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BEYOND THE BAR NUMBER
Answer a Q&A
If you’d like to see yourself on the last page of an issue of Bar News, let us know! We would love to send you a questionnaire. wabarnews@wsba.org.
Editor’s Note

Remembering Our Colleague

Last month, we at the WSBA lost a very special colleague—Equity and Justice Lead Imani Shannon. Imani had a significant impact on Bar News. They reviewed every issue of the magazine, helping us to identify areas of concern such as the kind of language we use to talk about substance use or a piece of text that may not be recognized by a screen reader. They wrote interesting and informative articles, including “The Importance of Not Misgendering Anyone” [Bar News June 2022], which I highly recommend you read (or reread). They invented a new regular feature around the topics of diversity, equity, and inclusion, which we now call the DEI Resource of the Month. They influenced how we developed story ideas, how we edit, and how we evaluate our own work and the work of others with an equity lens. They encouraged collaboration between staff and volunteers and between different WSBA committees. They helped us to become better and more inclusive coworkers and people. I knew Imani only through our work at the WSBA, but I knew them to be kind, thoughtful, understanding, and creative. The loss is great. To read more about Imani and hear from others in the legal community who knew them, turn to page 23.

This issue, we are focusing on the theme of rural practice. On page 42, Wenatchee lawyer Allison Foreman details 10 statutes every rural practitioner should know. And on page 30, WSBA Communications Specialist Colin Rigley interviews lawyers in three different rural Washington settings—Dayton, South Bend, and Colville. Even if you’ve never once thought about practicing law in a small town, read these interviews. They got me—a city person through and through—dreaming of open land and country living.

Also in this issue: an MBA Spotlight on Mother Attorneys Mentoring Association of Seattle (page 20), the Washington Young Lawyers Committee’s Public Service and Leadership Awards (page 24), an ethics column on what lawyers should know about judicial ethics (page 16), and more.
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In Response to ‘Systemic Racism is Long Gone’ Letter to the Editor

The assertion by Tom Stahl in his letter in the September issue of Bar News that there is no systemic racism in our society today is wrong because his definition of systemic racism is wrong. Mr. Stahl defines systemic racism as that which occurs “throughout the entire society.” The correct definition of systemic racism is that which occurs within a system that affects a significant portion of society, not necessarily our entire society. I will give just a few examples of this.

A few years ago, the Washington Supreme Court declared the Washington death penalty unconstitutional because it was being applied in a manner that was racist. That did not affect the application of the death penalty in the legal systems in the other 49 states where systemic racism may still exist in how prosecutors apply the death penalty. As recently as a few years ago, medical students at the University of Washington medical school were taught a racist system of evaluating kidney disease that was racist because it assumed Black patients had a different level of kidney function than white patients. This resulted in kidney disease being diagnosed in Black patients at a lower, inaccurate rate. This issue was reported in the UW alumni magazine, Columns."
It is long past time to call out the racist ranters who seem to enjoy having predicated their lives on self-pity, alleged victimhood, and the dependence it inherently engenders. Any adult who persists in that approach has already failed and can only continue to fail in the race of life. Systemic racism simply no longer exists in the United States. While there may be pockets or incidents of isolated racism in various sections of the country, it bodes ill for the United States if we now try to base our political and social policies on that factor alone.

It is time to move on and deal with the progressive poison that seems to have infected all three branches of our state government and seeks to inculcate its values in every facet of our respective communities. I for one am fully prepared to jettison equity, diversity, gender, sexual orientation, and even race in favor of common sense, life experience, and most importantly as an attorney, empirical evidence.

For those whose sole objective is virtue signaling and the good feelings it engenders in them, I would suggest a career in social work. In no small measure your legal training appears to have been wasted.

Larry Zeigler
Kennewick

Kudos to Mr. Stahl for his September letter in Bar News.
A TWO-TIERED CHESS GAME

The causation requirement in a legal malpractice action requires proving the merits of the underlying matter — the case within the case — which may be more complex than the professional negligence claim itself.

We have the knowledge and the experience to make the right moves and we would appreciate the opportunity to help you and your client.

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On Sept. 22, the WSBA invited legal professionals, friends, family, and the public to once again celebrate legal luminaries from around the state of Washington. The 2022 APEX — Acknowledging Professional Excellence — Awards were held virtually, presenting […]

In the documentary *Who We Are: A Chronicle of Racism in America*, Jeffery Robinson takes his audience on a time-traveling journey from slavery to post-reconstruction and from the Civil Rights […]

How do you know if going independent and starting a law firm business is the right choice for you? In this article, I’ll give you some of the tools you need to determine […]

**WSBA at the Movies: ‘Who We Are’**

**Should I Open My Own Law Firm?**
President’s Corner

WSBA Members, I Want You (to Volunteer!)

“I want you!”

I’m not referring to the super cool and catchy KISS song from their 1976 “Rock and Roll Over” album. Rather, the title to this month’s President’s Corner refers to my sincere desire as WSBA president that, following Pro Bono Month in October, each of you strongly consider volunteering at the WSBA and/or providing pro bono legal services as a way to help the WSBA fulfill its mission and to serve the public. If you’re already doing so, I hope that you will continue; and if you have in the past but stopped for one reason or another, I hope you will decide to re-engage in volunteering at the WSBA. We want and need you!

VOLUNTEERING AT THE WSBA
The commitment and support of volunteers allows the WSBA to achieve its mission “to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.” As many of you know, volunteering offers many benefits and rewards. Volunteering is also what allows the WSBA to provide needed programs and services and to assist the legal profession and the public. The WSBA has hardworking and talented staff, but the time and expertise that WSBA volunteers donate allows the organization to go well beyond the limits of its annual budget and to do much more to carry out its mission.

Over the last few years, the WSBA has seen a decline in members volunteering their time. Part of this may be attributable to the COVID-19 pandemic, or perhaps to volunteer burnout, which seems to be a trend occurring nationally. Nonetheless, it does concern me, because the WSBA relies on volunteers to maintain its current level of services to the public and to WSBA members.

As WSBA president, one of the things I would like to see us do this year is to have more recruitment, retention, and re-engagement of WSBA members as volunteers at our Bar Association. The WSBA annually relies on more than 1,000 volunteer members to help perform its mandatory and regulatory responsibilities and to provide member benefits and services. Each volunteer brings their unique time, skills, talents, and experiences that help create the robust diversity of perspectives necessary for the WSBA to meet its mission. The time commitment varies for each committee or volunteer activity. Committee appointments are based on availability, interest, geographic distribution, area of practice, and other factors.

More information about volunteer opportunities can be found here: www.wsba.org/connect-serve/volunteer-with-wsba.

From my own experience, volunteering at the WSBA has been very rewarding professionally and personally. It has allowed me to self-improve, to network, to build relationships with colleagues, and to meet attorneys and legal professionals around the state I would not have met but for my volunteer service. It has exposed me to so many different areas of the law and really allowed me to learn about our Bar Association. The relationships I’ve formed are now a resource that I utilize in my daily legal practice. I can honestly say I’m a more confident and better attorney from my six years of service on the Board of Governors and volunteering at the WSBA.

PROVIDING PRO BONO LEGAL SERVICES
Washington Rule of Professional Conduct 6.1 discusses the responsibility of lawyers to take on pro bono work. It provides in pertinent part that lawyers should assist “in the provision of legal services to those unable to pay.”

Each year we honor members who have self-reported 50 or more hours of volunteer pro bono legal services. It’s my hope that each of you, if you didn’t meet this threshold for 2022, will strongly resolve to do so in 2023. I look forward to signing pro bono recognition certificates as part of honoring our members for this important service!

Early in my legal career I had the amazing opportunity to serve as a law clerk for the Yakima County Superior Court. One of the superior court judges I clerked for was Judge Michael Schwab. I credit most of what I know about legal professionalism to Judge Schwab. He repeatedly would tell me what a privilege it was to be an at-

Daniel D. Clark
WSBA President

Clark is a senior deputy prosecuting attorney with the Yakima County Prosecuting Attorney’s Office. He can be reached at danclarkbog@yahoo.com.

While none of us alone can solve access to justice and unmet civil legal needs in our community, we can make a difference to one client at a time.
torney, and that it was something to never take for granted. He also would constantly tell me how important pro bono legal services were to our profession and the public we serve, and how everyone should have fair and equal access to justice. I’ve tried to make Judge Schwab proud by following his wisdom and teachings during my career. I have volunteered at least 50 hours of legal services per year since obtaining my bar license in 2004. I’ve been able to help people with legal issues and questions, people who otherwise wouldn’t have had access to justice. I’m also proud to be a member of the Yakima County Volunteer Attorney Services Board of Directors.

One way to get involved in volunteering is to consider joining the WSBA’s Low Bono Section. What is low bono? In a broad sense, low bono is the principle of increasing access to law-related services for people of moderate means who do not qualify for pro bono assistance but cannot afford the fees private attorneys typically charge under traditional law firm models.

Whether you choose to provide pro bono or low bono legal services or join a WSBA committee or board, it’s my hope that each of you will consider volunteering in 2023 as a way to help continue our commitment to serving the public. To encourage you, I’d like to share a story frequently used by the late Washington Supreme Court Chief Justice Mary E. Fairhurst: A man sees a person walking along the beach, picking up starfish and throwing them back into the ocean. There are millions on them on the beach. The man approaches the other person and asks, “Why are you wasting your time throwing these starfish back into the ocean? With that many on the beach, how can you think you can make a difference?” The person helping the starfish picks another one up and throws it into the ocean and says, “I made a difference to that one.”

While none of us alone can solve access to justice and unmet civil legal needs in our community, we can make a difference to one client at a time. Before I was an attorney, I remember how scary, frustrating, and hopeless it felt to need legal assistance and not be able to afford it. So please get involved in volunteering at your Bar and in providing pro bono legal services to the public.

We truly need and want you (to volunteer)!
Stability of the Bar and Stabilizing License Fees

The Washington State Bar Association recently passed the torch to new leadership, and I am happy to introduce the new Budget and Audit Committee members: Governors Matthew Dresden (District 7), Erik Kaeding (District 8), Nam Nguyen (District 10), Mary M. Rathbone (District 4), Kari Petrasek (District 2), Brett Purtzer (District 6), Alec Stephens (At Large), and yours truly as chair. I would also like to give special thanks to our past treasurer, Bryn A. Peterson, and other outgoing members for their diligence in management of our common purse.

PRUDENT MANAGEMENT OF OUR BAR FINANCES IS AN IMPERATIVE

As we begin the new fiscal year, it is prudent to review our historical financial results, reflect on the factors that impacted our performance, and identify trends that can help inform this year’s work. The chart below shows WSBA financial results from FY 18 through FY 22 (five years) and it reflects a consistent trend that we have seen over time, which is that while the annual budget is conservative and typically reflects an anticipated deficit, actual performance results in net income. Any variance between budgeted and actual performance of the general fund is accumulated in a reserve fund referred to as the “unrestricted general fund reserve.” These funds can be designated into other reserve funds by the Board of Governors for a variety of purposes. Currently, the Board has two designated reserve funds with balances: (1) an operating reserve of $2 million (a rainy day/emergency fund) and (2) a facilities reserve of $1 million (to support future space or capital needs). The balance of reserve funds is reflected in the chart below as “unrestricted general fund reserves” and is available to be used to make up any future shortfalls.

From 2018 to 2021 we’ve accumulated annual net increases ranging from $432,000 to $1.5 million and variances between budget and actual of $1 million to $1.7 million. Overall, we’ve increased the WSBA unrestricted general fund from $1.8 million to $4.5 million and expect to add another $300,000 for FY 22. Additionally, we have continued to add funds to the facilities reserve and the operating reserve and have recently established a license fee stability fund and a special projects and innovation fund, for which balances have yet to be determined. My mandate is to continue this amazing and beneficial streak with your help.

With that at the back of your mind, I would like to inform you that the Board of Governors passed the final version of the FY 23 budget at its September meeting. The budget is set out visually on page 14. The WSBA Budget and Audit Committee will closely monitor revenue and expenditures over the year and work hard to cap or reduce any deficit.

2024 LICENSE FEES

At the September meeting, the Board of Governors also voted to keep member license fees flat for 2024. License fees support the bulk of the WSBA’s annual operating activity, which is referred to as the general fund. The chart at the bottom of this page shows that the WSBA has historically performed favorably against its projected budget. The reasons for this vary, but typically it is a combination of higher-than-expected license fee revenue (due in part to pro hac vice fees and a larger-than-expected number of licensed members), lower staffing (due to unfilled positions), and lower direct costs (due in part to remote work and remote meetings).

Based on our unrestricted general fund reserves balance, we believe it is reasonable to maintain license fees at current levels and draw down those reserves to balance the FY 23 budget. Thanks to Executive Director Terra Nevitt, one of the innovative ideas we are introducing this year is the license fee stability reserve fund. This will help to stabilize license fees year to year as the costs of funding the Bar’s regulatory functions and member programs and services increase.

**Treasurer’s Report**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Budgeted Loss or Gain</th>
<th>Actual/Estimated Net Increase</th>
<th>Overall Increase Actual v. Budgeted</th>
<th>Unrestricted General Fund Reserves</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2018</td>
<td>($732,275)</td>
<td>$432,107</td>
<td>$1,164,382</td>
<td>$1,845,858</td>
</tr>
<tr>
<td>FY 2019</td>
<td>($101,616)</td>
<td>$940,679</td>
<td>$1,042,295</td>
<td>$2,868,537</td>
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<tr>
<td>FY 2020</td>
<td>($591,915)</td>
<td>$791,697</td>
<td>$1,383,612</td>
<td>$3,478,234</td>
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<tr>
<td>FY 2021</td>
<td>($202,779)</td>
<td>$1,543,940</td>
<td>$1,746,719</td>
<td>$4,522,174</td>
</tr>
<tr>
<td>FY 2022</td>
<td>($89,563)</td>
<td>*$800,000</td>
<td>*$889,563</td>
<td>*$4,872,174</td>
</tr>
</tbody>
</table>

*Estimated Figures

Francis Adewale
WSBA Treasurer
Francis Adewale can be reached at fadewale@spokanecity.org.
2024 CLIENT PROTECTION FUND ASSESSMENT

The Board of Governors also voted in September to recommend to the Washington Supreme Court a reduction of the 2024 Client Protection Fund (CPF) assessment by $5 (from $20 to $15). From 2010 through 2020, the assessment remained at $30. In 2021, the assessment was reduced to $10, and in 2022 the assessment rose to $20. Overall, actual results have tracked in line with the budget. The estimated growth of the CPF reserve between 2018 and 2022 is $975,000. This will result in an estimated reserve of over $4 million at the end of 2022, which remains available to support the fund’s largest expense for payments to injured clients. This expense can vary, as it depends on the number of applications filed and amounts awarded. For example, in 2011, the fund paid out 72 gifts totaling $1,002,683.

Based on the CPF reserve balance, the Board felt it was reasonable to implement a one-time $5 reduction of the assessment.

In closing, as we look forward, we intend to take a proactive approach to our budgetary process next year. The Board of Governors and WSBA senior staff will have a budget retreat where we will set the 2024 budget priorities for our organization. As members, you will have opportunities to weigh in to recommend programs and activities you love and those you would like to see done differently; your comments and suggestions, sent to Bar News or to me will be greatly appreciated. I look forward to being your treasurer this year and facing the challenges that FY 23 will present. Thank you.

