COLUMN

Interview with Ninth Circuit Judge Morgan Christen / p. 20

FEATURE

Developing a conflict philosophy for law firms / p. 29

COLUMN

Ethics & the Law: The duty to correct under RPC 3.3 / p. 16

WASHINGTON STATE
BarNews

THE OFFICIAL PUBLICATION OF THE WASHINGTON STATE BAR ASSOCIATION

2024 LUMINARY AWARD · EXCELLENCE IN PUBLICATIONS ·

NO LONGER 'BAD LUCK' ON BOARD

AN INTRO TO YOUR LOCAL FEMALE MARITIME BAR

DEC. 2024/JAN. 2025
VOL. 79, NO. 1

WASHINGTON STATE BAR ASSOCIATION

A Year with a Purpose

As we look to 2025, we're grateful to continue SGB's 50+ year tradition of fighting to achieve justice for our clients and the community.

Elizabeth Hanley Elected as WSAJ President

The Washington State Association for Justice inaugurated SGB attorney and shareholder Elizabeth Hanley as president for 2024 - 2025.

Named a Top Tier Firm

U.S. News and Best Lawyers ranked SGB as a Tier 1 firm in the annual "Best Law Firms" rankings.

Celebrated 15 Super Lawyers and 7 Best Lawyers

The Best Lawyers in America recognized 7 SGB attorneys, and Super Lawyers recognized 15 attorneys, including a Top 100 lawyer, two Top 50 Women, and four Rising Stars.

Honored for Excellence

Seattle University awarded Craig Sims the 2024 University Service Award and WSAJ awarded Andy Boes the New Lawyer of the Year "Ready to Soar" Award.

Crushed it for Our Clients

This year SGB lawyers netted tens of millions of dollars in claims for our clients, including landmark resolutions involving domestic and foreign corporations.

SGB in the Community

SGB advocated for civil justice causes focused on serving underrepresented communities, became the official law firm partner to Seattle Sounders FC, and continued supporting UW Athletics and youth baseball.

Welcomed New Attorneys

WELCOME

The firm expanded its talented team to include experienced attorneys Ben Gauen, Diego A. Rondón Ichikawa, and Kyle Wood.

Abogados Hablan Español

SGB added to its Spanish-language services in multiple practice areas to ensure clients can speak their truth in their own words.

Brain & Spinal Cord Injury | Wrongful Death | Product Liability | Employment Law | Class Actions
Medical Malpractice | Birth Injury | Sexual Assault & Harassment | Asbestos & Mesothelioma

SGB SCHROETER GOLDMARK BENDER

www.sgb-law.com

CONNELLY
LAW OFFICES

Offices in Seattle & Tacoma, WA
www.Connelly-Law.com | 253.593.5100
Info@connelly-law.com

PROVEN ADVOCATES - PROVEN RESULTS


John R. Connelly


Lincoln C. Beauregard


Micah R. LeBank


Nathan P. Roberts


Amanda M. Searle


Evan T. Fuller


Meaghan M. Driscoll


Marta L. O'Brien


Samuel J. Daheim


Jackson R. Pahlke


Matthew J. Wurdeman


Hollie M. Connelly


Christian P. McDonald


John Francis Connelly


Dalia Ibrahim


Susan E. Wassell


John B. McEntire, IV


Colin G. Prince

We look forward to assisting you in your pursuit of justice anywhere in the State.

TRUTH | JUSTICE | ACCOUNTABILITY | EQUAL ACCESS

Justice For Asbestos Victims

BERGMAN
OSLUND
UDO
LITTLE

Brendan Little | Ruby Aliment | Vanessa Firnhaber Oslund | Justin Olson
Matthew Bergman | Chandler Udo | Erica Bergmann | Glenn Draper

OVER $1 BILLION IN SETTLEMENTS AND VERDICTS

520 PIKE STREET, SUITE 1125, SEATTLE, WA 98101
206.957.9510 • BERGMANLEGAL.COM
CONTACTUS@BERGMANLEGAL.COM

Available for referrals and co-counsel arrangements.

On the Docket

WASHINGTON STATE BAR ASSOCIATION • DEC. 2024/JAN. 2025

FEATURES

26

WSBA NEWS

Graphically Speaking: The Value of a Dollar and Creating a New License Fee Philosophy

