

Washington State

# BarNews

The Official Publication of the Washington State Bar ■ JULY 2002



**New APR 8(g):  
Rendering Legal  
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Bar Examination Pass List  
p. 55

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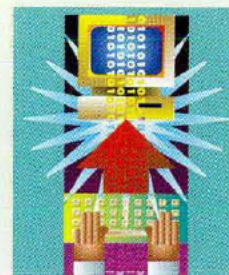
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Correction: In the June issue of Bar News ("Enforcing Letters Rogatory in British Columbia – An Update," p. 16), the title Q.C. was incorrectly attributed to British Columbia author Stephen Antle. We apologize for the error.



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### Submission Guidelines

Readers are invited to submit correspondence and articles. They may be sent via e-mail to [comm@wsba.org](mailto:comm@wsba.org) or provided on disk in any conventional format with accompanying hard copy and sent to Bar News Editor, 2101 Fourth Avenue, Suite 400, Seattle, WA 98121-2330. Article submissions should run approximately 1,500 to 3,500 words. Graphics and photographs are welcome. The editor reserves the right to edit articles as deemed appropriate.

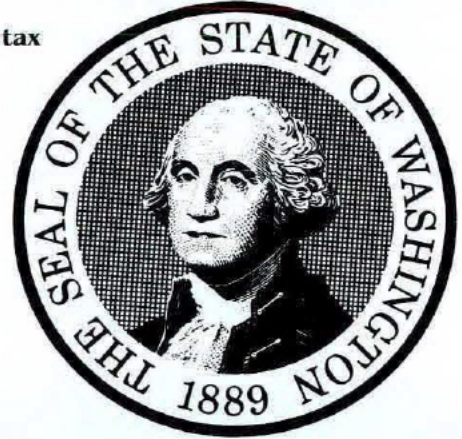
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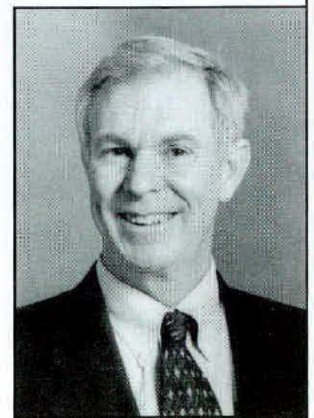
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**Larry A. Jordan**, former King County Superior Court Judge.

And, welcome to our newest member ...

**R. Joseph Wesley**, former King County Superior Court Judge.



## More on Editor's "Florida Recount" Column

Editor:

A recent *Bar News* letter (May, p. 10) quoted a November 12, 2001 *Washington Post* article by Dan Keating and Dan Balz as saying "Florida Recounts Would Have Favored Bush." On this evidence, the letter holds Editor Mark Panitch guilty of not "acknowledging that there are alternative views."

Is that letter advocating a viewpoint quota system? If so, or even if not so, the letter should have acknowledged that the very next word of the article from which it quotes expresses just such an "alternative view." That word is "But," and it is followed by "Study Finds Gore Might Have Won Statewide Tally of All Uncounted Ballots."

The first part of the quote referred to various partial recounts; you have to read the article all the way to learn who would have gotten the most votes if there had been a complete recount. Cutting the quote short yields a conclusion directly opposite from that of a complete quote.

Likewise, cutting legal processes short will yield results directly opposite from what is correct under our Constitution. This appears to be exactly the point of the Panitch article that the letter purports to criticize. Under our Bill of Rights, it is scarcely a debatable proposition.

R. Edwin Winn  
Mercer Island

## Objection to Partisan Agendas

Editor:

I seem to have missed the announcement as to when Washington State *Bar News* and the WSBA were sold to the WSTLA/ATLA lobbying consortium. Having read in recent issues the editorials of Mr. Panitch castigating the insurance industry and the attorneys who work on its behalf, and his partisan attack on President Bush and his policies to deal with the threat of terrorism in the United States, I can only assume the sale occurred prior to Mr. Panitch's being appointed editor.

There seems to be a strong trend of the WSBA, *Bar News* and KCBA to take partisan political stands supporting liberal Democratic policies. The leaders of these organizations are entitled to their indi-

vidual political views, but I object to their using my dues and the name of professional organizations to which I belong to advance their private partisan agendas. If I were voluntarily paying for *Bar News*, I would cancel my subscription in protest, but I am not voluntarily paying for *Bar News*. It is primarily supported by my involuntary dues paid to the WSBA as part of my privilege to practice law.

WSTLA/ATLA are voluntary organizations that can and have volunteered their time and large amounts of money to the Democratic Party and its candidates. They

do so to promote their members' economic and social interests, and they are entitled to do so. However, the WSBA and *Bar News* are supposed to represent the common interests of all attorneys of every political stripe. I resent their being hijacked to a partisan set of causes.

If the opinions of attorneys on matters of political and/or social policy are of value for public distribution, then it seems to me that in the Internet age the WSBA should be able to poll the opinions of its members on those issues and announce the polling results. It would be far more



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Ward says that while most lawyers depend on referrals, not one in 100 has a referral system. "Without a system, referrals are unpredictable. You may get new business this month, you may not," he says.

A referral system, however, can bring in a steady stream of new clients, month after month, year after year, he says.

"It feels great to come to the office every day knowing the

phone will ring and new business will be on the line."

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honest to announce that 23 percent of Bar members support kinder drug-offense sentencing, 22 percent oppose it, and 45 percent didn't vote or have no opinion, instead of announcing that the WSBA supports kinder drug sentencing. We do this in judicial candidate polling — why not for other issues if our views need airing to the public.

Mark R. Bucklin  
Seattle

### To Clone or Not to Clone

#### Editor:

If a Washington lawyer is cloned, does the clonee have to be admitted pursuant to admission to practice rules in order to practice law in the state of Washington? Or, in the alternative, does the clonee enjoy the status of the clonor?

I am told that life experience is not transferable by cloning. This, then, may prove Holmes' notion that the life of the law derives from experience, not logic. By Holmes' account, the clonee ought not to be entitled to practice merely by that status.

If the clonee does enjoy the status of the clonor, then do they each share a common WSBA identification number?

The possibility of cloning lawyers also leads to issues, of course, of discipline of the clonees. What jurisdiction, if any, do discipline authorities have with respect to cloned lawyers?

It is evident that the rule against perpetuities might be subject to revision. Send in the clones.

Kelby D. Fletcher  
Seattle

### Bar News Content Provokes Thoughtful Debate

#### Editor:

I watch with amusement letter-writers who are upset with (a) Mark Panitch's political views; (b) Lisa Stone's article on the "glass ceiling" for women lawyers (interestingly I saw no comment on Rosemary Daszkiewicz's March counterpoint article); and (c) letter writers upset with other letter writers. You'd think *Bar News* was going to hell in a hand basket.

But one thing is for certain: people are reading *Bar News* because of interesting articles which provoke thoughtful debate. This is much better than some of the bedtime reading we see in some legal publications which put us to sleep.

Look at the excellent articles in the May issue like Randy Gordon's incredibly literate, punchy comment on what we ought to be about as lawyers; or the evolution of our discipline system from "crime and punishment" to professionalism; or the element of "fairness" in applying the Consumer Protection Act in "unfairness."

Mark Panitch may not be Mr. Right, but he certainly is not Mr. Wrong. His approach and that of the *Bar News* Editorial Advisory Board has stimulated a lot of excitement in *Bar News* readership.

Keep it up!

J. Richard Manning  
Seattle

Readers are invited to submit letters of reasonable length to the editor via e-mail at [comm@wsba.org](mailto:comm@wsba.org), by fax (206-727-8319), or mail. Due date is the 10th of the month for the second issue following, e.g., July 10 for publication in the September issue. Letters to *Bar News* will usually be published, unless the writer specifically asks us to withhold publication. The editor reserves the right to edit letters as deemed appropriate.



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## Understanding the License-Fee Process

by Dale L. Carlisle  
WSBA President

Setting the annual license fees is a task the Board of Governors (BOG) recently finished after a six-month process. The process starts with the Budget and Audit Committee, which annually reviews and recommends the Bar's budget for its next fiscal year. The BOG has passed a resolution recommending a two percent license-fee increase each year in 2004, 2005 and 2006 (license fees for 2003 were set several years ago). This increase, plus increases in the number of members and in non-license-fee income, is estimated to allow the WSBA to meet expected expense increases outlined below.

As part of the fee-setting process, a review of projected WSBA expenses for the next several years was completed, and constraints on the growth of expenses have been implemented. The BOG concluded it could reasonably estimate expenses for the years 2004-2006. This continues our 10-year practice of setting license fees for three years at a time. With the license-fee resolution the BOG has adopted, we believe the WSBA can continue to upgrade member programs, continue to meet our discipline obligation, and expand existing member programs as necessary. Through attrition, a reduction of approximately six percent of Bar staff has been underway over the past two years, and should level out by the end of 2003. Overall salaries will not go down, however, because of the need to keep employee compensation and benefits at competitive levels. Staff salary increases in 2004-2006 will average approximately the yearly cost-of-living increase. The WSBA estimates other expenses to increase at an average of four percent per year for the 2004-2006 term.

By the end of 2003, the WSBA expects to be at its recommended reserve level of eight percent of its annual expenses. By the end of the 2006 license-fee cycle, we expect to have additional reserves which may be needed when the current lease expires. With this modest increase in license fees and constraints on expense growth, the WSBA can maintain financial stability through 2006 and provide a solid foundation for the future.

**By the end of 2003,  
the WSBA expects to be at its  
recommended reserve level  
of eight percent of its  
annual income.**

The budget for next year and the license-fee resolution for 2004-2006 have come from the hard work of our Budget and

Audit Committee: Treasurer Brooke Taylor (Port Angeles); President-elect Dick Manning (Seattle); and Governors Robert Boggs (Yakima), Ken Davidson (Kirkland) and Bryce Dille (Puyallup). WSBA staff primarily responsible for this year's effort include Executive Director Jan Michels, Director of Finance and Administration Pat Dieken, and Accounting Manager Shirley Naccarato.

As with all board actions, the bylaws set forth a referendum process. This would require the filing of a petition by August 10 with signatures of five percent of our active members (approximately 1,500).

The license-fee resolution will be delivered to the Supreme Court for approval in September 2002. Much effort and careful consideration went into this recommendation, and we think it deserves your support.

For more information, contact any BOG member, staff listed above, or me. Also, see the WSBA Web site at [www.wsba.org/licensfees2004-06](http://www.wsba.org/licensfees2004-06). ☞

*You Are Cordially Invited to Attend*

## **The Washington State Bar Association Annual Awards Dinner and Business Meeting**

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## The WSBA Explores Leasing and Ownership Options

by Jan Michels

WSBA Executive Director

and the WSBA Facilities Committee

In 1996, the WSBA entered into a 10-year full-service lease, occupying approximately 35,000 square feet on two floors of the 4th and Blanchard Building, a distinctive-looking building two blocks north of the downtown Seattle retail core. This "headquarters" space accommodates 120 staff who maintain disciplinary and regulatory services; offer counseling, law office management and other member services; publish *Bar News* and collateral material; present continuing legal education programs; and staff the Board of Governors (BOG), sections, committees and other member programs. The cost of the lease is \$20 per square foot, totaling \$58,000 a month. Included in the lease are two five-year renewal options at 95 percent of the market value at the time of renewal (2006 and 2011).

Because of concerns that rapidly increasing market rates could double current lease costs after 2006, the Facilities Committee was established in early 2001 to accommodate the substantial time needed to plan office facilities, and to consider various options such as extending the current lease, finding alternative space to lease, constructing a new build-

ing in a suitable location, or buying and renovating an existing building. The committee includes the WSBA president, executive director and director of finance; a WSBA past president; two governors; a downtown Seattle lease-tenant representative; and two WSBA members who have experience with downtown Seattle rental markets and building ownership. With the changes in the economy as of spring 2002, the rapid increase in lease rates has stopped, and rates are decreasing. While an increase is expected at some time, it is not possible to predict when or how rapidly.

In an ideal situation, the WSBA would occupy a building in the downtown Seattle core with parking and conference facilities...

As part of the exploration process, the Facilities Committee surveyed WSBA staff, members who use the WSBA office, and other law-related entities. In addition, a space-planning consultant volunteered to study the WSBA's current space needs and use. Committee members have consulted mortgage lenders, and have stayed apprised of the downtown Seattle real estate market and the impact of current economic conditions on leasing and ownership options.

Based on the above research and the Facilities Committee experience, the following conclusions have been drawn:

- To be accessible to most lawyers and to retain existing staff, WSBA headquarters should stay in downtown Seattle.
- The current facility is generally adequate, presents the appropriate image for the Bar, and uses its space efficiently. The biggest problems are its distance from the legal hub in Seattle, limited CLE space, and a lack of easily available parking.
- The reasons to consider ownership are stability, long-term predictability for office space, and long-term occupancy costs. Reasons against considering this option are the lack of a sufficient down payment and the likelihood of increased short-term costs (moving, tenant improvements, furniture).
- Bankers and landlords consider the WSBA an excellent credit risk/potential tenant.
- Many bar and trade associations own the building they occupy, often through a foundation or nonprofit entity, with management and lease-back options to the association.
- The WSBA expects to maintain current services and programs with only incremental expansion, as membership grows or service demands change.
- Since the Puget Sound region is presently experiencing a favorable lease market but future conditions are unknown, and although our lease expiration is four years ahead, the WSBA may want to take advantage of current market conditions.
- The long-term costs of all available options will not vary significantly; under prudent fiscal management, the WSBA will not consider options that cost considerably more than current projected costs.

## Fax-Back Form

Please fax to 206-727-8319.

1. \_\_\_\_\_
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consider the following list of proposed facility characteristics, write your top five priorities on the form to the left, and fax to Jan Michels, WSBA executive director, at 206-727-8319, or e-mail [janm@wsba.org](mailto:janm@wsba.org).

1. **“Landmark” building:** a facility with an image that becomes associated with the WSBA, for example, a historic or architecturally unique building.
2. **Convenient location:** a facility within a few blocks of Seattle courthouses, law firms, and related legal services.
3. **Association with a law school:** a location on campus or close to Seattle University or the University of Washington; participation in educational programming and sharing of CLE space.
4. **Building ownership:** The WSBA or its foundation would purchase an office building.
5. **Easy access:** to I-5, I-90, ferries and the airport.
6. **In-house CLE conference facilities:** space for CLE presentations in order to minimize space and catering costs from outside facilities; sharing or sub-leasing of conference facilities with other building tenants or organizations. (The WSBA's present use does not justify full-time lease or ownership.)
7. **On-site teleconferencing facility:** Develop a facility that is a teleconferencing hub for meetings, presentations and CLE programs.
8. **Parking availability:** within a few blocks of the WSBA.
9. **“Home away from home” utilization:** Include a place for members to meet, take depositions, use phones and fax machines, and hold conferences.
10. **Public transportation access:** a location where public transportation is easily available.
11. **Washington “law center” concept:** Name the building to attract law-related entities to co-lease.
12. **Professional image:** a facility that portrays the professional image of lawyers without appearing extravagant.

If there are other features that are important to you, please let us know. ✍

In an ideal situation, the WSBA would occupy a building in the downtown Seattle core with parking and conference facilities, which would accommodate up to 20 years' growth using short-term leases to other law-related entities until the space was needed by the WSBA. One scenario is for the WSBA to use existing assets for a sufficient down payment to make debt service approximately equal to current and expected future lease costs, and own its building. This “law center” scenario would require a \$3-5 million down payment, and timing of occupancy to coincide with the

expiration of the current lease. The committee continues to explore each facet of this scenario, but the likelihood of satisfying all these conditions is slim. Consequently, the committee seeks member response and suggestions for compromise to the various proposals.

At section midyear meetings in June, committee members conducted a short survey, the results of which will be discussed in a follow-up article in *Bar News*. The committee will hold a focus group with the BOG and WSBA liaisons, and will review responses from this article. Please

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# Bankruptcy Practitioners Check Your E-mail: You've Got Notice

by Deirdre P. Glynn Levin

It's 3:42 p.m. Your valued client is late. She has finally made it through rain and heavy traffic to deliver some key data. You have not yet completed her company's bankruptcy petition. The creditor's actions scheduled for tomorrow could bury the company, so filing today is crucial. Your secretary had to leave early and the photocopier has been jammed all afternoon. You panic...it'll never be complete, copied, picked up by messenger, and filed at the bankruptcy court before its doors close at 4:30 p.m.!

**The participating practitioner has the ability to file virtually every pleading and supporting document from the office (or home, airport, ski cabin, or wherever you feel like connecting to the Web).**

---

Had you registered for electronic case filing (ECF), you could have relaxed, shut off the photocopier, avoided the messenger fees, and timely filed your client's petition any time before 11:59 p.m. Last year, the U.S. Bankruptcy Court for the Western District of Washington converted its Seattle and Tacoma divisions to an electronic filing system. When it "went live" with ECF on May 21, 2001, it became the first court at any level in Washington to accept filings of new cases, motions, responses, and other pleadings by electronic transmission.

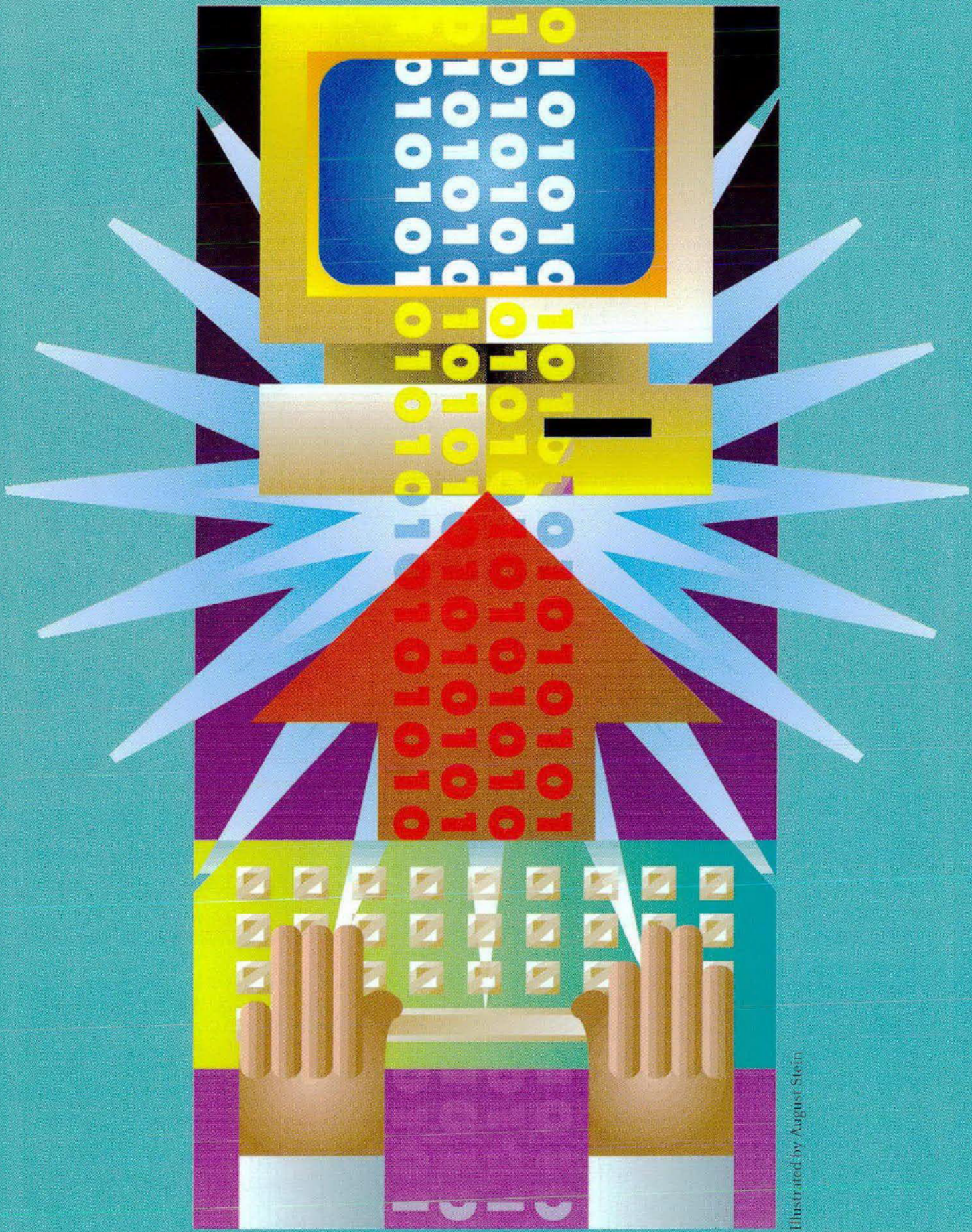
The program has revolutionized filing procedures for debtors' and creditors' counsel. Registered users serve pleadings on other participating counsel by electronic means, and receive immediate electronic notice by e-mail. The participating practitioner has the ability to file virtually every pleading and supporting document from the office (or home, airport, ski cabin, or wherever you feel like connecting to the Web). Even exhibits in support of motions can be e-filed. ECF also offers the flexibility of filing documents at any hour.