NOTES

1. FY 22 figures are estimates; final figures are not confirmed until the WSBA annual audit is completed in December.


3. FY 22 figures are estimates; final figures are not confirmed until the WSBA annual audit is completed in December.
IN DETAIL
Management and Operations.

1. Board of Governors.
   $563,600
2. Leadership/Management.
   $1,978,946
3. Org-wide Support (Finance, HR, IT, Service Center).
   $4,096,168

5% General Counsel. Legal representation and support to the WSBA, the Board of Governors, and other boards, task forces, and committees; records requests and litigation management; and oversight, interpretation, and analysis of WSBA Bylaws and other legal issues. $1,057,534

4% Disciplinarian. Costs to handle consumer inquiries; to investigate, prosecute, and adjudicate written grievances about lawyers, LPOs, and LLLTs (e.g., costs associated with disciplinary counsel, hearing officers, and the Supreme Court-mandated Disciplinary Board); to administer the WSBA audit program; and to educate members and law students about legal ethics, trust account compliance, and the discipline system. $6,543,867

3% Supreme Court-Mandated Boards and Programs. Costs to support four of six boards and programs mandated by the Supreme Court: (1) Access to Justice Board; (2) Limited License Legal Technician Board; (3) Limited Practice Officer Board; and (4) Practice of Law Board. Costs associated with the Disciplinary Board and MCLE Board, which adjudicate regulatory issues, are included in the Licensing and Admissions Services and Discipline and Disability Systems categories. $655,352

3% Member Benefits. Includes costs of programs benefiting the WSBA’s membership as a part of their annual license fee: (1) legal research tool (Fastcase); (2) monthly CLE programs (Legal Lunchbox™ Series); (3) the Professional Responsibility Program; (4) the Member Wellness Program; and (5) a confidential 24/7 member assistance program (WSBA Connects). $650,140

5% Public Service, Diversity, and Washington State Bar Foundation Support. Costs to support (1) WSBA public service programs (including Moderate Means Program, the Powerful Communities Project, and the Pro Bono WA portal); (2) work to advance diversity and inclusion in the legal profession; and (3) administrative costs of the Washington State Bar Foundation, which provides grant funding for these activities. $1,134,281

1% Legislative and Law Improvement Efforts. Supports work with WSBA leadership and sections to formulate positions on legislation, track relevant legislation during session, and provide technical advice on bills and existing statutes to the Legislature. $269,464

14% Licensing and Admissions Services. Costs to administer admissions and annual licensing processes for nearly 40,000 WSBA members including lawyers, LPOs, and LLLTs; to maintain and respond to questions about members and their public information; and to support the Supreme Court-mandated MCLE Board, which adjudicates issues involving continuing legal education requirements. $3,040,780

4% Outreach and Engagement. Supports WSBA outreach to the public, legal professionals, bar associations, policymakers, and other stakeholders in order to enhance volunteer recruitment, raise awareness and understanding of WSBA programs and priorities, and create a sustainable stakeholder network. $790,829

30% Management and Operations. Includes costs associated with the WSBA Board of Governors, leadership, management, and internal support (finance, administration, and human resources). $6,638,714

4% Publications. This category includes costs to develop, design, produce, and distribute WSBA print media and publications, including Washington State Bar News, the WSBA’s official publication. $819,754

1% Sections Administration. Includes staffing and administrative costs to support 29 sections, and to help sections develop “mini-CLEs” that are not offset by per-member charge revenues. $298,596

2% Member Services and Engagement. Includes costs of outreach, education, training, and support to newly admitted WSBA members. Also includes funding for the WSBA’s mentor programming. $553,759
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*Carl-Erich Kruse*

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SCHEDULE TODAY!
What Lawyers Should Know About Judicial Ethics

BY MARK J. FUCILE

Ex parte communications and judicial disqualification are two areas where lawyers may confront issues that intersect with the Code of Judicial Conduct.

The law goes farther than requiring an impartial judge; it also requires that the judge appear to be impartial.

—State v. Post, 118 Wn.2d 596, 618 (1992)

When it comes to the law regulating the legal system, most lawyers understandably focus primarily on the Rules of Professional Conduct governing their own duties. Many lawyers are less conversant with the Code of Judicial Conduct (CJC) governing judges. That may be because most lawyers do not typically confront professional issues that intersect with the CJC. There are two areas, however, where lawyers do occasionally touch on the CJC and related statutory law: ex parte communications and judicial disqualification. In this column, we’ll look at both. Before we do, two qualifiers are in order.

First, as the title implies, we’ll focus on these topics from the lawyer’s perspective. It is important to underscore, however, that the CJC is not simply a “judges’ version” of the RPCs. The language above quoted from State v. Post speaks to the uniquely different role that judges play in our legal system. Lawyers represent private and public clients as advocates. Judges, by contrast, have the difficult job of parsing the respective positions and either deciding issues outright or guiding jurors in that process. Reflecting those different roles, the CJC has a much different “look and feel” than the RPCs. The rules in the CJC are fewer in number than those in the RPCs and in many respects more general—reflecting judges’ roles as neutrals in an adversary system.

Second, we’ll focus on Washington state court judges. Federal district and appellate court judges are governed by the Code of Conduct for U.S. Judges. The federal code is generally similar to its ABA Model Code counterpart with some modifications reflecting judges’ roles as neutrals in an adversary system.

EX PARTE COMMUNICATIONS

The “lawyer” and “judge” versions of the respective rules on ex parte communication largely mirror each other:

RPC 3.5(b) provides:

(a) communicate ex parte with ... [a judge] ... during the proceeding unless authorized to do so by law or court order.

CJC 2.9(A), in turn, reads, in relevant part:

A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter, before that judge’s court.

Both rules are intended to assure the fundamental fairness of proceedings by keeping all parties involved in substantive communications about a proceeding. The comments to the analogous section of the Restatement (Third) of the Law Governing Lawyers note in this regard: “Ex parte communication with a judicial official before whom a matter is pending violates the right of the opposing party to a fair hearing and may constitute a violation of the due process rights of the absent party.”

CJC 2.9(B) requires a judge who receives an unauthorized ex parte communication to notify the other parties.

The parallel ex parte rules clearly apply to traditional contacts such as in-person encounters or surface mail when those communications involve substantive matters pending before the judge involved. In re Carmick, 146 Wn.2d 582, 48 P.3d 311 (2002), for example, involved a lawyer disciplined under RPC 3.5(b) for appearing in court with-
out giving required notice to opposing counsel.\(^{12}\) In re McGrath, 174 Wn.2d 813, 280 P.3d 1091 (2012), and a companion decision involving the same lawyer, 178 Wn.2d 280, 308 P.3d 615 (2013), in turn, involved an initial suspension and later disbarment for, among other things, writing substantive letters to judges \textit{ex parte} in violation of RPC 3.5(b).

The \textit{ex parte} rules apply with equal measure to electronic communications. Like their letter counterparts, emails with a judge copying all counsel are not generally considered “\textit{ex parte}.”\(^{13}\) Similarly, electronic social media contacts between a judge and a lawyer are not generally considered “\textit{ex parte}” if they do not concern substantive matters in a proceeding before the judge.\(^{14}\) For example, social media contacts between a lawyer and a judge who were law school classmates about an upcoming class reunion would not ordinarily violate either the “lawyer” or the “judge” versions of the \textit{ex parte} rules.\(^{15}\) By contrast, private electronic contacts between the same two over a pending motion in a case in which the lawyer was appearing before the judge would violate those same rules.\(^{16}\)

\textbf{JUDICIAL DISQUALIFICATION}

The term “judicial disqualification” is used in two distinct senses in Washington state courts. The first, which is sometimes also referred to as recusal,\(^{17}\) is based on CJC 2.11 and focuses on situations “in which the judge's impartiality might reasonably be questioned.”\(^{18}\) The second, which was formerly called an “affidavit of prejudice,” is a statutory procedure at the trial court level under RCW 4.12.050 that is functionally similar to a peremptory challenge of a juror.

CJC 2.11 includes a non-exclusive list of circumstances when judges should recuse themselves, or, in the alternative, when parties may file motions to disqualify them.\(^{18}\)

Mark J. Fucile of Fucile & Reising LLP handles professional responsibility, regulatory, and attorney-client privilege matters, and law-firm-related litigation for lawyers, law firms, and legal departments throughout the Northwest. He is a former chair of the WSBA Committee on Professional Ethics and the winner of the WSBA's 2022 APEX Professionalism Award. He is the editor-in-chief of the WSBA Legal Ethics Deskbook and a co-editor of the WSBA Law of Lawyerining in Washington and the OSB Ethical Oregon Lawyer. He can be reached at 503-224-4895 and mark@frllp.com.

For example, CJC 2.11(A)(1) requires recusal when “[t]he judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.”\(^{19}\) This facet of judicial disqualification is often called “the appearance of fairness doctrine.”\(^{20}\) As the name implies, actual prejudice is not the standard.\(^{21}\) Rather, the test is an objective one framed around the idea that to preserve public confidence in the judicial process a judge should be recused if there is a reasonable basis to question the judge's impartiality.\(^{22}\) While theoretically broad, the standard does not ordinarily include \textit{de minimus} economic ties or remote former employment.\(^{23}\)

A party generally waives disqualification if, having learned of the potential grounds, the party chooses not to promptly pursue disqualification.\(^{24}\)

RCW 4.12.050, although titled “disqualification,” is, as noted earlier, closer conceptually to a peremptory strike of a potential juror.\(^{25}\) The statute allows a party to remove an assigned judge simply by filing a “notice of disqualification” as long as the judge has not yet made a discretionary ruling in the case.\(^{26}\) The Washington Supreme Court has emphasized that this is a right granted by statute\(^{27}\) and that neither actual prejudice nor substantiation of any prejudice is required.\(^{28}\) The broad sweep of the right, however, is tempered by the requirement that it be exercised before the judge involved has made a discretionary ruling (subject to a handful of exceptions in RCW 4.12.050(2) such as permitting an agreed continuance). A party may only exercise this right once in a case under RCW 4.12.050(1)(d).\(^{29}\)
SUMMING UP

Although most lawyers do not interact with the CJC often, the judicial rule on ex parte communications parallels lawyers’ corresponding duties under the RPC. Similarly, while judicial disqualification is the exception rather than the norm, the distinct time limitation under RCW 4.12.050 makes it imperative that litigators know how this statutory right works. 

NOTES


2. This is not intended to be an exclusive list. RPC 1.12, for example, addresses conflict issues when a judge leaves the bench and joins a law firm.

3. The Washington CJC was last updated comprehensively in 2011. See generally Matter of Keenan, 199 Wn.2d 87, 93, 502 P.2d 1271 (2022) (summarizing the history of the Washington CJC). The Washington CJC is patterned generally on its ABA Model Code counterpart and is enforced through the Commission on Judicial Conduct—with the Supreme Court as the final arbiter. Id. The CJC, together with many other resources applicable to the judiciary, is available on the Commission’s website at www.cjc.state.wa.us. The ABA Model Code of Judicial Conduct, in turn, is available on the ABA’s website at www.americanbar.org. Washington RPC 8.5(C) addresses the interplay between the RPC and the CJC and generally defers to the latter.

4. The Washington CJC includes an “application” preface discussing when and to what extent it applies to part-time and pro tem judges. The Washington CJC does not apply to either state administrative law judges or tribal court judges.

5. The federal code is available on the U.S. courts’ website at www.uscourts.gov.


7. Communicating with a judge’s administrative staff is not ordinarily considered an ex parte communication with the judge unless the communication with the judge’s staff is intended to “convey substantive information to the judge from counsel and notice is not given to all parties.” In re Marriage of Clark, supra note 6, 2021 WL 3929316 at *7. By contrast, communicating ex parte with a judge’s law clerk on the substantive aspects of a pending proceeding is likely to be considered an ex parte communication with the judge. See Restatement (Third) of the Law Governing Lawyers (2000) (Restatement) § 113, cmt. d.

8. CJC 2.9 includes a number of exceptions, including communications for administrative purposes that do not address the substantive aspects of a proceeding. See generally State v. Contreras-Reboliar, 4 Wn. App. 2d 222, 421 P.3d 509 (2018) (surveying the “administrative exception”). Similarly, submission of working copies of materials filed or otherwise in the record is not generally considered an ex parte communication. See In re Turner, 2018 WL 1920072 at *6 (Wn. App. Apr. 24, 2018) (unpublished).

9. RPC 3.5 is titled: “Impartiality and Decorum of the Tribunal.” Canon 2, which provides overarching guidance for the rules in that section of the CJC, is also framed in terms of “impartiality.”

10. Restatement, supra note 7, § 113, cmt. b.

11. This column focuses on ex parte communications. Judges, however, are also generally precluded from conducting independent factual investigation by CJC 2.9(C). See generally ABA Formal Op. 478 (2017) (discussing constraints on judges doing independent factual research on the internet). Similarly, trial judges are generally prohibited by Comment 5 to CJC 2.9 from informally consulting with appellate judges in the same jurisdiction about cases before them. See generally State v. Jenkins, 12 Wn. App. 2d 588, 459 P.3d 389 (2020) (discussing this point in the unpublished portion of the decision).

12. Depending on the circumstances, statutes and court rules may also require notice to opposing parties of court proceedings and the failure to follow such statutes and court rules may violate RPC 3.4(c), which prohibits “knowingly disobey[ing] an obligation under the rules of a tribunal[,]” See In re Ferguson, 170 Wn.2d 916, 932-36, 207 P.3d 1236 (2012) (discussing the relationship between RPCs 3.4(c) and 3.5(b)).

13. See generally In re Marriage of Clark, supra note 6, 2021 WL 3929316 at *7 (surveying this point).


15. Id. at *1 (“All of a judge’s social media contacts, however made and in whatever context, ... are governed by the requirement that judges must at all times act in a manner ‘that promotes public confidence in the independence, integrity, and impartiality of the judiciary[,]’”)

16. Id. at 2 (“A judge must also take care to avoid comments and interactions that may be interpreted as ex parte communications concerning pending or impending matters in violation of Rule 2.9(A)[.]”)


18. See also CJC Canon 3 (addressing conflicts between a judge’s personal interests and judicial duties); ABA Formal Op. 488 (2019) (discussing judges’ personal relationships as basis for disclosure or disqualification).


21. Id.

22. Id. In instances not involving actual bias under CJC 2.11(A)(7), a judge may disclose the circumstances that might otherwise give rise to disqualification—such as the judge’s spouse is an officer of a corporate party—and the parties may waive the perceived conflict under CJC 2.11(C).


24. See generally In re Jones, 182 Wn.2d 17, 42-43, 338 P.3d 842 (2014) (discussing waiver of judicial disqualification in the sense of estoppel); Tatham v. Rogers, supra note 17, 170 Wn. App. at 96 (“[A] litigant who proceeds to trial knowing of potential bias by the trial court waives his objection and cannot challenge the court’s qualifications on appeal.”) (citation omitted).

25. See State v. Spokane County District Court, 198 Wn.2d 1, 11, 491 P.3d 119 (2021) (describing the statutory process as a “right to peremptory removal of a judge”). See also RCW 412.040 (outlining associated internal procedures at the courts involved).

26. This process was formerly known as an “affidavit of prejudice.” RCW 412.050 was amended in 2017 and the amendments eliminated that nomenclature. See generally Godfrey v. Ste. Michelle Wine Estates Ltd., 194 Wn.2d 957, 959, 453 P.3d 992 (2019) (discussing both the amendments and the former terminology).