BY WSBA STAFF

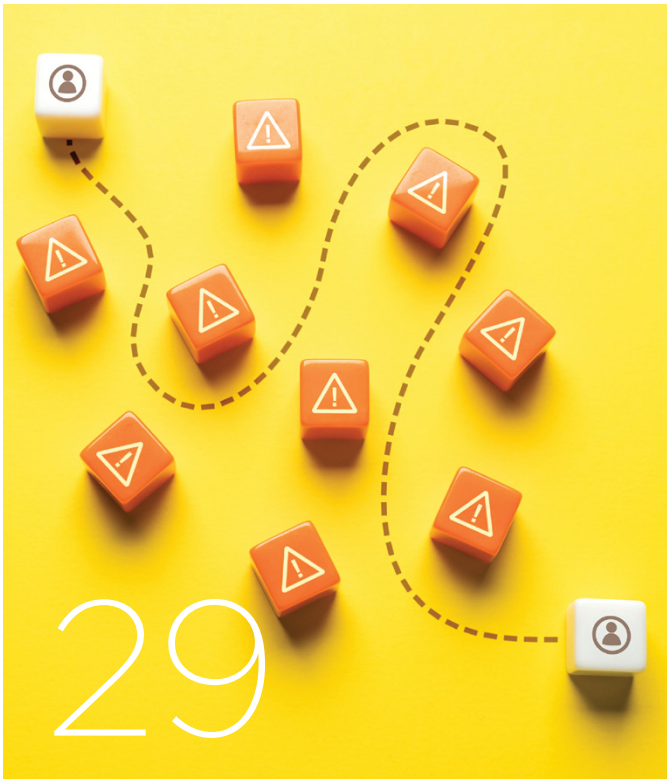
COVER STORY

32

No Longer 'Bad Luck' on Board

An intro to your local female maritime Bar

BY CAREY GEPHART AND MOLLY HENRY



29

Developing an Organizational Conflict Philosophy for Law Firms: A Guide to Growth and Inclusion

BY KJ WILLIAMS

COLUMNS

4 **Editor's Note**
Mariners' Tales
BY KIRSTEN LACKO

10 **President's Corner**
The Rule That Unites Us
BY SUNITHA ANJILVEL

13 **Justice Examined**
The 'Nature' of Environmental Justice
BY ELLIOTT SCHWEBACH

16 **Ethics & the Law**
Reckoning: The Duty to Correct Under RPC 3.3
BY MARK J. FUCILE

20 **Write to Counsel**
Writing Tips From the Bench: Knowing When Less Is More
BY JEFF FELDMAN

ESSENTIALS

7 Inbox
9 NWSidebar: There's More on the Blog
40 On Board
43 In Remembrance
44 Need to Know
48 Discipline & Other Regulatory Notices
50 Marketplace of Professionals
55 Classifieds
56 Beyond the Bar Number: *Robbie Philbrick*

GET PUBLISHED!

WE ARE LOOKING FOR A FEW GOOD WRITERS

Are you interested in writing for *Washington State Bar News*? Please scan the QR code to fill out our questionnaire, and someone from the *Bar News* team may reach out to you.

Questions? Contact wabarnews@wsba.org.

Editor's Note

Mariners' Tales

Last month, we invited you to take a deep dive into the WSBA's recent demographic study, which informs the WSBA's new Equity and Justice Plan, a document that will help the organization strengthen the legal profession and advance a fair, inclusive, effective, and accessible legal system for all.

In this issue, we highlight eight women who practice maritime law—a traditionally male-dominated area and industry. The featured attorneys talk about some of the challenges they faced early on in their careers (for example, the superstition held by some that women bring bad luck to ships) and some that they still face today. But they also share stories of mentorship—how more experienced practitioners showed them the ropes (pun intended) and helped them grow as advocates—as well as memorable stories of solving seafaring legal issues.

Kirsten Lacko is the editor of *Washington State Bar News* and can be reached at kirstenl@wsba.org.

ON THE COVER
Staff illustration / source images: © Getty/ yamonstro; Denys

It's a window into a complex and interesting body of law, and these practitioners' personal stories show how a traditionally homogeneous maritime bar has opened up. As the authors state, "contrary to the perception that historic and current demographic data paints, maritime practice in Washington supports and welcomes individuals of all backgrounds." Read more on page 32.

Also in this issue: a guide to developing an organizational conflict philosophy for your law firm (page 29), an ethics column on a lawyer's duty under RPC 3.3 to correct a false statement of material fact or law previously made by the lawyer to a tribunal (page 16), an interview with Ninth Circuit Judge Morgan Christen about what makes for helpful and persuasive appellate briefs (page 20), the third installment of Justice Examined (page 13), and a continued discussion about the future of WSBA license fees (page 26). BN

CHECK OUT OUR ARCHIVE ONLINE

Don't forget to visit our online archive where you can browse issues of *Bar News* back to the 1950s. **wabarnews.org/archive**.

WASHINGTON STATE
BarNews

The WSBA's Official Members' Magazine

Washington State Bar News will inform, educate, engage, and inspire by offering a forum for members of the legal community to connect and to enrich their careers.

PUBLISHED BY THE
WASHINGTON STATE BAR ASSOCIATION
1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539

EXECUTIVE DIRECTOR	**Terra Nevitt** 206-727-8282 terran@wsba.org
WASHINGTON STATE BAR NEWS EDITOR	**Kirsten Lacko** 206-239-2127 kirstenl@wsba.org
WASHINGTON STATE BAR NEWS DESIGNER	**Jessica Randklev** 206-727-8214 jessicar@wsba.org

Washington State Bar News Contact Information

QUESTIONS/SUBMISSIONS	**wabarnews@wsba.org**
LETTERS TO THE EDITOR	**wabarnews@wsba.org**
IN REMEMBRANCE SUBMISSIONS	**wabarnews@wsba.org**
WASHINGTON STATE BAR NEWS ONLINE	**www.wabarnews.org**

Washington State Bar News is published nine times a year by the Washington State Bar Association, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539, and mailed periodicals postage paid in Seattle, Washington (ISSN 2690-1463). For inactive, pro bono, and honorary members, a free subscription is available upon request (contact subscriptions@wsba.org). A portion of each member's license fee goes toward a subscription. For nonmembers, the subscription rate is $36 a year. Washington residents, please add sales tax; see https://webgis.dor.wa.gov/taxratelookup/SalesTax.aspx for sales tax rate.