## **Getting Started**

There are a few preliminary steps before you can use ECF. First, you must have appropriate computer software, including a PDF (portable document format) conversion program to create a "secure" document, and software to read PDF files.

Second, you must complete the court's free half-day training, and successfully complete the homework. Paralegals and other support staff, who will often be the primary users of ECF in a law office, are strongly encouraged to attend the training.

Third, you must register. Registration involves supplying a credit card, which will be automatically charged for any filing which commands a fee, such as new petitions, motions for relief from stay, and adversary proceedings. Probably the most important term in registering for ECF is that you use ECF exclusively for all filings in bankruptcy



Illustrated by August Stein

# 2

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court. This means that you consent to accept service electronically from other participating counsel. Nonparticipating parties entitled to notice or service must still be served conventionally.

Logins and passwords are limited to licensed attorneys. Passwords must be kept highly secure, because use of the password constitutes the signature on the pleading. (See Federal Rule of Bankruptcy Procedure 9011 and U.S. Bankruptcy Court for the Western District of Washington, General Order No. 3.) Out-of-state counsel are welcome to register if they are already established ECF users in another district.

### **Big Benefits for Lawyers: More Efficiency, Less Paper**

One Seattle creditor's firm, Bishop, Lynch & White PS, has become a heavy user of ECF. Partner Krysta White has been pleased with how well it has worked for her firm: "Using ECF is certainly more efficient than the conventional system of filing. We have reduced our costs for postage and messenger service. As well, we receive our signed, entered orders back in three days or less, which is a much shorter turnaround time than before. This has really been a bonus for our clients."

But using ECF may necessitate changes in management of the law office or department. Job descriptions for support staff may change; some office procedures, such as mail flow, will look different. Because ECF users are not required to provide courtesy bench copies for filings less than 25 pages, photocopying time, as well as paper costs, will be further reduced. Standard billing procedures may have to be reconsidered. Above all, keeping computer systems fully operating by well-trained staff will be critical.

### **Saving Space and Securing Records**

Public access to court records, document management and storage are hot issues for the courts. One bankruptcy judge used to quip that the clerk's office in Seattle had "files with a view" because they blocked much of the valued window space. Not anymore. As pre-ECF paper files have been gradually eliminated, the once overstuffed, industrial gray file shelves are being stripped to mere skeletons and removed. Even though the district's case filings in 2001 reached a record high (almost 27,000 cases), the amount of physical space as-

signed to files has decreased.

Another advantage of ECF is that electronic information cannot be easily changed or obscured. Consequently, court administrators are relieved of the historical concern over files being removed, misplaced or damaged.

Bankruptcy Judge Thomas T. Glover of the U.S. Bankruptcy Court for the Western District of Washington has been an outspoken supporter of ECF. One reason that he has encouraged broader Bar participation is because conventional filings place a heavy strain on the court's staff and resources. In order to maintain uniformity of the system, each time the court receives a conventional "paper filing," court personnel must scan each page so that it can be accessed electronically. The scan-

ing process is time-consuming and the technology is costly to operate. The scanned document uses more "space" than a document filed using ECF, is slower to download, and the additional paper handling could result in errors.

ning process is time-consuming and the technology is costly to operate. The scanned document uses more "space" than a document filed using ECF, is slower to download, and the additional paper handling could result in errors.

in the way they practice. But I am convinced this is the wave of the future, and it will be just a matter of time before more and more courts implement some version of electronic filing. Eventually, I believe conventional filings will become obsolete, and participation will become mandatory in courts of all levels."

As lawyers, we are deeply dependent on the personal computer. Functioning in this profession entirely without the use of the Internet is almost unimaginable: we rely on myriad systems for quick legal research, communication with clients, exchanges with opposing counsel, and ob-

taining government records, to name a few. Electronic filing and the paperless court are now an integral part of this growing trend.

More information about ECF in the Western District of Washington is available online from the court's Web site at <http://www.wawb.uscourts.gov>. An online training tutorial at <https://ecf-train.wawb.uscourts.gov> provides an introduction to ECF for the beginning user. ✎

**Another advantage of ECF is that electronic information cannot be easily changed or obscured.**

#### Wave of the Future?

To allow the attorneys time to adjust, the court chose to implement ECF on a purely voluntary basis. According to Court Clerk Mark L. Hatcher: "So far, 157 bankruptcy lawyers in the district have active accounts for ECF. Another 57 lawyers have been trained, but for one reason or another their accounts have not yet been activated. About 38 percent of the petitions filed each month are coming in electronically, and about 21 percent of all transactions entered into the ECF system are being submitted electronically over the Internet. As users become more comfortable with ECF, the level of participation continues to grow."

Participation of the bankruptcy bar has been slowly increasing since it went live. Judge Glover is hopeful that the Bar's acceptance of ECF will continue to broaden: "I am realistic about the prospects here. It takes time for the bar to adopt big changes

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# Kosovo

## Detention Review Commission

*Pristina, the principal city in the province of Kosovo*



by Jack F. Nevin

**Our mission:  
to determine whether  
three Kosovar  
Albanians charged  
with murder were to  
remain in confinement  
pending trial.**

**T**wenty-four-hour security for judges, courtrooms with soldiers, and grenade launchers in chambers. Not a typical day in Pierce County District Court, or probably any court in the United States. But all of these were part of my eastern European judicial adventure last fall.

Last September, I served as a judge on the U.N. Detention Review Commission (DRC) in Kosovo (former Republic of Yugoslavia). The DRC is the result of a 1999 U.N. Security Council resolution placing Kosovo (among other areas in the Balkans) under U.N. control. The resolution created an interim government designed to rebuild education, health, welfare, courts, and a host of other activities.

The U.N. secretary general, through his senior representative, can promulgate rules and regulations which have the force and effect of law. These regulations can supplement or supplant local laws. Detention orders concerning individuals charged with crimes, and the creation of the DRC

are examples of this authority. While local courts may release those accused of crimes for lack of evidence, the senior representative of the secretary general can still order their detention and create an independent judicial body to adjudicate the appropriateness of the detention. It was this executive order that brought me to Kosovo along with two other judges. Our mission: to determine whether three Kosovar Albanians charged with murder were to remain in confinement pending trial.

To understand the situation in Kosovo, one must go back more than 600 years to the defeat of Serbia by the Turkish Empire. With that defeat began a 400-year period of Serbian oppression at the hands of Muslims, at least according to the Serbs. Not unlike the Palestinian-Israeli relationship, this conflict has existed for centuries, causing a deep-seated ethnic hatred between Christian Orthodox Serbs and Muslims — Kosovar Albanian Muslims in particular.

The formation of Yugoslavia resulted from peace agreements following World War II. Yugoslavia's first and only leader was Josip Broz Tito, the man ultimately known as Marshall Tito. He was effectively placed in his leadership position by western nations rewarding him for his leadership of the Yugoslav communist resistance during World War II.

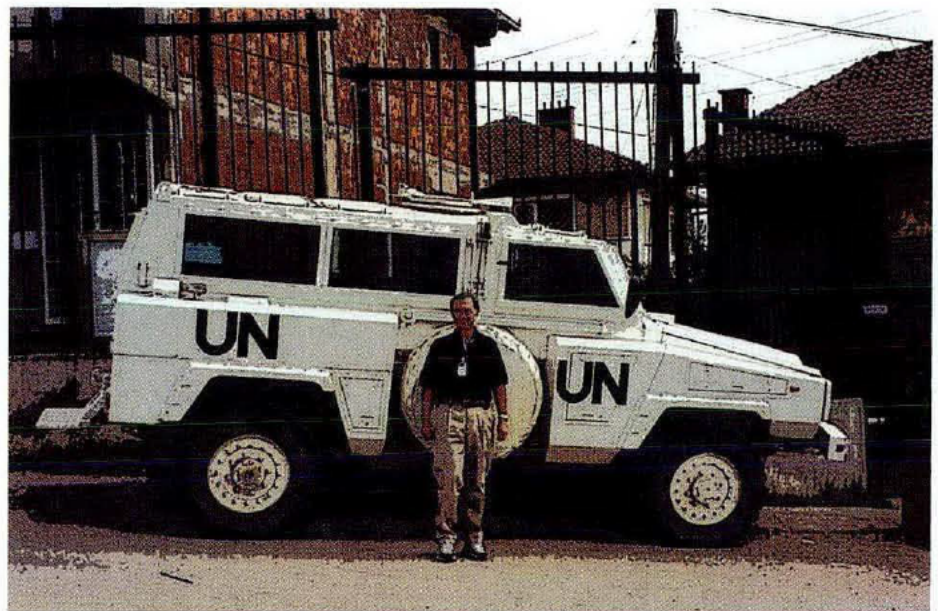
Tito's rise to power was a result of his soldierly and political skills. The Yugoslav communist resistance possessed some of the bravest guerilla fighters of World War II. Although a communist country, under Tito, Yugoslavia gained favor with the West. During even the darkest hours of the Cold War, Tito's Yugoslavia was considered a nation of "enlightened communism," welcoming western tourists and

otherwise maintaining an active and energetic dialogue with the West. Tito ruled Yugoslavia with a firm hand, effectively suppressing the Serbian-Muslim conflict. While he professed neutrality on the issue, most Muslims considered Tito a pro-Serbian leader.

Until his death in May 1980, Tito brought prosperity and unity to all of Yugoslavia. Tito's death triggered a re-organization of the Balkans and the emergence of other leaders, all fighting for control of land. One of these, Slobodan Milosevic, appeared in 1989 as leader of the Serbian people, and with his arrival began an extraordinary chapter in the history of the Balkans.

Serbs and Muslims present an interesting demographic comparison. The Serbs were generally less-educated citizens from rural areas. Historically considered less sophisticated and traditionally of lower socio-economic status, the Serbs were perceived as socially inferior to the Muslims. The Muslims in contrast were educated city dwellers, schooled in the arts and humanities, and presumably of greater sophistication.

Despite the seeming disadvantages, it was the Serbs who took the initiative in this re-organization marked by genocide



and unspeakable atrocities committed on Muslims. While less educated and fewer in number, the Serbs constituted the vast majority of the Yugoslav Army at the time of Tito's death. Under the leadership of Milosevic, using the ruse of geographical realignment, the Serbs began the wholesale slaughter of Muslims, exiling them to relocation camps and engaging in various atrocities in the process. In 1999, an estimated 7,000 Muslims were allegedly mas-

*The author in front of NATO armored personnel carrier. Vehicles like this guarded all compounds, including the U.S. mission to U.N. Kosovo.*

sacred by Serbian troops at Srebrenica. The same year, the bodies of 600 Kosovar Muslims were discovered in Kosovo.

In an effort to end these atrocities and bring peace to the area, western nations, including the United States, attempted to

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broker peace between the parties. An example of this was the Dayton Peace Agreement of 1995. The efforts were not successful, and in the late 1990s the United Nations brought NATO troops to the Balkans. The mission of the U.N. Protective Force (UNPROFOR) was primarily humanitarian, but included numerous air strikes and the commitment of ground troops.

The U.N. effort was partially successful. Muslims previously exiled from cities to relocation camps were allowed to return home. In Kosovo, the Muslims, most of whom are ethnic Albanians, were now in the majority, and the Serbs, a minority,

were forced to live in enclaves at the outskirts of Kosovo for their own protection. Now it was the Serbs who were the objects of Muslim retribution. Even such routine tasks as Serbian trips to the marketplace became major endeavors requiring U.N. protection. One such trip and its tragic aftermath brought me to Kosovo.

#### **The Countryside, the City, the War**

Not unlike many eastern European cities ravaged by war, Pristina, the principal city in the province of Kosovo, presents a startling anomaly. On the outskirts of the city are lush farmland and abundant crops.

Nearer the city, new homes under construction dot the landscape. As I descended into downtown, I viewed what appeared to be a vital and thriving eastern European metropolis marked with beautiful structures having both artistic and religious significance, reflecting a complex culture over 600 years old. A closer look, however, revealed bombed buildings and destroyed homes.

The evolution of modern warfare is apparent through the precise bomb damage created by so-called "smart bombs." Seeing buildings with damage limited to only certain floors was curious and difficult to comprehend until I considered the evolution in air warfare technology following the Persian Gulf War. In the city center of Pristina, there are beautiful mosques, probably centuries old, bordered by bomb-damaged buildings. These buildings are considered memorials to the Kosovar Muslims, symbolizing the U.N. action which restored their freedom.

#### **The Mission Before and After September 11**

On September 9, I received the State Department invitation to participate as one of three judges in the Detention Review Commission. I had previously participated in overseas missions for the State Department, although this would be my first as a civilian. Two days later, I was sure the mission would be cancelled. However, on September 12 I was advised the mission was a "go." I was an Army Reserve troop commander at the time, and given the heightened level of security after 9/11, this trip took on a new meaning. First, I secured the permission of my commanding general, because all military personnel were on alert following the World Trade Center attack.

Upon arrival in Kosovo I was met by U.S. mission representatives who were my hosts for the next eight days. They briefed me on the issues before the commission, avoiding any comments that could be construed as attempts to influence the decision. After settling into my rather austere (but highly secure) quarters at the U.S. mission, I faced my first challenge. Representatives at U.N. headquarters confessed that while they required our presence on September 15, they had failed to copy the necessary documents (about 700 pages) for our review.

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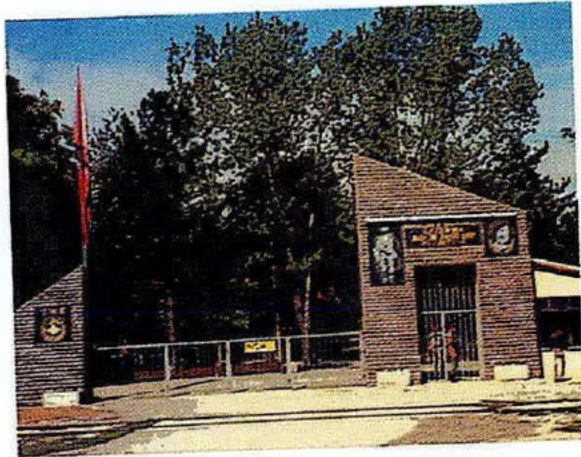
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Eventually the copies were assembled, and my judicial colleagues, Eberhard Sigermund from Germany and Edward Brown from England, joined me. Also joining us was Sally Bennett-Jenkins, a delightful and engaging veteran criminal defense lawyer from London who was selected to represent the accused during those parts of the proceedings devoted to the review of classified materials. The common denominator for all of us was that we held top-secret (or the equivalent) security clearances from

media. We voiced strong opposition to that approach, in that it countered the democratic goals of the U.N. mission to Kosovo. Allowing the presentation of non-classified portions in a public forum could send a strong message to both Serbian and Muslim citizens of Kosovo that democracy allows for press and public access to court proceedings. Therefore, we reviewed non-classified material in a public hearing and adjourned to an in-camera session for review of the classified documents.



Entrance to French NATO compound.

our respective governments. Eberhard, a judge for nearly 30 years, had presided over major terrorist cases in Germany. Edward and Sally both had litigated major graft and bribery cases involving law enforcement in England. My security clearance was tied to my status in the military.

#### The Process

Our first task as commission members was to rewrite the rules of procedure, initially prepared in draft form by the United Nations. As the presiding judge of the three (based more on arrival time than merit), I

**Our first task as commission members was to rewrite the rules of procedure, initially prepared in draft form by the United Nations.**

represented our collective opinion that the draft procedures promulgated by the United Nations were inadequate. Most disturbing to us as a group was that the United Nations desired the entire process be closed to the public, particularly the

#### The Facts, Hearing and Deliberation

Our task was to decide whether there was a basis to hold three Muslim detainees or to release them pending trial. This is not dissimilar from the bail hearings we conduct every week. However, we would render this decision surrounded by armed soldiers, in an emotionally charged community, applying an unpopular law for the first time.

The case concerned three Muslims (Kosovar Albanians) who allegedly planned and executed the bombing of a bus transporting 45 Serbian women, children and elderly to market. The bus, called the "Nis Express," came from one of the Serbian enclaves surrounding Pristina, and was escorted by two U.N. armored personnel carriers. The bombing was so sophisticated that the carriers were not damaged, although they were in close proximity to the bus. Virtually everyone aboard the bus was injured, with nine Serbian women and children killed, generating an understandable outcry from the Serb (now a minority) community.

To maintain its credibility as a neutral peacekeeping entity, the United Nations made it clear that Serbians and Muslims accused of crimes would receive identical treatment; however, this was easier said than done. Initially, the case was heard in the Kosovo court (albeit without access to the classified material) and the defendants were released. Now, through executive order, the United Nations was detaining prisoners and implementing yet another proceeding to determine the same issues. This did not sit well with the Kosovar Muslim citizens who believed the matter had been decided by the Kosovo court.

Local feelings became crystal clear when my colleagues and I were assigned

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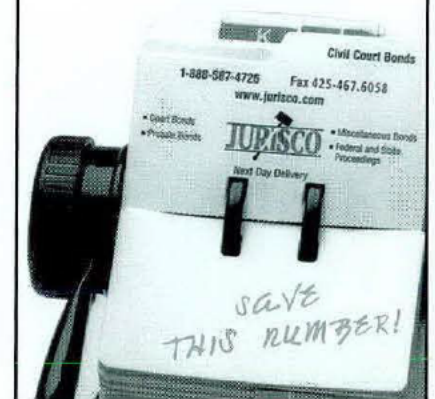
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Eberhard Sigersmund, Jack Nevin, Edward Brown and Sally Bennett-Jenkins

armed NATO soldiers as security in both the open hearing and the in-camera session. At the conclusion of every recess and adjournment, our courtrooms and "chambers" were swept for bugging devices. At one point during the proceedings, we were advised by a witness that our lives were now at risk by virtue of our role and the over-

whelming sentiment in the community. The course of the proceedings was fairly typical. In the public portion of the hearing, the defendants were zealously defended by a prominent Kosovar defense counsel. His argument essentially revolved around the "finality" of the decision of the Kosovo courts and the authority of the United Nations to create the Detention Review Commission. He further argued that the U.N. executive order creating the DRC violated Title V of the European Convention for Human Rights. Since Kosovo has been effectively without laws until recently, the defense counsel was compelled to argue laws from the former Yugoslavia, not as controlling but as "instructive." Since the DRC derived its authority from the U.N. Security Council resolution, the court held that the question of jurisdiction must be answered by the appellate court, which in this case would be the European Court in Strasbourg, a court which hears alleged human-rights violations.

