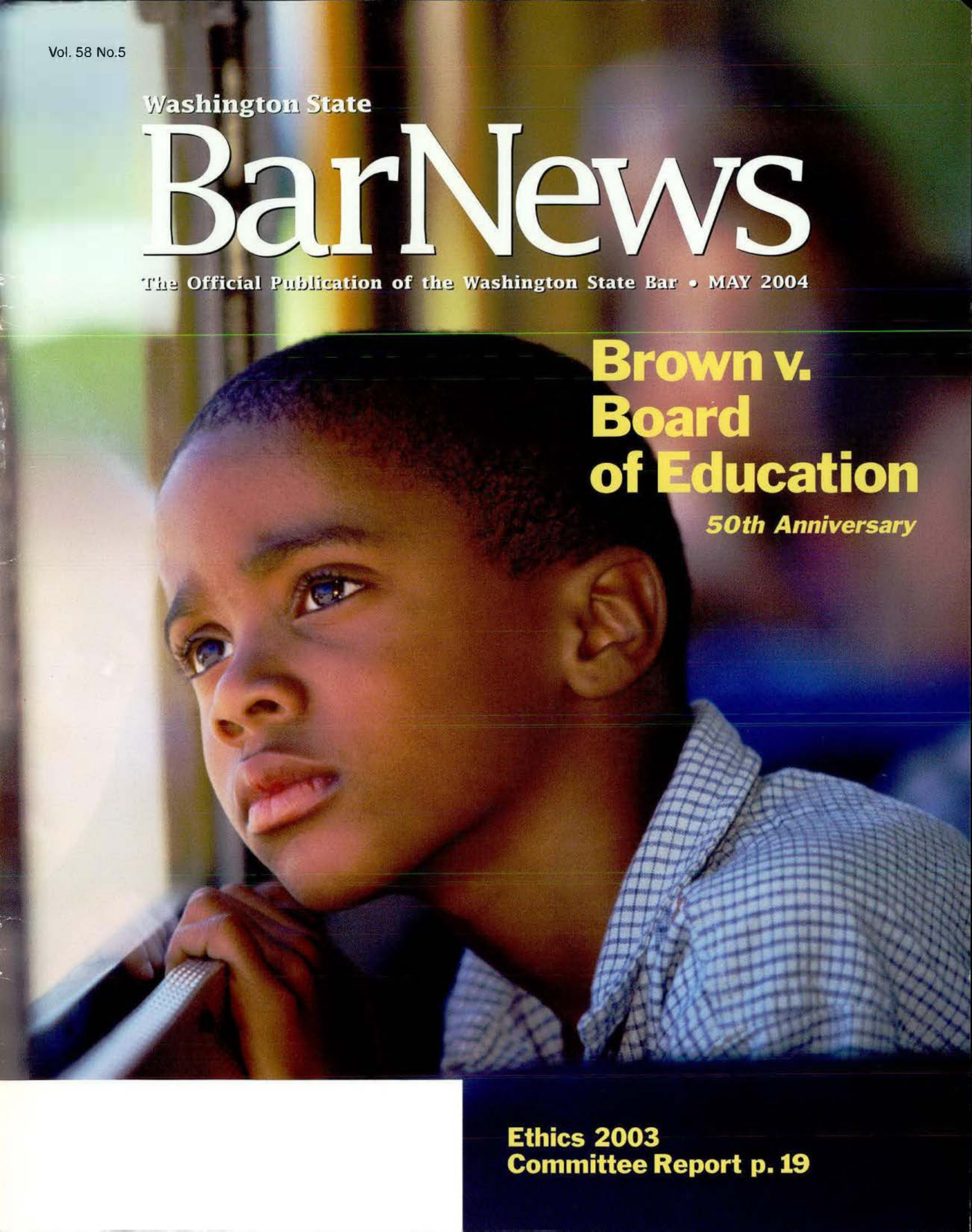


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Washington State

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A young boy with short dark hair and blue eyes is looking out a window. He is wearing a blue and white checkered shirt. His hands are clasped together on a ledge in front of him. The background is a blurred view of a window with light coming through.

**Brown v.
Board
of Education**

50th Anniversary

**Ethics 2003
Committee Report p. 19**

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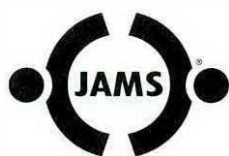
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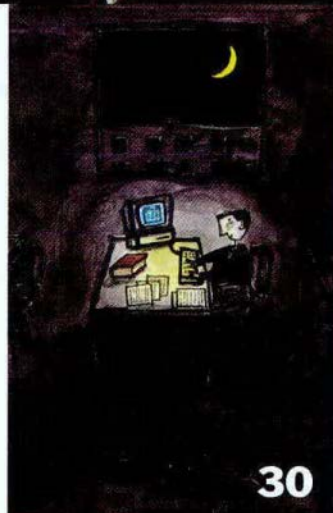


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(not pictured)

Dept. of amplifications

Thank you for publishing the article *To Be or Not to Be . . . Coached: A Profile of Coach Irene Leonard* in the March 2004 edition of *Bar News*. I really appreciate the exposure. However, one of the statements in the article was incorrect and I would like to set the record straight.

The statement, "Now she is Washington's only International Coach Federation member coaching lawyers" is not correct. There are other members of the ICF coaching lawyers in Washington — especially nonlawyers. I am Washington's only International Coach Federation certified member that is also a lawyer coaching lawyers.

Since the article was written I have become aware of two other members of the ICF that are lawyers coaching lawyers in Washington. Their names are Barbara Jo Levy and Holly Bennet. They are members, but not certified members. There is an important distinction. Membership occurs as a result of paying a membership fee. A certified member of the ICF, on the other hand, is required to pass a rigorous certification process meeting the standards and ethics of the ICF including many hours of training and actual coaching experience in addition to paying the membership fee.

Thank you again for printing the article.

Irene Leonard
Seattle

Chill, dudes

Thomas Mengert's letter to the editor (*Bar News*, March 2004) spurred me to read and re-read the January *Bar News* and the letters published there.

For more than 30 years, I have watched our Association as it recognized, reacted to, and sooner or later adjusted to the increasingly rapid changes within and foisted on, our profession. During these years, I have observed — sometimes in wonderment, oft times with dismay — the changing meaning and use of words such as "liberal," "conservative," "moral," and "religious." Often these terms have become a cudgel by one against another's opinions or beliefs.

More recently, the "them" and "us"

pronouns have been linked with the adjectives mentioned above as a way to solidify divisions in the fabric of our society and our profession. The referenced letters to the editor illustrate my point.

When one disagrees with the *Bar News*'s editor's opinions or those of Mr. Mengert, must the reaction invoke absolute and apocalyptic predictions, solutions, and terms such as canceling a subscription, branding the *News* "propaganda," labeling the writer "anti-Christian," and demolition to the country's

morals?

In the same January *Bar News* in which these damning and frightening responses appear were articles about ethnic and gender diversity in our profession; inadequate funding of the court; civil equal justice; accuseds' rights to counsel; court reporters' rules; *voir dire*; and, reports from various local associations. How can a magazine that devotes so much space and ink to such exchanges of information on the legal profession be perceived as "left wing"?



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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."

Ward, who has taught his referral system to over 2,500 lawyers worldwide, has written a new report, "How To Get More Clients In A Month Than You Now Get All Year!" The report shows how any lawyer can use this system to get more clients and increase their income.

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Aaron J. Wolff

B.A., Emory University, Atlanta, Georgia; J.D. (cum laude), Seattle University School of Law; Former DUI prosecutor for the cities of Kirkland and Tukwila; Graduate, National College for DUI Defense; NHTSA Qualified Standardized Field Sobriety Test Administrator; Member, Washington Association of Criminal Defense Lawyers.

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So, you don't like an earlier article, or editorial, or letter to the editor. For this you are willing to separate yourself from a truly noble profession and its organ? We who should be peacemakers in our society need to re-think our reactions to those with whom we disagree and the ideas and opinions they espouse. A lively and vigorous discourse reflecting these disagreements would be enjoyable and educational. On the other hand, the branding of others with these ridiculous and unjustified name tags (including, "sorts of people") the slamming of metaphorical doors, the equating of legal decisions with the destruction of our civilization, all bring rational discussion to an end, widening the gulf between "them" and "us." These divisions are already well-established and periodically manipulated in the body politic of our country. Do we need to mimic in our profession, what is so virulent and disgusting in our electoral process?

Gary W. East
Shoreline

Defiance or civil disobedience?

I support fellow WSBA member James Winterstein's concerns about *Bar News* editor Lindsay Thompson invoking anti-Christian bias in his October 2003 column on former Alabama Chief Justice Roy Moore and the removal of the Ten Commandments monument. I agree with Winterstein that court decisions on the interface between religion and the state are very confused.

An ongoing debate and discussion is healthy. I cannot summarily condone Justice Moore's defiance of a federal court order, but have to say I feel a great melancholy when I see public debate focus so much on an expression of religious significance. Certainly the founders and subsequent political icons of the United States have varied in their religious zeal. But the First Amendment establishment and free exercise clauses were certainly written at a time and in the way they were to prevent a "state religion" from being established in our new country, with the inevitable suppression of free exercise of religion for some citizens. It was never

meant to sterilize any public forum from an acknowledgement of, or discussion about, religion.

It is very disturbing to me that those who so eagerly employ the descriptive "right wing" of Christian beliefs fail to remember that some of the greatest civil rights leaders of our country were people of God. I need hardly mention that Dr. Martin Luther King Jr. was a Christian minister. He derived his inspiration from his profound belief in God.

I urge WSBA members to read President Washington's Farewell Address. There are other examples, too numerous to mention, to demonstrate that the debate over the presence of religion in our society is anything but over. Religion has been a wellspring of secular principle in our country and those who actively practice religion — Christianity in particular — have nothing to be apologetic about. Nor are we, as a group, people who can be uniformly branded as ignorant, bigoted, or narrow-minded hypocrites. Religion practiced by good people who shared in Jesus' love and tried to walk in the footsteps of Jesus has been a profound, positive influence and anchor in our society.

Although Justice Moore had to pay a price for defying a court order his might be no less an act of civil disobedience than was exercised by Rosa Parks and on a later, more grand, scale, by Martin Luther

King Jr.'s historic march from Selma to Montgomery.

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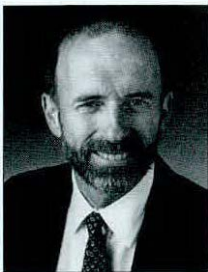
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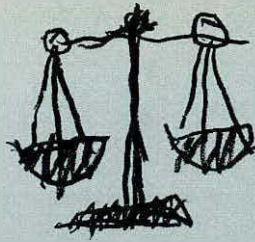
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Introducing the WYLD bridge builders

by J.D. Smith, Guest columnist and WYLD President

WSBAs President David Savage has yielded his column this month to allow me to introduce the Washington Young Lawyers Division (WYLD). How many of you know that the WYLD has close to 6,000 lawyers? How many of you know that the WYLD sponsors programs all over our great state?

Overview

The WYLD is a division of the Washington State Bar Association. Any active member of the WSBA is automatically a member of the WYLD until the 31st day of December of the year in which such member reaches the age of 36 or until the 31st day of December of the fifth year in which any such member has been admitted to practice in any state, whichever is later. Currently the WSBA has 24,300 active members; of these, 5,900 are members of the WYLD.

The WSBA is a private, nonprofit association that operates as an instrumentality of the Washington State Supreme Court. It both regulates lawyers under the authority of the Court and serves its members as a professional association — all without public funding. As a regulatory agency, it administers the bar examination, provides record-keeping and licensing functions, and administers the lawyer discipline program. As a professional association, it provides continuing legal education for attorneys, in addition to numerous other educational and member-service activities.

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The governance of the WSBA is vested in a 14-person Board of Governors (BOG) — 11 governors elected by the members (three from the Seventh Congressional District and one from each of the other eight districts), two at-large positions elected by the Board of Governors, and one Young Lawyers Division representative elected by the BOG. The BOG meets regularly (every four to six weeks) at various locations around the state, and its meetings are open to the public. Much of the work of the Bar is carried out

through 27 standing committees/boards/panels; 23 sections; and the Washington Young Lawyers Division. The WSBA's 2003-2004 budget is approximately \$15.5 million.

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Since October 1, 2001, the WSBA Board of Governors includes one "WYLD leadership" position, or young-lawyer governor. Candidates for the WYLD governor are nominated by the WYLD and elected by the BOG. The young-lawyer governor serves a three-year term with full voting rights. Although not a member of the BOG, the WYLD president traditionally attends the BOG meetings.

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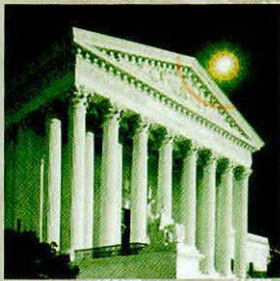
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dent is an *ex officio* member, and the president votes only in the event of a tie.

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- ◆ **JUNE 17:** 4-6 p.m. (2 ethics credits) **The Ethics of Persuasive Legal Rhetoric**, an interactive debate/discussion with White House speechwriters James Humes and Michael Shadow, et al.
- ◆ **JULY 15:** 7-9 a.m. (incl. 1 ethics credit) **Constitutional Law & The Morality of Privacy: Who Are The Real Activists?** an interactive discussion with acclaimed attorney & legal philosopher Bill Bishin, et al.
- ◆ **AUGUST 19:** 7-9 a.m. **How To Write Letters Your Clients Will Appreciate: Moving From Legal Analysis To Client Service** with Davis Wright Partner & former McCaw General Counsel Jim Judson.

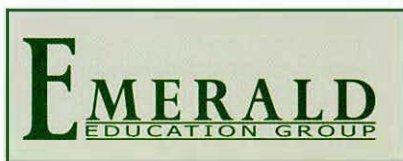
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- ◆ **JUNE 26: Trial Exhibit Workshop:** How To Craft Case Themes & Inexpensive Exhibits That Every Juror Will Remember, a workshop with Kathy Cochran, Colleen Brady, Patrice Johnston, et al.
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trustee district, except that four trustees are elected from the seventh district. Either the residence or the office of a trustee candidate must serve as the basis for determining eligibility to hold office.

Programming

The WYLD provides programs and services of special interest to young lawyers, to the public, and to those typically denied access to the justice system. For example, the WYLD:

- Sponsors CLE seminars;
- Publishes *De Novo*, a bi-monthly publication serving young lawyers; and
- Sponsors programs that benefit students, including the Youth and Law Forum, Pre-Law Student Leadership Conference, and YMCA Mock Trial Competition.

Every six to eight weeks, we hold our board meetings around the state. For many years, we held a midyear meeting. More recently, we moved to a Bridging the Gap CLE in place of the midyear. Our last meeting of the year is called our "Washout Meeting." The president is sworn in during the WSBA Annual Meeting and Awards Banquet.

The BOT has committed to diligently supporting the professional development of new lawyers, serving the interests of law students and their transition into the WSBA, and promoting equal justice for all in the public interest. We set four broad goals for this year:

1. Enhance the quality and readership of *De Novo*;
2. Strengthen our committees;
3. Develop better relationships with law students; and
4. Perform more public service.

The WYLD is proud of its many programs. Our programs are handled through standing committees, including the Editorial Advisory Board, Long Range Planning, Public Service/*Pro Bono*, CLE, Membership, Equality in Practice, Practice Conditions, and Trial Advocacy Program. Some programs are stand-alone committees; other com-

mittees sponsor multiple programs. We are also asked to have board members appointed to various WSBA committees or taskforces. Each committee and program has at least one trustee as a member who acts as liaison to the BOT. The WYLD is proud to sponsor several initiatives that support the commitment of our membership to public service and broad access to the justice system.

Awards and Division Fellows

The WYLD presents four awards each year: the Outstanding Young Lawyer of the Year Award, the WYLD Outstanding Affiliate Organization Award, the WYLD Thomas Neville *Pro Bono* Award, and the WYLD Professionalism Award. The awards are presented at various legal-community events.

Former members of the BOT are known as our "Division Fellows," and act as liaisons with the WSBA on matters of special interest to the WYLD, and promote participation of former division members.

Thank you for allowing me to introduce the WYLD. Special thanks go to our WSBA staff liaison, Lisa Harper, who consistently does an excellent job for us. Please visit www.wsba.org/lawyers/groups/wyld or contact me at jdsmith@gth-law.com for more information on the WYLD and its programs and activities. ✍

J.D. Smith, a senior associate in the Seattle law firm Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim LLP, is president of the Washington Young Lawyers Division. In May 2003, he was appointed to the American Bar Association House of Delegates by the WSBA Board of Governors, and the same month was appointed to the Board of Trustees of the King County Bar Foundation. He is a member of the American Bar Association House of Delegates and Litigation Section, and the Bar Leadership Institute, and was 2002-2003 vice-president of the Loren Miller Bar Association. He was also a Washington Defense Trial Lawyers Association Eagle Member, 2001-2002 Board of Trustees member, and 2000-2001 New Lawyers Committee chair.

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The view from down here

by Jan Michels, WSBA Executive Director

edited by Charlene Curtiss

Charlene Curtiss is my friend. She is also a lawyer-former public defender, a neighbor, and a wheelchair person. She has been in a wheelchair since a gymnastics accident in her teenage years. But that reality of her life is hardly defining, since she is so much more.

Char and her husband, Dick Roth, recently spent a weekend at Whistler with my husband, Alan, and me. We cozied up in a small one-bedroom unit. My special awareness of life in a wheelchair began with questions Char needed to ask before deciding to visit us at all. Could she get to the unit in a wheelchair? Would the bathroom, shower, and faucets be reachable from her chair? Was there room to do transfers from her chair to the furniture? Would she be able to get

around Whistler Village on her own? Yes, yes, and yes — they would come. With these threshold assurances met, daily life needs came next, like having the coffee toward the front of the counter, making sure that the bed and pillows offered enough support, and ensuring the ability to

stay in touch in case of getting stuck somewhere (cell phones are enabling for roaming and moving around independently). Char notes that most anyone is willing, if asked, to give her a push if the incline gets steep or she hits a snow barrier. Char is at home with her needs and isn't leery or apologetic about asking for help. I'm short and I ask people to reach things for me all the time! Turns out we all had a good laugh when Char arrived in her lightweight travel chair, forgetting that its wheels were slicks — not the best for snow country. Char has as many chairs as I have pairs of shoes — all suited for different purposes and comforts.

Char has skied both in sit-skis and on a mono-ski, but this weekend she treated herself to gondola trips to the summit and back.

Without a deliberate lesson or self-consciousness, Char promoted me to another degree of cultural competence about life in a wheelchair. I remember that, after Ron Ward was elected WSBA president-elect, his partner Lance Palmer wrote about Ron's life as an African-American, and how I ap-

preciated his ease with race words. I follow his lead in dispelling some of the distance, fear, or awkwardness around talking to and about nonmajority persons.