27. State and local court rules also regulate implementation of the statute. See, e.g., CR 40(f); Pierce County Superior Court LR 40(f).

28. State v. Spokane County District Court, supra note 25, 198 Wn.2d at 11.

29. See Douglas J. Ende, 14 Wash. Prac., Civil Procedure § 10.9 (rev. 3d ed. 2021) (discussing ambiguity in decisional law over application when there is more than one party on a side).
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Q. How and when did your MBA get started?
The Mother Attorneys Mentoring Association of Seattle (MAMA Seattle) was founded in 2006 to empower attorney mothers and encourage professional success while celebrating our roles as attorneys and mothers. We are devoted to furthering the interests of mother attorneys in the Seattle area, in Washington, and throughout the nation.

Our founders Rachel Black and Lorraine Lewis Phillips met at a Program for Early Parent Support (PEPS) group in 2005 and bonded immediately. Both were litigators and they supported each other in returning to their demanding careers while parenting newborns—and realized it was crucial to create this type of support for other mother attorneys. Rachel, Lorraine, and a core group of women worked hard to form MAMA Seattle. Word spread quickly and the organization soon boasted more than 700 members.

Q. What are some of the core goals and/or purposes of your MBA?
MAMA Seattle offers support to mother attorneys with their careers and with their roles as parents. Our programming provides opportunities to expand their professional networks and grow their practices through continuing legal education courses, networking events (with and without children), leadership training, and mentorship opportunities. We serve mother attorneys who are solos, in house, in firms, in government, and those who may be taking a break from the practice of law but want to stay connected to the legal community.

Q. What need does your MBA fill that is unmet elsewhere?
One of our most impactful programs is the MAMA Seattle/Federation of Defense & Corporate Counsel (FDCC) Ladder Down program, a year-long program for members and non-members that provides training and career development from a combination of coaches, sponsors, and participants to empower women lawyers in three critical areas: leadership, business development, and mentoring. Applications for the 2023 program are due by Nov. 14, and are available on our website: https://mamaseattle.org/programs/ladder-down/.

MAMA Seattle has regular family-friendly networking events so members can engage in professional activities while including their families—the yearly pumpkin patch trip is always a big hit as is our summer picnic. It’s a great feeling to include our families in professional networking and to meet our colleagues’ families as well. We offer CLEs and lunch seminars on timely legal topics and on topics of interest to parents, such as saving for college and talking to your kids about drugs. Our fall banquet is one of the largest bar-related events in the state. At our 16th annual banquet in October, we awarded King County Superior Court Judge Veronica Alicea Galván our Betty Binns Fletcher Leadership and Justice Award.

Q. What are a few of the opportunities or benefits that your members receive?
Members receive access to our varied programming and opportunities for engagement, along with an active online forum for referrals and relevant topics. Most importantly, we are uplifted by the moral support and compassion we provide to each other.

Q. Does your MBA offer any mentorship or scholarship opportunities? If so, please describe.
Mentorship is one of our specialties as an MBA. We pair new mother attorneys and law students with experienced mentors. The Ladder Down program, which started in 2016, has a large and active support and referral community composed of the graduates from all classes. We also offer scholarships to law student mother attorneys, and Ladder Down tuition scholarships for practicing attorneys.
Q. What is a recent MBA accomplishment, current project, or event that you are excited about?

Along with our consultants, we are finalizing the results of a survey we sent out to King County attorneys on the impact of parenthood on lawyers in private practice. We had more than 1,000 responses from local attorneys! We’re excited to see what recommendations take shape so that our legal community can ensure that working parents and their legal practices thrive.

Additionally, in June, MAMA Seattle was honored to receive the “Friend of the Legal Profession” award from the King County Bar Association.

Q. How can WSBA members support the work of your MBA?

If you are a mother attorney, please join us; and if not, please send any mother attorneys our way. We appreciate the continued support and sponsorship from our legal community, which allows us to provide quality programming and events for our membership.

Q. Is there anything else you would like WSBA members to know about your MBA?

MAMA Seattle is accepting applications for Board members to join us in 2023. If you are interested in joining the Board, please reach out to our incoming President Kasey Huebner (khuebner@gordontilden.com) for an application. Applications are due by Nov. 15.

MORE ONLINE>

To learn more about Mother Attorneys Mentoring Association of Seattle, visit their website: mamaseattle.org.
Invest in Equal Justice

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

Imani Shannon was an equity and justice lead with the Washington State Bar Association, where they worked closely with the Diversity Committee (now DEI Council); developed Legal Lunchbox CLEs; delivered DEI trainings; and worked closely with the Bar News team on a variety of projects for the magazine, including an equity lens, the DEI Resource of the Month, and other articles. They also served on the QLaw Foundation Board of Directors and served as an advisory board member for RISE, API Chaya’s peer-facilitated program for BIPOC survivors of sexual violence.

They had volunteered and worked in the civil legal aid space since 2010. After being a Spanish/English translator at a day-laborer center in Portland, Oregon, they dedicated their career to advocacy for intentionally silenced and systemically oppressed communities. Before joining the WSBA, they coordinated volunteer-based civil legal clinics for low-income clients through the KCBA Neighborhood Legal Clinics, and worked as a bilingual domestic violence case manager.

Imani did everything with intention, always thinking about how to create inclusive space in meetings, support law student representatives, and put action to words. They were incredibly special to their colleagues at the WSBA and to many others in the legal community.

“Imani was a person from whom I learned about equity, advocacy, and, most important, identity.”

— Nam Nguyen, former WSBA DEI Council co-chair and WSBA District 10 Governor

MORE ONLINE
To read Imani’s writing for Bar News, please visit www.wabarnews.org.

MORE WORDS FROM THOSE WHO KNEW IMANI

“Imani was a rare and beautiful soul. They invited everyone around them to be their full selves and always spoke up for change when they saw that people couldn’t. They were a brilliant storyteller and visionary and used their talents to help people heal and change systems that caused harm. Imani showed us how much strength and power lies in kindness, laughter, and courageous vulnerability. We can all honor Imani by continuing the fight for justice and liberation for all.”

— WSBA Equity and Justice Team

“I was so privileged to know and work with Imani on issues relating to DEI. They were fiercely intelligent, witty, and absolutely committed to making the world a better place. They led by example and were fearless in forging new paths to inclusion. I will miss you forever, Imani, and will try to honor the example you set for all of us.”

— Sunitha Anjilvel, WSBA DEI Council co-chair and WSBA District 1 Governor

“Imani embodied the mission of the DEI Council—in fact, they set our beat, drove our achievements, and kept this wide ranging group of volunteers and governors on task and on mission. Imani’s drive, intentionality, knowledge, and empathy were present in everything the DEI Council accomplished recently. Every one of us will miss Imani’s presence in our lives.”

— Raina Wagner, WSBA DEI Council co-chair

“They be of that kind of brilliant bold Black magic, raising the voices from the margin to center them with power, speaking the poetry of justice, writing the songs of progress, dancing in the complexity of harmonious multiple identities.”

— Judge Andrea Jarmon, former WSBA DEI Council/Diversity Committee co-chair

“We are heartbroken. We miss Imani’s humor, brilliance, creativity, and care. They did so much to generate healing and connection in our communities. We feel so incredibly lucky to have known them. Their presence is deeply felt, and greatly missed.”

— API Chaya RISE Advisory Board

“Imani was a funny and sweet friend, QLaw Foundation board member, and a fighter for justice and dignity. I carry their loss in my heart along with the loss of innumerable Black LGBTQ2S+ leaders over years and generations. When we allow systemic racism to continue, we allow these losses to continue, and I am filled with grief and rage at how little time Imani was afforded with their brilliance in this life. I miss you, Imani. You will be in my heart for as long as I have.”

— J. Denise Diskin, QLaw Foundation Executive Director
The Washington Young Lawyers Committee (WYLC) recently asked the legal community to nominate new or young lawyers who are dedicated to serving their communities for the annual Public Service and Leadership Award. The WYLC carefully considered each nominee’s service and contributions to their community to select award recipients with a history of exemplary leadership and commitment to public service.

For each nominee, the committee weighed the following factors: (1) leadership and service in the local community or within a bar association; (2) mentoring; (3) involvement in the WSBA, American Bar Association, and/or local bar association activities; and (4) volunteer work with pro bono or public service programs. The committee balanced the factors in light of the award’s goal of highlighting exceptional public service work of new or young lawyers across Washington.

Within this framework—and after deliberating over many qualified candidates—the committee selected the following four nominees to receive the Public Service and Leadership Award.

The Washington Young Lawyers Committee honors four local leaders

BY AARON HAYNES

Cameron Sheldon

Cameron Sheldon is a staff attorney for the West African Community Council in Kent. She currently serves as the co-chair of membership for the Pierce County Chapter of Washington Women Lawyers and as an at-large member of the Washington State Bar Association’s Civil Rights Law Section.

Cameron Sheldon has an outstanding history of community leadership and pro bono work. She has spent countless hours volunteering as a pro bono attorney for Northwest Immigrant Rights Project and the Veterans Consortium, while also dedicating time as a volunteer coach for high school mock trial competitions in Tacoma and serving as a Big Sister in Big Brothers Big Sisters of Puget Sound. Sheldon helped develop the Legislative Research Committee for the Civil Rights Law Section and has contributed to diversity, equity, and inclusion CLEs as a member of the Honorable Robert J. Bryan American Inn of Court. Her nominator praised her “enthusiasm and humility” to further “the interest of social justice” and her community; “She is always the first to volunteer to support important efforts and brings great insight and perspective to all she does.” Sheldon’s passion for pro bono work led to her to join the West African Community Council as a full-time staff attorney in May 2022, where she practices human rights work and represents clients in family-based immigration and asylum proceedings.

Aaron Haynes

Aaron Haynes is an associate at Chmelik Sitkin & Davis in Bellingham and the chair-elect of the Washington Young Lawyers Committee. He can be reached at ahaynes@chmelik.com.

For additional information about the Public Service and Leadership Award, or to learn about ways to volunteer with a pro bono or public service program, please visit www.wsba.org.
The WYLC carefully considered each nominee’s service and contributions to their community to select award recipients with a history of exemplary leadership and commitment to public service.

Rose McCarty

Rose McCarty is a commercial litigation associate at Davis Wright Tremaine LLP in Seattle, and currently serves as Pro Bono Committee co-chair for the Federal Bar Association of the Western District of Washington.

Praised by her nominator for going “above and beyond” for her pro bono clients and making them feel “fully protected, supported, and heard every step of the way,” Rose McCarty has demonstrated an unwavering commitment to supporting victims of domestic violence and hate crimes. As a member of Davis Wright Tremaine’s Pro Bono Committee and Civil Protection Order Program, she has represented numerous victims and their children. She has also assisted in immigration proceedings and Davis Wright Tremaine’s legal efforts to protect voting rights in Georgia. Beyond her pro bono work, McCarty is an active volunteer for Hand in Hand, a temporary shelter for children entering the foster care system. She has also volunteered with the Center for Children & Youth Justice, served on TeamChild’s Investments and Partnership Committee, and volunteered for the YWCA’s Violence Support Group.

SarahAnne Jahns

SarahAnne Jahns is a deputy prosecuting attorney in the Kitsap County Prosecuting Attorney’s Office and currently serves on the Board of Trustees, and as treasurer, for the Kitsap County Bar Association.

SarahAnne Jahns has made impressive contributions to the Kitsap County Bar Association and her local community. First serving as the young lawyer’s representative for the Kitsap County Bar Association, she helped recruit young lawyers to engage with the local bar association and planned the Association’s annual summer picnic. She also spearheaded organizing the Association’s annual high school mock trial competition for the regional YMCA, even when COVID-19 forced the competition to go virtual. Her leadership helped bring together over 40 attorneys and judges to participate in the mock trial competition and provided an important opportunity for high school students to engage with the legal field. Jahns continues to organize the mock trial competition in Kitsap County, which is set to take place this winter, and her nominator applauds her sustained contributions to the Association and local community.

Jessica Roberts

Jessica Roberts is a business and tax associate at Davis Wright Tremaine LLP in Seattle, and currently serves on the Board of the Northwest Indian Bar Association and the Board of the Washington State Bar Association’s Indian Law Section.

In the words of her nominator, “Jessica is an outstanding young Native lawyer” who is a “dedicated and energetic” leader. Roberts has served as an advising attorney at the Muckleshoot Indian Tribe’s legal aid clinic, assisting tribal members in divorce, child custody and support matters, estate planning, and guardianships. Her nominator highlighted her presentation of CLEs on topics such as the Indian Child Welfare Act and praised her work to lobby LexisNexis to recognize Indian Law as a distinct practice area in its research database. Beyond her pro bono work in Indian law, Roberts has volunteered her time with the BLOCK Project, a nonprofit focused on providing affordable housing for the homeless, and she serves as a mentor for another associate at Davis Wright Tremaine.

PUTTING OTHERS FIRST

SarahAnne Jahns, Rose McCarty, Jessica Roberts, and Cameron Sheldon have shown a profound public service ethic and a track record of responding to the needs of their community. The WSBA is fortunate to have such inspiring new and young members.
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In the following pages, read the stories of lawyers who currently live and work in rural areas, brush up on some statutes you should be familiar with if you are planning to practice in a small town, and learn more about the WSBA’s STAR Committee, which is working to help the practice of law in rural communities grow and thrive.
You've never heard a joke about how few lawyers there are because it would be demonstrably false. In America, there are 1.3 million of them, enough to collectively rival our most populous cities. And according to the job platform Indeed, "lawyer" is among the most common jobs in America.

So you couldn't be criticized for thinking there are too many lawyers. However—and it's a big however—it depends on who you're talking to and where they live.

The city of Seattle, for example, is lousy with lawyers. In Seattle, there are roughly three active-license lawyers for every 200 residents. In Garfield County, on the other hand, there are three. Not three per capita. Not three percent of the population. Literally three.

The WSBA is often criticized, and often with good reason, for being too Seattle-centric at the expense of the rest of the state. The counterpoint to that criticism is that most of the lawyers in Washington call the Seattle area home. Nearly half, 45 percent, of the active legal professionals listed on the WSBA's legal directory are registered in King County. Seattle alone is home to approximately 11,500 WSBA members; in other words, about one-third (32 percent) of legal professionals are located within a single city in a state of about 7.7 million people.

If you need a lawyer and live in King County or nearby, that's great news. But if you're among the 70 percent of the state (about 5.5 million people) who do not live there, your legal troubles are probably more complicated by the difficulty of finding someone to represent you.

L.R. “Rusty” McGuire is a lawyer in a small town about an hour outside Spokane. In March, McGuire wrote “Why Young Attorneys Fear Working in Rural Areas and Why They Shouldn’t,” for NWSidebar, sharing his perspective as a longtime rural attorney witnessing the dwindling of the profession in rural areas.

“We struggle to hire and retain lawyers in rural areas for several reasons,” McGuire wrote. One of those reasons is a lack of employment opportunities for spouses, he said. “The rural areas are then left with no attorney assistance.”

Similarly, in a July NWSidebar post, Arian Noma, who serves as the Moderate Means Program (MMP) staff attorney for Gonzaga Law School, wrote about the urgent need for legal providers in underserved rural parts of the state.

“As lawyers, we must do better in recruiting for all of Washington, so the MMP program can deliver services equitably to all residents, regardless of where they live,” Noma wrote.