Thereafter, testimony was presented; exhibits were offered and admitted. At the conclusion of the public hearing, the commission adjourned to an in-camera session where the three judges and special defense counsel heard testimony and reviewed classified documents. After approximately 20 hours of proceedings we reached a decision, concluding there was sufficient evidence connecting the three accused with the crime and that accordingly they be held until trial, but in any event no longer than 90 days from the date of our decision (the U.N. executive order creating the commission had allowed for no longer than 90-day detention). The order also included language prohibiting its publication until the judges left the country.

#### Epilogue

Ninety days elapsed without the accused going to trial. On December 13, I received a call asking if I could return to Kosovo the next week because the United Nations wanted the period of detention continued to allow them to obtain more evidence. I was not available, nor were my colleagues. As a practical matter, we had made it clear that the accused be tried or released within the 90-day period. Additionally, none of us wanted to spend Christmas in Kosovo. I was told that ultimately the accused were released. While I have no express knowledge on this point, I infer the government

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concluded it could not proceed without publishing the classified material. The implications of publication would have been profound, with citizens' personal safety placed at risk.

What did the Detention Review Commission accomplish? The U.N. mission to Kosovo made an important statement to both Muslim and Serbian citizens that all crime will be vigorously pursued regardless of the ethnicity of the victims. The first free election in 10 years was held in November 2001, with substantial voter turnout, both Serb and Muslim.

The newly elected leader is committed to the same goals as the United Nations, and vows to bring people together. Kosovo is preparing for its first bar examination in 10 years. Prosecutors and defense lawyers are learning how to try cases in a democratic justice system. The people of Kosovo continue to live their lives, enjoying peace but knowing that conflict is never

**Prosecutors and defense lawyers are learning how to try cases in a democratic justice system.**



far away. They are an incredibly strong people, reflecting the kind of strength and resilience that only centuries of enduring armed conflict can develop. They will survive, as have generations before them. But what is the future of Kosovo?

Many Kosovars would prefer it become a recognized state or country, like Bosnia. Critics suggest this will do little more than establish a hotly disputed geographic division between the Serbs and Muslims, not

*Flag showing Kosovar support of the United States after 9/11.*

dissimilar from that of the Palestinians and Israelis. Before Kosovo can become a thriving democracy, 600 years of ethnic hatred must be reconciled. The final chapter is yet to be written. ✍

*Jack Nevin is a judge of Pierce County District Court No. One in Tacoma.*

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by Victor Kelley

# Military Justice:

**T**he blockbuster film *A Few Good Men* misguided the public into the military justice system through the trial preparation of defense counsel Lieutenant Daniel Kaffee and Lieutenant Commander Jo Ann Galloway. In the movie, both of the accused are convicted of a crime that does not exist. Kaffee boldly submits a defense which — incorrectly and ludicrously — could subject him to court-martial charges. Though based on a true incident, the film is complete fiction. In actuality, our service members enjoy excellent statutory and administrative rights, and unlimited opportunity exists for civilian lawyers to help them exercise those rights.

How often has a client consulted you for legal services and mentioned in passing that he or she has a son facing a court-martial in the Army? A daughter in the Air Force who is suffering an administrative misjustice? A spouse who needs to petition for a correction of his military record? The sheer number of young people serving in our armed forces, as well as veterans, reveals numerous opportunities for lawyers to provide significant assistance to hundreds of thousands of our citizens in a legal practice that badly needs competent civilian counsel. The area of military justice is virtually untapped and is one in which, with some application, civilian lawyers can practice with complete competence.

Military criminal justice and its related administrative actions are multifaceted and include court-martial process, appellate review, nonjudicial (commander's) punishment, clemency and parole proceedings, discharge review boards, and boards for correction of military records. Following is a primer of the general types of some military proceedings, the qualifications for counsel's representation at those proceedings, and some resources that will guide the reader in preparation for them.

## **Courts-Martial**

**General court-martial:** A general court-martial is empowered to adjudge any punishment authorized by the UCMJ (Uniform Code of Military Justice). Authorized punishments may include a reprimand, forfeiture of pay and allowances, a fine, reduction in pay grade, confinement, or dishonorable discharge. In the case of officers, a court-martial may mean dismissal from the service. The military court-martial must, upon an accused's request for members, be composed of at least five members. The accused has the right to military

## **A Singular Opportunity for Significant Service**

*The area of military justice is virtually untapped and is one in which, with some application, civilian lawyers can practice with complete competence.*

counsel and may, at no expense to the government, retain qualified civilian counsel.

**Special court-martial:** Though a serious proceeding, a special court-martial's punishment authority is inferior to that of a general court-martial. A special court-martial is empowered to adjudge those punishments authorized by the UCMJ, subject to the maximum jurisdiction of that court, including forfeiture of two-thirds pay per month for six months, six months' confinement, reduction in pay grade, and a discharge from the service with a bad-conduct discharge. Upon an accused's request, a special court-martial must be composed of at least three members. Like a general court-martial, the accused has the right to military counsel and may retain civilian counsel.

**Summary court-martial:** A summary court-martial is composed of one commissioned officer, whose function is to "promptly adjudicate minor offenses." He is charged to ensure that the interests of both the government and the accused are safeguarded. Lawful punishments include confinement for one month, restriction to limits for two months, and forfeiture of two-thirds pay for one month. The accused does not have the right to military counsel at a summary court-martial but may retain civilian counsel.

### Courts-Martial Appeals

The military rules for appellate review vary according to the court from which the appeal is taken and the offense for which the accused was convicted. Generally, the first *de facto* "appeal" is to the convening authority, who may only mitigate findings or sentence. Unless an accused waives appellate review, the Court of Criminal Appeals may review court-martial convictions. In certain circumstances, the Court of Appeals for the Armed Forces and the U.S. Supreme Court may also review court-martial convictions. In each of these courts, the accused may be represented by counsel and may retain civilian counsel in addition to or instead of military counsel.

### Adverse Actions

The term "adverse action" refers to a number of quasi-judicial or administrative proceedings that may subject military service members to potentially career-ending sanctions short of judicial proceedings.

Those adverse actions are generally governed by the relevant service regulations. During most adverse-action proceedings, service members have the right to assistance of military and civilian counsel.

### Administrative Separation Boards

Service separation boards are administrative in nature but do entitle the service member to administrative due process of law. These boards generally have the authority to retain the respondent or to discharge him with an honorable, general-under-honorable-conditions, or other-than-honorable discharge. With a general-un-

der-honorable-conditions or other-than-honorable discharge, the service member loses substantially all his rights under the service department and the Department of Veterans Affairs. Military personnel have the right to military and retained civilian representation before administrative separation boards.

### Boards for Correction of Military Records

Within each military service exists a board established by federal law with authorization to "correct any military record...to correct an error or remove an injustice." The



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board members are civilian members of the executive part of that military department. Except when a favorable decision by the board is based on fraud, a correction of the record is final and conclusive. The claimant must file a petition to the Board for Correction of Military Records within three years after he or his legal representative discovers the error or injustice. The board does have the authority to excuse an out-of-time filing if it finds the filing to be in the interest of justice. While a service member does not have the right to assistance of military counsel, he may retain civilian counsel for redress to the Board of Correction of Military Records.

### Boards of Officers

Not unlike administrative separation boards, boards of officers exist to administratively hear allegations of officer misconduct and neglect. Their jurisdiction is nonpunitive in nature, but may result in other administrative and career-ending sanctions. Military counsel is made available for service members who are referred to a board of officers. Respondents may also retain civilian counsel for their representation.

### Article 15 (NJP) and Appeals

Article 15, UCMJ, otherwise known as NJP (nonjudicial punishment), may also be

called "captain's mast" in the Navy or "office hours" in the Marines. NJP is a disciplinary measure, but not as severe as a court-martial. Unless a service member is attached to or embarked on a vessel, he can refuse Article 15 and demand his right to a court-martial.

If the service member accepts Article 15, he may be punished with restriction to limits, arrest in quarters, forfeiture of pay, correctional custody, and reduction in pay grade. If embarked on a vessel, the service member may be ordered to confinement on bread and water or diminished rations for three days.

Any service member who feels that his punishment is unjust or disproportionate to the offense may appeal to the next senior commander within five days of imposition of punishment. An accused does have the right to consult military counsel before accepting Article 15 or demanding trial by court-martial. The accused also may speak with retained civilian counsel, and, with permission of the commander, counsel may represent the service member at Article 15 and on appeal to the next senior commander.

### Physical Evaluation Boards

Each service provides boards for evaluating the degree and extent of a service member's physical and mental fitness for continued duty. While the language and reference to service boards may vary, the process is generally comparable. Usually, an initial finding of disability may be appealed through a tiered system in the hopes of either continuing on duty (usually until the service member is eligible for retirement), or with the view of having a reasonable disability designation awarded. Upon the designation of "30 percent disability," the service member is medically retired to the "temporary disability retired list," with some limitations. Military counsel are available for assistance, or, if the service member prefers, he may retain civilian counsel for physical evaluation board practice.

### Clemency and Parole Petitions

All the services have clemency and parole boards that exist to consider each petition to determine whether clemency and restoration of certain civil rights is appropriate. The boards may also determine a military prisoner has earned the right to be

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paroled into the civilian community and complete his debt to society as a free individual on parole. In certain circumstances, a service member convicted by court-martial may petition the U.S. Justice Department pardon attorney for an executive pardon. Civilian counsel may represent military personnel for all clemency, parole and pardon applications.

### Discharge Review Boards

The secretary of each armed force is statutorily required to establish a Discharge Review Board. The service member must move the board to review his discharge within 15 years after the date of the discharge or dismissal. The review is based

**The military rules of procedure are such that all of the resources available to the United States are available to the defense.**

on the records of the armed force concerned, as well as on other evidence that the petitioner may present to the board. The petitioner may present his case personally, via affidavit, or by counsel advocating his interests before the board.

### Practicing Before a Military Court

Military lawyers are first-rate attorneys. When working with civilian counsel, military defense counsel are unusually well-placed to assist lead counsel in the preparation and presentation of the case. Military advocates are "school trained" and have the advantage of being at the post, and in a position to keep a finger on the pulse of the case. The military rules of procedure are such that all of the resources available to the United States are available to the defense. This is a stark contrast for those of us in civilian justice systems who fight for our clients against the power of the sovereign.

The formality of courts-martial can be intimidating, but it certainly is no more formal than practice in U.S. District Court. The evidentiary code is the Military Rules of Evidence (MRE), which is patterned on the federal rules. Those who practice in

U.S. District Court will be immediately at ease working within the military system. The punitive articles of the UCMJ are the military criminal code. They are easily set out in the *Manual for Courts-Martial*, which has a description of the offense, a listing of the elements of the offense, a list of any lesser-included offenses, and a set of definitions for any legal terms of art used in that article. The manual contains the UCMJ as well as the Military Rules of Evidence, and is available through the U.S. Government Printing Office.

Civilian qualification of military accused at courts-martial is stated in Rules for Court-Martial 502 (d). Succinctly, all that is required for civilian representation to practice before courts-martial is that the person be a "member of the bar of the a Federal court or of the bar of the highest court of a State." At the outset of courts-martial proceedings, the military judge will ask civilian counsel to state his qualifications. Having done so, the judge will administer an oath to civilian counsel to well and faithfully represent the accused — and the trial proceeds.

At present, over 1.4 million men and women serve our country in the armed forces. Military jurisdiction attaches worldwide as a result of those persons' status as service members. *Solorio v. United States*, 483 U.S. 435 (1987). Whether from courts-martial or any number of administrative proceedings, I submit that each of those people at some time in his service could benefit from the sound advice of counsel.

If you are a member in good standing of the federal bar or any state bar of the United States, you are qualified to represent service members. A minimum investment to purchase the *Manual for Courts-Martial* enables you to possess the basic library for court-martial representation. With some study, application, and work with detailed military defense counsel, you, as civilian counsel, can develop an expertise in a fairly untouched legal area and provide a singular benefit for the men and women who serve our country. ☞

*Victor Kelley is a shareholder of Gorham & Waldrep PC in Birmingham, Alabama, and president of National Military Justice Group LLC. He is adjunct professor at Cumberland School of Law at Samford University in Birmingham, where he teaches military justice.*

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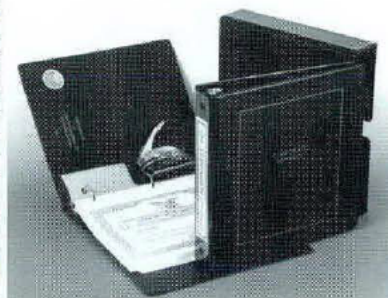
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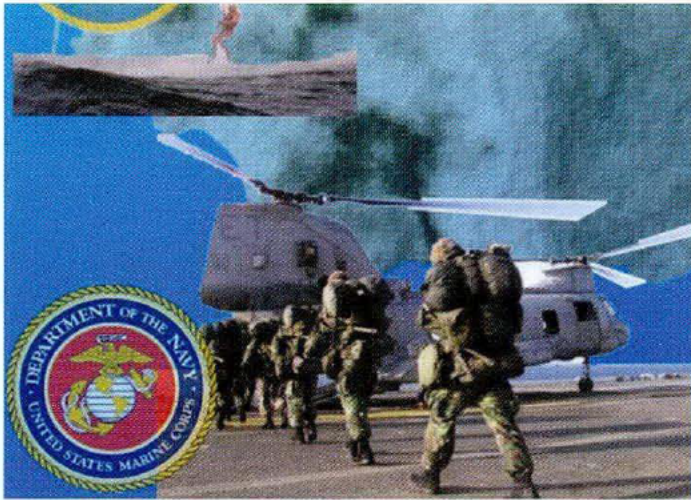
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## New APR 8(g): Rendering Legal Services to Members of the Military

by Captain Bruce M. MacDonald



...(those) who drafted APR 8(g) envisioned a rule that would significantly improve access to justice and legal services to one of the most deserving segments of American society — our young men and women in uniform who willingly defend our freedoms both at home and abroad.

Over the last 50 years, the military services, through their legal assistance programs, have provided no-cost legal services to military members and their families in order to enhance military readiness, morale and discipline. Throughout the United States and around the world, wherever our military forces are deployed, military lawyers assist eligible legal-assistance clients in drafting and executing wills, powers of attorney, health-care directives, and other legal documents. They also assist clients in divorce, adoption and name-change proceedings; child-support and paternity claims; landlord-tenant disputes; consumer-protection issues; and garnishment and other debt-related problems.

Most legal assistance is provided to clients within the confines of military bases and encampments,

or on board ships. In Washington, military lawyers provide legal advice to clients, draft and execute legal documents, or write letters on their behalf. In many instances, military lawyers may also negotiate settlements with lawyers representing opposing parties, or require clients to seek private legal counsel to assist them in court.

### Armed Forces and ELAP

Unfortunately, many military members and their families often do not have the funds to hire lawyers, and many are further disadvantaged by being stationed at a site far removed from the states in which their legal problems need to be resolved. In order to address this problem, each of the military services, to varying degrees, and depending on staffing and applicable state laws, has authorized an Expanded Legal Assistance Program (ELAP) for military members and their families.

ELAP frequently includes two types of services. The most common type involves assisting clients with drafting pleadings in defense of actions being brought against them in state courts, as well as in pursuing actions on their behalf. Assisting clients

### Formation of a New WSBA Section Open to Military and Civilian Lawyers

The Legal Services to the Armed Forces Committee (LSAF) is proposing the formation of a new WSBA section. The purpose of the section will be to promote the objectives of the WSBA with respect to the armed forces of the United States; to establish and maintain close and effective liaison between the WSBA and the armed forces; to be a clearinghouse of information for any WSBA member concerned with questions about military representation; and to better serve the legal needs of military service members stationed in Washington. If you are interested in joining this section, please contact Ken Luce at 253-922-8724 or [guardhi@aol.com](mailto:guardhi@aol.com). See the LSAF Web page at [www.wsba.org/armed-forces](http://www.wsba.org/armed-forces).

who are representing themselves in court, particularly in defense of actions being brought against them, may occur at great distances from the court in which the legal action is pending. Without any assistance, military members would frequently suffer default judgments, despite the availability of the Soldiers' and Sailors' Civil Relief Act to protect their rights in these proceedings.

**Washington Responds with New Rule 8(g)**

The second type of ELAP service, and the one primarily addressed by the recently enacted Admission to Practice (APR) Rule 8(g), Special Admissions Exception for Military Lawyers, involves in-court representation. Again, depending on staffing and applicable state laws, military lawyers sometimes enter appearances on behalf of military members and their families in state court proceedings.

Where the military lawyer is a member of the state bar in question, there is no problem. However, military lawyers, like other service members, are frequently reassigned from one military base to another, and often are not members of the bar in the state where they are providing legal assistance. Some states have implemented rules or passed laws to authorize in-court representation by military lawyers not admitted to the bars of their states (e.g., Florida, Illinois). On February 7, 2002, Washington joined those states when the Washington State Supreme Court unanimously adopted APR 8(g), which became effective on March 5, 2002.

APR 8(g) allows a lawyer who is admitted to practice law in a state or territory of the United States or the District of Columbia, and who is a full-time, active-duty military officer serving in the office of a staff judge advocate of the U.S. Navy, Marine Corps, Army, Air Force or Coast Guard; Naval Legal Service Office; or Trial Service Office located in Washington, to receive a limited license to practice law as a military lawyer in Washington.

Military lawyers admitted pursuant to the rule may represent the military's most junior enlisted personnel, active-duty service members E-1 through E-4 and their dependents, in noncriminal matters to the extent such representation is permitted by

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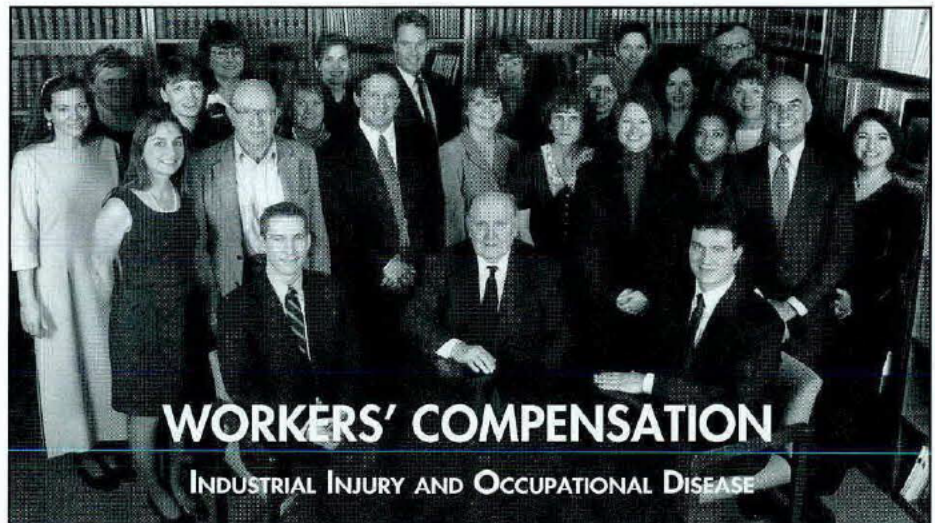
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the supervisory staff judge advocate or commanding officer of the Naval Legal Service Office or Trial Service Office. Other active-duty military personnel and their dependents may be represented if approved by the service judge advocate general, or his or her designee, upon a showing of financial need or hardship. Military lawyers admitted pursuant to this rule may not demand or receive any compensation from clients.