Char calls herself a "crip." Dick uses the word "crip," too, for Char's wheelchair life, but I am more comfortable with the politically correct phrase "wheelchair person," though it can feel a bit stilted. Char knows that the word "crip" startles people at first, but she says in friendly conversation, "It's OK to use euphemisms or slang." She is beyond making the language about mobility and disability a point of discussion. Char taught me the term "standup" to refer to non-wheelchair persons and laughed about the times it was good to have a standup around often in chiding or thanking Dick for some assistance. Not all handicapped persons are comfortable with this language, and neither Char nor I mean to promote it. Irreverent language is only one way to dispel some of the shroud around those who are like or unlike ourselves.

Char is a national consultant for handicapped accessibility. She is an expert on how to ensure effective access to courtrooms, businesses, and recreational facilities. Char's peeve isn't the slow, incrementally improving awareness of the fairness and need

Char stresses that it's important to get to know the whole person — not just the challenging condition he or she lives with.

to accommodate all forms of size and mobility differences; her frustration is the little things that matter minute to minute for those with the challenges of living in a world geared toward standup mobility.

Char is a professional dancer. She owns and heads a dance troupe, Light Motion, which appears coast to coast. I've watched her dance with persons on rollerblades, skateboards, and crutches, and other crips, as well as standups. She loves the audience to see what chairs can do, and startles them with lifts, spins, and floor movements in and out of the chair. With the grace of wheels, she disarms mindsets about mobility and dexterity.

Char is a pragmatist. She doesn't lobby for the world to be overly skewed toward the 10 percent of the population who live life dependent on wheelchairs, crutches, or other mechanical assists. She does wish more people would learn courtesy behaviors, and language that doesn't estrange other persons unlike themselves. Wheelchair persons don't demand or even want special treatment but they deserve

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simple accommodation. Char stresses that it's important to get to know the whole person — not just the challenging condition he or she lives with.

Char is used to people's response of fear or self-consciousness in dealing with a person of other mobility. Her suggestions are simple. "Leaning on or touching someone's chair is an invasion of privacy."

"It's OK for a standup to remain standing when talking to a person in a wheelchair." Char says handicapped facilities or wheelchair-enabled rooms in hotels are special features that make it possible for wheelchair persons to travel and move around freely. She notes that these facilities are not intended for the exclusive use of the handicapped, but should a handicapped

person need them she notes the courtesy of deferring to them.

Sure there are some wheelchair persons who are strident or make in-your-face demands, but there are parallels in the standup population too. The reality that caused the need for a chair or the conditions and accommodations chair persons need are simply part of their lives. Accommodations and courtesies are simple and can be graciously given. Handicapped or disabled persons are first people who live their lives just like everyone else; they just happen to do it in a wheelchair.

There are many visible and less-visible health and mobility challenges people face — epilepsy, diabetes, arthritis, depression — all of which make special demands on the lives of those we know and care about. The truth is that factors such as health, mobility, and cognitive ability all exist on a continuum — not as dichotomies. While this story deals with an obvious "difference," cultural competence requires an unself-conscious acceptance of all forms of "differentness." I hope a dialogue like this can advance this goal.

Thanks, Char, for sharing your life and comments with us. 🐼

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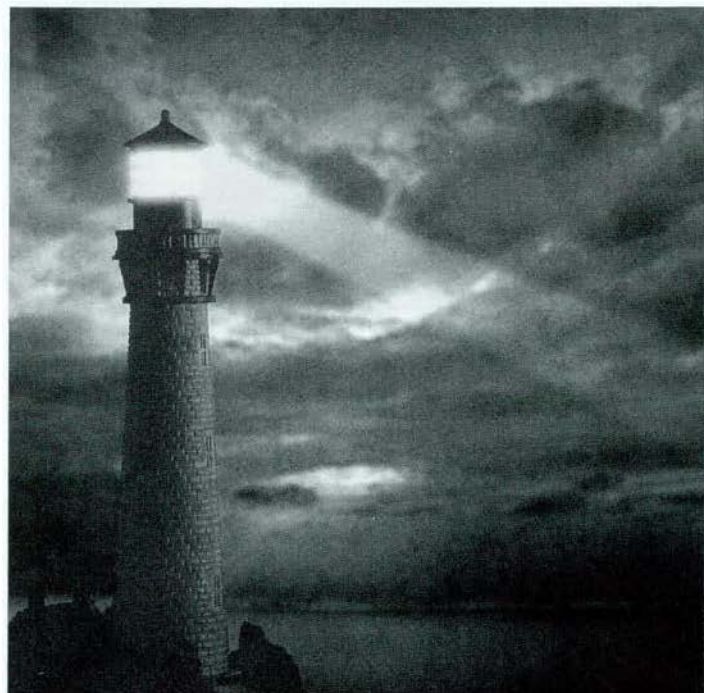
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Report and Recommendations of the Ethics 2003 Committee

OVERVIEW

Creation and Purpose of the Ethics 2003 Committee

Approximately one year ago, the Board of Governors of the Washington State Bar Association established the Special Committee for the Evaluation of the Rules of Professional Conduct (Ethics 2003 Committee) to review the Washington Rules of Professional Conduct in light of the substantial changes made to the American Bar Association Model Rules of Professional Conduct as a result of the work of the ABA's Ethics 2000 Commission. Established in 1997, the Ethics 2000 Commission undertook a comprehensive evaluation of the Model Rules of Professional Conduct and proposed significant changes in 2001. After considering the Ethics 2000 proposals, the ABA House of Delegates approved a substantially revised version of the Model Rules in February of 2002. Further amendments — sponsored by the ABA Commission on Multijurisdictional Practice and the ABA Task Force on Corporate Responsibility — were adopted by the House of Delegates in August 2002 and August 2003.

The Board of Governors requested that the Ethics 2003 Committee review the ABA's Ethics 2000 revisions, undertake a comprehensive study and evaluation of the current ABA Model Rules as a whole, consider the suitability of adopting the ABA revisions in Washington, consider other appropriate changes to Washington's Rules of Professional Conduct, and submit its recommendations to the Board of Governors.

Reasons for the Ethics 2003 Project

• The Rules of Professional Conduct of forty-four states, including Washington, are based to some degree on the ABA Model Rules. Most or all of those states have undertaken a review of the ABA Ethics 2000 revisions to determine the extent to which their rules should be amended to conform more closely to the Model Rules. Other states, including Oregon and

Iowa, are in the process of supplanting code-based structures with Model Rules-based systems. In view of these developments, it became important for the Washington Rules to be reviewed and amended as appropriate.

• Since Washington's adoption of the Rules of Professional Conduct (RPC) in 1985, there has not been a comprehensive evaluation of Washington's rules of lawyer ethics.

• There is value in aspiring to achieve uniformity in rules regulating lawyer conduct. Uniformity in the rules of lawyer ethics will assist Washington lawyers in complying with the rules in force in other jurisdictions when they are practicing elsewhere, and will guide lawyers from other jurisdictions, when practicing here on a limited basis, in conforming their conduct to the standards applicable in Washington. The body of law developed in jurisdictions with uniform rules will also provide Washington lawyers and judges with additional interpretive guidance when applying Washington's Rules of Professional Conduct.

Composition and Conduct of the Committee

The Committee appointed by the Board of Governors reflected a notable degree of diversity, including diversity in location within (and outside of) the state, size of practice, nature of client/organizational representation, experience in the practice of law, gender, ethnicity, and age. Sixteen lawyer members and one nonlawyer member participated actively in the work of the Committee under the charge of Committee Chair Ellen Conedera Dial. Following Barrie Althoff's relinquishment of the position in February 2003, Douglas Ende served as reporter for the Committee. Members of the Committee were Frank Busichio (citizen member, Marysville), Gail McMonagle (Seattle), Jan Eric Peterson (Seattle), Leland Ripley (Lake Stevens), Mark Fucile (Portland, Oregon), J. Scott Miller (Spokane), Kenneth B. Howard (Coeur D'Alene, Idaho), Peter

Ehrlichman (Seattle), Tito Rodriguez (Seattle), Deborah Perluss (Seattle), Dave Boerner (Professor, Seattle University), Ernest Rushing (Olympia), Thomas McBride (Olympia), Anne I. Seidel (Seattle), Christopher Sutton (Seattle), Thomas E. Kelly Jr. (Seattle), and Peter R. Day (Mercer Island). Justice Mary Fairhurst participated as Supreme Court Liaison, and Joni Kerr (District 3, Vancouver) acted as the Board of Governors Liaison. Nanette Sullins served as the Supreme Court's Staff Liaison to the Committee. The Reporter and the Committee were assisted by University of Washington School of Law student Susan Carroll, who served as the Ethics 2003 Committee's Administrative Assistant.

Over the course of thirteen months, the full Committee met on sixteen occasions for up to six hours per meeting to review the Model Rules and recommend rule revisions. Every member also served on at least one of seventeen subcommittees, each of which spent substantial time and effort evaluating particular rules or segments of the rules and in formulating proposed drafts for consideration by the full Committee. Many additional hours were devoted to individual study and consideration of the proposed drafts, which were circulated in advance of or at each Committee meeting.

In discharging its task, the Committee looked not only to the Model Rules and the proposals of the ABA's Ethics 2000 Commission, but also to the existing Washington Rules of Professional Conduct for distinctive provisions that reflect well-established Washington practices and standards; to Washington Supreme Court decisions that shed light on ethical expectations applicable to lawyers in Washington; to WSBA formal and informal ethics opinions for standards that should be preserved or reinforced; to ethics rules in other states to determine the extent to which those states have adhered to or departed from the Model Rules, as well as to the enforcement experiences in those states; and to the comments and

suggestions conveyed to the Committee by members of the Bar and nonlawyer citizens of Washington about how changes to the Rules would affect the profession and the public.

Considering the diversity of the Committee's composition, the complexity and magnitude of the task, and, in many instances, the importance of the competing values at stake, the extent of agreement among Committee members was noteworthy. On occasion, albeit infrequently, the Committee could not reach a consensus or there was a significant division of opinion about the appropriateness or pru-

dence of a particular rule or provision. Such instances notwithstanding, the Committee believes that the Rules of Professional Conduct as proposed herein reflect a reasonable balance of interests, that each individual rule is carefully integrated with the others, and that the proposal as a whole had been conscientiously crafted to ensure broad acceptance by members of the Bar and the public.

Analytic Approach of the Committee

It was the hope of the ABA Ethics 2000 Commission that as state supreme courts considered implementation of the revised

Model Rules, uniformity would be the "guiding beacon." The Conference of Chief Justices has also urged cooperation "to ensure consistency among jurisdictions concerning lawyer regulation and professionalism." Recognizing the importance of uniformity in rules regulating lawyer conduct, the Ethics 2003 Committee operated on the general principle that it would recommend adoption of the Model Rules, together with the associated commentary, unless there was a compelling and articulable reason for deviation.

With this in mind, the text of the Model Rules of Professional Conduct is the primary source of the framework for and content of the Rules proposed by the Ethics 2003 Committee in this Report. In some instances, however, the Committee concluded that the Model Rules are silent on a subject that has been traditionally and successfully regulated in Washington, or that an existing Washington rule is clearly more suited to the regulation of Washington lawyers than its Model Rule counterpart. In such cases the Committee has proposed retention of existing provisions in Washington's Rules of Professional Conduct or the addition of new Washington-specific provisions.

As set forth in paragraph [23] of the Scope section of the proposed Rules, the Committee has endeavored to parallel the structure of the Model Rules as closely as possible and to clearly indicate instances of material deviation. Omissions from the Model Rules are signaled by notation in the text of the rule. Other alterations of the Model Rules and Comments are accompanied by explanatory remarks in the form of "Washington Comments" annexed to the general Comment section of each modified rule. (In some cases, Washington-specific interpretive gloss is included among the Washington Comments even if the text of the Model Rule is unaltered.) Additional reasons for proposed deviations from the Model Rules are detailed in this Report.

What the Ethics 2003 Committee Did

• Commencing in February 2003, the Committee examined the Model Rules of Professional Conduct and other proposed revisions to the Washington Rules of Professional Conduct. With uniformity as its touchstone, the Committee sought to assure that twenty years after their adop-

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tion, Washington's Rules would integrate with technological and other changes that have affected the way law is being practiced, would harmonize with any pertinent changes in substantive law and legal procedure, and would provide better guidance to lawyers seeking to comply with ethical requirements. The Committee, through its open process, sought, received, and acted upon viewpoints from throughout the legal community and from the public.

• Shortly after it was convened, at the request of the Board of Governors, the Committee acted promptly to address ethical issues raised by the Security and Exchange Commission's adoption of regulations under the Sarbanes-Oxley Act. The Committee recommended that the Board of Governors adopt a formal ethics opinion discussing the effect of the regulations on the obligations of Washington lawyers under Rules of Professional Conduct. The Committee's efforts culminated in adoption by the Board of Governors, on July 26, 2003, of the "Interim Formal Ethics Opinion Re: The Effect of the SEC's Sarbanes-Oxley Regulations on Washington Attorneys' Obligations Under the RPCs."

• The Committee repeatedly and widely solicited participation by and comments from the profession at large. It also encouraged comments from the public and provided opportunities for those comments. At the outset of the Committee's undertaking, leaders of all the county bar associations, WSBA sections, boards, and committees, and specialty and minority bar associations were contacted directly about the work of the Committee. The Committee invited members of these organizations to attend Ethics 2003 Committee meetings and urged each bar leader to canvass his or her membership about possible changes to the Rules of Professional Conduct and to have members direct comments and inquiries to the Committee. The Committee offered to send Committee members to each county bar association to discuss the Ethics 2003 project.

• As a result of the initial outreach efforts, members of the Committee spoke about the work of the Committee at thirty-three county bar meetings, continuing legal education programs, and other law-related roundtables and programs around the state of Washington. Over 1,985 individuals attended those sessions. Speakers

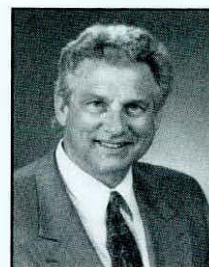
invited the attendees to ask questions about the Ethics 2003 process, attend Committee meetings, and submit comments to the Committee.

• In October 2003, the Committee sponsored a public forum for nonlawyers on the issue of lawyer-client confidentiality. The public forum was an opportunity for members of the Ethics 2003 Committee to exchange views with interested nonlawyers about lawyer-client confidentiality and its significance to clients and to the public. The Committee presented information about significant distinctions between ABA Model Rule 1.6 and

Washington's current confidentiality rule, as well as about the Ethics 2003 process in general, and elicited the views and recommendations of the participants about possible changes to Washington's rules.

• The Washington State Bar Association website, the *Washington State Bar News*, the WSBA Executive Director's "News Flash," and WSBA Section Newsletters were used to publicize information about the meetings, the work of the Ethics 2003 Committee, and the rule changes under consideration. The activities of the Committee were highlighted in the July 2003 Executive's Report in the *Bar News*; the

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November 2003 Executive's Report, authored by Committee Member J. Scott Miller as guest columnist, was devoted exclusively to the Ethics 2003 process. Meeting agendas were made available on the Ethics 2003 Committee's web page in advance of each Committee meeting, and a summary of the Committee's actions was posted shortly following each meeting. Interested lawyers and nonlawyers were invited to attend the Ethics 2003 Committee meetings and directed to submit their comments via an Ethics 2003 e-mail address or directly to the Committee Chair or Reporter. Over thirty-five individual

e-mails were received via the Ethics 2003 e-mail address and disseminated to Committee members. Comments were also received by direct mail and telephone.

- Meetings were frequently attended by nonmember guests, who were given an opportunity to address comments and proposals to the full Committee. Nonmember attendees included representatives from the WSBA Board of Governors, WSBA Family Law Section, the WSBA Litigation Section, the WSBA Rules of Professional Conduct Committee, the Legal Foundation of Washington, the Washington Association of Criminal Defense

Lawyers, the WSBA Office of Disciplinary Counsel, the WSBA Lawyer Services Department, and the faculty of the University of Washington School of Law, as well as a number of individual unaffiliated lawyers, law students, and nonlawyer citizens.

- In instances where specific organizational stakeholders had a known or apparent interest in the Committee's resolution of an imminent issue, the organizations were contacted directly and asked to participate in the Committee's work and/or to submit comments or recommendations. Organizations that participated in this fashion include the Legal Foundation of Washington, the Washington State Trial Lawyer's Association, the Washington Defense Trial Lawyers, the Washington Defenders Association, the Washington Association of Criminal Defense Lawyers, the WSBA Business Law Section, and the WSBA Family Law Section.

- As a result of Committee members' discussions with individual lawyers around the state, suggestions directed to the full Committee at meetings, comments received at the public forum, and recommendations or comments submitted via mail, telephone and e-mail, the Committee took into account a diverse aggregation of lawyer and nonlawyer viewpoints.
- Each proposed Rule, together with its accompanying Comments, has gone through five layers of consideration and examination by the Committee. First, each of the subcommittees was assigned a discrete Rule or segment of the Rules to evaluate and prepare. Each subcommittee performed initial drafting work, generally with one or more individual members preparing an initial draft of each Rule, and those drafts then being examined, revised, and approved by the subcommittee. Second, the subcommittee draft was presented by the subcommittee chair to the full Committee at one of its meetings, and then considered, debated, revised, and approved (in whole or in part). In some cases, the Committee resubmitted particular issues to a subcommittee to be presented again at a subsequent meeting. Third, the Committee draft was thoroughly reviewed by the Committee's Reporter, with the assistance of several members of the Committee, to ensure structural consistency, identify

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drafting problems, and resolve any substantive errors or omissions. Following that review, the Reporter proposed further revisions and circulated a revised draft for Committee members to study. Fourth, the Reporter's version of the Committee draft was considered by the full Committee at its March 10, 2004 meeting, and, after further revision, was given tentative approval. Fifth, and finally, the Committee considered a complete draft of all Rules and this Report and gave final approval to the proposed Rules that are submitted herein.

- While the Committee's work was underway, the Chair provided the Board of Governors with interim updates on the progress of the Ethics 2003 Committee at Board meetings in July 2003, October 2003, and February 2004.

- The Committee has endeavored to present its recommendation to the Board of Governors well in advance of the October 15 deadline for submission of suggested rules to the Supreme Court under General Rule 9.

