his records to apply for admission to the Bar.

“I forgot how dehumanizing it is to step into a place where they don’t look at you as a person,” he says. Carranza then describes what a court employee told him when he asked for his records: “She was like, ‘I’m assuming that you are trying to apply for citizenship,’” Carranza recounts. “But when I told her that I’m getting the paperwork to apply to the Bar—because I’m going to be an attorney—the whole conversation changed. And all of a sudden it seemed like I was a person that deserves to be treated a different way.”

Carranza is a recent Gonzaga Law School graduate and new attorney who will be clerking with Washington Supreme Court Justice Mary Yu in 2022. His video was shared with the Washington State Racial Justice Consortium as an example of how racial and ethnic bias may impact people of color accessing our courthouses.

The Racial Justice Consortium “was established in an effort to support the various responses to the Supreme Court’s invitation to take specific and concrete steps to eradicate racism, especially the devaluing of Black lives”1 by addressing inequities in the state courts. It is an initiative by all levels of the courts in Washington, and is primarily funded through the courts as well. The Consortium’s website2 states that its purpose is to “maximize opportunities for collaboration and mutual support of judicial branch entities” in addressing education for their workforce, reviewing the court system, and creating meaningful reform.

The Consortium, comprised of 55 individuals, including judges, court staff, court interpreters, attorneys, law school representatives, community members, and advocates, held its first meeting on March 26, 2021. It meets via videoconference every month for four hours; to date, meetings have delved into topics such as reentry (i.e., the transition from life in jail/prison to life in the community), legal financial obligations, juvenile justice, and what it means to cultivate spaces of belonging for all community members. At the time this article was written, funding was set to expire in March 2022, with a last meeting scheduled for April 22, 2022. An Action Plan to advance their goals is expected to be finalized at that time.

The coordinator of the Racial Justice Consortium is Patricia Lally, a former director of Seattle’s Office for Civil Rights and a former federal prosecutor. Lally explains that the Consortium is focused specifically on making changes to the court system, which makes it different from other task forces and groups addressing racism and inequalities.

“We make clear that every single court level in this state needs to own its role in addressing inequality,” says Lally. “We do

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BY MICHELE FUKAWA

Washington State Bar News  | APR./MAY 2022

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As judges, we must recognize the role we have played in devaluing black lives. ... We can develop a greater awareness of our own conscious and unconscious biases in order to make just decisions in individual cases, and we can administer justice and support court rules in a way that brings greater racial justice to our system as a whole.

For those who have been involved with the justice system, the Consortium’s attempt to address bias and create a more just system is welcomed. “This Consortium can contribute to changing laws,” says Jermaine Williams, a Consortium member and director of Freedom Project East, an organization which supports Black, Indigenous, and people of color in Eastern Washington.

Williams was invited to join the Consortium by Justice Yu. “She said ‘You are what this consortium is about. We can’t continue to make decisions if community members are not part of the process,’ ” Williams recalls. But Williams is aware that changes to a system by people who are part of the system might be challenging: “When a system is self-sustaining, who wants to fire themselves?”

Justice Yu, a member of the Consortium and co-chair of the Minority and Justice Commission, also recognizes how difficult it may be to change practice and culture in the courthouses. “This Consortium is intended to be a true awakening for judges—am I contributing or perpetuating [inequality] or am I working on making my court neutral?” says Justice Yu. “Judges are often afraid to step on toes, but that neutrality is silence. And you are complicit when you are silent.”

Some of the disproportionalities in the court system have been captured in data compiled by the Caseload Forecast Council. This council was created in 1997 to provide forecasts of state programs such as long-term care, public assistance, and foster care. In 2018, the council was tasked by the state Legislature to also create an annual “General Disproportionality Report” which would present data on race disproportionality in felony sentencing. In 2021, their report showed that Black individuals make up 4 percent of the population and 14 percent of felony sentences, and Indigenous individuals make up 1 percent of the population and 3 percent of felony sentences. In comparison, Caucasian individuals make up 72 percent of the population and 72 percent of the felony sentences. Similar disproportionality in felony sentencing was also found in reports from 2018 to 2020.

Chris Hoke, executive director of Underground Ministries, has witnessed that disproportionality. Hoke, who has spent 16 years working with men who have been affected by gangs, presented at the Consortium on the topic of reentry and the disparate treatment of young men he has seen in courts. “I’ve seen one Mexican man apply for drug court [who] was refused because of his past affiliation with a Mexican gang. Such applicants are routinely denied in the name of safety and security. But that same week the same prosecutors applauded an out-and-out white supremacist, biker gang member’s graduation from drug court,” says Hoke, who points out that this is not a unique story.