Applicants for admission under APR 8(g) must be of good moral character; file an admission application; and, prior to ad-

mission, complete at least 15 credit hours of approved continuing legal education on Washington practice, procedure and professional responsibility.

#### Marshalling Broad Support

Ken Luce, chair of the WSBA Legal Services to the Armed Forces Committee (LSAF), committee members, armed forces members, and WSBA staff who drafted APR 8(g) envisioned a rule that would significantly improve access to justice and legal services to one of the most deserving segments of American society — our

young men and women in uniform who willingly defend our freedoms both at home and abroad. Specifically tailored to serve junior enlisted personnel E-1 through E-4, the rule effectively expands the pool of attorneys available to provide *pro bono* services in Washington, allowing military attorneys not licensed in Washington to represent junior military members in Washington courts.

John Morgan, past-president of the Kitsap County Bar Association, which serves sailors and Marines stationed at Puget Sound Naval Shipyard, Naval Station Bremerton, and Naval Submarine Base Bangor, recently stated that the rule "will help relieve a growing burden on the Kitsap County Volunteer Attorney Services to provide representation to the county's indigent population, since it will remove from their rolls the low-income portion of the active duty military and dependent population which qualifies for and continues to utilize such services."

In addition to the Kitsap County Bar Association, the LSAF Committee received strong support for the rule from the Pierce, Snohomish and Island County bar associations, all of which have major Army, Navy and Air Force installations in their counties. APR 8(g) was also enthusiastically endorsed by the American Bar Association's Legal Assistance to Military Personnel Committee (LAMP), the Access to Justice Board, the WSBA Family Law Section, the Superior Court Judges' Association, and the District and Municipal Court Judges' Association.

On November 30, 2001, the WSBA Board of Governors voted unanimously to recommend adoption of the rule on an expedited basis to the Washington State Supreme Court, which unanimously adopted the rule on February 7, 2002.

In the coming months, military attorneys from all services who are stationed in Washington will begin attending CLE classes to qualify for limited admission to the Washington State Bar under APR 8(g). Once admitted, they will begin serving the young men and women of our armed forces who sacrifice so much for us all. ☞

*Captain MacDonald is the Commanding Officer of Naval Legal Service Office Northwest.*



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# The Board's Work

**by Judith Berrett**  
*Director of Member and  
 Community Relations*

The Board of Governors meeting held in Yakima on June 7 was packed full of important business — all accomplished in one day instead of the usual day and a half, enabling board members to attend the Access to Justice and Bar Leaders conferences.

### 2003-2004 President Elected

Highlighting the meeting was the election of Pullman attorney **David W. Savage** as the 113th president of the WSBA. Savage, currently a governor-at-large, will begin by serving as president-elect during the 2002-2003 fiscal year, assuming the presidency in September 2003. Savage's Bar work includes participation in the Litigation Section and Rules Committee, and service as a hearing officer. In his application letter, he wrote: "As events of the past year have demonstrated only too well, we are living in a time of abrupt change and uncertainty, facing a future that is surely less well-known than we once thought. As a bar association, we must make a conscious

effort to do our best to see into that future for the practice of law. Only by doing so will the association remain relevant to its members; continue to serve as a guide for the protection and promotion of their interests; be prepared to preserve and protect the independence of the judiciary; and secure the rights of the public we serve regardless of economic, social or ethnic considerations."

### Law Week 2002

Law Week 2002 was lauded as a tremendous success. With 34 counties participating, we have only five more counties to reach before Law Week is truly a statewide event. **Michele Earl-Hubbard**, 2002 Law Week Committee chair, reported that during the week of April 29-May 3, more than 500 attorneys and 66 judges reached 16,000 students and nearly 400 teachers in more than 500 classrooms in 250 schools. Earl-Hubbard stated that according to the ABA, Washington is likely to have the nation's largest Law Week program, with the best Web site. The BOG acknowledged the excellent work of the Law Week Committee and the many volunteers.

### WSBA Award Recipients Named

Awards Committee Chair **Lucy Isaki** presented a most distinguished and inspiring slate of recommendations for the annual WSBA awards. The board unanimously approved the committee's recommendations: Lifetime Service, Hon. **Charles Z. Smith**; Award of Merit, **Stephen R. Crossland**; Professionalism, Hon. **Smithmoore Myers**; Angelo Petrus Award for Lawyers in Public Service, **Jerald R. Hamley**; *Pro Bono*, **J. Matthew Geyman**; Courageous, **William Jaquette III**; and Excellence in Legal Journalism, **Lise Olsen** of the *Seattle Post-Intelligencer*.

Still to be named are recipients of the Outstanding Judge and President's awards.

### Election of 7-East Governor

Because there had been no applications for the position of 7-East governor (to fill the spot that will be vacated by Jenny Durkan in September), the Board of Governors had called for letters of interest from 7-East members. Astonishingly, 27 individuals responded to the call. Of those, the screening committee narrowed the list to six, who were interviewed at the BOG meeting. **Andrea Brenneke** was elected,



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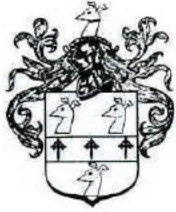
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and she will take her seat at the BOG table this fall along with **Joni R. Kerr** (3rd District), **Howard L. Graham** (6th District) and **Ronald R. Ward** (8th District).

**Access to Justice Board**

ATJ Board Chair **Michele Jones** reported on the work of the ATJ Board, the WSBA *Pro Bono* and Legal Aid Committee, the Technology Bill of Rights Committee, and the other partners in Washington's access to justice network. Lack of access to justice for all continues to be a major problem in our state. Jones reported that in spite of our legal services programs and volunteer attorney programs, four out of five people eligible for free legal aid are turned away. This year's loss of \$.9 million in state funding for civil legal services (\$2.4 million was initially lost, but \$1.5 million was recovered) is a very tough hit. In efforts to secure adequate funding for civil legal services, a civil legal-needs assessment (to be completed by the end of 2002) is being conducted under the auspices of the Supreme Court's Task Force on Civil Equal Justice Funding. (Note: For more information, see [www.waaccesstojustice.org/atj/atjboard](http://www.waaccesstojustice.org/atj/atjboard).)

**The Council on Public Legal Education**

Hon. **Marlin Appelwick**, co-chair of the Council on Public Legal Education, which is housed at the WSBA, reported on several projects, including:

- A "gateway" public legal information Web site, being developed by the council in partnership with the University of Washington and the Access to Justice Technology Bill of Rights initiative, with funding from the Paul G. Allen Charitable Foundation.
- An outreach campaign to promote youth courts among the state's legal, judicial and educational communities, funded by the Washington Judges Foundation.
- The formation of a committee that will coordinate community-based public legal education across the state.

The council is also continuing its efforts to educate teachers and members of the media about the legal system, and recently instituted an award that will be presented annually to an individual, group or institution for outstanding work in public legal education.

**Other Business**

The BOG nominated **Catherine Hendricks** to the Supreme Court for appointment to the Pattern Jury Instructions Committee.

Gonzaga Law School Dean **Daniel Morrissey** discussed issues and challenges in legal education, specifically as they relate to Gonzaga.

**Local Hero**

**Mirta Laura Contreras** received the WSBA Local Hero Award in recognition of outstanding service to farmworkers and women in Yakima County. Contreras has been a lawyer with the Yakima office of Columbia Legal Services for the last 10 years. She has dedicated her career to helping farmworker women, a passion that stems from her childhood spent working in Yakima Valley fields with her parents and extended family.

She began representing farmworker victims of domestic violence in 1999. Since then, she has assisted numerous battered immigrant victims and children with custody matters, accessing immigration remedies under the Violence Against Women Act, and seeking nontraditional court remedies for domestic-violence issues.

Contreras heads the Amigas Unidas Project, working with community leaders to provide outreach and education to farm-worker victims of domestic violence, and is a board member of the Washington State Coalition Against Domestic Violence. ☞

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## The Dos and Don'ts of Using Expert Witnesses

by Scott E. Miller

This article was originally published in the *Oregon State Bar Bulletin* in April 2002.

**E**xperts are people with specialized knowledge, skill, experience, training or education who can help an attorney, judge or jury better understand the evidence, or help determine a fact at issue. In situations where there is a need to present some specialized, scientific or technical information that will assist a judge or jury in making their decision, it is essential that a qualified expert be engaged to help with the case.

An expert can help you develop the case by assisting with discovery requests, reviewing interrogatories, assisting with depositions, and observing the testimony of the expert(s) for the other side. Experts can be used to perform or testify to forensic accounting, economic-damage calculations, business valuation, work impairment, causes of injury, authenticity of records or value of assets (among others).

### When to Hire and When to Reveal Your Expert

Hire your expert early. Delaying the introduction of your expert into the case will only result in wasted time, and potentially settling the case too early, too late, or for the wrong amount. A good expert may be able to provide additional insight into the facts of the case, uncover previously unknown facts, or provide guidance as to the potential value of the case.

Once you have decided to hire an expert, be sure to choose someone qualified. Ask about background and experience. Find out if he has the requisite knowledge, skill, experience, training and education to be qualified as an expert under Rules 702 and 703 of the Federal Rules of Evidence and under the standards set by *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993). It is the attorney's job to ensure that experts are properly qualified to testify to the opinions they will give. If the expert "stretches" his testimony to include areas in which he is not qualified, it could result in his being viewed as an advocate for the client, losing credibility with the court, damaging his other "good work," or being disqualified altogether.

You need not designate your expert right away. You may wish to first engage the expert as a consultant, thereby preserving the attorney/client privilege (and preventing the work from being discoverable). Once the "preliminary" work has been performed, you can redefine the engagement by designating the person as an expert. Since all of the expert's work, including what-if scenarios or written comments on alternative arguments will be discoverable once the expert's designation changes from consultant to expert, you and the expert must be alert. You should insist that if a document is provided to anyone by the expert/consultant prior to all of the work being completed, it must clearly state on its face that it is a preliminary draft. This may not prevent opposing counsel from trying to use it to discredit the expert's testimony, but it will make it much easier to discount as an incomplete analysis.

### Characteristics of a Good Expert

The expert, who should be interviewed prior to being hired, must be able to effectively

communicate with a judge or jury. Evaluate the potential expert's manner of communication — not just his verbal or writing skills, but also his appearance, the speed of his speech, the exhibits he prepares, his "body language," and ability to "converse" with a court and engage the judge and/or jury during testimony. I witnessed one expert on the stand with uncombed hair and mismatched clothing. When asked about his background, he told the court he was a retired senior partner from a "Big 5" CPA firm and that he does

litigation support work to fill in the gaps when he is not fishing. Needless to say, he was unpersuasive with the jury regarding damages.

An expert must be believable. You need to collaborate to present the expert as an independent, neutral third party who, although engaged and paid by you, provides high-quality unbiased testimony and credible analysis that will assist the trier of fact to achieve the proper result. In a speech before the American Society of Appraisers in June 1995, Judge David Laro of the U.S.

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Tax Court said that judges expect experts to arrive at their opinions as objectively and reliably as possible, and they will disregard experts who are biased "hired guns."

I watched an expert for the defense testify in a case involving a business valuation. He stated that the business had a negative value, but he gave it a value of \$20,000 "just to show some value." (The business was profitable but highly leveraged.) The judge found his testimony so unbelievable he refused to allow cross-examination of the expert and ended the trial, ruling in

favor of the plaintiff and using the value established by the plaintiff's expert.

Be sure to look for experts who are not "yes men." Seek out those experts who are willing to tell you "the ugly truth," even if it is not what you or the client wants to hear. It's better to know early on what the expert believes so that you can move the case in the right direction. Sometimes, a credible expert will tell you the case may be unsuccessful — and why. Poor fact patterns or evidence that potentially may be admitted by the other side could be detri-

mental to your client. Sometimes, you and your expert would better serve the client by encouraging settlement rather than allowing a case to go forward that may result in a loss or a damages award not materially different than a settlement, but with high legal and expert-witness fees.

#### **Managing and Instructing Your Expert**

Make deadlines clear, and do so early on. This will allow your expert to better plan his time and avoid conflicts with other work. You need to monitor all deadlines and take responsibility for notifying the expert as soon as possible about scheduling changes, and when and where to appear at trial or depositions. Experts need to have an appreciation for these deadlines, and do their best to complete their work with sufficient time for review before the work must be submitted to the court or opposing counsel.

Be sure there is an engagement letter. The engagement letter should be drafted as an agreement between the expert and attorney with the client guaranteeing payment of the expert's fees. This is done to preserve the attorney/client relationship. The agreement should clearly articulate the rights and responsibilities of each party, as well as the nature of the engagement. The engagement letter should clearly state the fee arrangement and should include a reasonable retainer. The expert needs to be assured that the fees will be paid, which should not be a surprise to you or your client. Unlike an attorney, an expert cannot accept an engagement that is contingent upon the outcome of the litigation. Doing so would create the appearance of a conflict of interest and bias that could destroy the expert's credibility.

Once hired, the expert needs clear and specific instructions. This will allow the expert to be more efficient, reducing the chance of going off on tangents and ensuring the final work product is what is necessary to assist you in properly presenting the case. Proper instructions are not just given at the onset of the engagement, but periodically while the expert is performing the work. The expert and attorney should discuss the possibility of status conferences to discuss the progress of the case. You may request an interim oral presentation of the expert's work as a

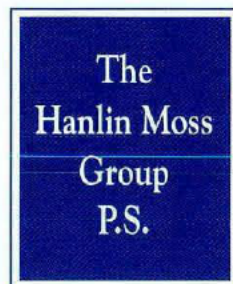
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"checkpoint" of the progress and direction the expert is taking. This may also assist you with settlement negotiations that may be taking place at that time or soon thereafter. Avoid written progress reports, as they are discoverable by the other side and although drafts of unfinished work, could be used to confuse the issues during the expert's testimony.

A checkpoint meeting is an excellent opportunity for you to review the expert's preliminary conclusions and discuss strategy for presenting his testimony. The method of entering in evidence and testimony can be critical to the success of the expert's testimony. By discussing the presentation manner, you may find a more effective way of presenting the information to the court. This is an excellent time to review the contents and format of a written report, if one is required. Although federal court and many state courts require a formal written report, the form and substance of the reports can vary. You should also review a draft prior to its submission to ensure that the expert has communicated the issues appropriately and that the report complies with the appropriate rules of evidence and procedure.

#### 10 things to consider when hiring an expert:

- Engage the expert early.
- Hire a qualified expert.
- Hire an effective communicator.
- Give clear deadlines and monitor them.
- Give clear and specific instructions.
- Structure the assignment in a cost-effective manner.
- Have progress or "checkpoint" meetings with the expert.
- Listen to the expert regarding documentation requests.
- Have the expert assist with discovery requests, interrogatories and observing opposing expert's depositions and court testimony.
- Properly prepare the expert for testimony.

#### When hiring an expert, do not:

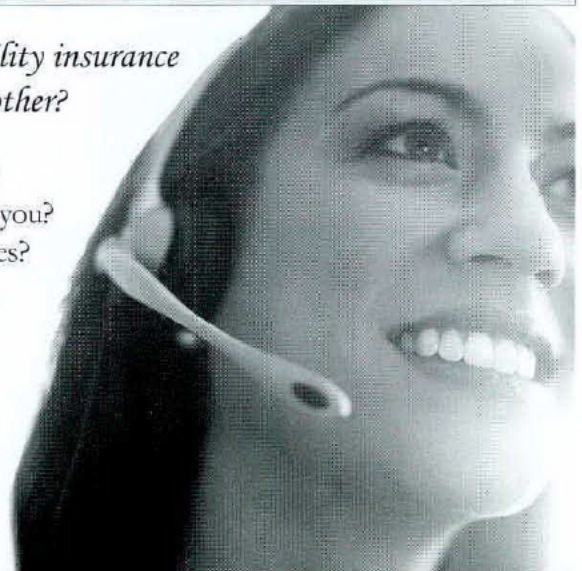
- wait until the last minute;
- hire an inexperienced expert;
- hire a "yes man" or "hired gun";
- hire an expert without a good engagement letter that states each party's rights, responsibilities and the fee arrangement;
- let the expert dictate deadlines;
- unreasonably restrict access to documents;
- wait for the last minute to have the expert prepare you;
- overuse the expert;
- forget the importance of your expert's exhibits; or
- let you or your expert go to court without proper preparation.

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Do everything possible to keep costs under control. Although it is extremely difficult for an expert to know how much time a project may take (and thereby estimate his fees), projects can be broken into smaller pieces with separate budgets. Benefits of breaking projects into discrete steps include: better cost control; less time wasted doing unwanted or unnecessary work; better adherence to and development of reasonable deadlines; and the ability to assess the quality of the case earlier, thereby saving time and money.

Although many experts may not like it, you should reasonably limit the information provided to the expert. The expert should always be given sufficient information to understand the case and accurately and adequately do his job, but not so much information he is distracted by extraneous issues or information. This should be done with great care, of course. Without sufficient information, the expert could reach the wrong conclusion about an issue. And if the expert does not have sufficient data to substantiate his work under

cross-examination, the results could be disastrous. If there is a disagreement between you and the expert as to what is required, you should give the expert what he requests.


You also need to be clear about the objectives for the expert's work and know what information you are providing the expert. The expert needs to be clear with you about what he needs and why. You both must understand that each has a different perspective, and one may know something the other doesn't. It is not uncommon for an expert to be able to identify issues the attorney may not have thought of, or to uncover evidence that was previously unknown to the attorney, that result in significant changes to the litigation strategy or case presentation.

#### Trial Preparation

As the trial date approaches, you should properly prepare your expert. First, you need to understand what information the expert has. Without a clear understanding, you will not know what questions to ask to get the evidence in effectively or perhaps at all. To this end, the expert should make a presentation to you and allow you to ask probing questions. This will more effectively prepare the expert and test his work for "holes." The expert should advise you of key areas or information to bring out on direct and redirect examination. At this time, you and your expert should discuss how evidence will be entered into the record.

Have detailed discussions about the expert's use of exhibits. Many attorneys have strong feelings about how an expert's exhibits are produced and presented. Good-quality exhibits can be extremely helpful to presenting a case effectively, and should be visually appealing; be laid out in a fashion for easy reading; and clearly and simply communicate the issue. The expert should avoid producing exhibits that demonstrate too many issues on one exhibit, because it could result in the message(s) becoming "blurred" or ineffectively communicated.

You should use this time as an opportunity to advise the expert of what to expect on cross-examination. Discuss the opposing side's strategy, the types of questions (and the expert's responses) to po-




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tential cross-examination, how the expert likes to testify, etc. Discuss what you expect from the opposing expert and what services you want your expert to perform regarding the opposing expert. You may want assistance with fact witnesses or experts who are to be deposed. This could result in the expert observing the deposition and providing questions to you in addition to doing the same thing during the trial. If the opposing expert has submitted a written report, you may ask your expert to review and critique it prior to cross-examination of the opposing expert.