SUMMARY OF THE ETHICS 2003 PROPOSAL AND IMPORTANT INDIVIDUAL RECOMMENDATIONS

Although uniformity has been the "guiding beacon," the Committee has not sought to adhere blindly to the ABA Model Rules as a whole, but instead has proposed an integrated approach in which Washington-specific concerns and interests, as reflected in the current Rules of Professional Conduct, have been retained and interpolated into a structure that parallels the framework of the ABA Model Rules. To facilitate ease of reference and for consistency and uniformity in comparison of the Washington Rules of Professional Conduct with the ABA Model Rules and with the parallel rules of the great majority of other states, the Committee believes it important to maintain — to the extent possible — the rule-numbering format of the Model Rules.

The most visible change from the current Rules is the inclusion of official Comments in the Committee's proposal. Although the Supreme Court did not incorporate the ABA Comments to the Model Rules when it adopted Washington's Rules of Professional Conduct in 1985, it has become well established that

Washington courts will look to the ABA Comments when interpreting Washington's rules. See, e.g., *In re Discipline of McKean*, 148 Wn.2d 849, 864 n.9, 64 P.3d 1226 (2003); *In re Discipline of Carmick*, 146 Wn.2d 582, 595, 48 P.3d 311 (2002); *Teja v. Saran*, 68 Wn. App. 793, 798 n.4, 846 P.2d 1375 (1993), *review denied*, 122 Wn.2d 1008, 859 P.2d 604 (1993); see also R. Aronson, *An Overview of the Law of Professional Responsibility: The Rules of Professional Conduct Annotated and Analyzed*, 61 Wash. L. Rev. 823 (1986) (critiquing non-adoption of published Comments to the Model Rules and noting that

Comments provide necessary guidance on the interpretation and application of each Rule). The Committee believes that Comments will provide convenient and beneficial assistance to lawyers by clarifying the manner in which individual rules apply to particular ethical predicaments. The Comments will assist researchers and the judiciary in illuminating the intent and policy behind the promulgation of particular rules and provisions. Cross-references in the Comments will clarify the ways in which many rules relate to each other and to other rules, statutes, and cases. The inclusion

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of "Washington Comments" will further tailor the set of Rules to Washington's specific legal landscape and provide guidance in those instances in which Washington's version of a rule departs from the Model Rule version.

Many of the Committee's individual rule recommendations entail no material change from the existing Washington version. In a few instances, the Committee has recommended adoption of a Model Rule or Model Rule variant that would substantially change a lawyer's ethical duties, or a Model Rule that would be entirely new to Washington. In other in-

stances, the Committee has recommended retention of a Washington rule in lieu of a Model Rule counterpart despite substantial support for the Model Rule approach from a minority of the Committee.

For the information of the Board and the Bar in understanding the proposed Rules — but not to be included in the publication of the official text of the Rules and Comments — the Reporter's Explanatory Memorandum² following the Committee's recommendation explains the source of each proposed Rule and Comment, compares the proposed

Rules to the existing Washington Rules and to the Model Rules, and briefly explains the Committee's reasons for making particular decisions. Additional detailed information about the Committee's recommendation is found in the Appendices, which include (1) a "redline" version of the current Rules of Professional Conduct reflecting all changes proposed by the Committee; (2) the written reports of the subcommittees; and (3) the minutes of the sixteen Committee meetings. (Note that the text of the draft rules as set forth in the subcommittee reports may vary from the text of the final Committee recommendations.)

Significant Committee proposals include the following:

RULE 1.5: Fees

Proposed Rule 1.5 is essentially a restructured version of existing Washington RPC 1.5, with several clarifying revisions that are consistent with the Model Rule. The changes will strengthen existing obligations, require lawyers to be clear with clients about the nature of both fees and expenses, and better educate lawyers as to their duties. Existing RPC 1.5 requires that a lawyer's fee be reasonable. In the proposed Rule, this language is replaced with clearer prohibitory language: "a lawyer shall not make an agreement for, charge, or collect an *unreasonable* fee." (Emphasis added.) The proposed Rule explicitly extends its coverage to the amount of expenses charged to a client. Existing RPC 1.5(c) requires that contingent fee agreements be in writing. The proposed Rule conforms to the Model Rule's requirement that such a writing be signed by the client. The Committee was divided about two proposals relating to Rule 1.5. First, the Committee considered a provision that would require most or all fee agreements be in writing. Second, the Committee considered a provision that would require a lawyer to communicate to the client in writing the fact that a fee is deemed "nonrefundable," and that would also require a lawyer to reevaluate the reasonableness of a nonrefundable fee at the conclusion of the representation and to refund any portion of the fee not in compliance with the reasonableness requirement of Rule 1.5(a). In divided votes, the Committee declined to recom-

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mend either proposal. (For additional information regarding the Committee's recommendation, see the Reporter's Explanatory Memorandum and the Appendices to this Report.*)



RULE 1.6: Confidentiality of Information

Among the most controversial issues addressed during the Ethics 2003 process related to confidentiality and Rule 1.6. The Committee's proposed Rule is in most respects similar to the Model Rule. It opts for the Model Rule language "information relating to the representation of a client" in lieu of the current Washington prohibition on disclosure of "confidences and secrets." Proposed Rule 1.6 also incorporates a number of new Model Rule exceptions, including an exception that would permit disclosure "to prevent reasonably certain death or substantial bodily injury" and an exception that would permit disclosure "to prevent the client from committing a fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services." The proposed rule retains existing RPC 1.6(b)(1), Washington's broad exception permitting disclosure of information to prevent the client from committing a crime, as well as RPC 1.6(c), which permits a lawyer to disclose to a tribunal a breach of fiduciary responsibility by a client who is a court-appointed fiduciary. The proposed rule does *not* include two provisions found in the Model Rule. The Committee concluded that these two exceptions were improvident and incompatible with the duty of confidentiality as established in the state of Washington. First, the Model Rule would permit a lawyer to reveal confidential client information "to comply with other law." The Committee concluded that lawyers should not be placed in the dilemma of having to assess the validity and/or applicability of a provision of "other law" purporting to require disclosure of confidential information; such decisions should be made only after obtaining a client's informed consent to the disclosure or pursuant to court order. The Committee was also wary of the "other law" provision being used as an ideological tool for the regulation of the practice of

law by branches of government other than the judiciary. Second, the Model Rule would permit a lawyer to reveal confidential client information to "mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services." The Committee concluded that although the public interest is heightened when a lawyer is in a position to prevent *future* fraud, that urgency is attenuated when the fraud is already complete. At that point, the bal-

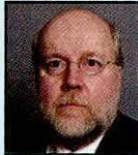
ance of interests shifts back to the traditional duties of lawyer-client loyalty and confidentiality. The majority was also convinced that the undefined notions of "mitigation" and "rectification" of fraud are imprudently unbounded and could be used to impose a civil duty to third parties when lawyers fail to report client fraud or fail to disclose sufficient information. Because disclosure would still be permitted pursuant to court order, and because Washington lawyers would be permitted to disclose future fraud contemplated by the client, the Committee concluded that omitting the "past-fraud"


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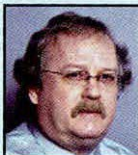

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exception would strike the appropriate balance between the public interest in acquiring significant information and the need for judicial supervision over lawyer decisions about disclosure of traditionally confidential client information. (For additional information regarding the Committee's recommendation, see the Reporter's Explanatory Memorandum and the Appendices to this Report.*)

RULES 1.7, 1.8, 1.9 & 1.10: Conflict of Interest

These Rules were substantially reorganized to conform to the structure of the

Model Rules. The proposed changes, together with the addition of substantial commentary, will help to clarify a lawyer's duties with regard to conflicts of interest, one of the more complicated areas of legal ethics. A number of important Washington variants relating to conflicts of interest have been retained. For example, the Committee recommends retaining RPC 1.8(k), prohibiting sex with clients, which, unlike the Model Rule, includes specific provision relating to sexual relations with a representative of an organizational client. The Committee recommends retaining RPC 1.10(b), Washington's rule relating

to screening to avoid imputation of conflicts created by lawyers moving between private law firms, although such a procedure is not permitted under the Model Rules. And the Committee recommends retaining and expanding RPC 1.8(i), which expressly addresses conflicts arising when lawyers are related as parent, child, sibling, spouse, or — in the proposed version — when the lawyers are in a "close familial or intimate relationship." The Committee has not proposed adoption of that part of Model Rule 1.8(g) requiring that client consent to aggregate settlements be confirmed in a writing "signed by the client," opting instead for client consent that is "confirmed in writing" only. (For additional information regarding the Committee's recommendation, see the Reporter's Explanatory Memorandum and the Appendices to this Report.*)

RULE 1.13: Organization as Client

Because Model Rule 1.13 was not adopted in Washington in 1985, proposed Rule 1.13 does not have a counterpart in Washington's current rules. Rule 1.13 is consistent with existing Washington law in clarifying the lawyer's role when representing an organization and when dealing with the organization's directors, officers, employees, members shareholders, and other constituents. The Rule also sets forth the lawyer's obligation to report "up the ladder" if the lawyer learns that an officer, employee, or the like is acting or intends to act in a way that is a violation of the law and is likely to result in substantial injury to the organization. If "up the ladder" reporting fails and the highest authority in the organization refuses to act or fails to address a clear violation of law — and the lawyer reasonably believes that the violation will result in substantial injury to the organization — the Rule authorizes a lawyer to reveal information relating to the representation in order to prevent the injury whether or not such disclosure would otherwise be permitted by Rule 1.6. (For additional information regarding the Committee's recommendation, see the Reporter's Explanatory Memorandum and the Appendices to this Report.*)

RULES 1.15A and 1.15B: Trust Accounts

Proposed Rule 1.15A (like the current trust account rule, RPC 1.14) is a departure from the Model Rule. The ABA Model Rules do

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not address the obligation to pay interest on pooled interest-bearing trust accounts (IOLTA), a Washington requirement that has and continues to necessitate a substantially different trust account rule in Washington. The proposed variations take into account the general obligation of Washington lawyers to deposit client funds in IOLTA accounts, as well as the body of law that has developed to help interpret Washington's trust accounting practices. In addition, the Committee has proposed adoption of a supplemental rule relating to trust account recordkeeping. Proposed Rule 1.15B will provide guidance to lawyers regarding the nature of the trust account records that must be preserved and will help ensure that records are available for an appropriate period of time. The proposed recordkeeping Rule is based on the ABA Model Rules for Client Protection. (For additional information regarding the Committee's recommendation, see the Reporter's Explanatory Memorandum and the Appendices to this Report.²⁵)

RULE 1.17: Sale of Law Practice

Model Rule 1.17 was adopted by the ABA in 1990; it does not have a counterpart in Washington's current rules. Rule 1.17 defines the circumstances in which a lawyer or a firm may sell a law practice or area of practice and sets forth the ethical obligations of the seller and purchaser in connection with such a sale. In Washington, issues relating to the sale of a law practice have hitherto been addressed only in Formal Ethics Opinion No. 192. The Committee concluded that the subject was more appropriately governed expressly in the Rules of Professional Conduct. (For additional information regarding the Committee's recommendation, see the Reporter's Explanatory Memorandum and the Appendices to this Report.²⁶)

RULE 1.18: Duties to Prospective Clients

Rule 1.18 was incorporated into the Model Rules in 2002 as part of the Ethics 2000 revisions. It addresses the time period during which a lawyer and prospective client are considering whether to form a client-lawyer relationship. Under proposed Rule 1.18, a prospective client is a person who discusses with a lawyer the possibility of forming a cli-

ent-lawyer relationship. Even if no client-lawyer relationship with the prospective client is formed, a lawyer must not disclose information learned in a consultation with the prospective client, and a lawyer is prohibited from representing a client with interests adverse to those of the prospective client unless

certain conditions are met. Rule 1.18 has no counterpart in Washington's rules, but it in part codifies case law that had developed under Rule 1.6. (For additional information regarding the Committee's recommendation, see the Reporter's Explanatory Memorandum and the Appendices to this Report.²⁷)

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RULE 2.4: Lawyer Serving as Third-Party Neutral

Rule 2.4 was incorporated into the Model Rules in 2002 as part of the Ethics 2000 revisions. It recognizes that alternative dispute resolution has become a substantial part of the civil justice system and that increasingly lawyers are serving as third-party neutrals in mediation, arbitration, conciliation, and the like. Unlike non-lawyers who serve as neutrals, lawyers may experience unique ethical problems, for example, those arising from possible confusion about the nature of the lawyer's role. Rule 2.4 is designed to assist parties to dis-

pute resolution in understanding the lawyer-neutral's role. (For additional information regarding the Committee's recommendation, see the Reporter's Explanatory Memorandum and the Appendices to this Report.)*

RULE 3.3: Candor Toward the Tribunal Proposed Rule 3.3 is identical to the Model Rule. It expands the duty of candor (and narrows the duty of confidentiality) in a number of ways. Most significantly, if a lawyer, the lawyer's client, or a witness called by the lawyer has offered false material evidence and the

lawyer comes to know of its falsity, the Rule requires a lawyer to take "reasonable remedial measures including, if necessary, disclosure to the tribunal." Under the proposed Rule, this remedial duty applies *even if* compliance requires disclosure of information that would otherwise be protected by Rule 1.6. Hence, a lawyer may be required to disclose confidential client information in order to rectify a prior offer of false evidence to the tribunal. This represents a substantial change from current RPC 3.3, which precludes a lawyer from disclosing information protected by RPC 1.6 even if the lawyer knows that false evidence has been offered to a tribunal. Under current law, a lawyer is required only to make reasonable efforts to convince the client to consent to disclosure; if the client refuses to consent, RPC 3.3(d) authorizes withdrawal. (For additional information regarding the Committee's recommendation, see the Reporter's Explanatory Memorandum and the Appendices to this Report.)*

RULE 5.5: Unauthorized Practice of Law; Multijurisdictional Practice of Law

The multijurisdictional practice aspects of Rule 5.5 were incorporated into the Model Rule as part of the Ethics 2000 revisions. They are designed to recognize the increasingly interstate and international nature of some clients' legal matters, and to provide some latitude to out-of-state lawyers practicing outside of their home jurisdictions. The proposed Rule prohibits lawyers not admitted to practice in Washington from establishing an office or other systematic and continuous presence in Washington for the practice of law, but it also creates several "safe harbors" that preclude disciplinary action against an out-of-state lawyer practicing in Washington on a limited and/or transitory basis. The proposed Rule also recognizes the ability of in-house counsel and lawyers authorized by federal or other law to practice in Washington. (For additional information regarding the Committee's recommendation, see the Reporter's Explanatory Memorandum and the Appendices to this Report.)*

RULES 6.1 and 6.5: Pro Bono Publico Service and Nonprofit and Court-Annexed Limited Legal Service Programs

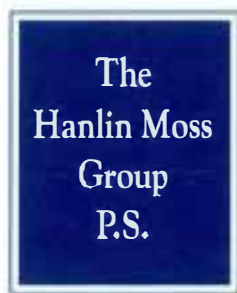
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Washington's *pro bono* rule, RPC 6.1, was amended effective September 1, 2003. Washington's RPC 6.5 — which relaxes the strict application of conflicts-of-interest rules for lawyers providing short-term limited legal services under the auspices of a program sponsored by a nonprofit organization or court — was enacted effective October 29, 2002. Each of these Rules is based on the counterpart Model Rule adopted by the ABA in 2002 at the recommendation of the Ethics 2000 Commission, but each departs in a number of ways from the corresponding Model Rules version. For example, RPC 6.1 designates thirty hours of *pro bono* service as an aspirational minimum rather than fifty. And RPC 6.5 includes a provision permitting lawyers to be screened to address conflicts of interest. These differences notwithstanding, the Committee concluded that it was unnecessary to recommend revisions to rules recently approved and adopted by the Supreme Court. Accordingly, the Committee is recommending retention of both rules, with only minor revisions to Rule 6.5. (For additional information regarding the Committee's recommendation, see the Reporter's Explanatory Memorandum and the Appendices to this Report.²²)

RULE 8.3: Reporting Professional Misconduct

In a close vote after vigorous debate, the Committee declined to adopt Model Rule 8.3, which imposes a nondiscretionary duty to report to an appropriate disciplinary authority when a lawyer knows that another lawyer or a judge has committed a serious violation of applicable ethical rules. In Washington, RPC 8.3 makes reporting discretionary, and it is therefore not unethical for a lawyer to decline to report known professional misconduct of a lawyer or a judge. The Committee recommends retaining the current discretionary reporting approach. In addition, the Committee voted to recommend a revision to paragraph (c) of the Rule that would expressly prohibit a lawyer from reporting professional misconduct if such reporting would require disclosure of confidential client information. (For additional information regarding the Committee's recommendation, see the Reporter's Explanatory Memorandum and the Appendices to this Report.²³)

CONCLUSION

In proposing a substantial revision to Washington's Rules of Professional Conduct, this Committee has carefully deliberated and exercised independent judgment about the standards of ethical conduct to which all lawyers practicing in Washington should be held. The Committee believes that the Rules as proposed are in keeping with the expectations of the profession, the judiciary, and the public, and, if adopted, will be among the most current, comprehensive, professional, and progres-

sive set of Rules in the nation.

Accordingly, we submit the accompanying proposed Washington Rules of Professional Conduct for the Board's consideration. The Committee welcomes the opportunity to further present its proposed Rules to the Board at its upcoming meetings and to respond to any comments received or questions from the Governors. ✍

* Available on the WSBA website at www.wsba.org/lawyers/groups/ethics/2003/report.htm.

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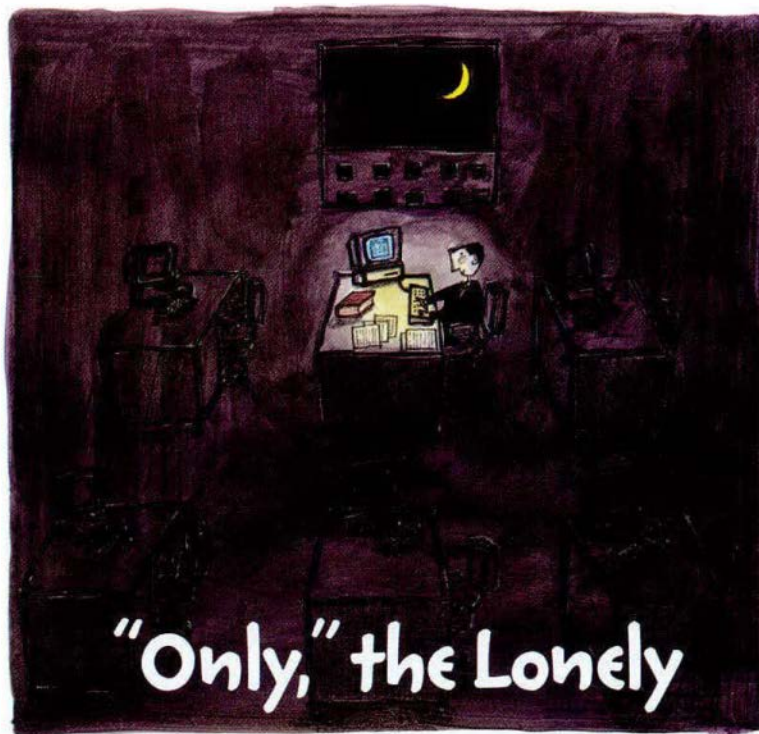
I enjoy reading James Kilpatrick's "The Writer's Art" column every

Sunday. More often than not I learn something from it. And occasionally I want to stand up and cheer because he fights the good fight, identifying and illuminating key points about language, grammar, usage, and writing style. I've even been known to write to Mr. Kilpatrick. He always writes back, from the enchanting Virginia address White Walnut Hill. (Willard Espy used to write from The Red Cottage. Writers seem to be attracted to nonnumerical addresses.)