Lally is hopeful that the Consortium will be able to develop an implementation plan and a racial equity toolkit for courts during its one-year timeframe. And she is hopeful that, in time, addressing racial equity in the courthouse will be an everyday practice. “Compare this to the initial controversy accompanying the requirement to conduct environmental impact studies for large construction projects. Now environmental impact studies are conducted as a preliminary step and no one is fighting the requirement,” says Lally. “We can get to a place when racial equity is not a prerogative—instead, it will stand for justice in every courthouse.”

NOTES
2. Id.
MARCH 10-11, 2022

A Summary of the Board of Governors Meeting

The WSBA Board of Governors determines the Bar’s general policies and approves its annual budget.

TOP MEETING TAKEAWAYS

1. **Bar structure.** The Washington Supreme Court has asked the Board to make a recommendation about whether the WSBA must change structure (in light of federal litigation about the integrated-bar structure) or should change structure (to best achieve its mission). In response, the Board has launched a study process to evaluate case law, consider what an ideal bar structure looks like, and, perhaps most importantly, to hear from members. Materials, resources, and meeting access and recordings are all online at: www.wsba.org/about-wsba/who-we-are/board-of-governors/bar-structure-study. In addition to specific outreach opportunities and comment periods during meetings, you can send feedback to boardfeedback@wsba.org.

2. **Honoring Chief Justice Fairhurst.** The WSBA’s highest honor—the APEX Award of Merit—has been renamed the Chief Justice Mary E. Fairhurst Award of Merit. The Board noted that the late Chief Justice Fairhurst “was a legal luminary and model of WSBA service and professionalism.”

3. **Serve and volunteer!** If you are interested in running for President-Elect or the open Governor at Large seat, apply by April 15 at www.wsba.org/about-wsba/who-we-are/board-elections/meet-the-candidates. The WSBA is also accepting applications for a wide array of committee and board volunteer appointments (there’s something for everyone!) for the 2023 fiscal year. Visit www.wsba.org/connect-serve/volunteer-opportunities to find out more.

4. **Local Heroes.** Congratulations to our two newly minted Local Heroes, an award bestowed by the WSBA president to recognize colleagues who have made noteworthy contributions to their communities.

   - Heidi L. Raedel Magaro, nominated by the Thurston County Bar Association, is an avid volunteer and leader in groups including Thurston County Volunteer Legal Services, the Capitol Chapter of Washington Women Lawyers, the Thurston County Bar Association, the South Puget Sound Estate Planning Council, and the Real Property, Probate and Trust Section and the Elder Law Section of the WSBA.

   - Alan Craig Anderson, nominated by the Government Lawyers Bar Association of Washington, has a long and excellent career in public service law, supplemented by his dedicated service to the community through the Thurston County Volunteer Legal Service’s Housing Justice Project.

5. **Volunteer vaccination requirement.** The Board decided a booster shot is included in its previously adopted requirement that all volunteers doing in-person work for the WSBA must be “fully” vaccinated. The Board agreed it would not revisit the question about whether to revoke the vaccination requirement until the Washington Supreme Court revokes its own similar mandate. Per current health guidelines, masks will be optional at WSBA events.

6. **USPS delays and the impact on the legal process.** After receiving a letter from a concerned member, the Board has been considering how unreliable and delayed service by the United States Postal
System (USPS) might impact legal processes, specifically the authority that “service shall be deemed complete upon the third day following the day upon which they are placed in the mail” found in CR 5(b)(2)(a). The Board asked the WSBA Court Rules Committee to take up the issue by gathering stakeholder input and, potentially, drafting rule amendments to account for increasing mail-service delays and unreliability.

7 Annual meeting with the Washington Supreme Court. The court and Board met via Zoom and discussed the ongoing bar-structure study process, the February 2022 bar exam, the WSBA’s member engagement survey, and the WSBA climate and culture.

8 2022 legislative priorities and WSBA-sponsored bills. The 2022 session of the Washington State Legislature adjourned March 10. The WSBA’s two bar-request bills, put forth by the Business Law Section, were ultimately combined into one bill and signed into law. See page 28 for more information.