Both you and the expert need to be careful that he is not "overused." An example would be the expert sitting at the table or appearing in the audience every day during the trial. Doing so could give an appearance that the expert is an advocate for your client and destroy the expert's credibility with the judge or jury.

When the day comes to testify, the expert should be well-prepared. No matter how experienced the expert, you should prepare him for any deposition or trial testimony. This should include a lesson on how to testify. When it comes to the expert's testimony, he should have a clear and thorough understanding of the facts, the data collected, the analysis prepared, and the basis for the conclusions reached. He should be relaxed, properly dressed, and mentally prepared to testify. The expert gets only one chance to present his work, so make sure it is properly presented. No matter how good or thorough the work performed, if it is not properly addressed in the expert's testimony, exhibits and reports, the work loses its value. The lawyer and the expert must take equal responsibility for ensuring it is done right.

Experts are essential to the success of many types of litigation. Used appropriately, they can make your job easier and maximize the strength of the case. *♣*

*Scott E. Miller, a certified public accountant and valuation analyst, is president of Miller Accounting & Consulting, PC, in Portland, Oregon. His firm focuses on litigation support, business valuation, forensic accounting and business consulting services. He may be reached at 971-544-1571 or scott@millercpa.com.*

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# Five Ways to Be More Efficient at Work

by Peter Balsino and Robin Baade

This article was originally published in *California Lawyer Magazine* in May 2002.

**T**ake a fresh look at how you manage your law practice. Do you dread walking through the door and seeing what messages and faxes await? Do you spend the day putting out fires instead of doing the work you planned to do? Do you end your week wishing you had spent more time enjoying your personal life?

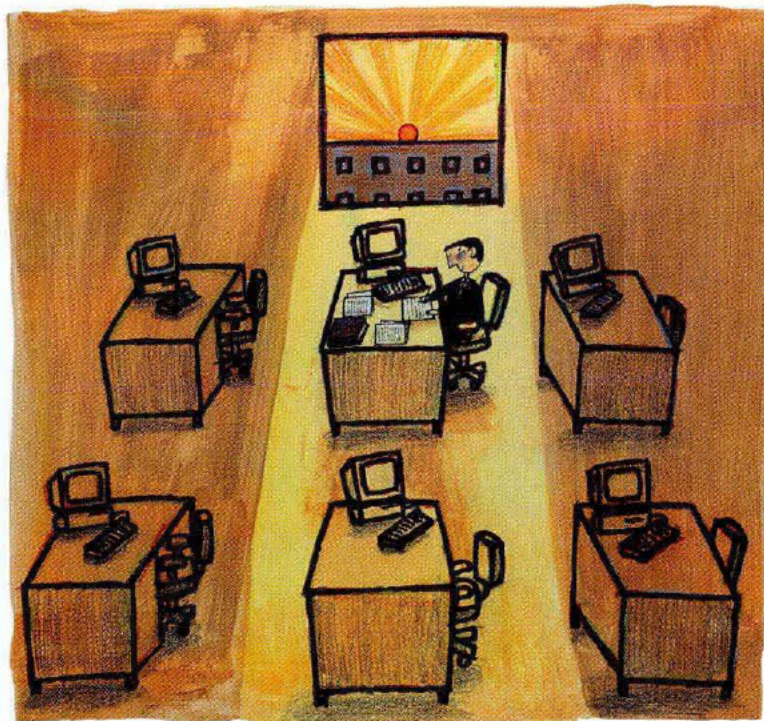
Consider how a few simple changes can free up more time in your work week, and make your hours in the office both more productive and more enjoyable:

**1.** Create “office hours” which are different from employee work hours. Even though you and your employees work from 8:00 to 5:00, that doesn’t mean you have to keep your doors open and answer the telephone during those same hours. You probably don’t receive many calls during the first and last hour of your workday anyway. More important, you don’t need to begin or end your day with a crisis.

This alternative schedule creates a productive first hour for you and your employees, without interruptions. The person who normally answers the telephone can do other work (such as copying, filing, etc.), or you can reduce staffing so you don’t need someone during those hours. The answering machine or service can alert your clients and others about your “office hours.” It is up to you whether you want to schedule “emergency” appointments during the first hour as a special service to certain clients.

Any concerns about being reached by family members or receiving other important calls can be dealt with by keeping one direct line that will always be answered when someone is in the office.

**2.** Create “Saturday hours.” Why do you



get more work done on Saturday? There are no phone calls, no employees asking questions, no interruptions. Create that atmosphere during the week. Schedule the first two hours of some or most of your mornings as “do not disturb” hours. Have your receptionist take messages for you, and ask that your employees save administrative matters until later in the morning. In our office, we have actually gone further by creating “Saturday hours” from 8:00 to 10:00 for the entire office. No employee takes calls or works on matters that require interaction with other employees. It allows everyone to tackle the work on

their desks first thing in the morning without distraction.

A good receptionist will be able to tell which calls can’t wait. If you are waiting for a particular call, you can alert your receptionist. Everyone will need to be flexible — especially in the beginning when the policy is new — but eventually you will be able to tailor your own version of “Saturday hours.”

**3.** Create “fax machine hours.” Get into the habit of turning on the fax machine when you get to work, and turning it off when you leave. No, *really*. We know it is a form

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of blasphemy in today's technologically advanced office, but think about it.

The purpose of the fax machine, as with other technology, is to make your practice simpler and more efficient, rather than to let it control you. A fax machine is useful in many situations, but it can create a sense of false urgency. It can also allow opposing attorneys to accomplish untimely notifications. How many times have you received paperwork at the end of the day—or worse, during the night—before a morning hearing?

Attorneys who fax after or before work hours get to control your workday: There the papers are, waiting for you first thing in the morning, defining how you are going to spend the next few hours.

Not only do you not have a duty to keep your fax machine on, you do not even have a duty to own one. Radical, huh? We have a fax machine because it makes it easier and less expensive to communicate with others in certain situations. But we bought it, so we get to decide how to use it. We turn it on at 8:00 and off at 5:00.

4. Schedule your time off. If you've ever had the flu for a week or experienced a family emergency that required your immediate attention, you know that things at work aren't always as urgent as you think. Your experiences have probably shown you that when you need to get away from work, you can. But once the emergency disappears, we slip into the same old pattern.

You *do* have the time to take off, but you have to recognize it and protect it. We all waste time at work (surfing the Internet, organizing and re-organizing our desks, etc.). There seems to be an accepted misconception that there is a value to being in the office, even if you aren't working. Someone may call you, something may need to be done, so you'd better be there.

Wrong.

If you scheduled yourself out of the office every Thursday afternoon for a networking meeting or a standing client appointment, your practice would survive without you—right? Test this. For one week, at the end of each day, write down how much time you actually worked. At the end of the week, you should notice a

surplus of time. So why not use that time for something more satisfying? Pick up your children from school and go to a movie. Go home and garden. Take a class. Do something for yourself. But really plan it and *do it*.

Start slowly by picking one day a week to leave early or come in late. Or start even smaller: Do not work on the weekend *no matter what* for three weeks in a row. Train yourself to get all of your work done in five days, rather than in seven. If you are like us, you will discover that the more time you take off, the more productive you

are at work, which in turn allows you to take more time off.

5. Create "summer hours" and "December hours." Summer and December hours are a great benefit to give yourself and your employees, and they really don't cost anything. Summer and December are great times to reduce your office hours, because most attorneys and courts are on vacation, and things slow down anyway.

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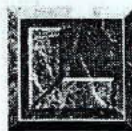
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Year's Day. Normally, employees work from 8:00 to 5:00, with a one-hour lunch break; during the summer and December, we reduce the lunch break to one-half hour Tuesday through Friday. (The one-hour lunch on Mondays still allows employees one day during the week to run any personal errands that would take longer than half an hour.) This two-hour surplus allows employees to start their weekend on Fridays at 3:00 rather than 5:00.

The summer and December programs have several benefits. For one, it's great for morale. Employees tend to schedule their personal appointments on Friday afternoons, so there is less time away from work than during the rest of the year. There is a feeling of teamwork in getting the work done earlier in the week and knowing that the weekend will begin sooner and last longer.

Additionally, there is something magical about everyone else going home — it makes it easier (psychologically) for you, as the boss, to leave (even though you can really leave any time). If your practice is like ours, you probably don't get that many calls late Friday afternoon anyway. However, if you're worried about closing early, put a message on your answering machine or give your answering service a prepared message about your shortened hours. You'll be surprised how many of your clients are supportive of the idea. Just warn your clients ahead of time, and it actually retrains them to call you earlier in the week and earlier on Friday (no more 4:30 Friday emergencies).

Although federal law does not require employee breaks or lunch hours, you need to consult your individual state law to make sure you tailor your summer- and December-hours programs to comply. However, even if your state prohibits you from reducing lunch hours, you can still let employees leave early on Fridays. The two-hour loss will be more than offset by the gain in employee morale and loyalty. ♪

*Peter Balsino and Robin Baade are freelance writers and attorneys in Arizona. They continue to strive for the perfect balance between work and family life.*

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## Know Thy Jurist: Change Thy Name

by Sir Brian P. McLean

**K**now thy jurist. Know how to change thy legal name.<sup>1</sup> These are related concepts. Let's start with changing thy legal name. William Blythe IV. Sound too Republican? No problem. Change it to Bill Clinton and voilà, you're a liberal Democrat and two-term U.S. president. Saxe-Coburg-Gotha.<sup>2</sup> Too hyphenated and glottal? Kein Problem, meine Freunde. Change it (in 1917) by royal proclamation to Windsor, and occupy Buckingham Palace rent-free for the next century.

In Washington, you don't have to be a member of the royal family or from Arkansas to change your legal name. That's good news.<sup>3</sup> You can change it on your own,<sup>4</sup> or resort to a statute, RCW 4.24.130, that makes legally changing your name easy. I have used the statute recently to avoid professional embarrassment.

The statute allows you to petition the district court<sup>5</sup> in the county where you reside<sup>6</sup> to change your legal name or the name of your ward. RCW 4.24.130(1).<sup>7</sup> Not so fast if you're an offender under the Department of Corrections' jurisdiction, RCW 4.24.130(2), and maybe not at all if you're a sex offender, RCW 4.24.130(3); RCW 9A.44.130(7) (sheriff might be able to stop the name change for "legitimate law enforcement interests," but sheriff cannot deny you "when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage").

Assuming you're eligible for a name change, the law goes on to say that when petitioning the court you have to give an affirmative reason for the change.<sup>8</sup> *Id.* Kelly Kunsch (who has contributed to 84 volumes of *Washington Practice*)<sup>9</sup> and Barbara Barker suggest some "good" reasons for a name change, including "to simplify a difficult or foreign spelling; to conform to the name petitioner has customarily used; to change the name of a minor to conform to that of a parent; to legally establish the name that already appears in various official records; to reflect the petitioner's personal tastes...." (italics omitted).<sup>10</sup>

**B**ut there are limits. Under common law, a name change could be sought for any reason that is not fraudulent.<sup>11</sup> But RCW 4.24.130 invites judicial scrutiny, and thus the freedoms associated with common law and simpler times become more fragile. Avail yourself of codified law, and the idea that one who has the freedom to choose foolishly (the common-law right to subject oneself to "contempt, ridicule and inconvenience") must be balanced by the scales of justice against civilization's interest in avoiding names that are obscene, likely to provoke violence or warfare, arouse passions, or inflame hatred. If that isn't unfair enough, it may be impossible to assume a



name that confers a fictitious title of nobility, royalty or a superior rank.<sup>12</sup>

The cost for a name change is ridiculously reasonable — five dollars. See RCW 36.18.010.<sup>13</sup> Changing other people's legal names can be a bit touchier, but perhaps useful.<sup>14</sup> Let's take my recent experience in superior court. I spelled a judge's name wrong in a letter. Let's call her Judge "Stephen." She's a superb jurist, her name is difficult to spell, and my variation was superior (namely, "Stephens"). Nevertheless, I arrived at the settlement conference and apologized. She was very gracious. I returned to my office and wept, realizing that for the rest of my career this judge would remember that I made a mistake.<sup>15</sup>

But the law is my friend. After careful and deliberate contemplation, I realized that if she changed

the spelling of her name to my version we could both put this entire embarrassing episode behind us. I quickly prepared a Petition for Name Change and cover letter, and sent them by legal messenger to the judge's chambers the same afternoon.<sup>16</sup>

Several months have passed and I have not heard from the judge. Her name remains the same. But I grow more confident every day that, even if I failed to know my jurist as well as I should have, I can always make a name change. ☞

*Sir Brian P. McLean, who has toyed for some years with changing his name to €, lives in Kent with his wife, who has a different last name. He practices in Pierce and King counties, where he and Richard Brady are managing members of Brady & McLean PLLC.*

#### NOTES

1. You can "nick" your name for the sake of brevity. For example, my member Richard could go by "Dick" (he does not). But changing your nickname to "Skip," "Chip" or "Bulky," and RCW 26.09.150, which relates to a court's au-

thority to grant a name-change request as part of a marriage dissolution, are beyond the scope of this article.

2. Cf. "Schlachtenhaufen."

3. See 57 Am.Jur.2d Name 613, 619, 627 (2001) (within common-law principle of freedom of choice in the matter of names, person could change name without resort to legal proceedings).

4. See, e.g., AGO 1985 No. 10 (a person may use any name he sees fit, but a state agency may require disclosure and proof of name formerly used).

5. To determine whether a district court has exclusive jurisdiction, ask a superior court judge or see footnote 6.

6. Note that if you're a victim of domestic violence and have reasonable fear for your safety, RCW 4.24.130(5) allows you to petition the superior court and have the file sealed.

7. This satisfies a problem that has nagged me for decades: Upon what legal foundation did Bruce Wayne rely when he renamed his youthful ward "Robin"? Note, however, that there is an apparent age limitation to youthful consent. A minor over the age of 14 may have to consent in writing to a name change. Kelly Kunsch and Barbara Barker, 1 Wash. Prac. *Change of Name* § 23.5 (2001) (relying on RCW 26.33.160 (1)(a)).

8. Thus turning a convenience into a burden.

9. Thus making the practice of law as easy as the art of being a counter person at McDonald's.

10. Kunsch and Barker, at § 23.11.

11. The attorney general says that a name change cannot be sought for fraudulent reasons. See AGO 1928 at 507. Kunsch and Barker suggest that a name change petition should not be granted if the change would be illegal or "detrimental to the interests of any person." Kunsch and Barker § 23.5. If "detrimental" does not include bad taste, then does "any person" not apply to the petitioner? Don't know.

12. See, e.g., Matter of Miller, 67 N.Y.S.2d 1024 (City Cir. Ct. 1994), and 57 Am.Jur.2d at 643.

13. Your county may, however, "collect a reasonable fee to cover the cost of transmitting the order to the county auditor." Pierce County District Court No. One presently charges \$72 according to its Web site. Oh Tim Eyman, where art thou?

14. But see 57 Am.Jur.2d at 630 (right to change name belongs to individual, unless minor child).

15. The settlement was a draw.

16. The idea for the Petition for Name Change was, characteristically, my member's.

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### Honors and Awards

Michael D. Stein has been appointed vice-chair of the American Intellectual Property Law Association's Electronic and Computer Law Committee. His year-long commitment begins in October.

The following lawyers have received awards from the Washington Association of Criminal Defense Lawyers (WACDL): **Simmie A. Baer**, William O. Douglas Award; **John Rodgers**, President's Award; **Don Westerman**, President's Award; **David Zuckerman**, President's Award; Senator **Adam Kline**, Champion of Justice Award.

Seattle attorney **Jeffery P. Robinson** has been elected president of the Washington Association of Criminal Defense Lawyers. He has served on the WACDL board of governors since 1999. Other newly elected officers are: **Roger Hunko**, president-elect; **Bill Bowman**, vice-president/West; **Rick Fasy**, vice-president/East; **Kris Costello**, secretary; **Barry Fleggenheimer**, treasurer. New members of the WACDL board of governors are **Rene Cespedes**, **Dan Fessler**, **Kim Gordon**, **Amanda Lee** and **Mary Logan**.

The Washington State YMCA Youth and Government program presented Attorney General **Christine O. Gregoire** with the Justice Robert F. Utter Award for demonstrating positive values, service-oriented leadership, service to youth, and work to preserve the true mission of democratic government.

Newly elected officers of the Washington State Association of Municipal Attorneys are **Judy Zeider**, president; **Gail Gorud**, first vice-president; **Chuck Zimmerman**, second vice-president; **Robin Jenkinson**, immediate past-president; **Cynthia Martinez**, board member; **James Pidduck**, board member; and **Michael Weight**, board member.

**Glenn Amster** has been elected chairman of the board of trustees for Cornish College of the Arts. He has been a board member since 1998.

**Dick Swanson** and **Carla Dewberry** have been appointed to the Tobacco Settlement Authority (TSA) by Governor Gary Locke. The TSA will make decisions relating to the sale of \$450 million in bonds from the state's tobacco-settlement funds.

The 2002 Governor's Award for Volunteer Service has been presented to **George Haldeman** for his work as a parent trust group facilitator. He has served more than 1,000 hours as a facilitator at the Ryther Child Center in Lake City, and has appeared before the state Legislature as an advocate for policies that support children and families.

**J. Vernon Williams** has received the YMCA Legacy Award for sustained volunteer contributions to the YMCA of Greater Seattle. His service began in 1965, when he joined the board of directors.

Kent Municipal Court Judge **Robert McSeveney** has received the Outstanding Judge of the Year Award from the Washington State District and Municipal Court Judges' Association. Judge McSeveney has been the Kent Municipal Court judge for eight years, and is an appointed portability judge for King County Superior Court.

Tacoma lawyer **Ken Luce** has received the U.S. Navy Superior Public Service Award, the highest civilian award bestowed by the Navy. Mr. Luce spearheaded an initiative to amend APR 8 to provide broader legal assistance to enlisted personnel.

### Movers and Shakers

**Jody Kuiper** has joined the Seattle firm Betts, Patterson & Mines as an associate in the complex litigation group, focusing on commercial litigation, insurance defense, and coverage disputes.


**Robert S. Mahler** has been named managing director of the Seattle firm MacDonald, Hoague & Bayless. He concentrates on white-collar criminal defense.



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Dawn L. Findlay and Adam G. Snyder have been elected shareholders of Inslee, Best, Doezie & Ryder PS in Bellevue. Laurence A. Young has joined the firm as an associate.

Former Washington Court of Appeals Judge Walter E. Webster Jr. has joined the Mercer Island firm Lybeck Murphy as of counsel. He leads the firm's appellate practice group. Craig E. Coombs and Janet H. Somers have joined the firm as partners. Heath Fox is a new associate.

Steven Gonzalez has been appointed King County Superior Court judge. He previously worked as an assistant U.S. attorney, prosecuting organized crime, identity theft and child-prostitution cases.

Richard A. Moore has joined the Seattle office of Buck & Gordon as an associate, focusing on commercial real estate transactions.

Greg Costello has joined the Western Environmental Law Center (WELC) as executive director. The WELC is an independent, nonprofit environmental law firm that provides legal assistance, typically without charge, to local citizen groups, Indian tribes, conservation groups, and rural governments.