It's no secret, therefore, that in parts of Washington there aren't enough lawyers to meet the legal needs of all the local residents. A burgeoning movement at the WSBA, however, seeks to change that.

In 2019, a group of WSBA volunteers and staff began what was then called the Rural Practice Project (RPP) to analyze the state of legal services available in rural Washington, as well as other jurisdictions in the country, better understand the problems, and identify potential paths forward that the WSBA could take to address access-to-justice gaps in these communities. In 2021, upon the RPP group’s recommendation and with a unanimous vote and approved budget from the WSBA Board of Governors, the Small Town and Rural Practice (STAR) Committee was formed to build upon the work of the RPP as a long-term, multi-faceted endeavor of the WSBA.

“We've been running at full speed ever since,” explained STAR Committee Chair, and WSBA President-Elect, Hunter Abell.

One challenge is simply defining what it means to be a rural area. The RPP originally defined rural based on counties with populations of less than 50,000 residents. The STAR Committee, however, defines rural as counties with populations with less than 30,000 residents. As of this writing, the committee was scheduled to revisit the definition and possibly refine it further.

The Committee has also adopted a three-phase strategic plan to provide com-
IN 2021, THE SMALL TOWN AND RURAL PRACTICE COMMITTEE WAS FORMED TO BUILD UPON THE WORK OF THE RURAL PRACTICE PROJECT.

In line with these goals, WSBA staff has also been reaching out to rural areas to highlight the many varied aspects of practicing law throughout all of Washington. In coordination with members of the STAR Committee, we reached out to rural practitioners throughout the state and asked to meet with them in their communities, spend a day learning about their legal practices and their daily lives, and share their stories. We ultimately landed on three law practices, each distinct in its own way and each geographically unique from the others, representing a widespread view of rural Washington from briny western shores to meandering eastern plains.

Community education and outreach, pipeline and placement programs, and serve as a resource for job opportunities pursuant to the committee's charter. Committee members have made plans to host a rural job fair designed to encourage more law students to settle in rural areas after graduation. It's also exploring economic strategies like a rural fellowship program for new lawyers and potential loan forgiveness for law students who choose to practice in underserved rural communities.

“There is undoubtedly an economic component to practicing in rural areas,” Abell said. “What we're trying to get across to folks is you can have a very satisfying career and a satisfying personal life by living out in these rural areas.”

According to Abell, Washington is helping lead the way in a wider effort toward bringing more legal services to rural areas. A survey of bar associations found that about 30 bars in the U.S. hadn’t done anything to reach out to rural areas, Abell said.

For over 80 years, we’ve been fighting for workers’ rights. You can count on us to continue that fight. We appreciate your referrals and the trust you put in us.
BY COLIN RIGLEY

It’s a brisk Tuesday morning in South Bend and the main case on the morning docket at Pacific County North District Court is a charge against four defendants for selling shellfish without a label. A few moments before, the state opted to drop charges on another case described as an assault “involving raw eggs.” Throughout the morning there are a few other cases to tie up, like a name change, quashing warrants, and possible probation violations.

The Pacific County Courthouse sits atop a hill that offers wide views of the Willapa River, which bleeds into Willapa Bay and then out into the Pacific Ocean, where it crashes against the shores of Long Beach, Klipsan, and other parts of south county.

A FAMILY OF LAWYERS IN OYSTER COUNTRY

WASHINGTON STATE BAR NEWS

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South Bend

GONE

RURAL

LAWYERS

DETAILS

Pacific County

Population: 23,365

County seat: South Bend

Largest city: Raymond

> The region around Willapa Bay provides one quarter of the annual oyster harvest in the U.S.
that folks in South Bend simply refer to as “the beach.”

Willapa is oyster country. Down the hill from the courthouse is the Chester Tavern, an unassuming dive bar that The New York Times said “may [have] the best fried oysters in the country.” A little farther up Highway 101, which serves as the main thoroughfare through downtown South Bend, is an oyster half-shell, speckled with greenish yellow moss, that measures about the size of a car hood and is the self-proclaimed “world’s largest oyster.” It’s the type of roadside attraction that gets away with such bold claims despite being, in actuality, a cement sculpture in disrepair.

Back in court, as if to prove that this is indeed a small community courtroom, one person explains that the court is mistaken in thinking he hadn’t reported enough community service hours—and he can easily prove it because the person he reports to shares a last name with the judge overseeing his case this morning: Betsy Penoyar.

You could argue that in South Bend, indeed across north Pacific County, the Penoyar family is the legal profession. If you go looking for an active member of the Bar in private practice in Pacific County, you have a 40 percent chance of ending up with Betsy or another member of the Penoyar family.

“Up here there’s just us at this point,” Betsy tells me later. We’re sitting in the court’s jury deliberation room and Betsy has changed out of her judicial robe. She’s sitting in one of the oversized leather chairs with her feet pulled up, cross-legged. A light drizzle is beginning to turn to a heavy rain snaking down the south-facing windows. She goes on to say, lightheartedly, that “we get nobody to fight against.” But on a more serious note, “We do need more people.”

Pacific County needs more people, specifically lawyers, because there aren’t enough Penoyars to meet the legal needs of the county’s approximately 23,000 residents. There are several lawyers in south Pacific County, but that’s an hour away from the county seat of South Bend.

“Most of the kids going to law school come from the city or suburbs; towns like this are just something you drive through going to the beach,” the eldest Penoyar son, Will, tells me as we’re chatting back at the Penoyar Law Offices.

Despite being the son of two lawyers (Betsy and husband, Joel) Will didn’t plan to become a lawyer—but the calling eventually caught up with him. After completing his undergrad at the University of Washington, Will decided to attend law school at the University of Georgia, then returned to his hometown of South Bend. He started as a contract lawyer with the Washington State Office of Public Defense and quickly gained a wealth of experience, found a steady stream of clients, and was able to pull in a regular monthly income. After about five years, he switched practice areas and joined

**MOST OF THE KIDS GOING TO LAW SCHOOL COME FROM THE CITY OR SUBURBS; TOWNS LIKE THIS ARE JUST SOMETHING YOU DRIVE THROUGH GOING TO THE BEACH.”**

Will Penoyar, lawyer in Pacific County

CONTINUED >
the family business at Penoyar Law Offices, where he has mostly worked in property law—which tapped into his childhood love of maps and put his undergraduate degree in cartography to use.

Including Will, Betsy and Joel are parents to three lawyers and two doctors. The youngest son, Ed, also works at Penoyar Law; their daughter, Emily, mainly practices in Olympia. In fact, Ed and Emily went to law school at Betsy's and Joel's alma mater: the University of Oregon.

Betsy chalks up the slew of well-educated, successful kids to their upbringing in South Bend. She describes them as “nice, rural kids” who got far more attention and help in a small community school than she imagines they would have received in a large urban school. Likewise, she and Joel couldn’t have devoted the same time to raising their kids if they were constantly chasing billable hours at a large firm.

“I just can’t imagine raising kids any other way,” Betsy says. “It’s nice to pretty much always be available.”

Pacific County is one of the least-populated counties in the state. Despite this, the Penoyars have more work than they can handle. They find themselves referring clients to lawyers in adjoining counties, where there’s a better chance of finding someone with enough time to take on new cases. According to Joel, there used to be more lawyers in the area—not many, just two or three—but, combined with the expanding population, the loss of those few lawyers means there simply are not enough legal minds in the area to take on the caseload.

For the Penoyars, like many other rural attorneys, specializing in a specific area of law is not sustainable. When a potential client walks through the door with a legal problem, they know that there are few, if any, other options for that person in terms of lawyers to help. Will, for example, says he would like to specialize in something—to hyperfocus on a branch of law—but the nature of the business and the community requires broad knowledge and adaptability.

“You kind of end up being the clearing-house for everything,” Will says. “Because we’re the only game in town, people will call us a lot.”

It probably wouldn’t take much to beef up Pacific County’s legal community to meet public demand. Betsy thinks as few as two or three new lawyers could mean the difference between residents finding legal help locally and having to travel out of the county. In fact, one of the reasons Betsy joined the WSBA Small Town and Rural Practice (STAR) Committee was to attract new blood to the area.

“Thought if only we can just convince a few, even a half-dozen, law school grads to move to a rural community,” she says. “If they could understand how great the life is here in small towns.”

Because, at the moment, new lawyers aren’t tripping over each other to work in South Bend or other small towns. Betsy and Joel will eventually retire. Fortunately, as a family of lawyers, they’re able to pass on their knowledge to their children, who can continue serving the firm’s clients. It avoids the brain drain that worries many rural lawyers who see long-time attorneys retiring with no one to take their place. Still, losing two private practice lawyers in Pacific County equates to a 15 percent drop in the available supply.

“I think most people, especially younger people, just really need or want to be in cities,” says Ed, who grew up in South Bend and moved back home to practice law. “ Honestly, just the prospect of being bored probably keeps a lot of young people from coming out to rural places.”

For Will, one of the main advantages of South Bend is that it’s a stellar environment to raise kids. In South Bend he has a
community; he has a quality of life that he doesn’t think he can find in a larger city. When you look at the state of the country these days, it can seem hopelessly polarized—that’s not the case for Will and others in South Bend, he says. “It’s hard to demonize people and hate people … if you can just talk to them as human beings there’s a lot more calm and nuance.”

Plus, lawyers can still make plenty of money, even in a small town. The billable rates aren’t quite as high, but that’s easily balanced by the plentiful amount of work and the relatively low cost of living.

Additionally, explains Joel, “Here you make a big difference.”

“There’s more of a motivation than being a mechanical billing machine,” Ed adds.

Both Will and Ed say they regularly run into their clients when they’re out and about in town. They take calls after hours and on weekends—not because they’re forced to, but because that’s what people do when they’re looking out for their community.

NOTES
If you ignore the weekly migraines, the debt, the stupidly high cost of living, and the fact that he barely saw his family, you could say that Ryan Ortuno had it all.

In many ways—or at least in the ways you learn in law school, Ortuno explained—he had found success. Except the reality, that most of his clients were insurance reps and business execs, fell short of the idealistic image Ortuno had of being a lawyer who helps real people.

Ortuno was heading toward the partner track at a major firm in Los Angeles, and the job allowed him to purchase a home in Southern California with his wife and three kids. He had to take out three loans to cover living expenses and repay law school tuition, though, which necessitated so many working hours that he barely saw his kids.

“If I was lucky, I’d maybe give the oldest one a bath and read a book to the second one,” he said of his typical workdays.

In law school, Ortuno remembers being trained to strive for a specific type of success: Go to a major city, get a job at a large firm, and make a lot of money.
firm, make partner, partake in the luxuries that come with such a lifestyle. In that sense, he’d achieved the law school goal.

“Until you and your wife are going, ‘What the heck are we doing? This is silly,’” he said.

So they did something else. Ortuno and his family said goodbye to their Orange County home and the frantic lifestyle of a big-firm lawyer. In 2017, they packed up and headed to his wife’s old hometown of Dayton, Washington, a city of about 2,500 people in Columbia County, burrowed in the southeastern corner of the state about 30 minutes from Walla Walla.

It wasn’t the image of success that had been painted for Ortuno in school, but it turned out to be exactly the right decision to experience a different type of success.

“The good thing here … most of the time when I’m completely underwater, I enjoy what I do,” Ortuno said while sitting on the edge of a desk in his downtown Dayton office. “And I could not say that about my previous legal life.”

Downtown Dayton oozes small-town charm. If you’re coming from the west on Highway 12 you’ll pass the fading illustration of the Jolly Green Giant, etched into the hillside as an homage to the now-defunct Green Giant cannery, which shut down in 2005. Keep driving until the highway transitions to Main Street and you’ll see a hand-painted sign that reads, “I’ve got worms.” Across the Touchet River, which bisects the city, you’ll encounter a mélange of quintessential americana businesses like Dingle’s Hardware and Suffield Furniture. Not far from the furniture store, sandwiched between a bakery and single-screen movie theater, is the office of Boggs Ortuno PLLC (formerly Nealey & Marinella).

On an unusually wet and windy spring morning, James Taylor’s “Fire and Rain” was playing in the lobby as Ortuno emerged from his office wearing jeans and a blue-checkered shirt. One of the first things I learned about the firm is that they were involved in a lawsuit against the motel where I was staying. Given my experience checking into the place, I said I wasn’t surprised, which Ortuno thought was funny as hell. The next thing I learned is that Ortuno likes to joke around. His experience before Dayton was plagued with stress and jockeying for an opportunity to rise through the ranks, but the Ortuno who now lives in Dayton has different, more grounded problems.

For example, when talking about the shortage of lawyers in rural areas like Dayton, he joked, “Every time a new person gets admitted to the bar around here [we] have a celebration.”

If Ortuno has one regret, it’s probably

ORTUNO SAID HE’S PAID OFF MORE LAW SCHOOL DEBT IN THE LAST TWO YEARS IN DAYTON THAN HE DID AFTER A DECADE IN SOUTHERN CALIFORNIA.

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the relative lack of food options compared to LA. Throughout my visit, Ortuno repeatedly talked about a restaurant that a former Portland chef opened, and how much he mourned its loss when the restaurant went belly up during the pandemic.

Food options aside, Ortuno has gained far more than he's lost. To borrow the cliché: Ortuno found balance—except neither Ortuno nor his law partner in Dayton, Kim Boggs, like that word.

“Balance is an overused word, but the idea is we're striving for balance,” Boggs said.

Boggs' path to the law and Dayton began at the University of Puget Sound (now Seattle University) School of Law. Her parents lived in Dayton and during her 2L year she became a Rule-9 Licensed Intern with Nealey & Marinella. After graduating, she made an exceedingly brief stop in the Bay Area before realizing it wasn't for her. Boggs quickly returned to Dayton to work at the firm full-time. Back then, it also served as a title company and the prosecutor’s office.

“For years this office was the law firm for Dayton,” Ortuno said.

Originally Nealey & Marinella, then Marinella & Boggs, the firm became Boggs Ortuno PLLC when Ortuno became partner in 2021. Boggs knew Ortuno through her husband, who is friends with Ortuno’s father-in-law. Ortuno joined the firm in 2017 as an associate and, together with Boggs, they continue the tradition the firm was built upon: serving as lawyers who become generational staples for local families.

In addition to the title business, the firm focuses on estate planning, real property, land use, and business law. And they’ve had little trouble staying busy.

“There’s way more work than you would think,” Ortuno said. “I was surprised. I was nervous when I came here, but I trusted Kim.”

In addition to being a partner with the firm and title company, Boggs also serves as a district court judge for Columbia County. On the morning I visited, Boggs grabbed her things to head to court. She yelled to one of the firm's staff on her way out to remind them not to lock her out because she didn't have her keys, walked outside and braced against wind ripping down Main Street, and made a quick jaunt across the street to the courthouse.

The entrance of the Columbia County Courthouse opens into twin spiraling staircases of dark oak. The inside of the courtroom where Boggs was presiding has galleries on either side and a ceiling that looms high overhead. There was a bust of Abraham Lincoln behind the bench and a large grandfather clock to the side of the room. I scribbled on my notepad, “very Atticus Finch.”

There was just one hearing that day, which Boggs said was unusual, as there had been an uptick in cases recently. When I asked if it was hard juggling the firm's usual legal clients, plus the title business, and also a part-time judicial role, she said, “It requires a lot of help, and I have good help.”

In Dayton, good help really is hard to find.