Recently, though, I had one of my rare disappointments in Mr. Kilpatrick. He validated the use of the phrase "one of the only." True, when presented with the sentence, "Jazz is one of America's only homegrown art forms," he acknowledged that "one of America's few" would have been better. But he went on to defend "one of the only" as an idiom that we can and should learn to live with.

Now idioms aren't expected to make literal sense — that's why they're classified as idioms. But "one of the only" isn't simply the kind of linguistic eccentricity that is implied by the use of the term "idiom." It's a linguistic nullity. It means nothing at all.

"Jazz is one of America's few homegrown art forms" means "America doesn't have very many homegrown art forms, but jazz is one of them." That's a conceptually meaningful thing to say. The word "few," though not precisely quantified, has meaning. The sentence suggests that America doesn't have as



many homegrown art forms as other countries do, or that America's art forms are generally more im-

ported than homegrown. And it identifies jazz as one of the honored few such art forms genuinely American and homegrown.

But "Jazz is one of America's only homegrown art forms" is nonsense. The word "only" contributes nothing to the sentence, does it? America may have one or seven or 70 or seven million homegrown art forms. However many it has, they are the "only" ones, even though there may be a lot of them. So to say "Jazz is one of America's only homegrown art forms" is no different from saying "Jazz is one of America's homegrown art forms." It's rather like saying "John F. Kennedy was one of America's only Presidents."

Robert C. Cumbow

or "Idaho is one of the only states in the United States," or "I am one of the only members of the Washington State Bar Association." It doesn't tell you anything more than, or different from, the same sentence without the "only."

The word "only" comes from an Old English word resembling "anlic," and meaning "one" or "sole." The "-lic" suffix is an early form of the "-ly" suffix that now most commonly signals an adverb, but can also indicate an adjective, such as "comely" or, well, "only." Technically, there's not much difference between "one" and "only one" — both indicate a single, solitary thing. But the word "only" intensifies the oneness of the "one" and excludes all others: "He was the only one to get an A in the class"; "There's room for only

one passenger.”

This doesn't mean that "only" always has to be used in the sense of "one." But if you use "only" with a plural, you are using it not in the sense of "one" but in its other sense — that of exclusiveness: "Only adults are permitted inside"; "Only two students scored an A for the class." So it's fine to say "She was the only girl who made the team," but if more than one girl made the team, don't tell us "She was one of the only girls who made the team," because that doesn't tell us anything that makes her achievement distinctive enough to be worthy of an "only." It could be that every girl who tried out made the team, or every girl in the en-

Just as good legal writers search their drafts for occurrences of "shall" that should be "will," or for uses of the passive voice that would read more clearly in the active voice, so should they search for all occurrences of the word "only"....

tire school made the team, and the statement "She was one of the only girls who made the team" would still be true. It just wouldn't tell us anything more than "She made the team."

On the theory that every word in a sentence ought to be there for a reason, therefore, don't use "only" with a plural unless you're going to provide additional specific information to make it meaningful: "She was one of only two girls who made the team," or, if you don't know the exact number, "She was one of only a few girls who made the team." If you're going to say "one of the only" and not provide that additional information, might as well take out the "only," because it isn't serving any purpose in the sentence.

Fine — only where does "only" go?

Because the word "only" acts as an intensifier, its placement in the sentence is crucial. You want to put it as near as possible to the word or phrase it intensifies. Usually, "only" should appear immediately before what it modifies. This is because "only" is usually read and heard as a "set-up" word, and people tend to apply it to whatever comes after it, not to what has gone before. A fragment will be clear enough if the word "only" follows the modified word: "Adults Only." But once you have a full sentence, ambiguity creeps in: "Adults only may

swim in the pool" is less clear than "Only adults may swim in the pool."

It's well known that the meaning of a sentence is changed dramatically by variations in placement of an "only." Just taking the preceding example, we can see how that's true:

"Only adults may swim in the pool" means that no one other than an adult is allowed to swim in the pool.

"Adults only may swim in the pool" may seem to mean the same thing; but an equally reasonable reading of the sentence suggests that adults are only *permitted*, not *required*, to swim in the pool



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— and it does not preclude that possibility that an entirely different rule applies to children.

“Adults may only swim in the pool” is a draconian instruction indeed, since it says that adults are not allowed to wade, paddle, float, or bask in the pool — they may only swim there. And, again, the rule is limited to adults: we know nothing of what children may do.

“Adults may swim only in the pool” tells us that adults may swim nowhere else but in the pool; but, unlike the previous version, this one does not preclude the possibility of adults’ doing other

things both in and out of the pool, and it again tells us nothing of children.

“Adults may swim in the only pool” tells us that there is but one pool, and adults are permitted to swim in it; but it leaves open the possibility that adults may also swim elsewhere, and it leaves us wondering whether children are permitted in the only pool or not.

This is a simple and somewhat foolish example. But it’s easy to see how the mere placement of an “only” could wreak serious havoc with the interpretation of a contract. Consider: “The aggrieved party may only sue for damages if the

breaching party fails to cure the breach within 10 days of receiving written notice.” Did the drafter mean that the aggrieved party can only sue, not seek to mediate or arbitrate? Or that the aggrieved party may sue for damages but may not sue for injunctive relief? Or that the aggrieved party may not sue at all unless the breaching party fails to cure within the required time? A contract term such as this one is actually less ambiguous if the “only” is left out altogether than if it is misplaced.

Just as good legal writers search their drafts for occurrences of “shall” that should be “will,” or for uses of the passive voice that would read more clearly in the active voice, so should they search for all occurrences of the word “only” and make sure that (1) it serves a useful purpose in the sentence, and (2) it is in the best possible place to make the meaning clear.

Only make-believe

Now, although “only” intensifies the solitariness of whatever term it modifies — “Only two can play,” “You’re my only friend” — there is also an occasional wish to further intensify even the “only.” The word “onliest” isn’t found in dictionaries, but crops up frequently in Southern and African-American usage. Now logically there’s no way that anything can be “more only” (“onlier”?) than something else. But sometimes nothing else will do. Jazz great Thelonious Monk came to be called “the onliest Monk” — a pun on both his name and his greatness as a one-of-a-kind innovator. And partly because it can also pun on “loneliest,” the coinage “onliest” has the ability to achieve a poignancy and sense of meaning-beyond-meaning that few non-words do. Now *that’s* an idiom we can live with. ☞

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How to Read the Modern Law Student's Résumé



by Erika Lim

Brace yourselves. In the coming weeks you'll be receiving dozens of résumés, first from law students and then from new grads, after the bar exam ends in late July.

Just what do all those awards and honors signify, and how can you assess the qualifications of candidates from out-of-area or unfamiliar law schools?

Most of us remember the policies and programs of our own law schools, but may not realize the range of differences among the policies and programs of the 188 ABA-accredited law schools. Also, if you, like me, graduated from law school more than a few years ago, you've probably noticed résumé items that weren't around when you assembled your law school résumé. This article will demystify modern law student résumés.

The annual National Association for Law Placement (NALP) Directory of Law Schools is probably the best one-stop resource available to help employers learn about the characteristics and

curricula of law schools and also understand a candidate's credentials — for example, to learn a school's grading policy and curve, to understand what various honors mean and how certain scholarships are awarded, or to find out the selection criteria for law review and/or law journal. This directory includes all ABA-accredited law schools, some that are not yet accredited, and some in Canada. The bad news is that this resource is available only in hard copy, so you will either need to invest in a copy or ask a candidate's law school to fax a copy of its listing.

And this leads to my second-ranked resource: the law schools themselves. Employers can hop onto the Internet and check out a candidate's law school's website, or can drop an e-mail or make a quick phone call to someone at the law school — the career ser-

vices office is always a good first contact. I'm sure I speak for many of my colleagues when I say that I have found that career services offices are more than happy to answer questions and provide information about schools, curricula, administrative policies, and students.

I'd also like to offer a little insight into some of items that are regularly included in law students' résumés:

Academic qualifications. Each school has its own grading policy and grading curve, so "GPA" can be misleading (especially since some schools don't grade on a 4.0 or A/B/C/D/F scale). A more meaningful measure is how that candidate's academic achievements compare to his or her colleagues' achievements — in other words, rank. Some schools issue actual numbers, and others rank students by percentage (e.g., top quartile, top 33 percent). If a

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school doesn't rank its students, check out its grading policy in the NALP directory, on its website, or by calling the school.

Graduating honors can be similarly confusing. For example, 77 law schools have a chapter of the Order of the Coif and the other 100-something don't. The Order of the Coif is a national honors society for law school graduates; membership is conferred on the top 10 percent of each graduating class at member schools. If a candidate lists

membership in the Order of the Coif, an employer can be assured of that person's academic achievement, but the same assurance can be had by examining a candidate's graduating rank.

Criteria for other graduating honors can also be found in the NALP directory, on a school's website, or by calling the school.

Information on school-specific scholarships, awards, and prizes, as well as information on selection criteria for law review and/or law journal, can be found

in the NALP directory (see, I told you that this is the best one-stop resource for employers). One often-cited honor that's awarded at most law schools is a CALI Award (AKA CALI Excellence for the Future Award, formerly known as AmJur Award), which is given to the student who received the highest grade in each course.

Moot court. Moot court is required by some schools and voluntary at others. Also, membership on the Moot Court Board comes about in various ways — at some schools, it's earned through performance or participation in competitions, and at others, it's through an open application process.

Experiential learning. This is where huge changes have been made in law school curricula over the past decade or so — almost all law schools have expanded beyond doctrinal classroom teaching and now offer a wide array of clinics, advocacy classes, and internships/externships. Candidates who have participated in one or more of these "out of the classroom" courses bring practical experience and skills that can be especially valuable to employers that don't have structured training programs. Most law schools offer several clinical programs, each topic-based, in which student-attorneys take full-case responsibility for real clients with real legal problems that are unrolling in real time.

Students are very closely supervised — the faculty:student ratio in clinics is much lower than in doctrinal classes — and are taught (i.e., don't just pick up on their own) nuts and bolts; beginning-to-end case-management and trial skills, including interviewing and effectively communicating with clients; ethics; records-keeping; drafting pleadings; and negotiation. In some clinics, students represent their clients, in court or in administrative hearings. Added bonus: clinic clients are almost always low income, so students also learn that law is a form of community service.

In advocacy classes, students learn pre-trial and trial skills (taking and defending depositions, constructing and delivering opening statements and closing arguments, examining witnesses)

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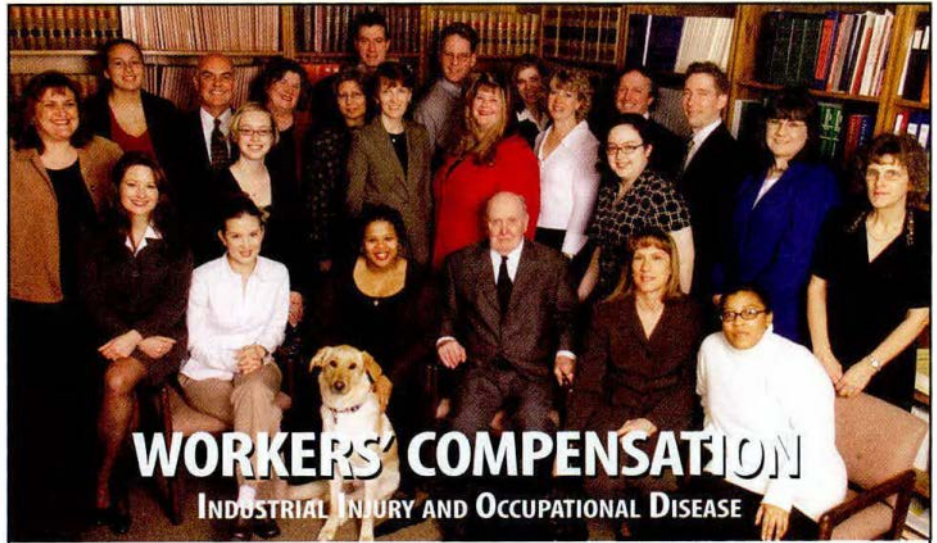
without having real clients. The difference between the skills and experience gained in these simulation classes and those learned in mock-trial competitions is that the classes are taught by practicing litigators and so are more likely to impart correct techniques and good habits.

Internship/externship programs vary from school to school and have different names, but the general goal of these programs is to get students into supervised field positions, frequently with judges, government agencies, or public-interest organizations, to see firsthand how classroom learning is transformed into the profession of lawyering. Some schools require internships or externships, while at others, they're elective; also, some programs include a classroom or seminar component that requires students to reflect on what they're seeing and doing.

Computer skills. All law schools offer training in both Lexis and Westlaw, and both companies offer unlimited usage to law students, to encourage them to wander about and see what the respective applications offer. From an employer's perspective, what's key is that a candidate knows how to use these resources in a time-effective manner — unlimited (and free) student access may be used only for educational purposes.

A few last words. Law schools offer so much more than they did just a few years ago, and as a result, they're turning out young lawyers whose skill sets and educational foundations may be different from those presented by the last pool of candidates considered by you or your firm. For employers who don't hire on a regular basis, asking a few questions or doing a little research on current credentials and qualifications could lead to terrific candidates who might otherwise be overlooked. ✍

Erika Lim is a 1992 graduate of Seattle University School of Law. She clerked for the Washington Court of Appeals, served as committee counsel to the state Senate, and worked as senior policy advisor and legislative liaison for two state cabinet agencies.



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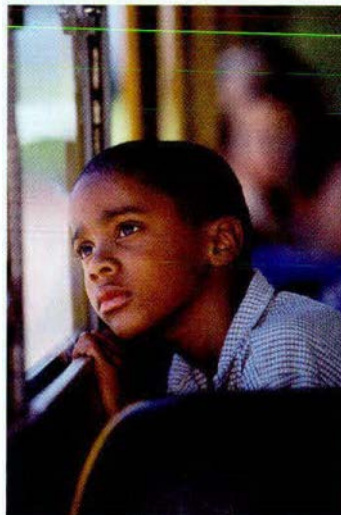
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Brown v. Board of Education 50th Anniversary

(May 17, 1954)

Speaking for a unanimous Supreme Court, Chief Justice Earl Warren announced that “in the field of public education the doctrine of ‘separate but equal’ has no place. Separate education facilities are inherently unequal.”



Events and information

Loren Miller Bar Association Re-enactment and Panel Discussion

The WSBA joins others in sponsoring the Loren Miller Bar Association's re-enactment of the *Brown v. Board of Education* arguments on May 17 (University of Washington, Kane Hall, Room 130, 4-6 pm; followed by a panel discussion, Room 225, 6-8 pm). The re-enactment will feature the Washington Supreme Court justices and other dignitaries in the famous roles, and promises to be a "must see" event.

Seattle University *Brown v. Board of Education* — a 50th Anniversary Exhibit

Seattle University Law Library has created an online and a physical exhibit to celebrate the *Brown* anniversary. The online exhibit combines images, text, and links to create a rich timeline environment in which to explore *Brown* and the civil rights movement. See www.law.seattleu.edu/information/brown/home.asp. The physical exhibit is housed in the display cases in the Dolliver Reading Room on the fourth floor of the library. Books, articles, and photographs have been arrayed along a timeline annotated with significant judicial decisions in the civil rights movement.

Gonzaga University School of Law 50th Anniversary of *Brown v. Board* Display

Through May 17, Chastek Library is featuring a display commemorating the anniversary of the *Brown* decision. There are free copies of the decision, a bibliography of materials available about school desegregation, and selected current books on segregation.

National Park Service Historic Site

Learn about the decision and view Monroe Elementary School, one of the four segregated elementary schools for African-American children in Topeka, KS, involved in the decision. www.nps.gov/brvb.

U.S. Department of Education *Brown v. Board of Education* 50th Anniversary Commission

www.ed.gov/about/bdscomm/list/brownvboard50th/index.html.

National Education Association Activities

www.nea.org/brownvboard.

American Bar Association Highlights

www.abanet.org/brown/home.html.

Professionalism and Mentoring: Good for Us All

by Soojin E. Kim

Professionalism, mentoring, and *pro bono* work are ideas that our State Bar promotes. Each reinforces and essentially complements the others. When we lawyers are professional and do *pro bono* work, we enhance the reputation of law as an honorable, service-oriented profession. This, in turn, is good for business and for job satisfaction. When more-experienced lawyers connect with newer lawyers to mentor, professionalism is reinforced from one generation of lawyers to the next. When professionalism is the norm, it cuts down on time wasted on strategies intended to defend against unprofessional behavior, leaving us more time to mentor and do *pro bono* work.

One kind gesture

The WSBA has established committees to address barriers to professionalism, mentoring, and *pro bono* work. Yet systemic barriers are difficult to remove. Sometimes, the best that any one person can do is to connect with one other person and give generously, whether it is actual legal advice, an introduction to someone else who would be helpful, or words of encouragement. I recently saw an interview of Oprah Winfrey in which she spoke of her experience traveling to Africa to distribute Christmas presents to AIDS orphans. Oprah was asked what good does one day do when these children face loneliness and hunger year-round? I was impressed with her reply that yes, it does make a difference, because a kind gesture can leave a "heart-

print" forever in the memory of the recipient. Instead of leaving our Bar Association or its committees to deal with these barriers, let us continue to encourage the



initiatives of individuals, whether big or small.

What would be an example of that "one kind gesture" when we talk about mentoring and professionalism? When I was in law school, Lucy Isaki, then a partner at Bogle & Gates, came to participate in a panel discussion about what makes a successful legal career. I have never seen or spoken to her since, but I will always remember that she took time out of her day to answer the questions of students. I also remember that she attributed at least part of her success to finding and cultivating mentors.

The challenge of winning over lawyers whom you want as mentors

The promotion of professionalism, mentoring, or *pro bono* work involves winning

over the hearts and minds of the individual lawyers whom we're asking to volunteer their time. As a relatively younger lawyer, I have spent the past six or seven years finding and cultivating more-experienced lawyers willing to mentor me. Younger/newer lawyers know this is vital not only for getting and keeping jobs, but for finding our niche and getting enough of the right experiences to become really good attorneys.