#### In Memoriam

Adam G.S. Chanak died May 8 at age 48. Mr. Chanak practiced in the Seattle area for the past 19 years and was the 2000-2001 chair of the WSBA International Practice Section. He spoke five languages fluently; enjoyed sailing; played the viola and piano; was an avid writer; and held a lifelong interest in theology. Memorials may be made to Saint Spiridon Orthodox Cathedral (400 Yale Ave. N., Seattle, WA 98109), or the Humane Society (13212 SE Eastgate Way, Bellevue, WA 98005).

Harrison K. Dano died June 3 at age 85. Mr. Dano served aboard the USS Iowa

and the USS Macon in World War II, and in the U.S. Naval Reserves until 1953. He practiced law in Ellensburg for 32 years before moving to Moses Lake, where he continued his practice. He was a member of Moses Lake Rotary International, American Legion, Elks Lodge, and the American College of Trial Lawyers. He was a member of the WSBA Board of Governors (1966-69), a founder of the Washington State Trial Lawyers Association, and was instrumental in establishing the People's Law School at Big Bend Community College. Memorials may be made to Our Lady of Fatima Capital Campaign Fund (200 N. Dale, Moses Lake, WA 98837) or St. Rose of Lima Catholic School Foundation (520 Southeast Blvd., Ephrata, WA 98823).

James Gay died April 23 at age 83, due to kidney failure. After graduating from the University of Washington School of Law, he joined the office of Harold Shefelman and remained with the firm (now known as Foster, Pepper & Shefelman) until his retirement in 1994. Mr. Gay, who was a well-known municipal bond attorney, taught government law at the University of Washington law school. Mr. Gay was a member of the Seattle Municipal League and the University of Washington Law School Alumni Association, and was local government law counsel for the American Bar Association and general counsel for Water District 99. Memorials may be made to the Benevolence Fund at First Presbyterian Church of Bellevue (1717 Bellevue Way, Bellevue, WA 98004) or Emerald Heights Benevolence Fund (17909 176th Circle NE, Redmond, WA 98052).



Gay

Arthur S. Langlie died May 24 at age 71, following a stroke. Before entering law school, Mr. Langlie, son of former Governor Arthur B. Langlie, served for two years with the Coast Guard; he retired in 1980 with the rank of captain. Mr. Langlie clerked for the 9th U.S. Circuit Court of Appeals following graduation from the University of Washington School of Law. He later practiced law with the Seattle firm McMicken, Rup and Schweppe, then Langlie and Praeger, and finally as a sole practitioner. He served on the Salvation Army's Seattle advisory board for 40 years. Memorials may be made to the Salvation Army Hope Campaign (Northwest Divisional Headquarters, PO Box 9219, Seattle, WA 98109), or Lakeside School (Dept. 4156, PO Box 34936 Seattle, WA 98124-1936).

Dean Wright Loney died April 30 at age 79, following a long battle with colon and liver cancer, and kidney failure. Mr. Loney served in World War II, attended Whitman College, then received his J.D. from the University of Washington School of Law. He practiced law for 30 years with the Tri-Cities firm Moulton, Powell and Guss. Memorials may be made to Tri-Cities Chaplaincy Hospice House (2108 W. Entiat Ave., Kennewick, WA 99336), or Tri-Cities Kidney Center (522 N. Colorado St., Kennewick, WA 99336).

Donald Priest died April 27 at age 71, following a brief illness. A graduate of the University of Washington School of Law, he served as a Snohomish County deputy prosecutor for several years and then became an Everett District Court judge, serving on the bench for almost 23 years. Judge Priest was active in the Everett Elks, American Legion and Navy League.

Gary M. Schrag died April 16 at age 49, following a battle with multiple myeloma. He practiced probate and agricultural law with the Walla Walla firm Reese, Baffney, Schrag & Frol for 24 years. Mr. Schrag was past president of the Exchange Club and an active member of the Blue Mountain Humane Society Board. He also served on several boards and was a member of the BPOE 278 and Walla Walla Country Club. Memorials may be made to the International Myeloma Foundation (12650 Riverside Dr., Ste. 206, North Hollywood, CA 91607). #2

# Disciplinary Notices

*These notices of imposition of disciplinary sanctions and actions are published pursuant to Rule 11.2(c)(4) of the Washington State Supreme Court's Rules for Lawyer Discipline, and pursuant to the February 18, 1995 policy statement of the WSBA Board of Governors.*

*For a complete copy of any disciplinary decision, call the Washington State Disciplinary Board at 206-733-5926, leaving the case name and your address.*

## **Suspended**

**Brian M. Keith** (WSBA No. 14404, admitted 1984), of Eugene, Oregon, has been suspended for 90 days effective May 20, 2002, pursuant to an RLD 12.6 reciprocal discipline proceeding. Mr. Keith was disciplined by the Supreme Court of California for failing to place client funds in a trust account and misappropriating a portion of those funds in 1997.

In June 1996, an insurance company retained Mr. Keith to represent it in a subrogation lawsuit. In February 1997, Mr. Keith settled the lawsuit and received two drafts payable to himself and the insurance company. Mr. Keith, who was entitled to \$23,180.65 in attorney's fees, deposited \$46,361.35 into a checking account, not a trust account. Prior to distributing any funds to the client, the balance in the checking account was \$1,345.59. The insurance company contacted Mr. Keith several times, asking for an accounting of the funds and payment of their share.

On October 14, 1997, Mr. Keith issued two checks to the insurance company. When the insurance company tendered the first check to the bank, it was returned due to insufficient funds. In December 1997, Mr. Keith issued a partial replacement check from a different checking account. Mr. Keith finally delivered the remaining insurance company funds in June 1998.

Mr. Keith's conduct violated California Business and Professions Code Sections 4-100(A), requiring lawyers to deposit client funds into a trust account; 4-100(B)(3), requiring lawyers to provide accountings to clients upon request; 4-100(B)(4), requiring lawyers to promptly, upon request, deliver client funds in a lawyer's possession to the client; and 6-106, prohibiting lawyers from committing acts of moral

turpitude, dishonesty or corruption.

Felice Congalton represented the Bar Association. Mr. Keith represented himself.

## **Suspended**

**Dale O. Thompson** (WSBA No. 14122, admitted 1984), of Salem, Oregon, was suspended for 120 days effective January 30, 2002, pursuant to an RLD 12.6 reciprocal discipline proceeding. This discipline was based on a stipulation to discipline approved by the Oregon Supreme Court involving lack of diligence in two client matters during 1998.

**Matter 1:** In October 1997, Mr. Thompson began representing a client in a proceeding for post-conviction relief. In February 1998, the court denied the client's petition. Mr. Thompson then agreed to represent the client in an appeal of the first order, but did not file a timely notice of appeal. From April 7, 1998 through June 30, 1998, Mr. Thompson took no substantial action on the client's case.

**Matter 2:** In February 1998, Mr. Thompson was appointed to represent a plaintiff in a civil-rights suit. In March, Mr. Thompson advised the client to allow the case to be dismissed on summary judgment, explaining that he would prepare and file a new complaint. After March 1998, Mr. Thompson took no further substantial action on the client's case. In August 1998, the court dismissed the client's case for failure to prosecute.

**Matter 3:** Mr. Thompson failed to comply with disciplinary counsel's requests for information regarding this matter, to respond to several written requests for information, and to appear pursuant to a subpoena issued in February 2000.

Mr. Thompson's conduct violated Oregon Code of Professional Responsibility DR 6-101(B), prohibiting lawyers from neglecting client matters entrusted to them; and DR-1-103(C), requiring lawyers to respond fully and truthfully to inquiries in disciplinary proceedings.

Felice Congalton represented the Bar Association. Mr. Thompson represented himself.

## **Reprimand**

**Mariano Morales Jr.** (WSBA No. 19213, admitted 1989), of Yakima, received a rep-

rimand, following a hearing. The discipline is based upon his failure to avoid conflicts of interest, and submitting a declaration using a client's secrets to her disadvantage in 1999.

In 1999, Mr. Morales represented a husband in a criminal proceeding alleging that the client assaulted his wife. When the husband and wife wanted to reconcile, Mr. Morales represented the wife in her attempt to modify, and later terminate, the no-contact order issued in the criminal proceeding. Mr. Morales did not consult with either client regarding the conflicts involved in this representation.

While representing the wife, Mr. Morales prepared and filed a declaration stating that the wife did not believe she was an assault victim. Six months later, the husband filed for dissolution of their marriage and moved *ex parte* for a restraining order requiring the wife to vacate the family home. In support of the husband's motion, Mr. Morales signed a declaration stating he had great concern that the wife, out of anger, would falsely charge the husband with assault.

Mr. Morales' conduct violated RPCs 1.7(a) and (b), prohibiting lawyers from representing clients if the representation will be directly adverse, unless the lawyer reasonably believes the representation will not be affected, and the clients consent in writing following a full disclosure; and 1.9(b), prohibiting lawyers from representing a client in the same or a substantially related matter if the client's interests are materially adverse to a former client, unless the former client consents in writing after a full disclosure.

Joanne Abelson and Dan W. Keefe represented the Bar Association. Kurt Bulmer represented Mr. Morales. The hearing officer was James M. Danielson.

## **Censured**

**Matthew J. Rusnak** (WSBA No. 28671, admitted 1998), of Tacoma, received a censure pursuant to a stipulation approved by the Disciplinary Board in March 2002. The parties stipulated that in 2000 and 2001 Mr. Rusnak failed to keep a client informed about the status of her matter and failed to diligently represent the same client.

In late 1999, Mr. Rusnak agreed to rep-

resent a client in a breach-of-contract claim involving real property. Before the sale closed, the purchaser filed a Chapter 7 bankruptcy proceeding, listing the client as an unsecured creditor. On March 20, 2000, Mr. Rusnak commenced an adversary proceeding in bankruptcy court, claiming that the client's debt was not dischargeable. Mr. Rusnak was not able to immediately serve the summons and complaint because the purchaser appeared to be intentionally avoiding service.

On February 5, 2001, the bankruptcy court issued an order requiring the parties to show cause why the case should not be dismissed because service had not been accomplished. On February 20, Mr. Rusnak effected service of process on the purchaser. The court set the show-cause hearing for March 21, 2001. Mr. Rusnak received the court order, but failed to note the date on his calendar. Neither Mr. Rusnak nor the client appeared for the hearing.

On March 26, the bankruptcy court issued an order of dismissal for lack of prosecution and failure to appear at the hearing. On March 29, 2001, the court discharged the debtor and closed the bankruptcy proceeding. Mr. Rusnak refunded all client fees and costs.

Mr. Rusnak's conduct violated RPCs 1.4, requiring lawyers to keep clients reasonably informed about the status of their matters; and 1.3, requiring lawyers to diligently represent their clients.

Douglas Ende and Jean McElroy represented the Bar Association. Mr. Rusnak represented himself.

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## Lawyers' Fund for Client Protection

by Robert Welden

The Lawyers' Fund for Client Protection Committee meets quarterly to review applications for gifts from the fund. The committee is authorized to make gifts of up to \$10,000 to qualified applicants. On applications for more than \$10,000, the committee makes recommendations to the Board of Governors, who are the fund's trustees. At their meeting on May 13, 2002, the committee took the following action:

**John B. Atkinson** (WSBA No. 14715, Tacoma; disbarred): Mr. Atkinson represented the applicant in claims against the Department of Labor and Industries (L&I). Between January 1996 and October 2000, L&I paid a total of \$106,420.21 to Mr. Atkinson on behalf of the applicant. Mr. Atkinson failed to account for nearly \$49,000 of those funds. After reviewing the fee agreement between Mr. Atkinson and the applicant, the committee recommended payment to the applicant of \$33,549.48.

**C. Alan Grider** (WSBA No. 16927, Clarkston; disbarred): The committee approved three applications concerning Mr. Grider, and continued one for further investigation.

- Mr. Grider failed to account for \$88,000 from an estate of which he was executor. In the disciplinary proceeding, Mr. Grider stipulated to restitution of \$88,521.62. The committee recommended payment of the maximum gift of \$50,000 from the fund.

- Mr. Grider failed to account for \$14,272 that he was to have deposited in a blocked account for the benefit of a minor in a personal injury settlement; he stipulated to restitution. The committee recommended payment of \$14,272 into a blocked account for the benefit of the minor.

- Mr. Grider failed to account for \$42,067 from an estate account; he stipulated to restitution. The committee recommended payment of \$42,067 to the applicant.

**John Hess** (WSBA No. 22308, Seattle; disbarred): The committee previously approved 10 applications concerning Mr. Hess, totaling \$21,431. In this matter, Mr. Hess was paid \$2,300 to represent the applicant on a reckless-driving charge and license-revocation proceeding. Mr. Hess paid a \$100 fee to schedule the administrative license hearing, but failed to appear when the hearing was originally scheduled, and was unprepared and made misrepresentations when the hearing was continued. He failed to appear for the pretrial hearing on the reckless-driving charge, and, prior to the trial date, did not advise his client that he was suspended. The committee approved payment of \$2,200 to the applicant.

**Robert J. Lincoln** (WSBA No. 15170, Bellevue; deceased): The committee previously approved one application for \$1,500 concerning Mr. Lincoln. In this matter, the applicant paid fees of \$2,500, plus a \$500 court-reporter fee, in a marriage-dissolution proceeding, and \$725 on a bankruptcy filing. Mr. Lincoln represented the applicant in the dissolution proceeding, but used only \$222 of the fee to pay the court reporter, and did not file bankruptcy on his client's behalf. The committee approved payment of \$1,003 to the applicant.

**Jeffrey B. Ranes** (WSBA No. 7732, Montesano; disbarred): The committee reviewed five applications concerning Mr. Ranes, and approved four of them.

- The applicant paid Mr. Ranes \$1,000 for representation on a charge of driving

with a suspended license. Mr. Raney filed a notice of appearance but failed to appear for a pretrial conference. Mr. Raney failed to advise his client that he was suspended from practice before the new date was set for the pretrial conference. The committee approved payment of \$1,000 to the applicant.

- The applicant paid Mr. Raney \$500 to seek expungement of a criminal conviction. Mr. Raney took no action, and the committee approved payment of \$500.

- The applicant paid Mr. Raney \$700 to file bankruptcy. Mr. Raney took no action, and the committee approved payment of \$700.

- The applicant paid Mr. Raney \$500, plus a \$120 filing fee, to file a marriage dissolution. Mr. Raney prepared the dissolution petition, parenting plan and other documents, but never filed them or paid the filing fee. After he was suspended, Mr. Raney gave the applicant her file, and she filed the documents prepared by Mr. Raney. The committee approved payment of \$120 to the applicant, the amount rep-

resenting the filing fee that Mr. Raney never accounted for.

**Daniel J. Rodriguez** (WSBA No. 27321, Tacoma; suspended; recommendation for disbarment): The applicant paid Mr. Rodriguez \$4,000 to file an appeal from a criminal conviction. Mr. Rodriguez filed a notice of appeal, but never paid the filing fee or application for indigency despite representations to the court that he would. Eventually, the court of appeals remanded the matter to the trial court. The disciplinary hearing officer ordered restitution of \$4,000 to the applicant; the committee approved payment in that amount.

**Chul Shirts** (WSBA No. 24993, Vancouver; recommendation for disbarment): The applicant paid Mr. Shirts \$800 for representation in a child-custody proceeding. Mr. Shirts cancelled their first appointment, and afterward the applicant could no longer reach him. The committee approved payment of \$800.

### Other Business

The committee reviewed 12 applications that were denied for lack of evidence of dishonest conduct or as fee disputes. The committee also recommended an amendment to APR 15 to provide the committee with subpoena power to aid in its investigations, comparable to that provided under the Rules for Lawyer Discipline.

### Restitution

The fund seeks restitution from the lawyers who cause payments from the fund. Because in most cases those lawyers have no assets, the chief avenue of restitution is through court-ordered restitution in criminal cases. Prosecuting attorneys cooperate with the fund in getting the fund listed in restitution orders. Since October 1, 2001, the fund has received total restitution of \$5,135. In addition, with the approval of the Board of Governors, the fund entered into a contingent-fee agreement with private counsel to seek recovery in appropriate cases. So far, commencement of two court actions has been approved.

### Thank You

The purpose of the Lawyers' Fund for Client Protection is to assist persons who have been the victims of dishonest lawyers. Although the fund can never fully compensate a person for the harm done by a dishonest lawyer, since October 2001, we have received several thank-you notes from recipients of payments made on behalf of Washington lawyers:

- "Please accept my sincere thanks and appreciation regarding this matter. More power to all of you, and Merry Christmas."

- "Thank you for all your hard work in this matter."

- "Thank you so much! I really appreciate this. I will be laid off from my job in a few months (I work at Boeing). So this will be one less bill for me to worry about."

- "I know we have never met, but I wanted to thank you for all that you have done for us.... We didn't think there would be any way of recovering any of the money, but thanks to you we have. Have a wonderful Christmas." ❧

The committee chair is Issaquah attorney Richard M. Holt. WSBA General Counsel Robert Welden is staff liaison to the committee.

## Consumer-Information Pamphlets Available

**P**rovide a valuable service to your clients by offering them consumer-information pamphlets! Published by the WSBA as a public service, these pamphlets educate consumers about their legal rights and responsibilities, answer frequently asked questions, and explain basic aspects of Washington laws. The information, of course, is general and not intended as legal advice or as a substitute for a lawyer's services. Pamphlets available are:

- Alternatives to Court
- Bankruptcy
- Buying and Selling Real Estate
- Criminal Law
- Dissolution
- Elder Law
- Landlord/Tenant Rights
- Lawyers
- Lawyers' Fund for Client Protection
- Legal Fees
- Marriage
- Parenting Act
- Probate
- Revocable Living Trusts
- Signing Documents
- Thinking about Law School?
- Trusts
- Wills

Pamphlets are priced as follows:

Quantity (per topic)	Cost (per set)	Quantity (per topic)	Cost (per set)
25	\$9	100	\$25
50	\$15	500	\$90
75	\$20		

To place an order, please call the WSBA Service Center at 800-945-WSBA or 206-443-WSBA, or send an e-mail to [questions@wsba.org](mailto:questions@wsba.org). Prices include shipping and handling, but do not include 8.8% state sales tax. Payment may be made by check, MasterCard or Visa.

**Note:** A special discounted rate is available for qualified nonprofit organizations — contact the WSBA Service Center for details.

### **Congratulations to New WSBA President-elect-elect David W. Savage**

At its June 7 board meeting, the WSBA Board of Governors elected Pullman attorney David W. Savage to serve as WSBA president for the 2003-04 term. Mr. Savage will assume the role of president-elect at the close of the September 2002 business meeting when President Dale L. Carlisle passes the gavel to J. Richard Manning.

### **Congratulations to WSBA Governor-elect Andrea Brenneke**

At its June 7 board meeting, the WSBA Board of Governors elected Andrea Brenneke to serve as governor from the 7th-East Congressional District. Board election is required for open governor positions pursuant to WSBA Bylaws.

### **At-Large Governor Position**

The election of David Savage as president-elect-elect creates an opening for an at-large governor. The term for the position is October 2002 to September 2005. At-large positions exist in addition to the congressional-district governor positions to encourage representation on the board of historically underrepresented groups (WSBA Bylaw Article III, Section M).

Persons interested in this position should send a letter of interest and résumé to the Executive Director, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330, or e-mail [oed@wsba.org](mailto:oed@wsba.org) no later than July 31, 2002. The Board of Governors expects to make its decision at the September 13-14 board meeting.