“It’s challenging running a business out here,” Ortuno explained. Not challenging because of a lack of work. In fact, Boggs and Ortuno are awash in work, so much so that they have to turn some clients away. The problem is that there aren’t enough lawyers in the area to handle the workload, so they can't refer out matters they can’t handle. Additionally, it’s difficult to find support staff. Boggs Ortuno PLLC recently lost its longtime paralegal, who was commuting about an hour each way from nearby Pasco. She was eventually lured to a job at an Amazon warehouse closer to her home.

“To lose that around here is like having your heart ripped out of you,” Ortuno said.

Boggs and Ortuno explained that few new lawyers are willing to work in a small community like Dayton. “They’re applying in Spokane, they’re applying in Seattle, because that’s what they’re taught to do,” Ortuno said.

The case for practicing law in Dayton requires nuance, which doesn’t make for a good elevator pitch. Boggs and Ortuno can’t offer more money than a large Seattle firm, but the cost of living in Dayton is significantly lower, and a lawyer can do quite well financially. They can’t promise large, complex cases, but they can offer the
chance to engage with real people and gain practical experience taking depositions and performing other substantive legal work that junior associates almost never get to perform in large firms. Most of all, they can promise a balanced lifestyle where there is plenty of work but also the ability to leave the office while it’s still light outside. And Ortuno said he’s paid off more law school debt in the last two years in Dayton than he did after a decade in Southern California.

Working in a rural area also means being more than a lawyer, Ortuno and Boggs said. People in Dayton view their lawyer more like a family doctor. Lawyers become de facto grief counselors and confidants for clients, who need empathy as much as legal advice.

“What we’re doing here is serving our community,” Boggs said. “We’re trying to make money serving our community, but we’re not winning the lottery … My actual job is also a service act.”

As if to prove the point that it’s a small community, in the late afternoon, a staff member poked her head into Boggs’ office with a cryptic message.

“We got some new wall art,” she said.

By wall art, she meant that one of the local realtors, with whom Boggs and Ortuno regularly work through their title business, had as a joke printed a few pictures of himself and taped them to the wall out front, among the framed pictures of Boggs and Ortuno and testimonials from happy clients. The law partners laughed about it and shared stories about working with the realtor—in both a professional capacity and personally.

Finding success as a lawyer is about making choices, Ortuno said. His was a choice between having a life with family and friends and chasing a version of success that did not allow for such a life.

In California, Ortuno “never even saw my kids.” Now in Dayton, he coaches his kids’ sports teams—one of his kids plays little league with the grandson of the local bailiff. Outside of work, he and Boggs were planning for a murder mystery dinner with a few friends. Sometimes they spend late nights catching up on work; sometimes they head home early.

In Los Angeles, Ortuno barely got to see his kids when they were awake, but on that day in Dayton he got to leave the office to pick them up from school—and the sun was still out. ❧
A few minutes after entering the offices of McGrane & Schuerman, PLLC, it occurs to me that Alison McGrane has barely sat down. Even on her first day back at work after a San Diego vacation with her husband, daughter, and son, she was scurrying from one end of the office to another, walking and talking, standing and talking, standing and reading, standing and signing.

Picture the high-velocity energy of a character in an Aaron Sorkin show.

Except that when you compare this image to that of a rural attorney stereotype, things don’t square up. McGrane has been on the receiving end of these stereotypes. Lawyers from big cities are sometimes prone to treating their rural counterparts as less capable in the law, simpler, less complex—in other words, stupid. That type of assumption is, of course, stupid in itself, and despite the extreme ruralness of the place McGrane calls home, she and the rest of the team at McGrane & Schuerman are anything but stupid.

Colville (pronounced “call-vil”) is about as rural as rural gets. It’s not only the seat of one of the smallest counties in the state (a city of about 5,000 people among the broader Stevens County population of about 47,000), it’s also one of the poorest. Its per capita income of about $22,000 is a little more than half (58 percent) the $38,000 per-capita income for residents of King County.
Stevens, Ferry, and Pend Oreille counties have a tri-county judicial district, which means judges bounce from one county to another, traversing hours along winding backcountry roads through the mountains of northeast Washington to ensure some level of court access for the sparsely populated region. The three counties also share health care, which has become particularly difficult to staff due to limited housing and the difficulty of drawing graduate-level professionals to rural areas, McGrane says.

One of the first things McGrane does after I arrive is to pull up a map in order to explain how judges—indeed, how just about everyone in the area—moves among the three counties to access or deliver needed goods and services. Actually, the first thing she does is clear one of the stacks of folders so she can get to her computer. McGrane's office is packed with boxes and folders. There are foot-tall stacks of manila folders that form the walls of a small fortress on the perimeter of her desk. Oil paintings of farmhouses sit unhung on the floor. It's not a messy office so much as a chaotically ordered space that seems to be designed with functionality and practicality in mind more than pure aesthetics. Besides, on this day, like many others, McGrane is barely in her office anyway.

After clearing a path to her computer, McGrane explains that Stevens and surrounding counties are made up of state land, federal land, tribal land, and Bureau of Land Management property—in Ferry County, less than 18 percent is private property. But transactions involving that private land in the three counties take up a fair amount of her time and the time of the firm's three other attorneys. As one of the only multi-attorney firms in the area, everyone in the office is busy.

“People are always like, ‘Do you specialize?’” McGrane tells me. “And I'm like, ‘Anything civil.’”

By late morning, McGrane is ready to meet with her first client: an older man wearing an orange baseball hat, tinted eye glasses, and a white button-up shirt adorned with images of sailboats and palm trees. The man, who I’ll call Hank, was back to go over changes with his estate since the last time he met with McGrane. He also seems to have settled a bit and slowed his pace of buying and selling properties, which McGrane appears relieved to hear. She hints at this prior to their meeting, using a small arsenal of aphorisms with Hank, with whom she had clearly developed a close relationship. For example:

- “You’re not a spring chicken anymore.”
- “I wouldn’t want to see you in a guardianship if you lost your marbles.”
- “You’ve been wheelin’ and dealin’ for years.”

Despite the ease and familiarity she exudes, it’s safe to say that when McGrane was growing up in Colville, she never would have thought she’d be spending mornings this way.

“I told my parents I was never coming back to this little town in the middle of nowhere,” McGrane says. “And here I am.”

She got here—back in the middle of nowhere—by way of Southern California and college at the University of California, San Diego. Once McGrane had ventured out and got a taste of big city life, she realized it didn’t suit her.

“I went to Southern California and I was like, ‘Oh God, this is how people live?’” she remembers thinking. “Maybe home isn’t so bad.”

After undergrad, she completed law school in just two and a half years, getting a head start toward her legal career by attending an early summer start program “because I really wanted to be a lawyer.” Her desire to get a J.D. was so strong that she finished college in San Diego on a Friday, walked in graduation on Saturday morning, then packed and made the 22-hour marathon drive back up to Spokane to start at Gonzaga University School of Law the following Monday. By age 25, McGrane had graduated cum laude and become a full-fledged lawyer.

Her path to the firm is one that she and the other lawyers who work there hope to replicate when hiring new staff: Hire locals and bring back people who grew up here.
One of the office staffers, Abby, also a local, tells me that McGrane frequently encourages her to go to law school and come back to work for the firm. Because eventually, as McGrane tells her, she’s going to realize how much more she knows about the law than licensed lawyers, but she won’t be able to do much about it without a law degree. Other staffers have been with the office for years, even decades; in fact, today a few people are out of the office attending the funeral of a former client.

The way McGrane talks to Abby is familiar in the way that long-time colleagues become almost family. And it is a family business. In 1978, McGrane’s father, David, started driving west with her mother in search of a new home and a place to escape the brutal Midwest winters. They made it to Colville, where David talked his way into a job at the firm where he would eventually become a partner alongside Charles Schuerman (whom McGrane and others affectionately call “Charlie”).

Charlie is like a second father to McGrane. People sometimes mistake her for Charlie’s biological kid, and most of the time she just goes along with it. Now retired, Charlie still comes into the office regularly. He’s known for stopping by with armfuls of food to give the staff a free lunch. Almost on cue, Charlie walks into the office with two shopping bags.

“I brought the extra buns and the extra chips from yesterday’s Rotary thing,” he announces and works his way toward the back of the office to unload his haul.

Although Charlie didn’t expect to be interviewed, he happily shares his thoughts on working in a small-town firm. He has bright blue eyes and looks you in the eye when he speaks, and when he speaks it sounds like...
he already had a speech prepared. Charlie
says a firm needs three things: strong skills,
good staff, and good internal systems. This
firm, he says, has those three things.

“It really is the family of the office,” he
says. “Your ability to be successful has a
number of pieces in the practice of a small
town.”

Importantly, he continues, practicing
law in a small town requires one to know
how it’s different than other places. As one
example, litigation is rarely the answer.

“Even if you win, you lose… ,” Charlie
says. “You’re going to fight your next-door
neighbor.”

McGrane echoes the sentiment.

“What dad and Charlie always used to
tell me is sometimes you make more money
on the clients you don’t take,” she says.

The firm is established enough to have
the luxury of turning away the occasional
client. Additionally, they’re almost always
drowning in work. A real estate boom from
the previous year brought in almost more
business than they could handle. From
the teenager who swore she would leave
Colville and never return, McGrane has
now found a true home in her hometown.

“The fun part is now I can be useful to
my friends’ parents rather than [being] the
16-year-old who just eats all their food,” she
jokes.

Arguably the law firm for the commu-
nity and the surrounding area, the attorneys
in the firm—who after Dave and Charlie’s
retirement in 2020 include McGrane, Mike
Waters, Logan Worley, and Krystal Tate—
are more than lawyers. They’re confidants,
they’re resources for information that isn’t
strictly related to the law because, McGrane
says, “Either you know it, or you know who
does.” Nearly everyone in the office is a Ro-
tarian, and they frequently get hugs and gift
baskets from happy clients.

“We truly care about our clients and
strive to be honorable individuals and good
community members,” McGrane says.

Colin Rigley is a communica-
tions specialist with the
WSBA. He has nearly 15 years
of experience in journalism and
communications. He can be
reached at colinr@wsba.org.

Announcing Partner
John Rosecrans

McKinley Irvin is pleased to announce that
John Rosecrans has joined our firm as a
partner. John is known for his relentless
pursuit of successful results, particularly when
litigating complex, high net-worth dissolutions.
As a family law attorney, John exemplifies our
firm’s most steadfast commitment—to protect
what our clients value most.
It is no secret that many rural communities in Washington do not have enough lawyers. Only three lawyers are licensed in Garfield County. Seven attorneys call Columbia County home. The numbers jump to double digits in Ferry County (11), Lincoln County (13), and Adams County (15), but per capita figures there remain well below those found in Washington’s urban counties. In Adams County, a beautiful stretch of land between Yakima and Spokane blanketed with dryland wheat, irrigated apple orchards, and potato fields, you might have to traverse more than 100 miles to find an attorney. In King County, a like-sized county brimming with 17,515 lawyers, you would have 828 practitioners to choose from in the same geographic area.

More attorneys should practice in rural areas. Not only is the need great, but so too is the opportunity to build a successful and fulfilling legal practice. Being a big fish—or the only fish—in a small pond allows an attorney to profoundly influence how the community sees the legal system and to play a pivotal role in improving the residents’ access to justice. An attorney practicing in a major metropolitan area might have to work decades to have this kind of impact. Country lawyers also enjoy a degree of independence unfamiliar to those working at big urban law firms. They set their own hours, choose their own clients, hire their own staff, build their own offices, and enjoy a diversity of practice unique to small towns.

Thinking about swapping town for country yet? Before taking the plunge, take a look at the following 10 statutes practitioners find most relevant to rural practice. Some are general statutes; after all, the only lawyer in town needs to know a little bit of everything. But others are uniquely relevant to practicing law in rural areas where farms, ranches, and agriculture—not big tech companies—drive the economy. A good working knowledge of these statutes will go a long way toward preparing a city slicker attorney for life in the countryside.

FIVE GENERAL STATUTES

1. Title 10 RCW: Criminal Procedure

A criminal defendant’s right to counsel, enshrined in the Sixth Amendment to the United States Constitution and Section 22 of Article I of the Washington State Constitution, is one of the most sacred rights in our legal system. Without it, an accused person stands little chance of successful defense in court, even if they are innocent. Yet criminal defense attorneys are in short supply in many rural parts of Washington. According to the member directory of the Washington Association of Criminal Defense Lawyers, only one serves Ferry County. Garfield County likewise has a single criminal defense attorney. That number jumps to two in Skamania County, but even in more populous areas, the rural defendant has limited options for representation. If you feel passionate about improving access to justice in the distant corners of our state, you might want to brush up on Title 10 RCW, the rules governing criminal procedure. A small-town lawyer well-versed in criminal procedure can have a significant impact here, creating a meaningful right to counsel for the local community.

2. Chapter 11.125 RCW: Uniform Power of Attorney Act

Demographically, America is aging. The number of individuals over the age of 65 is projected to nearly double from 52 million in 2018 to 95 million by 2060, or nearly one in four Americans.
Helping this demographic plan for cognitive decline and infirmity is an important job for estate planners nationwide, but it is especially important in rural areas, where the elderly often live far from immediate relatives and informal caregivers. An attorney seeking to build a rural practice should be familiar with Chapter 11.125 RCW, the Uniform Power of Attorney Act, so that they can draft proactive documents for these clients before they lose the capacity to execute them. A basic understanding of the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act, Chapter 11.130 RCW, is essential as well, coming in handy in those cases where the client was unable to sign a durable power of attorney prior to incapacity.

**Chapter 26.09 RCW: Dissolution Proceedings—Legal Separation**

Few students enter law school planning to be divorce attorneys, but given the reality that almost 50 percent of marriages end in divorce or separation, this area of law will touch the practice of most attorneys, including rural attorneys. Knowledge of the basic steps of separation and divorce is essential: the mandatory use of approved forms, factors affecting the disposition of property and liabilities, considerations relevant to spousal maintenance, the parenting plan and child custody, child support, and the standards for relocating a child. The last one is particularly relevant in rural areas, where relocation within the same school district—usually an entitlement—may entail moving the child a significant distance across a large rural district, much farther away from one custodial parent. Even if family law is not your intended specialty, this is a statute worth knowing.

**Chapter 70A.305: Hazardous Waste Cleanup—Model Toxics Control Act**

From the late 1880s to just before 1950, lead arsenate pesticides were commonly used in apple and pear orchards to combat codling moth, the larvae of which bore into fruit and feed toward the core, rendering the fruit unsuitable for eating. As old orchards in Washington’s rural areas are converted to housing and other civilian uses, the threat of arsenic and lead in the underlying soil may require mitigation by the landowner. A good working knowledge of the Model Toxics Control Act, chapter 70A.305 RCW, will serve an attorney well when assisting clients dealing with this uniquely rural issue. This includes familiarity with reporting requirements (hint: within 90 days of discovery), requirements for cleanup actions, and how to get a “No Further Action” determination to give the client peace of mind going forward. This issue will become even more important as housing shortages in rural Washington lead to further development and more conversions of orchards into residential neighborhoods.