9 The WSBA’s involvement with the proposed Legal Regulatory Lab. The Practice of Law Board, which is a Supreme Court board administered by the WSBA, has developed a proposal to the Washington Supreme Court to begin a Legal Regulatory Lab. The Lab would allow legal professionals and entrepreneurs to offer nontraditional legal services to consumers in Washington state. The Practice of Law Board is exploring whether the WSBA could/should be involved in regulatory functions for the Legal Regulatory Lab, which is meant to be self-funded by application fees. The Board asked for a fiscal analysis as the Legal Regulatory Lab proposal moves forward with the court.

**OTHER BUSINESS**

The Board also:

- **Approved** an emergency bylaw amendment to alter the date when the WSBA pulls voting data for elections; the change was necessary this year to allow the WSBA to incorporate recently altered congressional boundaries into its member record system.

- **Heard** an annual report from the Character and Fitness Board.

- **Heard** a report about WSBA volunteer engagement.

- **Discussed** how to conduct the annual process to review the WSBA Executive Director’s performance. The Board ultimately decided to use an outside HR firm to develop the evaluation process.

- **Approved** a request from the WSBA Diversity Committee to submit comments in support of proposed amendments to RPC 8.4 and other court rules.

- **Approved** a request from the Family Law Section to submit comments to suggested changes to the Code of Judicial Conduct.

- **Amended** a document the Board approved in November, which outlines the roles and responsibilities of governors and the executive director.
Currently investigating the future of the WSBA’s office location beyond 2026.

Comment by April 30: Proposed Amendments to Civil Rules

The Washington Supreme Court has published for comment—with a deadline of April 30—several proposed changes to the Washington Civil Rules, including in the areas of case schedules, pretrial procedures, and discovery. The WSBA Board of Governors submitted these amendments to the court after two task forces and a work group developed recommendations to reduce the cost of civil litigation in Washington courts. For more background information and directions to submit comments to the court, visit www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Civil-Litigation-Rules.

WSBA Celebrates National Volunteer Week April 17–23

Over 1,000 volunteers work with the WSBA each year. The WSBA is grateful for the donation of time, talent, and commitment shown by our volunteer community day in and day out. Even during such challenging and demanding times, the WSBA is honored by the steadfast dedication of each volunteer. Keep your eye out for other messages and opportunities to celebrate WSBA volunteers.

WSBA Office Space for Sublease

The WSBA 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.

Apply to Become Governor at Large and President-Elect

Step off the sidelines and make an impact. Become a Bar leader by applying to serve as President-Elect or on the WSBA Board of Governors in the Governor at Large position. Visit www.wsba.org/board-elections to learn more. Applications due April 15.

Notice of Upcoming Governor at Large Election

All active WSBA members are eligible to vote in the Governor
at Large election. Please watch your inbox for a ballot, May 15–June 1. To learn more visit www.wsba.org/board-elections.

Volunteer With the WSBA
Apply to serve on one of the WSBA’s many committees, boards, and councils. The WSBA’s active volunteer community is essential to carrying out the work of the Bar to help protect the public, to ensure the integrity of the legal profession, and to champion justice. Take a moment to learn about the various volunteer opportunities and find the one that matches your skills and interests. To learn more, visit www.wsba.org/volunteer. Applications due April 15.

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

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.

Northwest Justice Project Board of Directors
Now accepting applications for one attorney member to serve a three-year term on the Northwest Justice Project (NJP) Board of Directors. Email cover letter and resume to barleaders@wsba.org. Application deadline: May 13.

Future Structure of the WSBA Study:
Next meetings April 23 and May 21

NOTE: As this issue went to press, we learned that at its April 1 conference, the U.S. Supreme Court will consider whether to grant the pending certiorari petitions in mandatory bar association cases from the 5th, 6th, and 10th Circuits and the Supreme Court of Oklahoma.

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.
**COVID-19 NEWS TO KNOW**

**Court Emergency Operations & Closures**

**Law Office Reopening Guide**

**WSBA Advisory Opinions**

**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. Visit [www.wsba.org/for-legal-professionals/member-support/wellness](http://www.wsba.org/for-legal-professionals/member-support/wellness) and click “Book Your Initial Consultation” to schedule time with our licensed providers.

**Judges Need Help Too**
The Judicial Assistance and Services Program (JASP) provides confidential support for judges, or those who are concerned about a judge. Contact Susanna Kanther, Psy.D., at 415-572-3803. Visit [www.wsba.org/for-legal-professionals/member-support/wellness/judicial-assistance-service-program](http://www.wsba.org/for-legal-professionals/member-support/wellness/judicial-assistance-service-program).