### **WYLD Seeks Award Nominations**

**Nomination deadline:** July 31, 2002

The WYLD is accepting nominations for the Thomas Neville *Pro Bono* Award, Outstanding Young Lawyer of the Year, and the Professionalism Award. All three awards recognize lawyers who epitomize the best in the legal profession. Nominations are also being accepted for Outstanding YLD Affiliate or Organization for recognition of public-service and/or member-service programs. Awards will be presented at the WYLD "Bridging the Gap" Conference in Seattle on September 21. Letters of nomination should include the nominator's name, address and daytime phone number, as well as a copy of the nominee's résumé or list of accomplishments. Nominations must be received by July 31, 2002, and should be mailed to Lisa KauzLoric, WYLD Liaison, WSBA, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330.

### **Newer Admittees Need Your Lawyering Skills**

The WSBA's new Lawyer-to-Lawyer Program matches newer admittees with experienced lawyers. Help them get a head start on learning those lawyering skills not found in any textbook. The program is not a structured mentoring program and does not supplant any similar programs of local or specialty bars. We connect lawyers with similar practices in the same geographic area for mutual information-sharing and goodwill. For more information, contact Pete Roberts at 206-727-8237 or [peter@wsba.org](mailto:peter@wsba.org).

### **Mark Your Calendar: 2002 WSBA Annual Awards Dinner and Business Meeting**

The WSBA annual awards dinner and business meeting will be held Thursday, September 12 from 6:00-9:00 p.m. at W Seattle Hotel, 1112 Fourth Ave., Seattle. To make your reservation, please use the form on page 10 of this issue.

### **Rules for Enforcement of Lawyer Conduct Published for Comment**

The April 16, 2002 advance sheet of *Washington Reports* published the proposed Rules for Enforcement of Lawyer Conduct for comment through July 15, 2002. If adopted, these proposed rules will replace the Rules for Lawyer Discipline. The online version is available at <http://www.courts.wa.gov/rules/proposed/2002mar/word/ProposedELC.doc>.

### **New Online Resource for Court Decisions and Other Related Information**

There's a new Web site you'll want to bookmark: <http://www.LegalWA.org>. This site contains Washington State Supreme Court opinions from 1939 to present, and published Court of Appeals opinions from 1969 to present. It also includes links to the full text of the RCW, WAC, and 70 Washington city and county municipal codes.

LegalWA.org was created cooperatively by the Washington State Bar Association, Municipal Research & Services Center, and the Washington Office of the Code Reviser to provide free public access to case law.

The site has been designed for ease of use. The full text of court decisions is searchable by keyword, and navigation around the site is simple and straightforward. The site also contains useful links to other legal resources, and is updated weekly.

### **Fulbright Scholar Grants in Law Available for 2003-04**

The Fulbright Scholar Program is offering 114 lecturing and research awards, ranging from two months to an academic year, to attorneys and law faculty for the 2003-2004 academic year. The application deadline is August 1, 2002. For information, see <http://www.cies.org> or contact the Council for International Exchange of Scholars, 3007 Tilden St. NW, Ste. 5L, Washington, DC 20008; 202-686-7877; e-mail [apprequest@cies.iie.org](mailto:apprequest@cies.iie.org). The program is sponsored by the U.S. Department of State's Bureau of Educational and Cultural Affairs.

### **LOMAP Roadshow in King County**

On August 14, the WSBA's Law Office Management Assistance Program (LOMAP) will present an expanded version of its popular traveling seminar. The seminar will be held at Bell Harbor Convention Center from 8:00 a.m. to 4:15 p.m., and will cover such topics as practice management, trust-account rules, and client-relations ideas. A social hour follows the seminar. For more information, contact Pete Roberts at 206-727-8237 or [peter@wsba.org](mailto:peter@wsba.org).



#### Thurston County Law Day Speech Contest

The Thurston County Bar Association and the Rotary Club of West Olympia sponsored a Law Day speech contest on April 30. The three finalists, juniors at Olympia High School, spoke about the legal system and the events of 9/11. Pictured L-R: Stephen J. Henderson, WSBA governor, 3rd District; Dale L. Carlisle, WSBA president; Jim Dixon, Thurston County Bar Association president; Laurie Kamerrer, third-place winner; Miranda Metcalf, second-place winner; Melissa Williams, first-place winner; and Charlie Williams, Law Day Speech Contest chair.

#### ABA Annual Meeting in Washington, D.C.

The American Bar Association will hold its 125th annual meeting August 8-13 at the Marriott Wardman Park Hotel in Washington, D.C. Guest speakers will include former First Lady Rosalynn Carter, U.S. Supreme Court Justice Ruth Bader Ginsburg, and Southern Poverty Law Center Director Morris Dees. For more information, call 312-988-5870.

#### Find Your Court Date Online

The Washington State Administrative Office of the Courts (AOC) has unveiled a newly automated program to find appearance dates for cases in Washington district and municipal courts. Located on the courts' Web site at <http://www.courts.wa.gov/calendars>, the program enables the public to locate future proceeding dates by entering a valid name or case number. This new program utilizes information from the Judicial Information System, which provides case-management automation to Washington courts. The program includes systems for appellate, superior, limited jurisdiction and juvenile courts.

#### Join the Northwest Indian Bar Association

The Northwest Indian Bar Association (NIBA) is a nonprofit organization of Indian attorneys, judges and advocates in Alaska, Idaho, Oregon, Washington, British Columbia and the Yukon Territory. The association aspires to improve the legal and political landscape for the Pacific Northwest Indian community. For more information about joining NIBA, contact Gabriel S. Galanda at 206-628-2780 or [ggalanda@wkg.com](mailto:ggalanda@wkg.com).

#### Informal Ethics Opinions Now Online

We are pleased to announce that informal ethics opinions are available on the WSBA Web site at <http://pro.wsba.org/io/search.asp>. You can search by subject, key word(s), opinion number, year issued or authority.

Informal ethics opinions are issued by the WSBA RPC Committee, which researches and prepares responses to written ethical inquiries submitted by WSBA members. Informal opinions have not been approved by the Board of Governors, nor do they reflect the official position of the WSBA.

To discuss ethical questions about your own prospective conduct, phone the WSBA ethics line at 206-727-8284 (or 800-945-WSBA, ext. 8284). Your inquiry is considered confidential. If you have a question about the ethical conduct of another lawyer, please call 206-727-8235.

#### CLE Credits for Pro Bono Work? Limited License to Practice with No MCLE Requirements?

Yes, it's possible! Regulation 103(g) of the Washington State Board of Continuing Legal Education allows WSBA members to earn up to six hours of credit annually for providing *pro bono* direct representation under the auspices of a qualified legal-services provider. APR 8(e) creates a limited license status of emeritus for attorneys otherwise retired from the practice of law to practice *pro bono* legal services through a qualified legal-services organization.

For more information, contact Access to Justice Liaison Sharlene Steele at 206-727-8262 or [sharlene@wsba.org](mailto:sharlene@wsba.org).

#### CASA Volunteers Needed

King County Superior Court is seeking volunteers to serve as court-appointed special advocates. Volunteers receive extensive training to represent children involved in custody and visitation disputes in family law cases. They conduct interviews, write reports, and testify in hearings or trials. For more information, call 206-296-9320.

#### BOG Meetings

July 26-27 – Ocean Shores

September 13-14 – Seattle

October 18-19 – Silverdale

With the exception of a one-hour executive session the morning of the first day, BOG meetings are open, and all WSBA members are welcome to attend. RSVPs are appreciated but not required. Please contact Lori Lee at 206-727-8244 or [loril@wsba.org](mailto:loril@wsba.org). The complete BOG meeting schedule for fiscal year 2001-2002 is available on the WSBA Web site at [www.wsba.org/2001/bog-schedule.htm](http://www.wsba.org/2001/bog-schedule.htm).

#### Online MCLE Credit-Tracking System

Using the online MCLE Credit-Tracking System, you can do the following:

- View your CLE courses and credits on your online attendance roster.
- Make changes to your online attendance roster.
- Search for approved courses.
- Apply for course approval.

To enter the MCLE Credit-Tracking System, go to <http://pro.wsba.org> and click on the Member tab. Select Member Login, and follow the onscreen instructions. If you have questions, please contact the WSBA Service Center at 800-945-WSBA or 206-443-WSBA.

**King County Superior Court Clerk's Alert**

King County Superior Court (KCSC) filings will no longer be accepted in Bellevue District Court. Instead, documents to be filed in KCSC must be transmitted via mail, courier, or in person directly to one of the clerk's office facilities. For more information, call 206-296-9300 or see <http://www.metrokc.gov/kcsc/>.

**Usury Rate**

The average coupon equivalent yield from the first auction of 26-week treasury bills in June 2002 is 1.919 percent. The maximum allowable interest rate for July is therefore 12 percent. Compilations of the average coupon equivalent yields from past auctions of 26-week treasury bills and past maximum interest rates for June 1988-June 1999 appear on page 53 of the June 1999 *Bar News*. Information from January 1987 to date appears at [www.wsba.org/barnews/usuryrate.html](http://www.wsba.org/barnews/usuryrate.html).

**Web Site Links from Lawyer Directory**

A link to your Web site can be added to your directory listing, so current and potential clients can find out more about you and your practice at the click of a button.

The fee is \$75 annually (\$50 if you sign up July 1 or later).

If your firm has seven or more lawyers, you'll save through our special pricing structure. Special pricing is also available for those who work for nonprofit or government agencies. For more information and sign-up instructions, see [www.wsba.org/directory/addlink](http://www.wsba.org/directory/addlink).

**The WSBA Store is Open**

The WSBA online store is open at [www.wsba.org/store](http://www.wsba.org/store). You can purchase Cutter & Buck polo shirts, twill baseball caps, ballpoint pens, and brass luggage tags emblazoned with the WSBA logo. The store features secure online credit-card ordering. You can also purchase logo merchandise by calling the WSBA Service Center at 800-945-WSBA or 206-443-WSBA.

- Polo shirt (pewter or white, size L or XL) – \$56
- Baseball cap (stone) – \$24
- Ballpoint pen – \$12
- Luggage tag – \$7

Prices include shipping and handling. Sales tax (8.8 percent) will be added to orders shipped within Washington.

**ATLA Annual Convention**

The Association of Trial Lawyers of America (ATLA) will hold its annual convention July 20-24 in Atlanta, Georgia. Members will honor outstanding efforts to help injured consumers or prevent injuries. The Steven J. Sharp Public Service Award will be presented July 23 to an attorney and client whose case highlights the importance of the civil justice system, and helps educate policymakers and the public about

**8 Myths Truths About Lawyers**

Help us stamp out some of those myths about lawyers! The new *8 Myths Truths About Lawyers* brochure, developed by the President's Initiative Task Force, is now available for purchase. Think about displaying the brochures in your reception area, or enclosing them with your invoices. The brochure tackles the following myths:

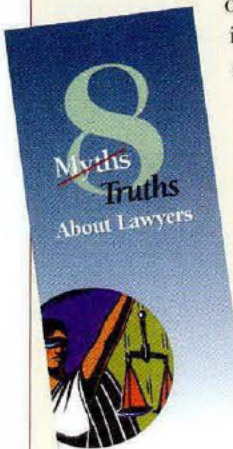
• *The United States has more lawyers than any other country.*

• *Lawyers are selfish and greedy.*

• *Lawyers stir up litigation for their own personal profit.*

- *Huge punitive damage awards are frequent and on the rise.*
- *The McDonald's verdict shows how foolish juries are.*
- *Lawyers who defend criminals are just promoting crime.*
- *When there's an accident, lawyers are among the first on the scene, soliciting business.*
- *The jury system is not worth keeping.*

The cost is \$35 per 100 (price includes shipping and handling).



**Yes!** I would like to order \_\_\_\_\_ packets @ \$35 per packet (100) \$ \_\_\_\_\_  
 If in Washington, please add WA state sales tax @8.8% \$ \_\_\_\_\_  
 Total \$ \_\_\_\_\_

check enclosed (payable to WSBA)  
 MasterCard  Visa  
 No. \_\_\_\_\_ Exp. date \_\_\_\_\_  
 Name as it appears on card \_\_\_\_\_  
 Signature \_\_\_\_\_

Please send to:  
**Washington State Bar Association**  
 2101 Fourth Avenue, Fourth Floor, Seattle, WA 98121-2330  
 MasterCard and Visa orders may also be placed over the phone by calling the WSBA Service Center at 800-945-WSBA or 206-443-WSBA.

Name _____
Address _____
City _____ State _____ ZIP _____

**WSBA office use only: 1-59202-210**  
 date \_\_\_\_\_ check no. \_\_\_\_\_ amount \_\_\_\_\_

the importance of consumers' rights. Register online at <http://www.atla.org/cle-con/ATO2/press.htm> or call Eileen Mosley at 800-424-2725, ext. 336.

**NJP Board to Meet Quarterly**

The Northwest Justice Project board of directors will hold the remainder of its 2002 meetings on July 13 and October 19. Public meetings begin at 9:30 a.m. For site information, contact Lisa Giuffré at 888-201-1012 or 206-464-1519.

**Legal Foundation of Washington Public Meeting**

The trustees of the Legal Foundation of Washington (LFW) will meet on September 13 at the LFW office in Seattle. The public may appear to comment on the foundation's activities between 9:00 and 9:30 a.m.

**Goldmark Award Nominations**

The Legal Foundation of Washington is accepting nominations for the 2003 Goldmark Award. The award is given annually to an exceptional individual or organization that, by their vision, leadership and creativity, has provided meaningful access to Washington's civil justice system. Nomination forms are available by calling 206-624-2536, or by e-mailing [dtheories@legalfoundation.org](mailto:dtheories@legalfoundation.org). Nominations are due by September 6, 2002.

**Hispanic Bar Association Translates WSBA Consumer-Information Pamphlets**

The WSBA gratefully acknowledges the Washington State Hispanic Bar Association and WSHBA President Hector Steele-Rojas for their hard work and many hours spent translating four of the most popular consumer-information pamphlets into Spanish. The following pamphlets will be available later this summer: Dissolution, Landlord/Tenant Rights, Marriage, and Parenting Act. The pamphlets will also be available on the WSBA Web site at [www.wsba.org/consumer-information](http://www.wsba.org/consumer-information).

**"You Have Rights. Lawyers Protect Them" Campaign Running in Eastern Washington**

As one of the projects undertaken by the Proud to Be a Lawyer Task Force formed by 2000-01 WSBA President Jan Eric Peterson, the WSBA purchased the rights to use a series of ads originally created for the Virginia Bar Association. These ads have been used successfully by several bar associations around the country, including Oregon.

We adapted the ads for use on radio, and in April and May we worked cooperatively with the King County Bar Association's Public Information Committee to broadcast the spots on KIRO radio in Seattle. We're pleased to announce that we have expanded the program into Eastern Washington. Spots are being broadcast on Spokane station KGA-AM during the weeks of June 24, July 8 and July 22. In Yakima, they're being broadcast on KIT-AM June 17 through July 2. In Wenatchee, the spots are airing on KPQ-AM June 10-21.

**Photo Bar Cards Available**

The WSBA is pleased to offer photo bar cards to active members. This is an option for those who are interested in having their photo on their card; original and replacement cards without photos are provided at no cost. Here's how it works:

- You can either e-mail an electronic photo in .bmp format or mail a hard-copy photo that we will scan. Photos can be any size.
- You may submit a black-and-white or color photo, however all photos will be printed in black and white.
- The cost is \$10 for cards created from electronic photos, and \$15 for cards created from hard-copy photos. Checks, MasterCard and Visa are accepted for payment.
- If you're mailing a hard-copy photo, please mail the photo with the completed order form and payment.
- If you're e-mailing an electronic photo, mail the completed order form with your payment. If paying by credit card, you may fax the order form.

If you have questions, please contact the WSBA Service Center at 800-945-WSBA, 206-443-WSBA or [questions@wsba.org](mailto:questions@wsba.org).

**YES!** I would like to order a photo bar card (I am an active member).

Select one of the following:

Photo submitted electronically \$ 10.00  
 (If in Washington, add WA state sales tax @ 8.8%.) .88  
 Total \$ \_\_\_\_\_

Hard-copy photo enclosed \$ 15.00  
 (If in Washington, add WA state sales tax @ 8.8%.) \$ 1.32  
 Total \$ \_\_\_\_\_

If submitting an electronic photo, please e-mail to [allisonp@wsba.org](mailto:allisonp@wsba.org). We recommend that you e-mail the photo the same day you send this form. If paying by credit card, you may fax this form to 206-727-8319. If submitting a hard-copy photo, be sure to write your name on the back and enclose it with this form. Your photo will be returned to you.

- check enclosed (payable to WSBA)  
 MasterCard  Visa

No. \_\_\_\_\_  
 Exp. date \_\_\_\_\_  
 Name as it appears on card \_\_\_\_\_  
 Signature \_\_\_\_\_

**Please send to:**  
**Member and Community Relations Department**  
**Communications Division, WSBA**  
 2101 Fourth Ave., Ste. 400  
 Seattle, WA 98121-2330

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

<p>WSBA office use only: 1-40199-180</p> <p>date _____ check no. _____ amount _____</p>
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## Congratulations to New WSBA Admittees

343 candidates passed the bar examination that was administered in February 2002. Of the 440 candidates who took the exam, 78 percent passed the test. Statistical information is also available on the WSBA Web site at [www.wsba.org/2002/bar-exam/winter.htm](http://www.wsba.org/2002/bar-exam/winter.htm).