When I joined Graham & Dunn, I was anxious to make a good impression. I was immediately assigned to work with Walt Tabler, then the head of our real estate group, on a case going to trial. On my second day at work, he told me that I spoke too softly and that would be a problem in the courtroom. Walt is about a foot taller than I am, with a resonant voice, and is the kind of engaging storyteller I always hoped to be. I worried about my voice constantly, always trying to speak especially loudly in his presence. I also worried about how I could become the kind of person that Walt and others at my firm would want to mentor. Would they want to spend time with me even though I was not interested in golf, joining the WAC, or going to Palomino for drinks after work? As it turned out, none of these things mattered. We were able to find common ground in other areas. As for the voice thing, when it came up at my review meeting, Elaine Spencer, the chair of our Litigation Department, made the following observation based on her 25-plus years of litigation experience: "You know, when I was a younger lawyer, they told me I was too soft-spoken. As I became more experienced and had more to say, I continued to speak at the same decibel and pitch, but they stopped complaining."

Empowering newer admittees

Currently, the WSBA Lawyer-to-Lawyer Program, which matches newer admit-

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tees seeking mentors with more-experienced lawyers willing to mentor, has 48 newer admittees on a waiting list. It seems as though we can do more on a person-to-person level to fill this gap. The program lasts one year. Suggested activities are touring the courthouse, meeting for lunch, attending a CLE, and exchanging insights via e-mail or telephone. The matching process itself ensures that both parties are comfortable with goals and mutual expectations. WSBA staff is available to offer assistance when needed during the match. Since the newer admittees are a self-selected group with the initiative to sign up for this program, it is likely that there is an even larger, uncounted number of newer admittees who may appreciate a mentor. Even if you are not a lawyer with 10-plus years of experience, I think you can be a mentor. Those of us younger/newer lawyers who have made it to our fifth, sixth, or seventh year of practice could offer our suggestions to newer admittees regarding the approaches that have worked for us in finding and cultivating mentors. This could be empowering for newer admittees. Rather than waiting for a program to find them a match, they could take the initiative. Recently, I was at a party where I met two third-year Seattle University law students. When I was in law school, I am sure I did not have their poise and their ingratiating manner of asking questions about my work and of talking about their backgrounds. Talking about these types of social skills — i.e., how to handle other people — could be as important to the newer admittee as legal advice.

I hope other lawyers who have been fortunate enough to have mentors will feel encouraged to find out more about the Lawyer-to-Lawyer Program or share their thoughts with its manager, Pete Roberts, at peter@wsba.org or 206-727-8237.

I also hope that lawyers will continue to look out for random acts of professionalism among colleagues and opposing counsel, and report them to the Professionalism Committee so that we can recognize these professional lawyers through the Random Acts of Professionalism Program (see p. 49). Please contact Professionalism Committee Liaison and Director of Member and Community Re-


lations Judy Berrett, at judi.thb@wsba.org or 206-727-8212. ✉

Soojin E. Kim worked for the Legislature,

the Washington Gambling Commission, and the Attorney General's Office before joining Graham & Dunn in 2001. She practices in Seattle and is chair of the WSBA Professionalism Committee.

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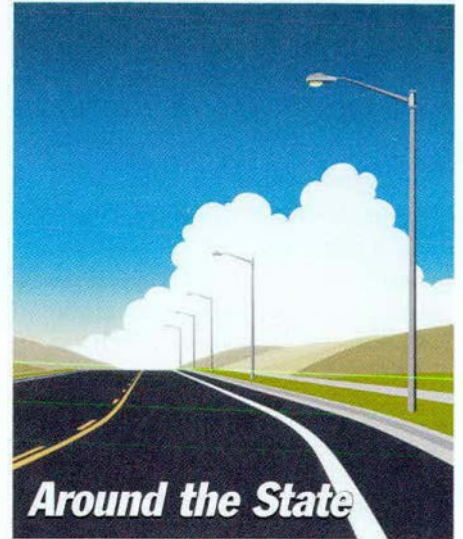
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Around the State reports are welcome from county and specialty bar associations. There are no rules for writing them, except to mention lots of your members. We leave it up to each organization to decide who does it, and to the correspondent to decide how often. Many counties are still available. Contact the editor at tradelaw@thompson-law.com for more information.

Cowlitz County Report

by Our Local Correspondent

Pond Roesch & Rahn has dissolved as a law firm. **Steven Pond, Paul Roesch,** and **Kevin Rahn** are each going it on their own, under the same roof and on good terms.

Congratulations are also in order for retired deputy prosecuting attorney **Melanie Romo** and courthouse security officer **Marvin Millard**. After more than 20 years, they were married by the also-retired but ever-honorable **Don McCulloch** on March 12. Congratulations to the newlyweds!

Information for the June issue must be received by May 15 at CWBAnews@hotmail.com.

International Members

William Fisher reports he left Perkins Coie last year to pursue a US-Chinese IP practice in China.

In January, Fisher joined the Shanghai, China, office of the international law firm of Lovells. His practice focuses on IP litigation, enforcement, and counseling, in

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China as well as on a regional and world-wide basis. Hewrites, "My wife, Linda, and I are settling in and work is going well. I'm still an active WSBA member and will remain one."

Kitsap County

Broughton & Associates, Inc. PS is pleased to announce that **Dalynne Singleton** is an associate in the firm. She has been with the firm for 12 years, starting as a personal-injury paralegal, then serving three years as a law clerk, and now as an attorney. Ms. Singleton's practice will complement William Broughton's practice and will place emphasis on representation in the areas of personal injury, tort litigation, real estate/construction, and water law matters.

Law Schools

Six Gonzaga law students — **Brooke Kuhl, Jennifer Underwood, Laura Waldman, Kristina Nichols, Gillian Murphy, and Shannon Viel** — competed as two teams in the National Appellate Advocacy Competition February 26-28 in San Francisco. Both teams emerged from a pack of 32 teams and advanced into the final round of their respective brackets.

Three of five judges scored the final round in favor of the Kuhl, Underwood, Waldman team but they nonetheless lost by .111 points out of 100 possible — an extremely narrow margin. One judge's scores in particular were in stark contrast with the other four judges', which cost them the round and first place in their bracket. To advance to the final round, the team, then seeded 16th, defeated the number-one seeded U.C. Davis team in the semifinal round with an impressive victory.

The team of Nichols, Murphy, and Viel also advanced to the final round in their bracket but lost by three points to Texas Tech, a perennial powerhouse at the competition. The pain of the loss was softened during the awards ceremony, when the team was awarded second-best brief in the competition.

Sending both teams to the finals is a great accomplishment. "I am not aware of another Gonzaga team that has ac-

complished this, at least not in recent memory," said **Patrick Fannin**, the NAAC co-coach along with **Michael Keyes**.

This is the second consecutive year that Gonzaga has been a powerhouse at NAAC. Last year, Gonzaga team members won best and third-best oralist awards. One team advanced to the semifinal and the other to the final round in their respective brackets. "Mike and I are pleased that over the last two years Gonzaga has been such a force and that we have had

the opportunity to be a part of it," Fannin commented. "We have been blessed to have students who are passionate — not just about winning, but about being the best they can be."

Thurston County Report

by *Fred D. Gentry*

The first signs of spring around here include the roaring of motorcycles as the TCBA motorcycle gang fires up their engines to terrorize the rural countryside. Members of the "mild bunch" and their

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Tom D'Amore is licensed to practice in Washington, Oregon and California, and is certified as a civil attorney by the National Board of Trial Advocacy. Tom is a WSTLA Eagle member, a member of the OTLA Board of Governors, a member of the OTLA President's Circle, a sustaining member of ATLA, and serves as an ATLA delegate for Oregon.

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steeds include: **John Sinclair**, BMW K1200LT; **Paul Meyer**, Harley Davidson; **Chris Coker**, Harley Davidson; **Bill Pope**, Harley Davidson; **Frank Morris**, Yamaha Virago 1100; **Fred Gentry**, Honda 900 Custom; Hon. **Richard Strophy**, Honda Gold Wing; **John Jarett**, Harley Davidson; **Ed Younglove**, Harley Davidson; and **Jim Dixon**, Triumph Bonneville.

Hon. **Dan Berschauer** recently announced that he will not seek re-election. Those who will be running for the position thus far are Court Commissioner **Chris Wickum**, Deputy Prosecuting Attorney **Jim Powers**, and Assistant Attorney General **M. Joseph Sloan**. Judge Berschauer has been a well-known, well-liked, and highly respected superior court judge since 1984. We will miss him.

King County Report

by *Jim Varnell*

Tee Time. For those who would like to get into the swing of things this summer, four local golf tournaments are on the bill. Starting off the season of these four "majors" is the Judicial Dispute Resolution Charity Tournament featuring the organizational skills of **Charlie Burdell** at Washington National in Auburn on July 9. Three weeks later, the **Phil Biege** Open (also known as the South King County Bar Association's

tournament) will be held at Riverbend on July 30. Testing the strength, stamina, and skills of the tour players next is the **Gary Slater** Match Play Championship to be held on August 7 at Madrona Links in Gig Harbor. Closing out the majors is the UW Law School Alumni Tournament hosted by **Polly McNeill**, also at Washington National in Auburn on August 27.

So prestigious are these four tournaments that any person who wins all four earns a "battlefield promotion" to Qualifying School on the PGA Tour next December. Vying for a spot at Q School will be **Dan "The Man" Williams**; Hon. **Julie Spector**, defending her Judge's title; Hon. **Rick "The Stick" Batbum**; Hon. **Chas DeLaurenti**; **Jane Rhodes**; **John "Mister Mediation" Cooper**; and **Bob "The Silver Fox" Kuvvara**.

Lawyerpalooza. The second annual "Lawyerpalooza," a battle of local law firm rock-and-roll bands, will be held on May 10 at the Fairmont Olympic Hotel. Featured bands include musicians from Davis Wright Tremaine, Groff & Murphy, Karr Tuttle, Lane Powell Spears Lubersky, McNaull Ebel, Perkins Coie, and Preston Gates & Ellis, and public defenders. This charity event raised over \$24,000 for instrumental music instruction in Seattle schools last year. Obviously, committee chair **Mike Nesteroff** was unaware of the

talents of other hotshot bands in the Seattle area, including (without limitation) Shear Jazz, featuring **Keith "Mr. Carolina Blue" McClelland**, and Raucous with Washington evidence maestro **Karl Tegland** (see www.raucousband.com).

KCBA Awards. The King County Bar Association awards dinner will be held on June 24 at the Elliott Grand Hyatt. Honorees will include the following: Outstanding Lawyer — the prosecution and defense teams in the Gary Ridgeway case; Outstanding Judge — Judge **Richard Jones**; Friend of the Legal Profession — **Ada Shen-Jaffe**; and the Helen Geisness Award — **Karen Sutherland**.


The William L. Dwyer Outstanding Jurist award will be presented to Hon. **John C. Coughenour**. It is anticipated that Judge Coughenour upon accepting this award will give much of the credit for his successes to his experiences with his first Trial Practice class at the UW Law School in 1971, which included **Dick Cohen**, **Mike Jacobs**, **Steve Chestnut**, and **Richard "Swannie" Swanson** (not!!).

Office Moves. The following are recent additions to King County law firms. Carney Badley Spellman: **Timothy K. Thorson** and **Nicki D. McCraw** are new shareholders. Hendricks & Lewis: **Stacia Lay** and **Alexa L. Shelley** are associates. Short Cressman Burgess: **Connie Sue Martin** is named a partner. Miller Nash: **David Schoolcraft** is a new partner. Gordon Thomas Honeywell: new partners are **J.D. Smith** and **Dianne K. Conway**; senior associates are **J. Bradley Buckhalter**, **Jemima J. McCullum**, **Patricia Tierney O'Brien Pearson**, **Steven T. Reich**, and **Jong Won Yi**; **Elizabeth Cameron Thompson** is a new associate.

Keller Rohrback: new partners are **Dan Friedberg**, **Scott Henderson**, **Ben Lantz**, **Beth Leland**, and **Derek Loeser**. Graham & Dunn: **Janene A. Collins**, **Kumi Yamamoto Baruffi**, and **Michael A. Raskasky** are new shareholders. Helsell Fetterman: **Larry Setchell** and **Darla Goodwin** are partners. **Joshua Whited** is a new associate; and **Bruce Cyra** is a new project attorney. **John W. Phillips** has departed Heller Ehrman and has opened his own office.

Preston Gates & Ellis: new partners are **James J.Y. Chen**, **David A. Do-**


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<p>2004 Highlights</p> <p>February 27 CONSTRUCTION LAW SEMINAR Seattle Sheraton</p> <p>March 18 – 20 SUNBREAK SEMINAR Pointe South Mountain Resort, Phoenix</p>	<p>April 2 INSURANCE LAW SEMINAR WA State Convention Center</p> <p>July 15 – 18 ANNUAL CONVENTION Westin Resort, Whistler</p>
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mansky, Annette D. Elinger, Ellen Livingston-Behan, Denise L. Stiffarm, and Matthew S. Topham. New associates are Derek D. Crick, Eric E. Keppler, Kristin Martinez, Christopher S. Napier, Carlos Chavez, Kristi L. Darnell, Andrew H. Dyer, Kenneth J. Gish Jr., Jonah O. Harrison, Sarah C. Johnson, Tim Mizrahi, Amit Ranade, Kevin A. Rosenfield — known as “Mr. Prosser, WA” — Lyle A. Tenpenny, Christopher T. Varas, C. Rachal Winger, and Ayanna Wooten-Days. Gene Wilson has returned to McKay Chadwell after a two-year stint in the Hague; Thomas M. Brennan is a new associate there.

Honors. Samuel Chung was named one of the Top Contributors to the Asian Community. Paul Whelan was named Trial Lawyer of the Year by the Washington Chapter of the American Board of Trial Advocates. Bill Connors was appointed to the National Coal Council. Douglas S. Oles was named a fellow in the American College of Construction Lawyers. Betts Patterson & Mines was honored as the 2003 Transportation Professional of the Year by the Transportation Club of Seattle.

Washington Women Lawyers

The Snohomish County chapter of Washington Women Lawyers sponsored a forum March 8 to evaluate seven candidates for a vacant Snohomish County District Court judge position in Lynnwood.

The Snohomish County Council will appoint one of them to fill the judgeship vacated when Judge Stephen Dwyer was promoted to the superior court bench.

Besides the women lawyers, all county lawyers had an opportunity to participate in a bar poll, and the council was set to convene a screening committee to help interview the candidates and make recommendations.

The new judge will join two others assigned to South District Court, and must live in southwest Snohomish County. Among the candidates are Edmonds residents Beth Fraser Cullen, Douglas Fair, Jeffrey Goodwin, and Michael Hall; Cheryl Beyer and Vernon Moyers Jr. of Lynnwood; and Peter Camp of Bothell.

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WSBA Presidential Search**Deadline: May 15, 2004**

The WSBA Board of Governors is seeking applicants for the position of WSBA president for 2005-2006. Pursuant to Article IV(A)(2) of the WSBA Bylaws, the primary place of business of candidates for president for 2005-2006 must be Western Washington, outside King County. The WSBA member selected to be president will have an opportunity to provide a significant contribution to the legal profession.

Applications for 2005-2006 WSBA president will be accepted through May 15, 2004, and should be limited to a current résumé, a concise application letter stating interest and qualifications, and no fewer than five nor more than 10 references. The Presidential Search Committee and the Board of Governors will consider endorsement letters received by May 30, 2004. Applications and endorsement letters should be sent to the WSBA Executive Director, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330.

Confidential interviews with the Presidential Search Committee will be conducted May 17-31, 2004, at the WSBA office. Direct contact with the governors is also encouraged. All candidates will have an interview with the full Board of Governors in open session at the June meeting. Following the interviews, the Board will select the president.

Although prior experience on the WSBA's Board of Governors may be helpful, there is no requirement that one must have been a member of the Board of Governors or had previous experience in Bar activities. The candidate must be willing to devote a substantial number of hours to WSBA affairs and a positive representative for the legal profession. The position is unpaid. Some expenses, such as WSBA-related travel, are reimbursed.

The commitment begins in June 2004 following selection. A one-year term as president-elect will begin at the Annual Business Meeting in September 2004. The president-elect is expected to attend the two-day board meetings held approximately every six weeks, as well as numerous subcommittee, section, regional, national, and local meetings. In September 2005, at the WSBA Annual Business Meeting, the president-elect will assume the position of president. During their service, the president-elect and president will also be required to meet with members of the Bar, the courts, the media, and public and legal interest groups, as well as be involved in the Bar's legislative activities. Appropriate time will need to be devoted to communication by letter, e-mail, and telephone in connection with these responsibilities.

The duties and responsibilities of the president are set forth in the WSBA Bylaws.

Presidential Search Committee: Robert Boggs, chair; David Savage, WSBA president; Andrea Brenneke; Bryce Dille; Randolph Gordon; Fawn Sharp.

Practice of Law Board Appointments 2004-2007

Four positions on the Practice of Law (POL) Board will be up for appointment effective September 2004 for three-year terms. At least one of these appointments must be a non-lawyer. Current board members are eligible for reappointment.

The board is established by General Rule 25. Nominations may be made by the Board of Governors of the Washington State Bar Association and other people and organizations.

GR 25 provides that the purpose of the board is to:

- promote expanded access to affordable and reliable legal and law-related services;
- expand public confidence in the administration of justice;
- make recommendations regarding the circumstances under which nonlawyers may be involved in the delivery of certain types of legal and law-related services;
- enforce rules prohibiting individuals and organizations from engaging in unauthorized legal and law-related services that pose a threat to the general public; and
- ensure that those engaged in the delivery of legal services in the state of Washington have the requisite skills and competencies necessary to serve the public.

The board is composed of 13 members, at least four of whom are to be nonlawyers. The board should represent the public interest in the delivery of legal services, and it should reflect the broad range of diversity of individuals who are part of or who use the legal system.

Persons interested in seeking nomination by the Board of Governors for appointment to the POL Board should submit letters describing their background and qualifications for board membership to the address below. Applicants should have a demonstrated commitment to the POL Board's purposes as set out in GR 25. Members of the board are not compensated for their services, but are reimbursed for necessary expenses consistent with the reimbursement policies of the Washington State Bar Association. The board sets its own meeting schedule, but currently meets the second Friday of each month.

Please submit letters seeking nomination by the Board of Governors to the POL Board not later than Wednesday, June 23, 2004, to Practice of Law Board, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330.

Further information is available at www.wsba.org/practiceoflawboard. If you have any questions, contact POL Board Administrator Bob Welden at bobw@wsba.org or at 206-727-8232.