**The ‘Unbar’ Alcoholics Anonymous Group**
The Washington Unbar Alcoholics Anonymous group for legal professionals has been meeting weekly for almost 30 years. The group meets Wednesdays, 12:15–1:30 p.m., and Sundays, 7–8 p.m. Currently, the group meets online via Zoom, and attorneys from all over Washington participate. For more information and Zoom credentials contact unbarwa@gmail.com.

**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 fees. Family law lawyers and LLLTs are especially needed due to a backlog of cases stemming from the COVID-19 pandemic. Find out more at [www.wsba.org/connect-serve/volunteer-opportunities/mmp](http://www.wsba.org/connect-serve/volunteer-opportunities/mmp) or email publicservice@wsba.org.

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

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

**QUICK REFERENCE**

**April 2022 Usury**
The usury rate for April 2022 is 12.00%. The auction yield of the March 7, 2022, auction of the six-month Treasury Bill was 0.72%. The interest rate required by RCW 4.56.110(3)(a) and 4.56.115 for April 2022 is 2.72%. The interest rate required by RCW 4.56.110(3)(b) and 4.56.111 for April 2022 is 5.25%.

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Resigned in Lieu of Discipline

Floyd Edwin Ivey (WSBA No. 6888, admitted 1976) of Kennewick, resigned in lieu of discipline, effective 2/07/2022. Ivey agrees that he 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: 1.8 (Conflict of Interest: Current Clients: Specific Rules), 1.15A (Safeguarding Property), 3.1 (Meritorious Claims and Contentions), 4.4 (Respect for Rights of Third Person), 8.4(a) (Attempt, Assist or Induce), 8.4(d) (Prejudicial to the Admin of Justice), 8.4(j) (Violate a Court Order).

Ivey’s alleged misconduct, as stated in disciplinary counsel’s Statement of Alleged Misconduct, related to his representation of a client in a product licensing litigation matter. Ivey’s alleged misconduct includes: 1) bringing proceedings and/or asserting or controverting issues without a basis in law and fact for doing so that was not frivolous; 2) filing appeals and motions that had no substantial purpose other than to embarrass, delay, or burden a third person; 3) directing the manufacturer to refuse to transfer the product molds to the opposing party in violation of a court order; 4) entering into a business transaction with clients without obtaining informed consent, without advising the clients of the desirability of seeking independent legal advice, and without giving the clients a reasonable opportunity to obtain such advice; 5) commingling personal funds with client funds in a client trust account; and 6) using funds in a client trust account to pay expenses unrelated to the representation.

Francisco Rodriguez acted as disciplinary counsel. Floyd Edwin Ivey represented himself. The online version of Washington State Bar News contains links to the following document: Resignation Form of Floyd Edwin Ivey (ELC 9.3(b)).

Suspended

Geoffrey Colburn Cross (WSBA No. 3089, admitted 1968) of Tacoma, was suspended for nine months, effective 1/27/2022, by order of the Washington Supreme Court. The lawyer’s conduct violated the following Rules of Professional Conduct: 1.6 (Confidentiality of Information), 1.9 (Duties to Former Clients).

In relation to his representation of a client in a criminal matter and his subsequent involvement in a related civil matter, the Disciplinary Board recommended, and the Supreme Court ordered, that Cross be suspended following a hearing. Cross was found to have violated the Rules of Professional Conduct by providing to his client’s adversary’s counsel a written declaration containing a client confidence relating to their previous lawyer client relationship, without his client’s permission or informed consent.

Scott G. Busby and Benjamin Attanasio acted as disciplinary counsel. Pamela J. DeVet represented the respondent. John A. Bender Jr. was the hearing officer. Carl J. Oreskovich was the settlement hearing officer. The online version of Washington State Bar News contains links to the following documents: Hearing Officer’s Decision; Disciplinary Board Order Adopting in Part, Reversing in Part, and Modifying in Part; and Washington Supreme Court Order.

Interim Suspension

Benjamin Andrew Pepper (WSBA No. 49692, admitted 2015) of Bellingham, is suspended from the practice of law in the State of Washington pending the outcome of disciplinary proceedings, effective 2/16/2022, 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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Those marked with an asterisk (*) welcome public members, some eligibility requirements may apply.