**Chapter 11.96A RCW: Trust and Estate Dispute Resolution Act**

No attorney practicing in a small town can manage without the Trust and Estate Dispute Resolution Act (TEDRA), Chapter 11.96A RCW. This piece of legislation is a masterclass in flexibility, giving the rural judge “full and ample power and authority” to settle “all matters concerning the estates of incapacitated, missing, and deceased persons, including matters involving nonprobate assets and powers of attorney” and “all trusts and trust matters” in a single morning at the courthouse. You can’t ask for much more than that. TEDRA gives rural practitioners the opportunity to solve trust and estate disputes quickly, efficiently, and economically, a godsend to clients whose assets might include working farm operations or agricultural resources that need immediate attention but don’t have much liquidity for attorney fees. The timely application of TEDRA to rural trusts and estates can make the difference between keeping a farm in the family and losing a treasured legacy property after a costly legal battle. It is a statute worth understanding if you plan to practice in a small town.

**THE TIMELY APPLICATION OF TEDRA TO RURAL TRUSTS AND ESTATES CAN MAKE THE DIFFERENCE BETWEEN KEEPING A FARM IN THE FAMILY OR NOT.**
From the article...

Bankruptcy itself is a specialized area of the law, but bankruptcy for farmers, frequently if not exclusively residing in rural areas of Washington, is one area of the bankruptcy code that a general country attorney might wish to learn. Bankruptcy is governed by federal law—no RCWs here. Chapter 12 allows individual agricultural debtors to retain their assets and develop a plan to repay debtors, provided they are engaged in farming operations, their debts are less than $10 million, more than 50 percent of their debts are from farming, and more than 50 percent of their income comes from farming for the taxable year preceding filing or in each of the second and third years preceding filing. Farming corporations, cooperatives, and partnerships have different eligibility criteria designed to enable family operations to continue farming while paying off debts. Familiarity with Chapter 12 is a powerful tool for the rural practitioner advising farming clients who find themselves facing hard times.

With the Washington estate tax exemption stuck at $2.193 million, many farms and small businesses in the rural parts of our state find themselves crossing the threshold of the Washington taxable estate with an outwardly modest estate. With the Washington estate tax exemption stuck at $2.193 million, many farms and small businesses in the rural parts of our state find themselves crossing the threshold of the Washington taxable estate with an outwardly modest estate. With the Washington estate tax exemption stuck at $2.193 million, many farms and small businesses in the rural parts of our state find themselves crossing the threshold of the Washington taxable estate with an outwardly modest estate.

**1.** 11 U.S.C. Chapter 12: Adjustment of Debts of a Family Farmer or Fisherman With Regular Annual Income

Bankruptcy itself is a specialized area of the law, but bankruptcy for farmers, frequently if not exclusively residing in rural areas of Washington, is one area of the bankruptcy code that a general country attorney might wish to learn. Bankruptcy is governed by federal law—no RCWs here. Chapter 12 allows individual agricultural debtors to retain their assets and develop a plan to repay debtors, provided they are engaged in farming operations, their debts are less than $10 million, more than 50 percent of their debts are from farming, and more than 50 percent of their income comes from farming for the taxable year preceding filing or in each of the second and third years preceding filing. 

**2.** RCW 83.100.046: Deduction—Property Used for Farming—Requirements, Conditions

With the Washington estate tax exemption stuck at $2.193 million, many farms and small businesses in the rural parts of our state find themselves crossing the threshold of the Washington taxable estate with an outwardly modest estate.

**3.** RCW 90.44.160: Relinquishment of Right to Beneficially Use Without Sufficient Cause

Water is a major issue in rural Washington, especially in our agricultural areas. Of course, both surface and groundwater being long to the public and cannot truly be owned by individuals. But the Department of Ecology, which manages the state's water resources, authorizes individuals to use a specified amount of public water for a designated purpose through an intricate water rights system. A detailed knowledge of water rights is best left to water law specialists, but any lawyer hanging out their shingle in a small town should know the basics. The main rule to remember is “use it or lose it”: a water right is deemed to have been relinquished if the owner voluntarily fails, without sufficient cause, to beneficially use all or any part of the right for any period of five successive years. This is true even if the owner subsequently starts using the water right again. In order to avoid the irrevocable loss of a water right, the lawyer advising clients with idle rights might recommend planting a cover crop of alfalfa or another green crop until an alternate plan for the water is in place, such as a direct transfer of the water right or water banking. Be wary of how a client's property looks from the air: Aerial photos showing brown land for five consecutive years are sometimes deemed conclusive evidence of lack of beneficial use. Attorneys practicing in rural areas should keep this statute in mind and advise on water rights accordingly.

**4.** Chapter 20.01 RCW: Agricultural Products—Commission Merchants, Dealers, Brokers, Buyers, Agents

Many agricultural products produced in Washington’s rural areas are sold under the Commission Merchants Act, Chapter 20.01 RCW, which regulates individuals and businesses that receive agricultural products on consignment for the purpose of resale, or that sell such products for commission. The commissions charged by a commission merchant must be posted “in a conspicuous place” on the merchant’s premises and distributed to all consignors; merchants cannot vary those commissions during the license period without the consignor’s written consent. In practice, however, extra charges and fees often are added to the consignor’s bill without explanation. The consignor has a short window in which to...
file a claim for full payment if they believe they have been cheated: recovery drops by 5 percent after 30 days, and 10 percent after 180 days.28 If you plan to open a business practice in Washington’s countryside, you may wish to become familiar with these deadlines, as well as the underlying statute, so you can assist farming clients whose livelihoods depend on proper commission payment under the Act.

5

RCW 7.28.080: Color of Title to Vacant and Unoccupied Land

The adverse possession statute may call to mind little more than first-year property law for most practitioners, but in rural Washington, the occupation and adverse possession of vacant land is a very real part of general practice. Compared to cities and suburbs, the countryside simply has a lot more vacant land that no one appears to be using. A strong memory for the common law rule of adverse possession, codified in RCW 7.28.080, and a good feel for our quiet title statute generally, Chapter 7.28 RCW, are helpful tools in the toolkit of a small-town attorney. The main number to keep in mind is seven—the number of successive years during which the client must pay taxes on vacant and unoccupied land in order to claim title.29 If the record titleholder pays those taxes for any one of those seven years, the adverse possession claim fails.30 If not, a quiet title action under Chapter 7.28 RCW should suffice to vest title to the vacant land in the adverse possessor. Given the sheer extent of vacant and unoccupied land in the rural parts of our state, the country lawyer needs a degree of acquaintance with this statute to effectively advise clients in title disputes over vacant lands.

BONUS STATUTE

Chapter 84.34 RCW: Open Space, Agricultural, Timberlands—Current Use—Conservation Futures

Just when you thought you were done, a bonus statute! Chapter 84.34 RCW governs the application of current use classification to open-space land, farm and agricultural land, and timberlands.31 Much of this land is found in the rural expanses of Washington and an understanding of how to apply for the classification, withdraw from it, change the use, and respond to reclassification is important when advising landowners. The stakes are high: current use classification offers a generous tax break to property owners by valuing their land at its current use rather than its highest and best use for property tax purposes. If the classification is lost, the landowner must pay back taxes, interest, and penalties for the seven years preceding the loss of classification.32 This is a gargantuan liability, and a small-town lawyer should be prepared to advise landowning clients about both continuing the classification and planning for the cost of losing it. If you have your eyes set on a rural practice, awareness of the current use statute is a must.

CONCLUSION

The number of statutes regularly used by the average lawyer in rural Washington is too plentiful to enumerate in a single article. A different author surely could have chosen other statutes to emphasize, but a close study of those discussed above should provide a broad foundation of practical statutory knowledge for an attorney setting up shop in a small town. Certainly, many rural lawyers choose to specialize in one or two areas of the law, leaving them little or no use for statutes not related to those areas. Criminal procedure, for instance, bears little relevance to the probate and trust practice of a small-town estate planner. However, you never know which clients will walk through your door on a given day, especially in a small town, which makes a general knowledge of the laws governing the legal issues that typically arise in a rural community, like those included in this article, useful.

I therefore hope that the aspiring rural attorney finds this article entertaining and instructive in forming their new practice. And I encourage such hopefuls to contact me with questions about small town practice that may arise as they contemplate leaving the concrete jungle for greener pastures in rural Washington. Washington’s rural communities need your legal skills, and clients in the countryside need the access to justice that your representation can provide. We hope you will join us.

NOTES

1. WSBA Member Licensing Counts, May 3, 2021.
2. Id.
3. Id.
4. Id.
5. Id.
7. U.S. Census Bureau, Population Projections.
10. RCW 26.09.080.
11. RCW 26.09.090.
16. RCW 70A.305.030(2)(d).
17. WAC 173-340-360.
18. RCW 11.96A.020(1), RCW 11.96A.100(8).
21. RCW 83.100.020(15).
22. RCW 83.100.046(1)(a), (10).
24. RCW 90.03.010.
26. See, e.g., RCW 90.03.380, RCW 90.42.100 et seq.
27. RCW 20.010.080.
28. RCW 20.010.480.
29. RCW 7.28.080.
30. Id.
31. RCW 84.34.020(1), (2), (3).
32. RCW 84.34.108(4).
On Aug. 18, overlooking Shilshole Bay and Puget Sound beyond, where paddleboarders and tugboats slid by on a sunny afternoon, the WSBA gathered to honor the class of 1972 and those legal professionals who began practicing 50 years ago.

“It’s quite an incredible record of service to so many residents of this state,” said then-WSBA President Hon. Brian Tollefson (Ret.), speaking to the audience that had come together at the Sunset Bay Lodge at Ballard Elks to celebrate the WSBA 50-Year Member Tribute Luncheon 2022. “The Bar has a rich history and you are all a part of that history. Looking back, one has to appreciate the founders of our great State Bar, and their vision for our profession in this state.”

In 1972, approximately 180 WSBA members joined the Bar and began practicing law. Together, the 47 who attended the event represented 2,350 years of service to the public and the profession.

“I have been practicing law for close to 50 years, and the one thing we all know is that change is constant, in our society and in our profession,” Tollefson said. “But one thing that I believe hasn’t changed is our commitment to maintaining a noble profession—one founded on serving the public—a profession we can remain proud of for many anniversaries to come.”

Also in attendance were WSBA staff and members of the WSBA
executive management team, alongside Past-President Kyle Sciuchetti, District 3 Governor Lauren Boyd, District 7-North Governor Matthew Dresden, District 8 Governor Brent Williams-Ruth, and District 9 Governor-Elect Kevin Fay. Washington Supreme Court Justice Sheryl Gordon McCloud also spoke at the event.

Dressed resplendently in iridescent purple, with a shock of red in her hair, and equally funky sneakers, Justice McCloud spoke of the state of the profession and the gratitude she felt for the members and their many contributions.

“I’m interested in where we came from; I’m so interested in where we’re going as well,” McCloud said. “Thank you for using your broad historical perspective to build our courts, to build our law schools, to build our legal organizations.”

IN THE NEWS

- The California Supreme Court voids the state’s death penalty and commutes all death sentences to life in prison.
- President Richard Nixon visits the People’s Republic of China and meets with Mao Zedong.
- Watergate co-conspirators attempt, but fail, the first infiltration at the DNC headquarters with the “American dinner” break-in. They also fail at a second break-in attempt.
- Congress votes to send the Equal Rights Amendment to states for ratification.
- The Minnesota Supreme Court, in Baker v. Nelson, rules that a state law preventing same-sex marriage is constitutional.
- Former President Harry S. Truman dies.

SCIENCE & TECHNOLOGY

- One of the largest solar flares ever recorded knocks out cable lines in the U.S.
- The U.S. launches the first Earth resources satellite, Landsat 1.
- The Mariner 9 robotic spacecraft, the first spacecraft to orbit another planet, sends pictures from Mars.
- The Pioneer 10 spacecraft becomes the first artificial satellite to leave the solar system.

ARTS & CULTURE

- HBO launches as a pay-television service.
- Bobby Fischer becomes the first American chess champion after defeating Boris Spassky at a chess match in Reykjavik.
- Milwaukee police arrest comedian George Carlin for public obscenity over his performance of “Seven Words You Can Never Say on Television.”
- The Godfather, which would go on to win three Academy Awards, including Best Picture, is released in the U.S.
- The Oakland Athletics beat the Cincinnati Reds to win their sixth World Series title.

AROUND THE STATE

- The Northwest Folklife Festival debuts.
- The North Cascades Highway is completed.
- A devastating tornado strikes Vancouver and becomes the deadliest tornado in the state.
- A new law school at the University of Puget Sound opens its doors to 200 students.

AT THE WSBA

- The Board of Governors, citing increasing financial obligations and responsibilities, votes to increase license fees by 60 percent, from $50 to $80.
- The Board of Governors recommends the Washington Supreme Court add three “laymen” to the WSBA Disciplinary Board, then, in a later 5-2 vote, withdraws that recommendation.
- The Bar begins forming the nonprofit corporation, Prepaid Legal Services, Inc., “to provide group, prepaid legal services in our state.”
### Lawyer Bar Exam Pass List

Of the 645 candidates who took the July 2022 Lawyer Bar Exam, 465 candidates passed. Congratulations! The list of passing candidates is printed below.

| A | Abrams, Michael Robert  
|   | Absher, Luke  
|   | Agbar, Vanessa Jeeoma  
|   | Ajayi, Celeste Anquonette  
|   | Aldridge, Abigail Blake  
|   | Allen, Ashley Christina  
|   | Allen, Timothy Daniel  
|   | Almohaisen, Torky Khalid  
|   | Anderson, Victoria Pearl  
|   | Annino, Isabel Juliet  
|   | Atkielski, Alexander G.  
|   | Ashby, Tyler Scott  
|   | Arnts, Alex Jacob  
|   | Argueta, Jessica Emily  
|   | Antonie, Jessica Emily  
|   | Arnts, Alex Jacob  
|   | Ashby, Tyler Scott  
|   | Atkielski, Alexander G.  |