**Note:** Individuals listed are from Washington unless indicated otherwise.

Abeyta-Montoya, Elaine A. – Seattle  
Adams, John Steven – Auburn  
Admana, Juliet – Los Angeles, CA  
Akin, William Ralph – Colville  
Amar, Kavita – Seattle  
Andersen, John M. – Mercer Island  
Anderson, Jason Ellis – Seattle  
Arias, Melissa Sparks – Kirkland  
Armijo, Belinda – Tacoma  
Arnold, Jennifer Rae – Tacoma  
Ashcraft, Geniel M. – Redmond  
Atkinson, Joseph A. – Marysville  
Baker, Joseph O. – Des Moines  
Baker, Joseph R. – Bainbridge Island  
Baptist, Margette Kazuko – Honolulu, HI  
Bartleson, Suzanne Kathleen – Spokane  
Baum, Christopher A. – Kent  
Beeson, Joanne S. – Seattle  
Bender, Ann Marie – Seattle  
Biemiller, Dietrich – Seattle  
Binford, Barbara – Kirkland  
Bjordahl, Stacy A. – Spokane  
Black, Kent Jefferson – Edmonds  
Black, Rachel S. – Seattle  
Bloedow, Ree Ah K. – Seattle  
Bohannon, Christopher Jerold – Seattle  
Bond, Roderick Cyr – Bothell  
Borromeo, Bobby C. – Bellevue  
Brick, Joseph Michael – Seattle  
Brick, Sally Anne Bullen – Seattle  
Bridges, Jennifer C. Gogert – Edmonds  
Bridges, Mark W. – Edmonds  
Brower, Adrienne Suzette – Enumclaw  
Brown, Jason D. – Wenatchee  
Brownhill, Elizabeth J. – Seattle  
Bunce, Shawn Michael – Puyallup  
Bunch, Vaughn E. – Kirkland  
Burnett, Alan M. – Shoreline  
Burnett, Theresa Sowinski – Shoreline  
Burnside, Fred B. – Seattle  
Buron, Juliann Marie – Seattle  
Bussey, Ronald Howard – Powell, OR  
Butler, Christopher Eric – Seattle  
Byerts, Michael Edward – Richland  
Cabalo, Catherine M. – Honolulu, HI  
Calabrese, Tracy Briggs – Mercer Island  
Caldwell, Eithan Awbrey – Seattle  
Campbell, Jody Lee – Seattle

Cape, Erika Nishitani – Seattle  
Carlson, Julie Ann – Salem, OR  
Carlstrom, Terence Roger – Renton  
Carlton, Suzanne Elizabeth – Seattle  
Carness, Scott – Everett  
Carroll, Catherine – Vashon Island  
Catterall, Elizabeth Ruth – Seattle  
Che, Meng Li – Tacoma  
Chernoff, Carmen A. – Bothell  
Chiacchia, Monique M. – Seattle  
Chirichillo, Sharon Elizabeth – Olympia  
Clifford, Virginia A. – Olympia  
Coats, Jeffrey D. – Enumclaw  
Cochran, Karen Moll – Seattle  
Colburn, Heather March – Renton  
Coleman, Benjamin Sanford – Spokane  
Coleman, Linda O'Neil – Seattle  
Cornell, Adam – Everett  
Corsilles, Cindy C. – Seattle  
Costich, Lawrence A. – Seattle  
Cramer, Christopher C. – Edmonds  
Cunningham, D'Adre Beth – Seattle  
Cutler, Anna M. I. – Spokane  
Dalton, MaryAnn M. Goubrian – Silverdale  
Dandan, Salaheddine K. – Bellevue  
DeFrancia, Cristian – Charlottesville, VA  
DeVallance, Todd Richard – Seattle  
Dixon, Marty – Zillah  
Dixon, Tina Marie – Tacoma  
Do, Thi D. – Folsom, CA  
Dobervich, Broc Nathan – Des Moines, IA  
Dolman, Brian Lee – Tacoma  
Doss, Dave D. – Tacoma  
Duany, Tracy A. – Seattle  
Dublin, Adam Jacob – Bothell  
Edsel, Ernest M. – Tualatin, OR  
Ehlke, Dawn – Enumclaw  
Eidinger Jr., Marvin W. – Renton  
Eller, Brent Revis – Seattle  
Elms-Chapman, Rebecca J. – Monroe  
Erickson, Trent A. – Federal Way  
España, Patrick A. – Everett  
Estrada, Patricia Jo-Lyn – Moscow, ID  
Fasano, Elizabeth Sarahi – Bellingham  
Felton, Carol B. – Tacoma  
Filipini, Mark Stephen – Seattle  
Fleming, Lesley J. – Tacoma  
Flynn, Ryan P. – Mercer Island  
Foster, Eric Reppun – Seattle  
Foster, Patti Jo – Colbert  
Frol, Bonniethel – Seattle  
Frost, Catherine Elizabeth – Everett  
Furman, Nathan – Milton  
Gallagher, Christine M. – Boise, ID  
Gargas, Carrie S. – Seattle  
Gary Jr., Donald J. – Post Falls, ID  
Gates, Cynthia M. – Lacey  
Gebelt, Andrew M. – Kenmore  
George, Armen L. – Sammamish  
Gillihan, Bryan G. – Naches

Gnuschke, Jerald Jordan – Redmond  
Goldmann, Melissa Kate – Bellevue  
Good, Moloy K. – Washougal  
Goodwin, Jamie Michelle – Seattle  
Gove, Robert L. – Redmond  
Graff, Meredith McKell – Vancouver  
Gredvig, Rana L. – Bellevue  
Grigaliunas, Frank Alan – Spokane  
Gruber, Brian Cammiade – Seattle  
Gunning, Donald Michael – Spokane  
Gustafson, Seth Philip – Seattle  
Halls, Elizabeth – Snohomish  
Hamje III, John F. – Olympia  
Hanchinamani, Bina Barbara – Edmonds  
Hardy, Kimberly Anne – Federal Way  
Harmony, James – Olympia  
Harrington, Todd Joseph – Richland  
Heilbron, Lisa V. – Bellevue  
Helfferich, Krista – Seattle  
Helfrich, Nicole Renee – Huntington, IN  
Henderson, Dana A. – New Orleans, LA  
Henry, John Todd – Mountlake Terrace  
Herman, Peggy L. – Seattle  
Hibbeln, Hilary Elizabeth – Oakland, CA  
Hickman, Dawn E. – Kennewick  
Hill, Marshall Blake – Bozeman, MT  
Hinedi, Nadia T. – Cheshire, CT  
Hinojosa, Brianna L. – Dallas, TX  
Holmes, Patrick David – Portland, OR  
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Hough, Michael – Homer, AK  
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Howard, Anthony E. – Puyallup  
Howsley, James Denver – Portland, OR  
Hysom, Christopher C. – Bellevue  
Irvine, Heath Michael – Spokane  
Isohata, Satoru – Seattle  
Jackson, Christi M. – Shoreline  
Jennings, Brian Andrew – Bainbridge Island  
Jensen, Darin T. – Renton  
Jensen, Erik N. – Seattle  
Johnson, William Glenwood – Seattle  
Johnston, Andrew Chambers – Cleveland Heights, OH  
Jones, Legrand C. – Tacoma  
Jones, Melissa Kristine – Vancouver  
Jones, Nina Roecks – Spokane  
Jost, Shannon M. – Seattle  
Kallman, H. Jay – Los Angeles, CA  
Kaser, Matthew S. – Spokane  
Kelley, Catherine Mary – Bellevue  
Kenn, Kelly Lynn – Bellevue  
Kennedy, Christopher S. – San Diego, CA  
Kennedy, Fiona Allison Crinks – Rathdrum, ID  
Kennedy, Millie A. – Everett  
Kennedy, Scott Alexander – Bellevue  
Kent, Brenda Elaine – Tumwater  
Keyes, Christopher M. – Vancouver

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 King, Frances S. – Bellevue  
 King, Joshua M. – Redmond  
 Konior, Barbara J. – Seattle  
 Kotokawa, Rie – Bothell  
 Kringle, Cheryl De Shon – Camas  
 Kurteff, Stephanie Rose – Seattle  
 Kvasnyuk, Nikolay – Auburn  
 Land, David Newell – SeaTac  
 Ledesma, Mario M. – Richland  
 Lee, Richard Francis James – Spokane  
 Leese, Spencer William – Portland, OR  
 Leung, Sarah Wai-Man – Seattle  
 Lewis, Rima E. – Copper Mountain, CO  
 Lindberg, Jeffrey Thomas –  
 Lake Oswego, OR  
 Little-Turner, Angelic V. –  
 Washington, DC  
 Livingston, John Patrick –  
 Camano Island  
 Losie, Michelle D. – Bellingham  
 Lousteau, David – Seattle  
 Lucas, Julie Ann – Portland, OR  
 Mantashi, Omid A. – Bellevue  
 Marposon, Daniel M. – Edwards, CA  
 Martinez, Kristin M. Perry – Seattle  
 Martonick, Steven P. – Moscow, ID  
 Mass, Julie L. – Edmonds  
 Mayer, Laurie Gail – Issaquah  
 Mayhook, Laura Anne – Ridgefield  
 McCanta, Marjorie Anne – Seattle  
 McCully, Shawn – Snohomish  
 McDonald, Carmen Marie – Buckley  
 McDonald, Cynthia Christina – Tacoma  
 McGrath, Michael T. – Portland, OR  
 McGrath, Nicole K. – Seattle  
 McInvaile, Barbara H. – Lacey  
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 Anchorage, AK  
 McPherson, Stephen Thomas –  
 Vancouver  
 Meehan, Tonya Rebecca – Seattle  
 Melia, Colleen Bawn – Manchester, MA  
 Melum, Thomas Darryl – Blaine  
 Mennes, Roxanne R. – Lynnwood  
 Merriman, Dana J. – Fairbanks, AK  
 Miller, Deborah M. – Olympia  
 Miller-O'Brien, Crystal L. – Olympia  
 Millett, Jennifer W. – Fort Worth, TX  
 Millman, Robert B. – Mercer Island  
 Molski, Jarek – Woodland Hills, CA  
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 Nishihara, Ceri Marie – Friday Harbor  
 Nott, Summereen H. – Bothell  
 Nugent, Matthew John –  
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 Nute, Ryan Christopher – Seattle  
 O, David – Seattle  
 Odell, Raymond Michael – Seattle  
 Ohaebosim, Adaku Nnenna –  
 Houston, TX  
 Oppermann, Devra D. – Seattle  
 Owens, Christina Beth – Bellevue  
 Oyeyemi, Olusola Olayinka –  
 Southfield, MI  
 Ozobia, Amaka A. – Seattle  
 O'Connell, Yvette Catherine Smith –  
 Seattle  
 O'Rourke, Michael P. – Vancouver  
 Parham, Dale – Riverside, CA  
 Parnell, Schoen R. – Virginia Beach, VA  
 Pate, S. Morgan – Port Angeles  
 Paxton, Matthew Orville –  
 Alexandria, VA  
 Pederslie, Deborah C. – Redmond  
 Petra, Anita Isabelle – Seattle  
 Pfeffer, Elise – Bellevue  
 Philip, Sasha Susan – Seattle  
 Pickens Jr., Thomas Harrison –  
 Port Ludlow  
 Pickett, Paula Denise – Spokane  
 Poplawski, Andrea M. – Spokane  
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 Purcell, Deborah Ann – Bellevue  
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 Stewart, Susan Jeanne – Houston, TX  
 Stines, Andrew G. – Bainbridge Island  
 Storch, Melissa Jane Shields – Redmond  
 Strawn, Christopher – Seattle  
 Styant-Browne, Nicholas John – Seattle  
 Sult, Joseph Windel Macale –  
 Lathrop, CA  
 Sziebert, Elizabeth Marie – Bremerton  
 Taylor, B. Regina – Bremerton  
 Taylor, Jamila Adia – Seattle  
 Terrillion, Dean – Boise, ID  
 Thomas, Calli R. – Seattle  
 Thompson, Elizabeth Anne Cameron –  
 Seattle  
 Tracey, Christine Rae – Portland, OR  
 Trimble, Sarah E. – Olympia  
 Vaché, Karen E. A. – Spokane  
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 Wisdom, Gregg W. – Vancouver  
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 Wolfe, Robert T. – Seattle  
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 Missoula, MT  
 Wright, Julie Annette – Woodinville  
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 Wyman, Andrew J. – Bellevue  
 Yang, Mary Miyong – Bellevue  
 Yoo, Sooa – Seattle  
 Zach, Alyssa – Vancouver  
 Zakov, Daryl A. – Seattle

# Calendar

## EMPLOYMENT LAW

### Employment Discrimination Law Update

July 18-19 – San Francisco; July 25-26 – Chicago; August 1-2 – Washington, D.C. CLE credits TBD. By National Employment Law Institute; 303-861-5600.

## ESTATE PLANNING

### Charitable Giving/Planning

August 14 – Seattle. 5.5 CLE credits estimated. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

## FAMILY LAW

### Nontraditional Approaches to Problems Facing Our Youth

July 17 – SeaTac. 5.5 CLE credits estimated. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### Trauma & Memory: Accusations of Child Sexual Abuse

August 16 – Seattle. CLE credits TBD. By UW-CLE; 206-543-0059.

## GENERAL PRACTICE

### Damages

July 18 – Spokane; July 24 – Seattle. 4 CLE credits, including .5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### Boot Camp for Associates

July 22-23 – Seattle. CLE credits TBD. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### Emerging High-Technology Legal Issues

August 5-7 – Seattle. CLE credits TBD. By UW-CLE; 206-543-0059.

### Movie Magic...Starring Steve "O" Rosen

August 21 – Shoreline. CLE credits TBD. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### WSTLA 2002 Annual Convention

August 1-4 – Vancouver, B.C. 10.5 CLE credits, including .5 ethics. By WSTLA; 206-464-1011.

### TeleSeminar for Nonspecialists: Intellectual Property

August 6 – Telephone. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### TeleSeminar for Nonspecialists: Securities

August 13 – Telephone. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Please check with providers to verify approved CLE credits. To announce a seminar, please send information to:

WSBA Bar News Calendar  
2101 Fourth Avenue, Suite 400  
Seattle, WA 98121-2330  
fax: 206-727-8319  
e-mail: comm@wsba.org

Information must be received by the 1st day of the month for placement in the following month's calendar.

### TeleSeminar for Nonspecialists: Employment Law

August 20 – Telephone. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### TeleSeminar for Nonspecialists: Health-Care Law

August 27 – Telephone. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

## LAW PRACTICE MANAGEMENT

### Computer Camp for Counselors

July 31 – Seattle (25 Tips); August 1 – Seattle (PowerPoint/QuickBooks). 4 CLE credits each session. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### Law Office Management

August 14 – Seattle. CLE credit TBD. By WSBA LOMAP; 206-727-8237.

## LITIGATION

### Evidence (with Judge Dean Morgan)

July 31-August 1 – Seattle. 6 CLE credits estimated. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### Experts: Preparing and Examining (a.m.); Economics and Accounting (p.m.)

August 14 – Seattle. CLE credits TBD. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### Experts: Medical (a.m.); Construction and Engineering (p.m.)

August 20 – Seattle. CLE credits TBD. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

## REAL PROPERTY

### How to Successfully Handle Commercial Leasing and Commercial Closing Matters

July 10 – Mount Vernon; July 24 – Seattle. 5.5 CLE credits. Ethics TBD. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

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### Alison C. Holcomb

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and

### Jeffrey H. Sadler

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**Craig E. Coombs PLLC**

and

**Janet H. Somers PLLC**

have joined the firm as partners,  
and

**Heath S. Fox**

has joined the firm as an associate.

Mr. Coombs and Ms. Somers will continue their practice emphasizing guardianship, probate, estate planning, elder law and adoption.

Mr. Fox will continue his practice in the areas of professional liability, products liability, personal injury, employment law, and environmental litigation with Elizabeth A. Cooper, Lory R. Lybeck PS, Kara R. Masters, James P. Murphy PS and

Judge (Ret.) Walter E. Webster  
*Of Counsel*

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Mercer Island, Washington 98040

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Fax: 206-230-7791

Email: [lawyers@lybeckmurphy.com](mailto:lawyers@lybeckmurphy.com)

## LYBECK ♦ MURPHY LLP

All of us at Lybeck Murphy  
are very pleased to announce that

**Judge (Ret.) Walter E. Webster**

has joined the firm as of counsel.

Judge Webster recently retired after serving nearly two decades on the Washington State Court of Appeals Division I. Judge Webster served as acting chief of Division I, chief judge of Division I, and presiding chief of all three divisions. He has also served on many judicial committees, including the state Rules Committee and the Board of Judicial Administration.

Judge Webster is a member of all state and federal courts of Washington, and a member of the Washington, D.C., Bar. Prior to serving at the court, Judge Webster engaged in a broad-based civil litigation practice.

Judge Webster will continue his legal career with Craig E. Coombs, Elizabeth A. Cooper, Heath S. Fox, Lory R. Lybeck PS, Kara R. Masters, James P. Murphy PS and Janet H. Somers. Judge Webster will focus his professional practice in the areas of alternative dispute resolution, appellate matters, and significant civil litigation.

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### Margaret K. Dore

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**Puget Sound area insurance defense firm** seeks litigation associate. Applicants should have a minimum of two years' experience or equivalent and WSBA membership, with strong academic credentials and writing skills. Send résumé and self-edited writing sample to Managing Partner; PO Box 2212, Tacoma, WA 98401.

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**Small intellectual property and litigation firm** seeks a lawyer with at least two years' experience in these areas. Applicants should have excellent research, writing and analytical skills; good academic and work credentials; and strong personal references. Send résumé and writing samples to Hendricks & Lewis; 999 3rd Ave., Ste. 2675, Seattle, WA 98104; e-mail [bbn@hllaw.com](mailto:bbn@hllaw.com).

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**Mail to:** WSBA Bar News Classifieds, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330.

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**Portland:** Medium-sized insurance defense firm seeks associate with at least three years' experience preferred for civil litigation work. Oregon Bar membership required and WSBA membership preferred. Send cover letter and résumé to Charles D. Harms; Mitchell, Lang & Smith; 101 SW Main St., Ste. 2000, Portland, OR 97204. No telephone inquiries.

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**Puyallup firm seeking associate** for general practice law office with small-firm environment. Applicant should have an interest in family and employment law, and general litigation. Attorney may also be involved in other areas of law including real estate, estate planning, bankruptcy and personal injury. Salary DOQ. Send résumé, references and writing sample to Law Offices of Greene & Lloyd PLLC; PO Box 731063, Puyallup, WA 98373.

**Tri-Cities opening:** Roach, Ramming & Peterson LLP seeks associate attorney. Minimum of two years' experience preferred.

Attorney would do general practice, including family law. Spanish language ability desirable. Salary DOQ. Send résumé to 428 W. Shoshone, Pasco, WA 99301; [troach@roachlaw.com](mailto:troach@roachlaw.com).

#### WILL SEARCH

**Searching for last will and testament of Phyllis Josephine Wells;** died March 26, 2002. She was a resident of Bellevue and owned real property there. Eric Daviscount has been appointed administrator of her estate. Anyone having information concerning a document purporting to be the last will and testament of Phyllis Josephine Wells is advised to contact Paul A. Tonella; 601 Union St., Ste. 2600 Seattle, WA 98101-4000; phone 206-654-2444; fax 206-340-2563; attorney for the administrator.

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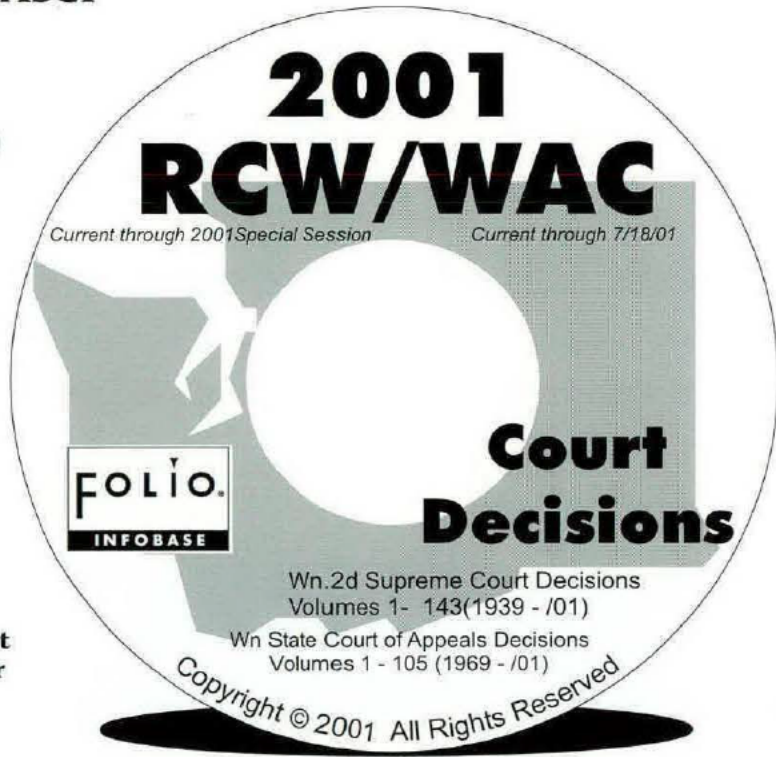
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