Certified Professional Guardian Board**Deadline: August 23, 2004**

The Board of Governors of the WSBA will be nominating

one member who is appointed by the Supreme Court to serve a three-year term on the Certified Professional Guardian Board commencing October 1, 2004. Please submit a written expression of interest and a résumé. Incumbents must apply, if seeking reappointment.

The board establishes the standards and criteria for the certification of professional guardians as defined by RCW 11.88.008, and prescribes the conditions of and limitations upon their activities (GR 23).

See www.courts.wa.gov/programs_orgs/pos_guardian/?fa=pos_guardian.boardlst for more detailed information.

Please submit a letter of interest and résumé to WSBA Bar Leaders Division, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330; or e-mail barleaders@wsba.org.

WYLD President-Elect 2004-2005 Elections

Deadline: June 1, 2004

Young lawyers interested in serving as president-elect of the WYLD are invited to submit a statement of eligibility and qualifications for this position. The president-elect automatically succeeds to the position of the WYLD president upon completion of a one-year term commencing October 1, 2004. The president-elect shall be selected by a majority of the WYLD Board of Trustees from among those persons who are selected by the Nominating Committee or who file for office. The election of the president-elect shall be conducted at the last regular meeting of the board prior to the WSBA annual meeting.

Eligibility. To be eligible for the position of president-elect, candidates must have a principal place of business in the state of Washington and must be a member of the WYLD at the time of taking office. Additionally, the bylaws require that the president and president-elect have principal places of business in different counties. Therefore, this year's candidates may not have a principal place of business in Spokane County.

Any active member of the WSBA is also a member of the WYLD until the 31st day of December of the year in which he or she turns 36 or until the 31st day of December of the fifth year in which he or she has been admitted to practice, whichever is later.

To Apply. Individuals intending to stand for election must send the following: (1) a cover letter describing yourself, your practice, and why you feel you are a strong candidate for the position; (2) no fewer than three but no more than five letters of recommendation from attorneys in your district; and (3) a current résumé.

Send application materials to Lisa Harper, WSBA, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330; lisak@wsba.org; fax: 206-727-8319.

WYLD Trustee Elections for District Positions 2004-2007

Deadline: June 1, 2004

Young lawyers interested in serving on the WYLD Board of Trustees are invited to submit a statement of eligibility and qualifications for the following Trustee District positions:

- **King District** — representing King County
- **Southwest District** — representing Clark, Cowlitz, Pacific, Skamania, and Wahkiakum Counties
- **Snohomish District** — representing Snohomish County
- **Greater Spokane District** — representing Lincoln, Pend Oreille, Spokane, and Stevens Counties

Eligibility. To be eligible for one of these positions, a candidate must reside or have his or her principal place of business in the district he or she wishes to represent and must be a member of the WYLD for at least the first two full years of the position. Elected trustees will serve a three-year term commencing October 1, 2004.

Any active member of the WSBA is also a member of the Washington Young Lawyers Division until the 31st day of December of the year in which he or she turns 36 or until the 31st day of December of the fifth year in which he or she has been admitted to practice in any state, whichever is later.

To Apply. Individuals intending to stand for election must send: (1) a cover letter describing yourself, your practice, and why you feel you are a strong candidate for the position; (2) no fewer than three but no more than five letters of recommendation from attorneys in your district; and (3) a current résumé.

Send application materials to Lisa Harper, WSBA, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330; lisak@wsba.org; fax: 206-727-8319.

ABA House of Delegates

Deadline: July 2, 2004

The Board of Governors of the WSBA is accepting letters of interest and résumés from members interested in serving on the ABA House of Delegates representing Washington state. Four positions will be available in August 2004. A written expression of interest and a résumé are required for any incumbents seeking reappointment.

The control and administration of the ABA is vested in the House of Delegates, the policymaking body of the ABA. The House, which has approximately 500 delegates, elects the ABA officers and board, and meets out of state twice a year. Delegate attendance is required. The WSBA's allowance is \$700 per year per delegate. Members appointed to the House of Delegates serve a two-year term, which begins at the close of the annual meeting (August 2004).

Please submit a letter of interest and résumé to WSBA Bar Leaders Division, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330; or e-mail barleaders@wsba.org.

Board for Court Education

Deadline: May 21, 2004

The WSBA Board of Governors will be nominating one WSBA member who will be appointed by the Supreme Court to serve a three-year term on the Board for Court Education. The three-year term will commence July 1, 2004, and continue through June 30, 2007. A written expression of interest and a résumé are also required in the event that

the incumbent elects to seek reappointment.

The Board for Court Education was established by Supreme Court order, and is charged to identify the educational needs of trial-court judges and court personnel, to coordinate educational programs and services, and to recommend programs and budget to meet the educational needs of the Washington judiciary. It is a 15-member board that meets four times a year. For additional information, visit www.courts.wa.gov/programs_orgs/pos_bce.

Please submit a letter of interest and résumé to WSBA Bar Leaders Division, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330; or barleaders@wsba.org.

Washington Pattern Jury Instruction Committee

Deadline: May 21, 2004

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving a four-year term on the Washington Pattern Jury Instruction Committee. There is one position available. The four-year term will commence July 16, 2004. A written expression of interest and résumé are also required in the event that the incumbent elects to seek reappointment.

Committee members review, discuss, and vote upon instructions in the civil or criminal area as drafted by subcommittees or staff. The committee meets monthly in Seattle on Saturday for three to four hours (except July and August), and requires a considerable time commitment. It is a large committee with more than 30 members, composed of judges and lawyers, including two WSBA representatives.

Please submit a letter of interest and résumé to WSBA Bar Leaders Division, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330; or barleaders@wsba.org.

2004 Board of Governors Election, and Candidates' Biographical Statements

● On April 15, ballots were mailed to all active WSBA members eligible to vote for the 4th or 7th-Central District governor. Returned ballots must be postmarked by May 15 in order to be counted. Board of Governors nomination forms for the 2nd, 4th, 7th-Central, and 9th Congressional Districts have been received from Eron M. Berg (2nd District), unopposed; Terry P. Abeyta, Elizabeth F. Baker, Stanley A. Bastian, George Fearing, and Gerald J. Moberg (4th District); Lonnie Davis and Thomas W. Hayton (7th-Central District); and James E. Baker (9th District), unopposed. The governors-elect and candidates have provided the following biographical statements:

2nd District

Eron M. Berg, governor-elect/2nd District, states: I am running for this position to advocate for our profession and to fight for improvements to Washington's legal system. We have faced more and more challenges, some including issues with public debates in which the very honor of our profession is at stake. My experience in public office, including as a mayor, will allow me to better face

these challenges. I will focus on the needs of the attorneys I represent, as well as our shared goal of a stronger, better funded, professional system of justice. I would be honored to represent you, and I ask for your vote.

4th District

Terry P. Abeyta, candidate/4th District, states: I was born and reared in Yakima. I graduated *summa cum laude* and *Phi Beta Kappa* from Whitman College in 1973. I graduated in the top 15 percent of my class from the University of Washington School of Law in 1976. I practiced law for two years in Kirkland prior to returning to Yakima in 1978. I had a general practice before limiting my practice to personal injury. I am a past president of the Yakima County Bar Association and have held several officer positions for the Washington State Trial Lawyers Association. I have contributed to several WSBA and WSTLA deskbooks.

Elizabeth F. Baker, candidate/4th District, states: I was raised on a farm in Winlock, Washington. I am 36 years old and the mother of three children. I attended Pacific Lutheran University and then Gonzaga University, graduating in 1987 with a Bachelor of Arts. I graduated from the (then known) University of Puget Sound School of Law in 1993. I have worked for the courts, large firms, and sole practitioners on both sides of the mountains in Washington. I have learned invaluable lessons from the bar and my clients, and hope to bring those experiences to this position for the benefit of this congressional district.

Stanley A. Bastian, candidate/4th District, states: My 20-year legal career includes a variety of different jobs, and this will provide a unique perspective for service on the Board. I have practiced law in both western and eastern Washington, and my career has included both government service and private practice. I have worked as a law clerk for the state court of appeals, a public defender for the City of Renton, and a prosecutor for the City of Seattle. Most of my career has been as a partner at Jeffers, Danielson, Sonn & Aylward, and my practice is now focused on civil litigation.

George Fearing, candidate/4th District, states: I am a 1982 graduate of the University of Washington School of Law. The focus of my practice is civil litigation. I have handled, for institutions, municipalities, and individuals, a variety of civil cases, including civil rights, employment, real estate, personal injury, medical malpractice, and business suits. I previously served on the WSBA Disciplinary Board. From sitting on this board, I have mixed emotions about how the bar association treats eastern Washington. I wish to advocate, as a governor, the interests of eastern and central Washington. Advocating those interests includes presenting the needs and desires of small and midsize firms.

Gerald (Jerry) J. Moberg, candidate/4th District, states:

I attended and received my J.D. from Gonzaga in 1973. From 1973 through 1988 I practiced with a small firm and a midsize firm, handling litigation which included civil and criminal cases. My caseload included the representation of both plaintiffs and defendants. From 1989 through 1992, I served as a Grant County Superior Court judge. In 1992, I joined the trial department of a large firm in Spokane, and in 1997 I started my own practice. Since 2000, I have primarily represented cities, counties and school districts in litigation claims. I understand the issues affecting sole practitioners, midsize to large firms, plaintiff attorneys, defense attorneys, and municipal lawyers.

7th-Central District

Lonnie Davis, candidate/7th-Central District, states: I work for the Disabilities Law Project providing representation on civil rights issues. I am a technical advisor to the Washington Supreme Court's Minority and Justice Commission, and an associate member of the Governor's Committee on Disability Issues and Employment. I served on the WSBA Civil Rights, Access to Justice Technology Bill of Rights, Conference Planning, and Impediments Committees. Previous community activities include membership on the Board of Directors of the Seattle Community Services Center for the Deaf and Hard of Hearing, United Cerebral Palsy of King County, VSAW (an organization of artists with disabilities), and consultant to the Washington Coalition of Sexual Assault Programs.

Thomas W. Hayton, candidate/Seventh-Central District, states: I have practiced for 30 years in public and private civil litigation, and currently am a shareholder in Cutler Nylander & Hayton, a small firm which concentrates on trade practice and intellectual property. I have met some success in these enterprises, and have concluded that civility and humor are necessary ingredients. My involvement in formal WSBA business is three (eye-opening) years on the Disciplinary Board. I believe that the things I have found useful in the practice of law should also be helpful in Board business. I confess to impatience with meetings, but hope that someone interested in their efficiency would help.

9th District

James E. Baker, governor-elect/9th District, states: I have been active in the WSBA since early 1980, when I served on the Board of Trustees of the Young Lawyers Division. I have served on numerous boards and committees of the WSBA. I am a 1979 graduate of Gonzaga Law School. Since 1986, I have represented injured persons at my current law firm (Miracle, Pruzan, Pruzan & Baker). I have lived in Burien for more than 10 years. My other bar memberships include the King County Bar Association, the South King County Bar Association, and the Federal Bar Association (W.D. Wash.).

WYLD Seeks Award Nominations

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.

If you know of someone who deserves to be recognized, please visit www.wsba.org/lawyers/groups/wyld for full details and a nomination form. Self-nominations will not be accepted. *Please note that a completed nomination form must accompany each nomination to be considered.*

Nominations must be received by July 30, 2004, and should be sent to Lisa Harper, WSBA, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121; or lisak@wsba.org.

Award recipients will be determined by the WYLD Board of Trustees at their August 21, 2004, meeting. Recipients will receive awards at presentations to be held in conjunction with events within their law firm and/or legal community.

President-elect Ron Ward Participates in ABA Bar Leadership Institute



Joining about 300 other emerging leaders of lawyer organizations from across the country at the American Bar Association's Bar Leadership Institute (BLI) on March 11-13

was WSBA President-elect Ronald R. Ward (center) of Seattle. Ward joined ABA President Dennis W. Archer (left) of Detroit, Michigan, and ABA President-Elect Robert J. Grey Jr. (right) of Richmond, Virginia, in sessions on bar governance, finance, communications, and planning.

The BLI is sponsored by the ABA Standing Committee on Bar Activities and Services and the ABA Division for Bar Services as part of the association's long-standing goal of fostering partnerships with state and local bars and related organizations. Cooperating ABA staff entities included the Division for Media Relations and Communication Services.

Senior Attorneys Discussion Group

Join the Senior Attorneys Discussion Group for stimulating, social, sophisticated sojourns and cookies as our members share travel adventures on Thursday, June 17, and Thursday, July 15, from 4:00 to 5:30 p.m., at the WSBA office at 2101 Fourth Ave., Ste. 400, Seattle. Parking is available on the street nearby (\$2 for two hours) or under the building. For more information, please contact Jenny Favell, Ph.D., in the Lawyers Assistance Program, at 206-727-8267.

A meeting on Thursday, May 20, will feature a nutritionist and a senior fitness expert from the Swedish Medical

Center Cardiac Rehabilitation and Care Program. Low carbs? High protein? No fat? High HDLs? Ratios? Desired blood pressures? *For all levels.* Come check it out.

Notice of Deadline for Filing WSBA Resolutions

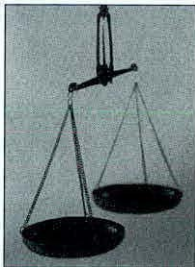
Pursuant to WSBA Bylaw Article VII, Section F — Resolutions, any 10 active members of the WSBA may present a written resolution to the Board of Governors for consideration at the WSBA's annual business meeting. This year's meeting will be September 16, 2004, beginning at 6 p.m. at the Seattle Marriott Waterfront Hotel, 2100 Alaskan Way, Seattle. Resolutions must be filed with the WSBA executive director at least 90 days before the annual meeting (by 5 p.m. June 17, 2004), and must be accompanied by a written report explaining the resolution. The resolution and explanatory report together must not exceed a total of 1,000 words. Send resolutions to WSBA Executive Director, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330.

The Board of Governors will refer any resolutions addressing issues within the purposes of the WSBA to the WSBA Resolutions Committee. Those purposes are set forth in Article I of the WSBA Bylaws and General Rule 12 of the Washington Court Rules.

Not more than 11 nor fewer than seven days before the annual meeting, the Resolutions Committee will hold a public hearing at the WSBA office (2101 Fourth Ave., Ste. 400, Seattle) to consider the views of proponents and opponents of resolutions. Proponents and opponents may attend the hearing in person or present their views in written form for consideration by the committee. Proposed resolutions will be published in the August 2004 issue of *Bar News*, along with the date of the Resolutions Committee meeting and a list of committee members.

For further information, contact WSBA General Counsel Robert D. Welden at bobw@wsba.org or 206-727-8232.

2004 Bar Leaders and Access to Justice Conference



The 2004 WSBA Bar Leaders Conference and Access to Justice (ATJ) Conference will be held at the Red Lion Hotel Yakima Center June 11-13, 2004. For Bar Leaders registration information, contact Desiree Ogden at 206-733-5931 or desireeo@wsba.org; for ATJ information, contact Sharlene Steele at 206-727-8262 or sharlene@wsba.org.

Family Law Section Donates \$3,000 to LAW Fund

In March, the Family Law Section made a grant to the Legal Aid for Washington Fund (LAW Fund) in the amount of \$3,000. The grant is earmarked for the Volunteer Lawyer Programs, to support LAW Fund in providing important and much-needed *pro bono* work.

"During this challenging time for the legal profession, the Family Law Section wanted to make a clear statement in support of the hard work contributed by the many at-

torneys around the state who donate their time and their talents to serve those in need," said Family Law Section Chair J. Mark Weiss. "This contribution is a salute to those volunteer lawyers." As part of the contribution, the Family Law Section has challenged the other 22 sections of the WSBA to make similar grants to LAW Fund to support Volunteer Lawyer Programs. For more information, visit www.wsba.org/media/releases/2004/lawfunddon04.htm.

New Legal Services to the Armed Forces Section

The Board approved the formation of this new section and its proposed bylaws. The section's goals are to support members engaged in the armed forces and military law.

Interest in Establishment of New State and Local Tax Section

This notice is posted pursuant to the WSBA Bylaws, Article IX, "Sections," regarding a six-month prior notification of intent to establish a new section. There is a current effort to form a State and Local Tax Section. For additional information, please contact John T. Piper at 206-224-8045.

General Practice Section Dissolved

Following two years of inactivity and a six-month notice period to section members, this section was dissolved without objection, according to the WSBA Bylaws. Residual funds will be devoted to services that support small and solo practitioners as determined by the WSBA Budget and Audit Committee.

MCLE Certification for Group 3 (2001-2003) Past Due

MCLE Reporting Group 3 members should have completed all the credits for the 2001-2003 reporting period by December 31, 2003, and returned their C2 forms by March 1, 2004. Members in Group 3 include active members who were admitted to the WSBA from 1984 to 1990 or in 1993, 1996, or 1999. (Members admitted in 2002 are also in Group 3 but are not due to report until 2006.) The credit requirements for the period are shown below.

- At least 45 total credits of WSBA-approved CLE activities, which must include
 - A minimum of 30 live credits and
 - A minimum of six ethics credits

If you were unable to complete both of the above, please contact the WSBA Service Center at 800-945-WSBA or 206-443-WSBA, or questions@wsba.org, to discuss options for becoming compliant with MCLE requirements.

CLE Credit for Moot Court Judging Approved by Washington Supreme Court

APR 11 Regulation 103 was amended by the Washington State Supreme Court on March 8, 2004, to authorize up to six CLE general credits per reporting period for judging moot court competitions at ABA-approved law

schools, provided that there is an educational component in addition to the judging. In addition, Regulation 104(d)7, which disallowed moot court judging, was deleted by the Court.

Credit will be given for moot court judging that takes place on or after the date the court amended these regulations, provided the content meets the education requirements of the new regulation. No retroactive credit will be given. Members must get appropriate certification from the law school for participation in moot court in order to get credit.

The education component that must be satisfied in the moot court judging needs to be structured into the moot court activity prior to the actual judging. It must consist of establishing a "feedback process" by which the member, as the moot court "judge," gives specific performance feedback to each student participant. The law school can do this by reviewing a written outline for points to be covered by the "judge," by showing a video with this content, or by other appropriate method. Approval of moot court judging for credit will be dependent on a clear exposition in the Form 1 submitted by the law school of the "feedback process" education component and its relationship to the "judging" in the competition to follow. The education component must also be consistent with APR 11 Regulation 104.

"Random Acts of Professionalism" Program

The WSBA Professionalism Committee has created a way for lawyers and judges to recognize their colleagues who have conducted themselves in a professional manner consistent with the Creed of Professionalism. Through the "Random Acts of Professionalism" Program, lawyers and judges may nominate their colleagues to receive the award. Nominating a lawyer or judge for the award is very easy — simply send his or her name, along with a brief description of why you are nominating the person, to Judy Berrett, staff liaison to the Professionalism Committee, at judithb@wsba.org, or fax to 206-727-8319. That's all there is to it! The nominated person will receive a letter, a certificate, and a copy of the WSBA Creed of Professionalism.