| B | Backman, Nicole  
|   | Baker, Cassandra Erin  
|   | Ballesteros, Daniel Walter  
|   | Batkoff, Oliver William  
|   | Bauer, Catherine  
|   | Beattie, Jovan  
|   | Beeman, Ashley W.  
|   | Powers Beggs, Carter Liam  
|   | Bell, Carrington D.  
|   | Bennett, Kearsa Nichole  
|   | Benson, Hannah Louise  
|   | Benson, Logan C.  
|   | Berish, Kaitlyn  
|   | Bishop, Jamie Ruth  
|   | Bisnar, Paula  
|   | Black, Benjamin Leon  
|   | Bloom, Olivia Caroline  
|   | Blue, Daniel Aaron  
|   | Bolgiano, Allison Paige  
|   | Borgonia, Jeaquelyn  
|   | Racquel Rose Cruz  
|   | Bowman, Julie Annette  
|   | Barbosa Bowman, Mariana  
|   | Boyle, Rosalie Joy  
|   | Boyle, Sara Jane  
|   | Bradford, Dexter Nolan  
|   | Bradley-Hufford, Laura L.  
|   | Brar, Amita Kaur  
|   | Breid, Jacob Allen  
|   | Bridgeman, Hamlalane  
|   | Briggs, Allison Kasey  
|   | Broeker, Hailey Alexandria  
|   | Bronstein, Rhiannon  
|   | Brookman, Samantha  
|   | Brown, Austin James  
|   | Browne, Michelle Bezner  
|   | Bryan, Beau Dillon  
|   | Buckley, Nicole Hope  
|   | Buerer, Kate Marie  
|   | Burgett, Alexandria Ann  
|   | Butchard, Chelsey A.  
|   | Cain, Megan Lemaree  
|   | Cantrell, Cameron  
|   | Cantu, Elisa  
|   | Cargal-Bley, Joshua Max  
|   | Carp, Marie Louise  
|   | Carson, Jacinda May  
|   | Castaneda, Isaac  
|   | Chen, Alexandra  
|   | Chen, Denise  
|   | Cheong, Margaret  
|   | Cho, Justin Yeonho  
|   | Rose Loebel Chohfi, Fernanda  
|   | Chung, Tae Gyun  
|   | Cicotte, Wendy Lee  
|   | Cipriani, Paul  
|   | Clark, Olivia  
|   | Cloud, Kelsey  
|   | Clouse, Caroline Margaret  
|   | Coffell, Taylor Nicole  
|   | Coleman, Ian Brevard  
|   | Connelly, John Francis  
|   | Contreras, Ana E.  
|   | Cooley, Kelsey Gwen  
|   | Cooper, Sarah Hui  
|   | Coplan, Alexander  
|   | Coulter, Jasper Canyon  
|   | Cramer, Thelaine McMahon  
|   | Czubakowski, Katherine Southall  
|   | Dacic, Emina  
|   | De La Cruz, Livio  
|   | Decker, Joshua  
|   | Del Villar-Fox, Laura Rae  
|   | DeNardi, Seth Joseph  
|   | DeRoche, Alexander James  
|   | Dolbinina, Irina  
|   | Dollet-Hemphill, Lee Matthew  
|   | Dong, Zeyou  
|   | Douglas, Brielle Marie  
|   | Dowd, Iris Burke  
|   | Dryburgh, David  
|   | Ducey, Ian R.  
|   | Dugan, Alec James  
|   | Dumais, Bryce Anthony  
|   | Emmerich, Elaine  
|   | Emmons, Matthew Joseph  
|   | Emrich, Claires  
|   | Epp, Devin Kathleen  
|   | Ergeslon, Elliot Uhland  
|   | Estes, Jacob Gray  
|   | Evans, Ellen J.  
|   | Farmer, Madlaine Nicole  
|   | Farrell, Jacob Joseph  
|   | Feiler, HaiDang  
|   | Fenton, Samuel James  
|   | Fiedler, Matthew Thomas  
|   | Field, Austin  
|   | Fisher, Chelsea R.  
|   | Fisher, Wyatt Coleman  
|   | Fisk, Emma R.  
|   | Folensbee, Matthew Buchanan  
|   | Fore, Megan  
|   | Forthun, Marisa Nicole  
|   | Fox, Xavier J.  
|   | Freimund, Nathaniel Linus Jay  
|   | Fricke, Lauren  
|   | Fucile, Christopher Joseph  
|   | Fuhlman, Katelyn Marie  
|   | Gian, Kayla A’ulii’ilani Garcia, Valerie Janelle  
|   | Gardner, Xavier Jordon  
|   | Gatta, Camillo  
|   | Gerard, Alexandre M.  
|   | Gerts, Denise Alexandra  
|   | Greene, Michael  
|   | Grigore, Laura Marie  
|   | Groot, Wesley  
|   | Gunn, Robert Murray  
|   | Haas, Meghan Muriel  
|   | Haller, Peter  
|   | Hammer, Nicole Leean  
|   | Han, Yuri  
|   | Hannon, Margaret Kathleen  
|   | Hansen, Josandra A.  
|   | Hanson, Amanda Suzanne  
|   | Nicole  
|   | Hanson, Maris Lyn  
|   | Harvey, Aimee Elizabeth  
|   | Hassoun, Mustafa Ali  
|   | Abbas  
|   | Haughtney, Joseph Michael  
|   | Hay, Rachel Elizabeth  
|   | Hayes, Mary E.  
|   | Heaney, Evan C.  
|   | Hekstra, Katherine Dale  
|   | Helms, Hunter James  
|   | Henderson, Jennifer Ann  
|   | Henke, Jake Allen  
|   | Henry, John Aaron  
|   | Hernandez, Marthy  
|   | Hogan, Abby Marie  
|   | Hoke, Zander  
|   | Houston, Jessica  
|   | Hu, Quiping  
|   | Hudon, Mason Cole  
|   | Hughes, Cassandra  
|   | Antonie  
|   | Hughes, Joshua Lee  
|   | Hunter-LaVoy, Kellen Roland  
|   | Martinez Hurtado, Wendy  
|   | Sarahi  
|   | IliaBahour, Martina  
|   | Ivanov, Alena  
|   | Jacobsen, Peyton K.  
|   | Jacoby, Erin Rene  
|   | Jaeger, Evan  
|   | James, Joseph Steven  
|   | Jaskowski, Dylan James  
|   | Javed, Nida  
|   | Jensen, Jeremiah Paul  
|   | Johnson, Carly  
|   | Johnson, Devon Michael  
|   | Johnson, Elizabeth Ann  
|   | Johnson, Emma Alexandra  
|   | Alexis  
|   | Johnson, Tia  
|   | Jones, Cade Allen Perzell  
|   | Joy, Kathryn Cleo Marie  
|   | Kahan, Sara  
|   | Kahmann, Nicholas James  
|   | Kallaway, Jay Andrew  
|   | Kamai, Galilee  
|   | Kang, Michelle Jini  
|   | Kaplan, Thomas Correia  
|   | Kendall, Ericka  
|   | Kim, Erica  
|   | Kim, Richard H.  
|   | Kim, SunMee Elaine  
|   | Kingerski, Joseph Michael  
|   | Kirk, Laura Michelle  
|   | Kitchell, William Preston  
|   | Kleinmann, Baili Keeton  
|   | Kleppe, Carl Robert  
|   | Knapp, Emma Nicole  
|   | Knotttingham, Megan  
|   | Koler, Joseph D.  
|   | Korchia, Ilana Paulette  
|   | Kostelyk, Jordan Danielle  
|   | Kramer, Ivy-Rose Gehret  
|   | Krueger, Alyssa  
|   | Laiche, Tanner H.  
|   | Lam, Sum  
|   | Lam, Zachary C.  
|   | LaMar, Ryan Matthew  
|   | LaRose, Robert James  
|   | Latimer, Matthew Jacob  
|   | Lauzinius, Scott Michael  
|   | Garcia Laursen, Giselle  
|   | Lawlor, Abigail Frances  
|   | Laycock, Sarah Ellen  
|   | Lederman, Jessica  
|   | Lee, Angel Kimberly  
|   | Lee, Won Jin  
|   | Lee, Yu-Chen  
|   | Lee, Angel Kimberly  
|   | Lee, Won Jin  
|   | Lee, Yu-Chen  

SEPTEMBER 22-23, 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 Board approved the final report to conclude its seven-month study of the WSBA’s structure, assessing whether the structure must change due to pending case law or should change to best meet the Bar’s mission. The report reflects the Board’s recommendation to keep the structure status quo as an integrated bar; it went to the Washington Supreme Court in November. Read the full report—which includes a minority report as an addendum—here: www.wsba.org/ethos.

2 Bar Leaders and Superstars. The WSBA transitioned bar leadership to enter the new fiscal year in October: Welcome President Daniel D. Clark, President-Elect Hunter Abell, Immediate-Past President Brian Tollefsen, and Treasurer Francis Adewale. The Board also honored and thanked outgoing WSBA officers and governors for their dedicated service, and Chief Justice Steven González swore in the incoming WSBA Governors. The entire legal community also honored the WSBA’s 2022 APEX Winners (profiled in the October issue of Bar News).

3 WSBA Finances. In preparation for the coming fiscal year, the Board approved:

- The recommended license fees for 2024, which went to the Washington Supreme Court for review; for all license types, no increase in fees from 2023 is recommended, with a recommended $5 reduction in the Client Protection Fund assessment.
- The fiscal year 2023 budget. As license fees will remain unchanged for the coming year, the forecast for revenue remains almost unchanged; that, in combination with the rising market costs of labor, benefits, and other supplies/utilities, means the FY 23 budget has a planned spenddown of available unrestricted reserves of about $500,000. Note: Current reserves total more than $7 million, with $3 million designated by fiscal policy for operating and facilities reserves.
- The 2023 Keller deduction, set at $6.90. This is the amount members can choose to deduct from their annual license fee in 2023; for more information about the deduction, visit www.wsba.org/docs/default-source/licensing/keller-deduction-overview.pdf?sfvrsn=9f3538f1_27.
- Revisions to the WSBA Fiscal Policies, which include modifying the authority of the executive director and Budget and Audit Committee for unbudgeted expenditures; clarification about salary-setting authority; increasing the minimum balance of the operating reserve fund; and incorporating a new standard into volunteer reimbursement requests.

4 Proposed Change to the Review Process for Rule Changes. The Board agreed to co-sponsor—along with the District and Municipal Court Judges’ Association (DMCJA) and Superior Court Judges’ Association (SCJA)—suggested changes to General Rule 9(f)(2) that seek to ensure stakeholders have an opportunity to review and suggest edits before rules are published for comment, as well as to make the process more transparent. Among other innovations, the suggested amendment would modify the composition of the Supreme Court Rules Committee, codified in GR 9, with representation from DMCJA, SCJA, the Washington Court of Appeals, and the WSBA, alongside four...
Washington Supreme Court justices. The suggested amendment to GR 12 went to the Supreme Court for consideration and possible publication for comment.

**WSBA Volunteer Vaccination Policy.** The Board heard from an expert from Seattle/King County Public Health about the current state of the pandemic, efficacy of COVID-19 vaccines, and best practices for preventing transmission. The Board will consider whether to make changes to its current vaccination policy for volunteers at its November meeting.

**Amendments to Rules to Reflect Current Technology and Legal Licenses.** The Board approved suggested rule amendments, proposed by the WSBA Regulatory Services Department, to go to the Washington Supreme Court for approval. The changes would be to certain Admission and Practice Rules (APR), General Rules (GR), and Limited Practice Officer Rules of Professional Conduct (LPORPC); they would bring these rules up to date with recent technology implementations and legal education degrees and fix simple oversights in previous amendments. The changes include allowing judicial members on the Board of Bar Examiners and Law Clerk Board, clarifying that a law degree is required for Common Law lawyer qualification to the bar exam, and permitting LL.M. graduates who qualify for the bar exam and APR 6 law clerks at the conclusion of their education to be licensed legal interns.

**OTHER BUSINESS**

*The Board also:*

- **Held** a CLE about steps the WSBA and bar leaders can take to overcome the roots of systemic racism, with the intent of becoming a more welcoming profession; the presenters were King County Superior Court Judge David Keenan and Commissioner Jonathon Lack.
- **Held** its annual conversation with the deans of Washington’s three law schools about the state of legal education, trends in bar licensure and admissions, and the future of the profession. This year, the Board was happy to reconnect with Dean Jacob H. Rooksby of Gonzaga Law School and to welcome Tamara F. Lawson as new dean of the University of Washington School of Law and Anthony E. Varona as new dean of Seattle University School of Law.
- **Approved** the Washington State Bar Foundation’s 2022-23 Board of Trustees roster.
- **Heard** an update about the rental market in downtown Seattle from the brokers helping the WSBA attempt to sublease some of its current office space.
- **Discussed** the performance-review process for the WSBA executive director.
- **Heard** from the WSBA ABA delegates about the ABA Annual Meeting held in August in Chicago.
- **Declined** to support amendments to APR 28, proposed by the Limited License Legal Technician (LLLT) Board, that would update the rules to reflect the Washington Supreme Court’s decision to sunset the LLLT license and to reflect changes in Washington laws. The LLLT Board will now decide whether and in what form to send the proposed amendments to the Supreme Court for consideration.
Join the WSBA Board of Governors

The WSBA Board of Governors is seeking applicants for the congressional district positions 3, 6, and 7-North. The application deadline for these positions is Feb. 15, 2023, at 5 p.m. PST. The WSBA Board of Governors and Diversity, Equity and Inclusion Council are also seeking applications for the at-large position. The application deadline for this position is April 17, 2023, at 5 p.m. PST. More information can be found at www.wsba.org/elections.

Help Fill the Moderate Means Legal Need

The statewide Moderate Means Program serves moderate income clients through a network of attorneys and Limited License Legal Technicians who offer assistance in family, housing, consumer, and unemployment law cases at reduced fees scaled to the client’s income. There is an urgent need for legal professionals to serve. Visit www.wsba.org/connect-serve/pro-bono-public-service/mmp for more information and join now through your myWSBA account, www.mywsba.org.

Engage With WSBA Leaders

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

Follow Board Meetings and Submit Feedback

Join the Board meeting notice subscription list to receive WSBA Board of Governors meeting notices straight to your inbox! To join, email barleaders@wsba.org or complete the form at www.wsba.org/about-wsba/who-we-are/board-of-governors. Send your feedback to boardfeedback@wsba.org. Please note that all WSBA emails are subject to public records requests.

License Renewal is Now Paperless (online only). Online licensing will open in November and must be completed by Feb. 1, 2023. License renewal includes paying the annual license fee and any mandatory assessments, certifying MCLE compliance, completing the trust account declaration, and disclosing professional liability insurance or financial responsibility. Pay online via credit card or electronic funds transfer, or print an invoice to mail in with a check.

Certify MCLE Compliance. If you are in the 2020-2022 reporting period, then you are due to report CLE credits and certify MCLE compliance. The deadline for completing credits is Dec. 31, 2022. The certification must be completed online by Feb. 1, 2023. Visit www.wsba.org/MCLE to learn more.

License Fee Payment Plan Option Available. If you are experiencing financial challenges, you may contact us about our payment plan option available to all licensed legal professionals. Payments may be made in up to five installments with the balance required to be paid in full by Feb. 1, 2023. A license fee hardship exemption is available for active licensed legal professionals who qualify. Visit www.wsba.org/licensing to learn more.

Voluntary Demographic Information. Please update your information at www/licensing.wsba.org when online licensing opens in November. This information assists the WSBA in understanding the demographic makeup of our licensed legal professionals. Note: Some response options have changed.

Join or Renew Your Section Membership. The Section membership year is Jan. 1-Dec. 31. Visit www.wsba.org/legal-community/sections/sections to learn more.

Pro Bono Status. If you are considering going inactive, pro bono status (formerly known as emeritus pro bono status) is a great alternative that lets you provide pro bono services through a qualified legal services provider. The license fee will be waived for pro bono status members who completed at least 30 hours of pro bono service with a qualified legal services provider in the prior year. Visit www.wsba.org/for-legal-professionals/license-renewal/status-changes/emeritus-pro-bono-membership-and-return-to-active-membership.

Judicial Status. Please note that you are required to inform the Bar within 10 days of your retirement or your ineligibility for judicial status (and you must apply to change to another status or to resign). Visit www.wsba.org/licensing to learn more.

IMPORTANT DATES
• Dec. 31, 2022: Licensed legal professionals in the 2020-2022 reporting period must complete required MCLE credits.
• Feb. 1, 2023: Deadline for requesting a license fee hardship exemption.
• Feb. 1, 2023: License renewal, payment(s) and MCLE certification, if applicable, must be completed online.
WSBA Office Space for Sublease

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

Volunteer Opportunity to Serve: Northwest Justice Project Board of Directors

The WSBA Board of Governors is accepting applications to appoint four attorney members to the Northwest Justice Project (NJP) Board of Directors. Two incumbents are eligible to reapply. Appointments are for a term of three years. Candidates with lived experience reflective of NJP’s client community are strongly encouraged to apply, as are candidates outside of the central Puget Sound region. Board members attend quarterly meetings in Seattle (when resumed again), attend a one-day annual retreat, and serve on two standing committees (which meet telephonically 8-10 times per year). Board

continued >
PERSONALIZED TRUST SERVICES FOR YOUR CLIENTS

When planning their legacy, your clients count on thoughtful, personalized guidance. Offer them the benefits of the credit union difference with BECU Trust Services. We’ll help them prepare for the uncertainty of tomorrow regardless of the size of their estate. Give us a call. Let’s talk about how we can partner to protect your client’s wealth and secure their family’s future.