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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.
Successful Multnomah County personal injury law firm (#1189). Since its inception in 1979, this Portland, Oregon, personal injury law firm has been completely dedicated to providing top-notch legal services to its clients. Personal injury services make up 100% of the practice’s revenue. The practice has approximately 400+ active clients and approximately 2,000+ in the practice’s database. For the past three years, the practice has averaged impressive gross revenue of approx. $2,300,540 (2019-2021). The practice’s service by revenue breakdown is 25% injury services, 100% virtual. While the main office is based in Oregon, the firm serves California, Idaho, and Washington and is completely turnkey and ready for new ownership. The firm’s service by revenue breakdown is 25% closely held business disputes, 25% trust and probate litigation, 20% complex commercial litigation, 15% real estate litigation, 10% construction law, and 5% other. For the past three years, the practice has averaged gross revenue of approx. $597,621 (2019-2021) and in 2021 brought in gross receipts of $799,190. As of February 2022, the practice employs four staff, including the owner. To learn more about this listing call us at 253-509-9224 or send an email to info@privatepracticetransitions.com, with “1189 Successful Multnomah County Personal Injury Law Firm” in the subject line.

Preeminent virtual-ready law firm (#1192). Established, highly successful, business and trust litigation law firm, with 50% profitability and poised for growth and set up to become 100% virtual. While the main office is based in Oregon, the firm serves California, Idaho, and Washington and is completely turnkey and ready for new ownership. The firm’s service by revenue breakdown is 25% closely held business disputes, 25% trust and probate litigation, 20% complex commercial litigation, 15% real estate litigation, 10% construction law, and 5% other. For the past three years, the practice has averaged gross revenue of approx. $799,190. As of February 2022, the practice employs four staff, including the owner. To learn more about this listing call us at 253-509-9224 or send an email to info@privatepracticetransitions.com, with “1192 Preeminent Virtual-Ready Law Firm” in the subject line.

Lucrative King County law firm w/ high SDE (#1190). Established in 1999, this King County boutique law firm has provided legal services to several clients in King County and beyond. The firm’s service by revenue breakdown is 71% business litigation, 12% securities, 11% trademarks, 5% general/miscellaneous, 1% health care and 1% insurance. The practice brought in approximately $750,000 in gross revenue in 2021 and has a high percentage of seller’s discretionary earnings (SDE) to revenue. To learn more about this exciting business opportunity, call us at 253-509-9224 or send an email to info@privatepracticetransitions.com, with “1190 Lucrative King County law firm w/ high SDE” in the subject line.

Profitable Oregon estate planning law firm ready for new owner (#1153). This busy law firm has a reputation of delivering excellent results. The firm’s service by revenue breakdown is 35% estate planning, 30% probate, 25% FED/real property, and 10% other. As of June 2021, the practice has approx. 50 active clients with over 23,000 clients in the practice’s database inherited from a firm more than 30 years old. With consistent YOY growth, the practice is positioned for continued growth under new ownership. The current owner has offered to transition the practice over the course of up to six months, to continue to help drive business to the new owner. This firm is completely turnkey and ready for the new owner. To take advantage of this opportunity, call us at 253-509-9224 or send an email to info@privatepracticetransitions.com with “1153/Profitable Oregon estate planning law firm ready for new owner” in the subject line.

Considering the sale or purchase of a private practice? As the preeminent provider of business brokerage and consulting services in the Northwest, we work exclusively with owners of professional practices in the legal, health care, financial services, and tech industries. Need to prepare your practice for sale? Looking for a business valuation? Ready to sell your practice for top dollar? Let our team guide you through this life-changing transition. Call us at 253-509-9224 or visit our website to learn more about our services and top-notch team waiting to help you: PrivatePracticeTransitions.com.


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SPACE AVAILABLE

Penthouse window and interior office space available just north of Seattle with onsite complimentary garage parking, reception area, conference rooms, kitchen, and file room. All utilities included. Flexible terms. The area available is 600+ SF. Easy access to scenic Edmonds, I-5, and Hwy 99. Email info@ampacc.com for more information.

Single office in Ballard available for solo attorney. Shared reception area, conference room, internet, and free on-street parking. $750 per month. Other amenities available. Share space with one bankruptcy attorney, one estate and probate attorney, one appellate-level attorneys. Contact Marc at office@hutzbah.com or 206-448-7996.