Lawyer-to-Lawyer Program: Mentors Needed for Newer Admittees

The WSBA's Lawyer-to-Lawyer Program matches newer admittees with experienced lawyers. 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. We need experienced attorneys to serve as informal mentors, especially in King County. Help new lawyers get a head start on learning those lawyering skills not found in any textbook. Interested members may contact Pete Rob-

erts (206-727-8237; peter@wsba.org) in the Law Office Management Assistance Program. Program guidelines and sign-up forms are available at www.wsba.org/lawyers/services/lawyertolawyer.htm.

Usury Rate

The average coupon equivalent yield from the first auction of 26-week treasury bills in April 2004 was 1.05 percent. The maximum allowable interest rate for May 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 is on the WSBA website at www.wsba.org/media/publications/barnews/usury.htm.

Upcoming Board of Governors Meetings

May 14-15 — Ocean Shores

June 11 — Yakima

July 30-31 — Coeur d'Alene

With the exception of a one-hour executive session the morning of the first day, Board of Governors meetings are open, and all WSBA members are welcome to attend. RSVPs are appreciated but not required. Please contact Donna Sato at 206-727-8244 or donnas@wsba.org. The complete Board of Governors meeting schedule is available on the WSBA website at www.wsba.org/info/bog/schedule.htm.

Learn More about Case-Management Software



The WSBA Law Office Management Assistance Program (LOMAP) office maintains a computer for members to review software tools designed to maximize office efficiency. LOMAP staff are available to provide materials, answer questions, and recom-

mend options. To make an appointment, contact Pete Roberts at 206-727-8237 or peter@wsba.org.

Consumer-Information Pamphlets Available

Provide 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 law. The information is general, and not intended as legal advice or as a substitute for a lawyer's services.

For a complete list of pamphlets and pricing information, contact the WSBA Service Center at 800-945-WSBA or 206-443-WSBA, or go to www.wsba.org/consumer-information.

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

Keep in Touch

The WSBA uses e-mail to communicate with members quickly, efficiently, and inexpensively, and increasingly it is becoming the preferred method of communication among committees and sections. If you haven't already, please consider providing us with your e-mail address. Contact the WSBA Service Center at 800-945-WSBA or 206-443-WSBA, or questions@wsba.org. Representatives are available Monday through Friday, 8 a.m. to 5 p.m.

Website Links from Online Lawyer Directory

A link to your website can be added to your directory listing, so that 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 for the first year 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/lawyers/addlink.htm.



The WSBA Store Is Open

The WSBA online store is open. Go to www.wsba.org and click "WSBA Store" in the left navigation bar. 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 may 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.

These notices of imposition of disciplinary sanctions and actions are published pursuant to Rule 3.5(d) of the Washington State Supreme Court Rules for Enforcement of Lawyer Conduct, 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 name and address.

Disbarred

Glenn E. Reed (WSBA No. 5328, admitted 1973), of Tucson, AZ, was disbarred effective July 1, 2003, by order of the Washington State Supreme Court approving a stipulation. Mr. Reed stipulated to a substantial likelihood that the Association would prove these facts at a hearing. This discipline was based on his conduct in 2001 and 2002, involving theft of client funds and writing checks on closed accounts.

Matter 1: In 2001, Mr. Reed received a client's settlement check, and agreed to deposit the check in his trust account and pay the client's medical bills. Mr. Reed deposited the check into his trust account, but used the money for his own benefit. Mr. Reed gave the client false responses to his questions about why Mr. Reed had not yet paid the client's medical bills. In February 2002, the bank closed Mr. Reed's IOLTA account apparently due to insufficient funds to cover items presented. As of the date of the stipulation, Mr. Reed had not paid the medical bills or delivered the settlement funds to the client.

Matter 2: In May 2002, the Association received notification that Mr. Reed's trust account was overdrawn. The bank stated that the account had been opened in February 2002, with a \$10 deposit and then had over \$5,000 in returned checks in a 10-day period in May 2002. The bank did not receive any deposits to cover the checks. Mr. Reed wrote a \$4,500 check against this account and then stopped payment on the check that same day. He also wrote several checks to local businesses knowing that he did not have funds in the account to meet the checks when presented. This account was not set up as an IOLTA account.

Matter 3: Between June 20 and June 24, 2002, Mr. Reed wrote nine checks to a gro-

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cery store, totaling \$564.75, and seven checks to a market, totaling \$490.56. Mr. Reed wrote all of these checks on an account that he knew was closed. Some of the checks were written for more than the amount of the purchase, so Mr. Reed could obtain cash. Mr. Reed stipulated that his actions were part of a common scheme or plan with the intent to defraud the grocery and the market. As of the date of the stipulation, Mr. Reed had not paid all of the money owing.

Mr. Reed's conduct violated RPCs 8.4(b), prohibiting committing a criminal act [theft] that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; and 8.4(c), prohibiting conduct involving dishonesty, fraud, deceit, or misrepresentation.

Jean McElroy represented the Bar Association. John W. Murphy represented Mr. Reed.

Disbarred

John E. Wagenblast (WSBA No. 5850, admitted 1974), formerly of Yakima, was disbarred effective October 29, 2003, by order of the Washington State Supreme Court approving a stipulation. Mr. Wagenblast stipulated that the Association would be able to prove these facts at a hearing. This discipline was based on his conduct in 2001 and 2002 involving misappropriation of client funds in an estate matter.

In July 1994, Mr. Wagenblast agreed to represent the personal representative (PR) of an estate. Following Mr. Wagenblast's advice, the PR used the law-office address for the estate bank accounts. The bank statements were sent to Mr. Wagenblast's office. Mr. Wagenblast's office assistant forged the PR's signature on several checks, and most of them were deposited into Mr. Wagenblast's business account. Mr. Wagenblast stipulated that the Association would be able to prove that he knew of his assistant's forgery and misappropriation. Mr. Wagenblast did not maintain complete records of the estate bank accounts. In June 2001, Mr. Wagenblast's assistant pleaded guilty to forgery and was ordered to pay \$58,652.55 in restitution. As of the date of the stipulation, Mr. Wagenblast had not reimbursed the estate for any of the misappropriated funds.

Mr. Wagenblast's conduct violated RPCs 8.4(a), prohibiting violating or attempting to violate the RPCs through the acts of another; 8.4(b), prohibiting committing criminal acts that reflect adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; and 8.4(c), prohibiting conduct involving dishonesty, fraud, deceit, or misrepresentation.

Marsha Matsumoto represented the Bar Association. John F. Strohmaier represented Mr. Wagenblast.

Disbarred

Linda J. Whitt (WSBA No. 21249, admitted 1991), of Olympia, was disbarred effective July 10, 2003, by order of the Washington State Supreme Court following a hearing. This discipline was based on her conduct in 1998 and 1999 involving making false or misleading statements to a client, and providing false statements and documentation to the Association. For additional information, please see *In re Discipline of Whitt*, 149 Wn.2d 707, 72 P.3d 173 (2003).

In February 1997, Ms. Whitt filed a police-misconduct action for her client. After the client identified a different defendant at deposition, opposing counsel filed a malicious-prosecution counterclaim. Ms. Whitt negotiated the dismissal of her client's action in exchange for dismissal of the counterclaim. The court dismissed the client's action with prejudice in November 1998. Ms. Whitt did not inform her client of the counterclaim or the dismissal. In April 1999, the client contacted Ms. Whitt about discovery issues on his case. Ms. Whitt told the client that she was retiring and could no longer represent him. Ms. Whitt sent the file to the client. The client then learned that his case had been dismissed with prejudice and filed a grievance. In January 2000, Ms. Whitt submitted false information and fabricated documents with her response to the Association.

Ms. Whitt's conduct violated RPCs 8.4(c), prohibiting conduct involving dishonesty, fraud, deceit, or misrepresentation; 8.4(d), prohibiting conduct prejudicial to the administration of justice; 1.2, requiring lawyers to abide by the client's decisions concerning the objec-

tives of the representation; 1.3 and 3.2, requiring lawyers to diligently represent their clients and expedite litigation; and 1.4, requiring lawyers to keep their clients reasonably informed of the status of their matters; and RLD 2.8(b) (now EIC 5.3(e)), requiring lawyers to promptly cooperate with disciplinary investigations.

Linda Eide and Sachia Stonefeld Powell represented the Bar Association. Kurt Bulmer and Thomas D. Overcast represented Ms. Whitt. Michael L. Lewis was the hearing officer.

Disbarred

Stephen L. Wozny (WSBA No. 9138, admitted 1979), of Longview, was disbarred effective September 11, 2003, by order of the Washington State Supreme Court following a hearing. This discipline was based on his conduct in 2001 and 2002 demonstrating unfitness to practice law.

Mr. Wozny represented clients in an appeal. During 2001 and 2002, Mr. Wozny personally delivered case pleadings to the presiding judge's residence on four occasions. On one occasion, he arranged for substituted service of case pleadings on the judge's wife at their residence. Mr. Wozny also called the judge at his residence arguing for a stay of the appeal proceedings. In March 2002, Mr. Wozny filed a "pre-indictment" notice and pleadings requesting removal of several judges for "bias, prejudice and criminal acts against Stephen L. Wozny." In later pleadings, Mr. Wozny alleged that some of the judges were participating in racketeering schemes and other crimes. In August 2002, Mr. Wozny filed a civil complaint for libel against the judge assigned to the clients' appeal, seeking \$1,032,750,000 in damages. In January 2003, the complaint was dismissed and CR 11 sanctions were imposed against Mr. Wozny for filing a frivolous complaint.

Mr. Wozny's conduct violated RPCs 3.5(a), prohibiting seeking to influence a judge by means prohibited by law; 3.5(b), prohibiting *ex parte* communication with judges, except as permitted by law; 3.5(c), prohibiting conduct intended to disrupt a tribunal; 3.1, prohibiting bringing unmeritorious proceedings; 8.2(a), prohibiting making false statements about the qualifications, integrity, or record of a judge; 8.4(d), prohibiting conduct prejudi-

cial to the administration of justice; 8.4(l), requiring lawyers to comply with the ELCs; and 8.4(n), prohibiting conduct demonstrating unfitness to practice law.

Thuy N. Leeper and David Goodnight represented the Bar Association. Mr. Wozny represented himself. David A. Thorner was the hearing officer.

Reprimanded

George P. Trejo Jr. (WSBA No. 19758, admitted 1990), of Yakima, received a reprimand, and was ordered to pay approximately \$6,500 restitution, on June 6, 2003, following a hearing. This discipline is based on his failing to diligently represent four clients, and charging excessive fees in 1997 and 1998.

Matter 1: In 1997, Mr. Trejo agreed to represent a client serving jail time to satisfy a fine imposed for committing two misdemeanors. The family paid Mr. Trejo \$2,000 to begin the representation. Mr. Trejo instructed his staff to contact the municipal court for the cost of the record and met with the family to request additional fees. He took little or no other action on the case. He did not file a notice of appearance or a notice of appeal. Mr. Trejo refused the family's request to refund the fees paid. Mr. Trejo's conduct in this matter violated RPCs 1.3, requiring lawyers to diligently represent their clients; and 1.5(a), requiring lawyers to charge reasonable fees.

Matter 2: In 1997, Mr. Trejo agreed to represent a client in a sentencing hearing and an appeal of the client's felony convictions in Oregon. Mr. Trejo was not admitted to practice law in Oregon. The family paid Mr. Trejo \$6,000. Mr. Trejo reviewed one of two sets of indictments, judgments, and sentencing orders, and did not contact trial counsel or review the transcript. Mr. Trejo determined an issue on appeal may exist and asked for additional funds to attend the sentencing or begin an appeal. Other counsel represented the client at the sentencing and on appeal. The family requested a refund of the fees they had paid. Mr. Trejo initially refused, claiming that he had been paid only \$3,000. Mr. Trejo refunded \$3,000 after acknowledging in a disciplinary deposition that he had been paid \$6,000. Mr. Trejo's conduct in this matter violated RPCs 1.5(a) and (b), requir-

ing lawyers to charge reasonable fees and to explain the basis for the fees; 1.1 and 1.3, requiring lawyers to competently represent their clients; 1.14(a) and (b), requiring lawyers to deposit client funds into an IOLTA trust account and deliver client funds promptly when requested; and 1.15(d), requiring lawyers to take reasonable steps to protect a client's interests upon withdrawal.

Matter 3: In 1998, Mr. Trejo agreed to represent a client in a criminal appeal in Oregon. Mr. Trejo was not admitted to practice law in Oregon. The client's mother paid Mr. Trejo \$4,000. Mr. Trejo performed a limited review of the case, prepared one short memo, and asked for an additional \$6,000 to begin the appeal. Mr. Trejo refused to refund the fee, claiming it was non-refundable. Mr. Trejo's conduct in this matter violated RPCs 1.1, 1.3, and 1.5(a) and (b).

Matter 4: In 1998, Mr. Trejo agreed to represent a client charged with a felony in Texas. Mr. Trejo was not admitted to practice law in Texas. Mr. Trejo retained local Texas counsel, but asked that he sponsor Mr. Trejo only when Mr. Trejo appeared in court. Mr. Trejo filed a notice of appearance, but took no further action until April 1999. By that time, the court had issued a warrant for the client's arrest and ordered his bond forfeited. The family asked for a refund of the \$4,000 they had paid. Mr. Trejo refused, claiming the fees were nonrefundable. Mr. Trejo's conduct in this matter violated RPCs 1.1, 1.3, and 1.5(a) and (b).

Matter 5: Mr. Trejo failed to timely cooperate with the Bar Association investigation of three of these matters. Mr. Trejo's conduct in this matter violated RLD 2.8 (now ELC 5.3(e)).

Gregory F. Wesner and Claire Foley represented the Bar Association at hearing, and Douglas Ende represented the Bar Association on appeal. Kurt Bulmer represented Mr. Trejo at hearing, and Mr. Trejo represented himself on appeal. Ronald A. Roberts was the hearing officer.

Reprimanded

E. Armstrong Williams (WSBA No. 30361, admitted 2000), of Spokane, received a reprimand on July 7, 2003, following a hearing. This discipline is based on

his conduct in 2001, involving failure to avoid conflicts of interest in a litigation matter.

In 2001, Mr. Williams agreed to represent a client in a paternity action. While the case was pending, Mr. Williams retained opposing counsel to represent him against allegations being investigated by the Association. Opposing counsel represented Mr. Williams from October 2001 through October 2002. Mr. Williams did not advise his client of the potential conflict between her interests and his own interests.

Mr. Williams's conduct violated RPC 1.7(b), prohibiting a lawyer from representing a client if the representation may be materially limited by the lawyer's own interest, unless the lawyer reasonably believes the representation will not be adversely affected and the client consents in writing after full disclosure.

Leslie C. Allen represented the Bar Association. Mr. Williams represented himself. James P. Spurgetis was the hearing officer.

**LEARY FRANKE DROPPERT
PLLC**

is pleased to announce that

Todd W. Smith

has joined the firm as associate.

Todd W. Smith counsels clients in general corporate matters with a focus on technology transactions. He has effectively structured and negotiated complex licensing, development, and distribution arrangements on behalf of companies engaged in a variety of technology fields. Todd has also advised venture capitalists and portfolio companies on securities and governance issues regarding debt and equity financings, SEC regulations, and mergers and acquisitions.

Prior to joining LFD, Todd drove business development and handled legal concerns at Respond Networks and Comergent Technologies. Todd began his career as an associate at Gunderson Dettmer Stough and later practiced in the Technology Transactions group at Jones Day in Silicon Valley.

Todd received his J.D. from the University of California, Hastings College of the Law in 1998. He received his B.A. from UC Berkeley with General Distinction and Departmental Honors in 1993.

Leary Franke Droppert provides high-quality general counsel services to both private and publicly held companies. We handle a wide range of business-related matters, including all types of commercial transactions, mergers and acquisitions, corporate financings, tax issues, real estate transactions, licensing deals, and employment matters. We distinguish ourselves through our real-world business experience, our pragmatic approach, and our willingness to learn and understand our clients' businesses. It is our goal to be strategic as well as legal counsel to our clients.

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**WATHEW, WARNER,
THOMPSON, EAGAN &
KEENAN, P.S.**

is pleased to announce

Michael J. Costello

has become a shareholder
and

Kathleen Keenan is now

Kathleen Keenan Kindred

The firm name has changed to
**WATHEW, WARNER, THOMPSON, EAGAN,
KINDRED & COSTELLO, P.S.**

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Toll-free in Washington State: 1-800-824-6215
206-623-5311

The law firm of
**FAIN SHELDON ANDERSON
& VANDERHOEF, PLLC**

is pleased to announce that

John E. Gagliardi

has become a member of the firm.

Mr. Gagliardi practices in a range of areas, including medical malpractice defense and commercial and personal injury litigation. He does health care law, including disciplinary and licensing disputes, as well as regulatory compliance issues. He continues his civil appellate practice as well.

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Phone: 206-749-0094
Fax: 206-749-0194

MUNDT MACGREGOR L.L.P.

is pleased to announce that

Christopher S. McNulty

has become a partner of the firm.

Mr. McNulty is a graduate of the University of California at Berkeley Boalt Hall School of Law. He joined the firm in 1998 after serving as a law clerk for the Honorable Clarence A. Brimmer of the U.S. District Court for the District of Wyoming.

Mr. McNulty will continue his civil trial practice in Washington and Alaska, emphasizing commercial, maritime, and environmental litigation.

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**DITLEVSON RODGERS
DIXON, P.S.**

is pleased to announce that

C. Scott Kee

has become a shareholder of the firm.

Mr. Kee's practice focuses on bankruptcy, creditor-debtor, probate, and general civil litigation.

DITLEVSON RODGERS DIXON, P.S.
is a full-service law firm organized in 1977.

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is pleased to announce that

Gregory J. Hollon

has been elected as a Member.

Mr. Hollon is a graduate of Stanford University and received his law degree in 1996 from Harvard Law School, *magna cum laude*. Mr. Hollon served as law clerk to the Honorable Wm. Fremming Nielsen, United States District Court for the Eastern District of Washington, from 1996 to 1997. In October 1997, Mr. Hollon joined our firm as an associate attorney.

Mr. Hollon enjoys a civil litigation practice, and has broad trial and arbitration experience representing both individuals and companies.

Mr. Hollon may be reached at 206-389-9348 or via e-mail at ghollon@mcnaul.com.

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page 49 for details.



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Please check with providers to verify
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Information must be received by the first
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ADR

12th Annual Dispute Resolution Conference

May 7-8 — Shoreline. 8.25 CLE credits
and 1.25 ethics. By UW-CLE; 800-CLE-
UNIV.