Estate & Trustee Services, Special Needs Trusts, Investment Management

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members can also participate in and support NJP in local legal community activities and the Access to Justice Conference. Board-related travel and lodging expenses are reimbursed, as appropriate. To apply, email a letter of interest and résumé to barleaders@wsba.org by Dec. 21.

Volunteer
With the Lawyer Discipline System
Learn more about volunteering as an adjunct disciplinary counsel (ADC). ADCs assist as needed in carrying out the functions of the lawyer discipline system pursuant to Rule 2.9 of the Rules for Enforcement of Lawyer Conduct. Visit www.wsba.org/adc-panel or contact rachela@wsba.org to learn more.

RESOURCES
Check Out the DEI Resource Library
The DEI Resource Library is where WSBA members can learn more about diversity, equity, and inclusion concepts. There are compiled resource lists, books, and articles on the criminal legal system, identity and intersectionality, microaggressions/bias, and race. Visit www.wsba.org/about-wsba/equity-and-inclusion/dei-resource-library.

Practice Guides Available

Career Consultation
Get help with your résumé, networking tips, and more—www.wsba.org/career-center/work-at-the-wsba to learn more.

www.wsba.org/for-legal-professionals/member-support/wellness/consultation—or email wellness@wsba.org.

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

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

Work at the WSBA
Interested in joining the WSBA team? Current openings include: accountant, senior bookkeeper, disciplinary counsel (attorney), auditor (legal/forensic), auditor (legal random examination), and member wellness (clinician/therapist) program and outreach lead. Visit www.wsba.org/career-center/work-at-the-wsba to learn more.

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

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

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

The ‘Unbar’ Alcoholics Anonymous Group
The Washington Unbar Alcoholics Anonymous group for legal professionals has been meeting regularly 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.

Health Benefits
The WSBA Private Health Insurance Exchange offers members access to the most competitive group health insurance solutions on the market. Enjoy unique cost-saving opportunities, complimentary enrollment technology, valuable HR tools, and voluntary premier-level ancillary benefits with special pricing and concessions. Speak to a benefits counselor and request a free quote today: www.memberbenefits.com/wbsa.

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

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

QUICK REFERENCE
Nov. 2022 Usury
The usury rate for Nov. 2022 is 12.00%. The auction yield of the Oct. 3, 2022, auction of the six-month Treasury Bill was 3.98%. The interest rate required by RCW 4.56.110(3)(a) and 4.56.115 for Nov. 2022 is 5.98%. The interest rate required by RCW 4.56.110(3)(b) and 4.56.111 for Nov. 2022 is 8.25%.

HAVE SOMETHING NEWSWORTHY TO SHARE?
Email wabarnews@wsba.org if you have an item you would like to place in Need to Know.
Disbarred

Micah David Fargey (WSBA No. 50120, admitted 2015) of Portland, OR, was disbarred, effective 8/31/2022, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. For more information, see https://www.osbar.org/docs/dbreport/2021/FARGEYMicahD21-38821-59.pdf. Henry Cruz acted as disciplinary counsel. Micah David Fargey represented themselves. The online version of Washington State Bar News contains a link to the following document: Resignation Form of Fred Warren Inman (ELC 9.3(b)).

Jeffrey Howard Sadler (WSBA No. 27136, admitted 1997) of Tacoma, resigned in lieu of discipline, effective 8/29/2022. Sadler 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: 8.4(b) (Criminal Act), 8.4(i) (Moral Turpitude, Corruption or Disregard of Rule of Law).

Inman's alleged misconduct involves committing the crime of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in the Second Degree.

Kathy Jo Blake acted as disciplinary counsel. Fred Warren Inman represented himself. The online version of Washington State Bar News contains a link to the following document: Resignation Form of Fred Warren Inman (ELC 9.3(b)).

Resigned in Lieu of Discipline

Fred Warren Inman (WSBA No. 57944, admitted 2021) of Sequim, resigned in lieu of discipline, effective 9/19/2022. Inman 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: 1.3 (Diligence), 1.4(c) (Professional Liability Insurance), 1.15A (Safekeeping Property), 1.15A(1) (Truthfulness in Statements to Others), 8.1 (Bar Admission and Disciplinary Matters), 8.4(a) (Attempt, Assists or Induce), 8.4(b) (Criminal Act), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), 8.4 (f) ELC violation.

Suspended

Daniel C. Gordy (WSBA No. 18917, admitted 1989) of Seattle, was suspended for 3 months, effective 9/08/2022, by order of the Washington Supreme Court. Gordy's conduct violated the following Rules of
Notice of Hearing on Petition for Reinstatement of Karl Wesley Kime

A petition for reinstatement after disbarment has been filed by Karl Wesley Kime (WSBA No. 41668), who was admitted in 2009 and disbarred in 2015. A hearing on Kime's petition will be conducted before the Character and Fitness Board on Friday, December 16, 2022. Anyone wishing to do so may file with the Character and Fitness Board a written statement for or against reinstatement, setting forth factual matters showing that the petition does or does not meet the requirements of Washington State Supreme Court Admission and Practice Rule (APR) 25.5(a). Except by the Character and Fitness Board's leave, no person other than the petitioner or petitioner's counsel shall be heard orally by the Board.

Communications to the Character and Fitness Board should be sent to Lisa Amatangel, Counsel to the Character and Fitness Board, Washington State Bar Association, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539, or to lisaa@wsba.org. This notice is published pursuant to APR 25.4(a).

Patrick Michael Megaro (WSBA No. 50050, admitted 2015) of Winter Park, FL, was suspended for five years, effective 9/22/2022, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of North Carolina. For more information, see https://www.ncbar.gov/handlers/DisciplinaryOrderHandler.ashx?url=%5C Megaro,%20Patrick%20M%20Order%20of%20Discipline.pdf&keyword=. Henry Cruz acted as disciplinary counsel. Patrick Michael Megaro represented themselves. The online version of Washington State Bar News contains a link to the following document: The Washington Supreme Court Order.

Reprimanded

David Peddy Kashani (WSBA No. 45829, admitted 2013) of Los Angeles, CA, was reprimanded, effective 3/24/2022, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Arizona. For more information, see https://www.azcourts.gov/Portals/101/2022/Kashani%20PDJ%202022-9015.pdf?ver=IkmvXMIMH24-EQNI2uqyAg%3d%3d. Benjamin J. Attanasio acted as disciplinary counsel. Jean Hee Cha Koh represented respondent. The online version of Washington State Bar News contains a link to the following document: The Washington Supreme Court Order.
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- 527 F.3d 806 (9th Cir. 2008)
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Upon joining Dickson Frohlich’s Seattle office as a litigator, Alex made an immediate impact on the firm’s civil litigation practice. Within the first year, he solidified his excellent reputation as a focused, relentless, and passionate advocate. Though Alex is in his element in the courtroom, he’s proven effective at finding creative avenues for compromise—even during the fiercest of contests.

Most importantly, he is a positive, helpful, and loyal colleague to his team. We consider ourselves fortunate to work alongside Alex as he continues rising to new heights.

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**HAS BEEN NAMED AS A PARTNER**

Daniel is an indispensable colleague. During his years at the firm, he has proven to be a passionate legal advocate, instinctually able to truly understand his clients’ challenges (even when they struggle to articulate them). That invaluable skill allows Daniel to tailor a legal strategy to match his clients’ needs. What sets him apart, however, is his keen mind: his gift is the ability to take highly complicated factual matters and apply equally complex legal precedents in a comprehensible and elegant way.

As a colleague, Daniel brings unique perspectives that help us continue to grow as a firm. Ultimately, we trust him and consider him a vital component of Dickson Frohlich’s continued rise.

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Debbie has mediation training and experience. She has litigated insurance defense and plaintiff’s personal injury cases for over 30 years in most counties in Washington, focused on minor to major catastrophic injuries and wrongful death, as well as brain and psychological injuries, sexual torts, abuse and harassment, and insurance bad faith, consumer protection, and subrogation.

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Profitable top-rated immigration law firm (#1199) This reputable Northwest immigration law firm is multilingual and known for providing diversified and dedicated legal services, coupled with personal attention to each and every client. As of June 2022, the practice has approximately 320 active clients with approximately 6,500 total clients in its database. For the past three years, the practice has averaged gross revenue of approx. $815,000 (2019-2021). The firm employs a multilingual staff and is well positioned to expand into other law practice areas to a diversified population.

If you are a buyer who is an experienced immigration attorney, or an existing law firm that would like to expand its client base, this is the business that you have been waiting for. For more information about the practice, call us at 253-509-9224 or send an email to info@privatepracticetransitions.com, with “1199 Profitable Top-Rated Immigration Law Firm” in the subject line.

Profitable Western Washington insurance defense firm (#1203) Established back in 1997, this Western Washington insurance defense firm has a service by revenue breakdown of 88% insurance defense, 8% miscellaneous civil litigation, and 4% estate planning. The firm is known for its longevity of practice, quality of work, responsiveness, and overall excellence. For the past three years, the practice has averaged impressive gross revenue of approx. $721,661 (2019-2021). In total, the firm employs three staff members including the owner, who is willing to provide transition assistance and help with goodwill transfer, business development, and other “mentoring” functions for up to one year. To learn more about this exciting business opportunity, call us at 253-509-9224 or send an email to info@privatepracticetransitions.com, with “1203 Profitable Western Washington Insurance Defense Firm” in the subject line.

100% virtual intellectual property law firm (#1201) Established in 2014, this thriving intellectual property law firm specializes in patents and trademarks. As of June 2022, the practice has about 548 active clients, approximately 2,000 clients in the practice’s database, and a large social media following. The practice’s service by revenue breakdown is 85% patent law and 15% trademark law. In 2021, the practice brought in gross receipts of $2,485,533 which was a YOY increase of 30% from 2020. In total, the practice employs 11 staff, including the owner, and contracts with nine independent contractors. The owner is willing to provide transition assistance and help with goodwill transfer, business development, and other “mentoring.” The practice is entirely virtual, making it a great opportunity for a new owner. If interested, call us at 253-509-9224 or send an email to info@privatepracticetransitions.com with “1201 100% Virtual Intellectual Property Law Firm” in the subject line.

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 success is due to its strong reputation in the legal and business communities, which provides a steady stream of word-of-mouth referrals. Including the owner, the practice has five experienced and dedicated staff members.

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.

Profitable Central Washington estate planning law firm w/2 locations (#1197) Established back in 1947, this Central Washington estate planning law firm has been completely dedicated to providing top-notch legal services to its clients. The firm’s service by revenue breakdown is 31% estate planning, 31% probate, 17% real estate and commercial transactions, 16% business formation/management, and 5% other. As of May 2022, the firm has approximately 130-150 active client matters. For the past three years, the firm has averaged gross revenue over $1 million (2019-2021). In total, the firm employs eight full and part-time 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 “1197 Profitable Central Washington Estate Planning Law Firm w/2 Locations” 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. $597,621 (2019-2021) and in 2021, brought in gross receipts of $799,190.

To learn more about this listing, call us at 253-509-9224 or email info@privatepracticetransitions.com, with “1192 Preeminent Virtual-Ready Law Firm” in the subject line.

**Lucrative King County law firm w/high SDE (#1190).**

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Darcel Lobo

BAR NUMBER: 41682

Darcel Lobo is the proud owner of DAL Law Firm, focusing on bankruptcy, real estate, and estate planning. After working at a small law firm for seven years, Darcel went solo and opened her own law firm in March 2016. She's married and has two children: Lucy, who is 12, and Maxon, who is 10. Darcel currently serves as secretary for the WSBA Solo & Small Practice Section, is a trustee for the KCBA Board of Trustees, and is a co-chair for the MAMA Seattle Ladder Down Program. She has been named in the 2021 and 2022 Super Lawyers “Rising Stars” lists for consumer bankruptcy.

How is being a lawyer different from the way you thought it would be?
Before becoming a lawyer, I naively thought that I just needed to know the law in order to be a good lawyer. Boy, was I wrong! I truly think that the relationships I have with people are far more important than knowing an RCW or a code. I can look up an RCW or a code at any time—that’s easy. But having someone who will pick up the phone when I call to talk me through the logistics of a case? Priceless.

How did you become interested in your practice area?
I became a lawyer in 2009 just as the real estate market was crashing. While my primary focus was real estate, I quickly found myself helping homeowners who were losing their homes. Bankruptcy then became a natural addition to my practice so I could better serve my clients’ needs. I’ve been helping clients in real estate and bankruptcy ever since.

How do you define success as a lawyer?
It has definitely changed since graduating from law school. Opening my own law firm, getting married, and having children have all changed how I view success as a lawyer. So at this time, I view success as a lawyer as being able to help the clients that I am a good fit for, while also having time to make both myself and my family a priority and being available to support them. I think I’ve learned (albeit the hard way) that I can’t properly take care of clients, my staff, or my family if I’m not taking care of myself. While I haven’t figured it all out (and I know I never will!), I think I’ve done pretty well for myself in these past 13 years as a lawyer.

At the end of your career, how would you like to be remembered professionally?
I hope that people will think of me as someone who supported other lawyers who aspire to open their own law firms and showed that, yes, it is possible to do “all the things.” I don’t have that perfect “work/life balance,” but I’ve gotten pretty good at juggling all the things I have going on.

If you had to give a 10-minute presentation on one topic other than the law, what would it be and why? How to properly take care of curly hair. I have so many valuable tips!

What’s your favorite breakfast cereal that you’re slightly embarrassed to buy?
Fruit Loops are so good!

What is your favorite smell?
Nothing beats the smell of freshly baked chocolate chip cookies.

What is your favorite podcast?
#IMOMSOHARD; those women are hilarious!

What book have you read more than once?
Building A Storybrand: Clarify Your Message So Customers Will Listen—a great read for business owners.

What is the last thing you watched on television?
House of the Dragon.

What is your best random fact that you would share with others at a party?
Did you know that it is impossible to breathe and swallow at the same time? (And then I laugh as the person immediately tries.)

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His big picture approach offered a priceless solution.

Patrick is more than my advisor. He’s been there through all of our milestones, from selling our company to watching our two daughters grow up. I confided in him about wanting to help my daughters enhance their income. While I planned to transfer them some of my stocks, Patrick worried about it affecting my liquidity. Knowing the inner workings of my balance sheet, he offered an alternative solution using a charitable trust, suggesting I fund it with artwork I had recently stored away. I was delighted to find out that we could sell the artwork free of capital gains tax and get my children an annuity stream of income—problem solved! Not only did he find a creative solution, but he saw to it that the trust would ultimately support a philanthropic cause near and dear to my heart. Patrick didn’t offer the easiest solution. Instead, he looked at the big picture and found an option that supported all of my goals. One that he wouldn’t have known without paying attention to the little things.

— Katherine, West Hollywood
The Pacific Northwest’s Premier Mesothelioma Law Firm

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