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WILL SEARCH

Any person having knowledge of an executed Last Will for Saul D. Kinderis, late, of Kenmore, King County, Washington, is asked to contact this office immediately. Martin Sjolie, Attorney at Law, 1833 N. 105th St, Suite 101, Seattle, WA 98133, 206-841-1373; sjolielaw@gmail.com.
Angélica María González

BAR NUMBER: 57496

Angélica María González practices in Lane Powell’s corporate, securities and M&A, startups & emerging companies, and aviation transactions groups. She advises clients ranging from startups to Fortune 500 companies on corporate matters. González is also a nationally recognized advocate for social justice issues related to juvenile justice, access to education, early learning, immigration, child care, and women’s rights. More recently she has focused on advocacy around COVID-19. She tirelessly advocates on behalf of MomsRising/MamásConPoder, has testified before Congress in a hearing on child care, and was featured on the Today show, where she spoke on the state of education for children during the COVID-19 pandemic.

Why did you decide to pursue a career in the legal field? I became a lawyer because I know firsthand what it is like to work hard, struggle, and not make progress. I saw people around me in the same struggle, and I’ve come to realize that many current policies directly impact the day-to-day lives of those around me and contribute to this struggle. I’ve seen firsthand the disconnect that exists between those affected and struggling, and those who have the power to make a change. I became a lawyer to bridge that gap. I became a lawyer to change the outlook for my family, and more than anything, to gain the knowledge and understanding needed to enable my deep passion to fight for justice so that I could become a better advocate, and help make changes for a better community and better country for all.

I find it a great privilege to have had the ability to live a life from one extreme to another. My experience in life has given me a unique perspective uncommon in the legal field. I grew up in the early part of my life homeless and living outside in the desert of Phoenix, where I starved and lived without basic needs. I felt “unseen,” stuck, and considered non-human. It has been quite a journey to arrive at a place where I have everything I need; this has instilled a deep feeling of appreciation each and every day.

Who do you look up to? In law school, I had great mentors such as Chief Justice Steven González and his law clerk Laura Anglin; Judge Veronica Galván; Catherine Romero, a senior attorney at Microsoft; and Associate Dean Steven Bender at Seattle University. They saw me for who I am, acknowledged what I had been through, and believed in me and what I could become. This meant the world to me. Laura Marquez-Garrett at Social Media Victims Law Center was my most powerful mentor and ally during our shared time at Lane Powell. She made me feel as though I belonged, and those who have the power to make a change. I became a lawyer to change the outlook for my family, and more than anything, to gain the knowledge and understanding needed to enable my deep passion to fight for justice so that I could become a better advocate, and help make changes for a better community and better country for all.

I found it a great privilege to have had the ability to live a life from one extreme to another. My experience in life has given me a unique perspective uncommon in the legal field. I grew up in the early part of my life homeless and living outside in the desert of Phoenix, where I starved and lived without basic needs. I felt “unseen,” stuck, and considered non-human. It has been quite a journey to arrive at a place where I have everything I need; this has instilled a deep feeling of appreciation each and every day.

What is your best piece of advice for those new to the practice of law? The best advice I have for new lawyers is never turn down opportunities. Always be open to trying new things. Be willing to jump in and help, have a good attitude, and most importantly, be grateful for what you have.

What is one of your career goals? My long-term professional goal is to continue to serve my community through advocacy and to grow in my professional career. I want to become a shareholder at Lane Powell, write a book, and perhaps become a judge or politician one day. I have to remind myself, one step at a time, and not to over commit.

What is one of your most memorable trips? The most memorable trip I ever took was to Mexico as a young adult. I got to spend time with my family on the ranch. I got to lasso cows, rock climb with my bare hands, and ride horses. There is no experience like being in the middle of nowhere, with no electricity or plumbing but living happily off the land with your family.

What is one of your fondest memories? My fondest childhood memory is playing. I did not have much, but I remember having such a fun time playing with rocks and leaves. As children, we can be content with what we know. No TV, no video games, no toys. My kids, as well as many others, would have a heart attack with those options. I feel no pity.

What is your favorite car? A 1993 Camaro.

What is your favorite recipe? Pozole.

What is your best musical artist? Selena.

What is the most memorable trip you’ve ever taken? To Mexico as a young adult.

What is your fondest childhood memory? Playing with rocks and leaves.

What is one of your fondest memories? Playing with rocks and leaves.

What is your favorite car?

What is your best musical artist?

What is your favorite recipe?

What is one of your career goals?

What is your most memorable trip ever taken?

What is one of your most memorable trips?

What is your fondest memory?

What is your favorite car?

What is your best musical artist?

What is your favorite recipe?
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