The Public Records Act — Exposed!
May 21 — Tacoma. 6 CLE credits
pending. By WSBA. Administrative Law
Section; 360-236-4813.

Nuts and Bolts: Business Law
June 22 — Seattle. 3 CLE credits,
including .5 ethics. By WSBA-CLE;
800-945-WSBA or 206-443-WSBA.

Construction Law Section Midyear Meeting and Seminars

June 11 — Seattle. CLE credits pending.
By WSBA-CLE; 800-945-WSBA or
206-443-WSBA.

Corporate Law

Effective Collaboration: Keys to Success for Corporate In-house and Outside Counsel

May 13 — Seattle. 6 CLE credits,
including .75 ethics. By WSBA-CLE;
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Criminal Law

Nuts and Bolts: Criminal Law
June 22 — Seattle. 3 CLE credits,
including .5 ethics. By WSBA-CLE;

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Employment Law

Wage and Hour Law Update

May 25 — Seattle. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Environmental and Land Use Law

2004 Environmental and Land Use Law Section Midyear Meeting and Seminars

May 13-15 — Eastsound. 11 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Estate Planning

Nuts and Bolts: Estate Planning and Probate Practice

June 8 — Seattle. 2.5 CLE credits, including .5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Ethics

Classical Ethics and Civil Rights, an Interactive Debate/Discussion (with Chief U.S. District Judge John C. Coughenour, legal philosopher Kenneth Einar Himma, Amanda Lee, et al.)
May 20 — Seattle. 2 ethics credits.
By Emerald Education; 866-244-6EEG.

The Ethics of Persuasive Legal Rhetoric (with White House speechwriters James Humes and Michael Shadow)

June 17 — Seattle. 2 ethics credits.
By Emerald Education; 866-244-6EEG.

Family Law

Nuts and Bolts: Family Law

June 1 — Seattle. 3.25 CLE credits, including .5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Family Law Midyear Meeting and Seminars

June 25-27 — Spokane. 16.75 CLE credits, including 2.75 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

General

Instant Eloquence for Attorneys: How to Write an Interesting and Memorable Speech on Any Topic

(with James Humes)
June 18 — Seattle. 7.5 CLE credits.
By Emerald Education; 866-244-6EEG.

Public Speaking with Pleasure: Speech Delivery Secrets of Confident Communicators

June 19 — Seattle. 7.5 CLE credits.
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International Law

2004 and Beyond: Strategies and Tools for Your Clients' Foreign Investments

May 14 — Seattle. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Indian Law

The Changing Dynamic of Indian Law in the Pacific Northwest: WSBA Indian Law Section 16th Annual Indian Law CLE

May 7 — Seattle. 7 CLE credits, including .75 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Law Office Management

Computer Camp I (morning and afternoon sessions)

May 5 — Seattle. 3.75 CLE credits.
By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Computer Camp II (morning and afternoon sessions)

May 12 — Seattle. 3.75 CLE credits.
By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Nuts and Bolts: Setting Up Your Practice and Handling Your Trust Account

June 15 — Seattle. 3.5 CLE credits, including 1.5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Litigation

Workers' Compensation

May 14 — Seattle. CLE credits pending.
By WSTLA; 206-464-1011.

Early Years of Litigation Practice: Everything You Should Have Learned in Law School

May 21 — Seattle. CLE credits pending.
By WSTLA; 206-464-1011.

Nuts and Bolts: Bankruptcy

June 1 — Seattle. 3 CLE credits, including .5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Nuts and Bolts: Civil Litigation

June 8 — Seattle. 3 CLE credits, including .5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Litigation Section Midyear Meeting and Seminars

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Employment Law

June 18 — Seattle. CLE credits pending.
By WSTLA; 206-464-1011.

How to Be a Hero After You Lose at Trial: Appellate Strategy for Trial Lawyers

(with Charles Wiggins, Michael King, John Wolfe, and Jeff Fisher)

June 24 — Seattle. 7.5 credits, including 1 ethics. By Emerald Education; 866-244-6EEG.

"Woodshedding" That Works: How to Prepare Your Witnesses for Success in Deposition and Trial — Without Losing Your License (with Tom Harris, Brad Keller, Peter Jarvis, Colleen Brady, and Michael Shadow)
June 25 — Seattle. 7.5 CLE credits, including 1 ethics. By Emerald Education; 866-244-6EEG.

Joining the Jury: How to Craft Trial Themes and Inexpensive Exhibits that Every Juror Will Remember (with Kathy Cochran, Colleen Brady, and Patrice Johnston)

June 26 — Seattle. 7.5 CLE credits.
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June 15 — Seattle. 3 CLE credits, including .5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Real Property, Probate, and Estate

Real Property, Probate and Trust Section Midyear Meeting and Seminar

June 4-6 — Stevenson. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Taxation Law

Representing Nonprofits and Tax-exempt Organizations

June 16 — Seattle. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.



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Gardner Bond Trabolsi St. Louis & Clement PLLC seeks a construction defect litigation attorney. We are a small/medium-sized downtown Seattle firm consisting of 15 attorneys currently. We seek a full-time associate with a minimum of two years' litigation experience, with one year of construction defect experience or similar background. The firm's practice is primarily insurance defense, including large construction defect claims. We are looking for a candidate who is energetic and can work well as part of our team. We have a friendly and relaxed work environment, and offer competitive salaries and benefits. For more information regarding our firm, please see our website at www.gardnerbond.com. Please e-mail résumés to Ronald Gardner, Managing Partner, at rgardner@gardnerbond.com.

Associate attorney: AV-rated commercial litigation firm seeks associate with minimum two years' experience (preferably as civil litigator) to assist in defense work with an emphasis on professional liability. Must be hard-working team player dedicated to producing top-quality work. Strong legal writing, research, and analysis skills important. Mail résumé promptly to Firm Administrator, Eklund Rockey Stratton, 521 2nd Ave. W., Seattle, WA 98119-3927.

Smyth & Mason PLLC, an established downtown Seattle business litigation firm, seeks an associate with a minimum of five years' litigation experience. Excellent academic qualifications required, commensurate with other firm members. Send résumés to 701 5th Ave., Ste. 7100,

Seattle, WA 98104, Attn: Laura Kruger.

Small Spokane law firm seeks attorney to work in estate planning, probate, and elder law. Experience preferred but not required. Send résumé to *WSBA Bar News* Job Code 644, 2101 4th Ave., Ste. 400, Seattle, WA 98121.

Associate attorney — employee benefits: Downtown Portland solo practitioner (AV-rated and listed in *The Best Lawyers in America*) with busy, established practice specializing in employee benefits and executive compensation seeks associate with at least two years' relevant experience. Clients include public and private corporations, associations, and tax-exempt organizations. Varied practice covers: retirement plans, health plans, fringe-benefit plans, executive agreements, investment management issues, benefits in mergers and acquisitions, due-diligence examinations, and contract negotiations. Ability to communicate technical issues to clients in plain, everyday language is a must. Competitive salary and benefits. Send résumé and a writing sample demonstrating analytical and communication skills to Vincent P. Cacciottoli, 121 SW Morrison St., Ste. 1010, Portland, OR 97204.

Associate: Small Seattle waterfront firm seeks attorney with own book of business in a complementary practice area to join real estate and intellectual property litigation practice. Ideal attorney will have strong communication, analytical, and writing skills, and enjoy a challenging, full caseload. Send cover letter and résumé to Michael Brandt at mbrandt@durhambrandt.com.

Will Search

Shirley Jane Hutchins: Family looking for her last will and testament. Born October 12, 1925, died September 21, 2003, in University Place, WA. Anyone having information please contact Richard B. Levenson, attorney, 253-572-4109.

Services

Oregon accident? Unable to settle the

case? Associate an experienced Oregon trial attorney to litigate the case and share the fee (proportionate to services). OTLA member; references available; see Martindale; AV-rated. Zach Zabinsky, 503-223-8517.

Your paralegal: I am certified in civil litigation and experienced in handling personal injury cases from demand to trial/arbitration notebook. Judy Auten, CLAS, 253-686-3530.

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experience. Licensed investigator. Expert witness. Kenneth Wilson. 360-956-1674. Ken@wilsonis.com; www.wilsonis.com.

Forensic pathologist: 20 years' experience as a medical examiner. Board-certified in anatomic and forensic pathology. Sigmund Menchel, M.D., 425-401-2083 or sigmenchel@msn.com.

Dispute resolution: Donald G. Ryan Jr., 34 years' experience in Washington. Available for mediation or arbitration of real estate or personal injury disputes. 253-939-0811; info@rdsattys.com.

Contract attorney: All aspects of litigation and appeals, including research. Former name partner in boutique litigation firm. 12-plus years' experience. Have conducted numerous civil jury trials, including complex litigation. Reasonable rates; variable per type of work. Pete Fabish, 206-545-4818.

Insurance consultant/expert witness, bad faith: 20 years' multiline claims and insurance-coverage experience. WSBA member with CPCU. Call 425-776-7386; www.expertwitness.com/huss.

Miscellaneous

Whistler/Blackcomb luxury condo at Woodrun Lodge: Two bedroom; two bath; sleeps six; fireplace; ski in/ski out or enjoy golf, biking, etc. in summer; all amenities; slope-side outdoor heated pool and hot tub; more info at www.whistler-woodrun.com. Private rentals; specials rates. Contact Joanne at joanne_mac@telus.net.

Crescent Bar Condo: Sleeps four. Newly remodeled. Great Columbia River waterskiing. Golf. Heated pool/spa. 425-222-7011, 425-222-7912, or fawcett@nwlink.com.

Mazatlan, Mexico — luxury living: Two bedroom; two bath; 1,500 sq. ft., fully furnished. Private court yards, security 24/7, housekeeping services, seller pays legal services. Call Margo Street for more information, cell 360-561-0269, office 360-438-1854.



Plaintant simple

by Lindsay Thompson, *Bar News* Editor

The world is so disgracefully managed. One hardly knows to whom to complain.

— Ronald Firbank, *Vainglory* (1915)

You do not notice the changes in what is always before you.

— Colette, *My Apprenticeship* (1936)

Last month I recounted the comments of some of you who told our reader survey *Bar News* sucks.

Some said, variously, *BN* should cover eastern county bars more and westside bars less. We should have book reviews, too (except when we shouldn't). Others said *BN* is too liberal and conservatives only get published when they write letters complaining about it being too liberal. Still others complained of a perceived leadership bias toward WSTLA. And a variety said we don't run articles they find interesting.

These are all things you can fix if you don't like them. For example, any county or specialty bar can have a column in "Around the State" whenever you want. All you have to do is send the stuff in.

Westside bias? I think an unintentional one crept into the magazine in recent years, after "Around the State" was abolished. The result was that member news increasingly took the form of press releases and announcements from firms. As many as came in and there was room for got printed. A lot were about Seattle people, although keep in mind, half our members are in the Seattle metro area. But we also got a lot from big firms that can afford PR firms to crank the stuff out for them. When I returned 18 months ago I brought back "Around the State" because it decentralizes how your news of moves and advancements gets reported — from you and your communities, where it should originate, and not from the Bar office.

So I give half a mark for that plaint and note I am working on it. Let me know how I'm doing.

Want more book reviews? Write some. Or not. Opinion seems to be divided. I'm still thinking about this one.

Magazine's too liberal? Often it's hard to tell what that means. My experience has been it's members beefing about WSBA positions and programs they think are goo-goo sociology experiments, like supporting legal services for the poor. Overall, conservatives do seem to appear mostly in the letters section because mostly all we get from them is letters complaining about stuff. So write something else. Keep in mind, last year I challenged conservative critics of legal services to write in and describe a politically correct alternative. All I got was a letter to the editor, complaining about

the article being too liberal.

Re the WSTLA thing, I have no idea how many BOG members are WSLTA members, or have been. It would be boring and take a long time to find out, and wouldn't prove anything anyway. Suffice it to say, this year, as usual, several seats on the BOG went unopposed. If you think governance is too liberal, run for it.

(Note: *BN* can't actually do anything about governance. I offer these comments as a public service, and to try and address all the criticisms we got.)

Some readers say *Bar News* is "just advertising for Super Lawyers and their firms."

Well, duh. We sell ads to pay for the magazine. Some of the Super Lawyers¹ and their firms buy ads. Get the BOG to give me a million bucks to run the magazine next year and I can eliminate ads.

A variation on this complaint is that the magazine is written by and large for "the large mega firms and has little or nothing to do with the sole practitioner."

I went through the substantive articles we ran in 2003 and found seven by big-firm lawyers; 10 by small-firm lawyers; and two by sole practitioners.² We had one by a tribal lawyer; one from a corporate counsel; three by nonprofit lawyers; one by a nonprofit executive; six by government lawyers; seven by other professionals or academics; one by a Canadian lawyer; one by three tribal judges; one by a court commissioner; one by a superior court judge; and one by Chief Justice Alexander. I call that a pretty good cross-section.

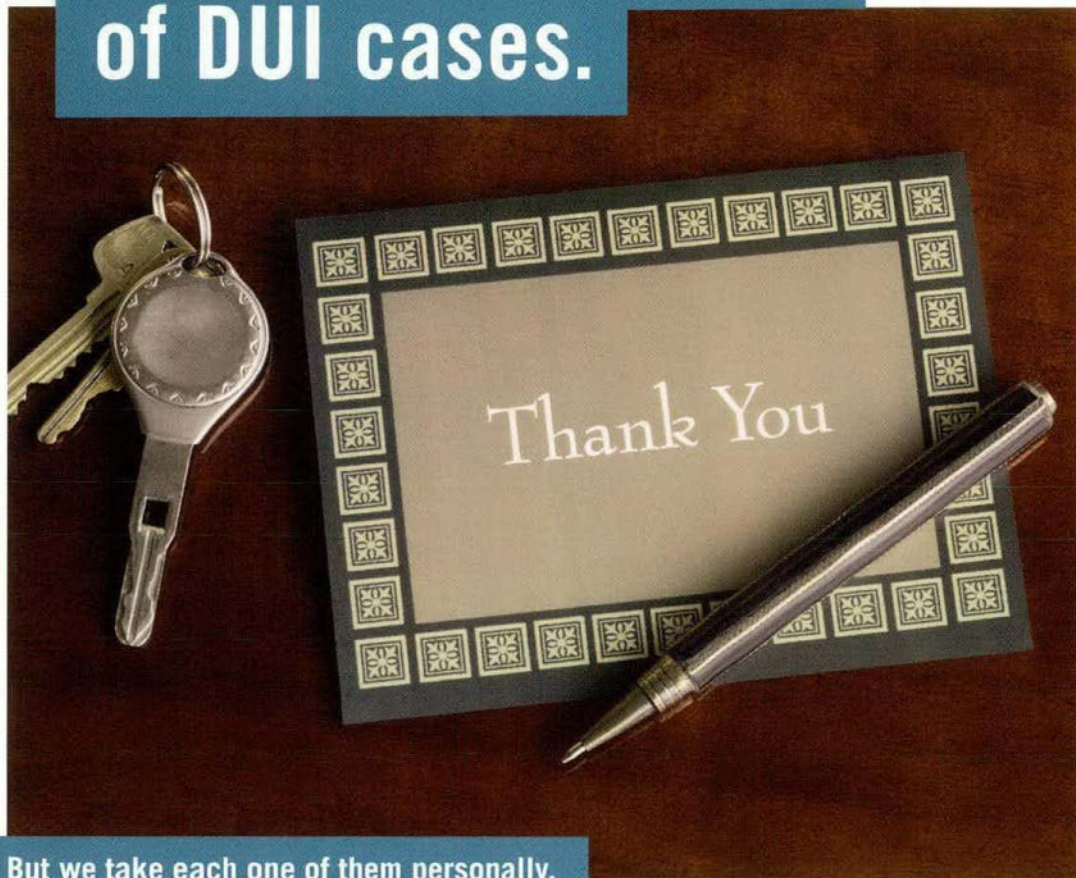
Keep the cards and letters coming. ✍

Lindsay Thompson edits *Bar News*. Contact him at tradelaw@thompson-law.com.

¹ In the spirit of the times, I reveal the following. I was a contributing editor at *Washington Law & Politics* for several years after I left *Bar News* in 1995. The founder and editors are friends. They asked me to write one article, and last year I noticed they dropped me from the masthead. I'm also a Super Lawyer by whatever means such boons are conferred. This year I was asked to be on the "blue ribbon panel" evaluating people nominated. They sent me a long list that looked like a Martindale-Hubbell rating form. I was busy getting ready for a trial and didn't get it sent in on time, so I expect I'll be asked to return my ribbon. Oh, by the way, I was a contributing editor at *Trial News* for a while, too. I wrote a series of news stories for them and then decided I didn't want to write anything for a while. So I quit.

² The biggest firm I ever worked for was the Cowlitz County Prosecutor's Office. Since 1993 I've been in a firm which has ranged in size from one to four lawyers.

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defended hundreds
of DUI cases.



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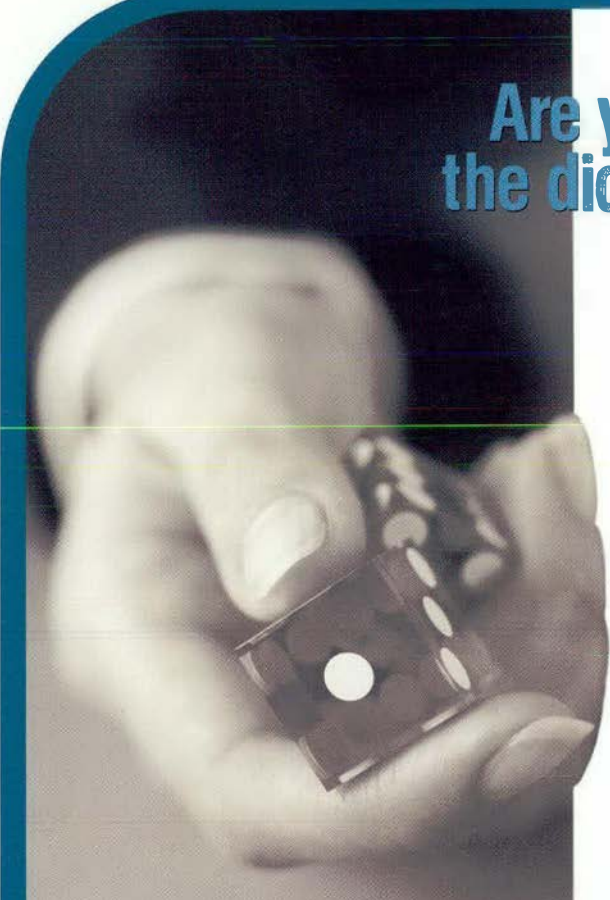
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