POSTMASTER: SEND CHANGES OF ADDRESS TO:
Washington State Bar News
Washington State Bar Association
1325 Fourth Avenue, Suite 600,
Seattle, WA 98101-2539

DAVIS LAW GROUP, P.S.™

SERIOUS INJURY & WRONGFUL DEATH ATTORNEYS

Attorney Chris Davis

Davis Law Group is headed by founder and principal attorney, Chris Davis. For the past 30+ years, **Davis Law Group** has excelled by offering superior client service and achieving substantial verdicts and settlements (including several in many difficult and high-risk cases that other attorneys turn down).

We routinely accept attorney referrals and associations. **We offer generous fee sharing terms to other lawyers in compliance with RPC 1.5(e).** If you need to refer or associate on a case, the proven litigation experts at **Davis Law Group** should be your first call. To refer a case, or learn more, you can use the QR code, or call our office at the number below.

Case Types We Handle:

- Wrongful Death
- Car & Trucking Accidents
- Pedestrian & Cycling Accidents
- Dog Bites & Attacks
- Government Negligence
- Professional Negligence
- Law Enforcement Negligence
- Construction & Workplace Accidents
- Insurance Bad Faith & IFCA

Contact us today for referral information

Some of our **BIGGEST** cases have been resolved through litigation, including:

- **$14 M** airport workplace injury
- **$11 M** verdict wrongful death in rehab facility
- **$10 M** for bicyclist crashing into bollard
- **$8 M** wrongful death DUI crash
- **$5 M** MVA & TBI auto collision
- **$5 M** motorcyclist & car collision
- **$4 M** wrongful death in street sweeper incident
- **$4 M** pedestrian vs. MVA
- **$4 M** wrongful death - building vs. truck
- **$4 M** wrongful death T-bone collision
- **$3.8 M** car collision into parked truck
- **$3.75 M** wrongful death truck collision
- **$3.45 M** DOC negligence
- **$2.5 M** UIM bad faith & IFCA violations
- **$2.5 M** wrongful death motorcyclist
- **$2.3 M** TBI & drink driving crash
- **$2.2 M** ride share & pedestrian collision
- **$2.0 M** trip & fall outside of retail store
- **$1.3 M** 8 year old child bitten by dog
- **$1.0 M** hang-glider crash

Inbox

LET US HEAR FROM YOU!

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

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

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

A Cut Below the Rest

Dear fellow attorneys, it is that time of the year when we prepare to pay our annual Bar dues. It always irks me a bit that the WSBA charges us a fee for the privilege of paying our dues. And look what we get for it … a really crappy looking membership card. It is so cheap it doesn't even look official. I get a better membership card from my insurance carrier. In fact, the Bar is even outclassed by my Regal Crown Club card. Is this really the best the WSBA can do? Oops, I just read the back of my "card." It belongs to the Bar, not me. I don't have standing to complain.

Inez Petersen
Enumclaw

RESPONSE FROM THE WSBA: Great news! Did you know that any member can contact questions@wsba.org to request a free, upgraded bar card? If you would like an upgraded bar card with a photo, you can purchase one for $12 at the WSBA store (mywsba.org).

Pursuing Justice. Changing Lives.

Sexual Abuse • Appellate & Post-Trial • Medical Malpractice
Serious Injury • Insurance Bad Faith • Wrongful Death

We appreciate referrals and welcome the opportunity to collaborate as co-counsel.

PFAU COCHRAN
VERTETIS AMALA
ATTORNEYS AT LAW

www.pcva.law

Seattle • 701 Fifth Avenue, Suite 4300 • Seattle, WA 98104
Tacoma • 909 A Street, Suite 700 • Tacoma, WA 98402
New York • 31 Hudson Yards, 11th Floor • New York, NY 10001

There's More on the Blog

NWSidebar

THE VOICES OF WASHINGTON'S LEGAL COMMUNITY

THE TOP 5 POSTS OF 2024

1 Join the Discussion: WSBA's Legislative Proposal on Washington Business Corporation Act

At its Nov. 7-8 meeting, the WSBA Board of Governors will consider a legislative proposal for Bar sponsorship. This proposal from the WSBA Business Law Section would amend the Washington Business Corporation Act (WBCA) to update provisions regarding [...]

2 Confronting a Crisis: The State of Public Defense

Part of the bargain of being a public defender is that you sacrifice pay and prestige in exchange for altruistic benefits, the feeling of providing a necessary, constitutionally protected service for people who need help. Public defenders are notoriously overworked and [...]

3 Court of Appeals Affirms Denial of Withdrawal with Sanctions Pending

Knowing when to withdraw is often a difficult exercise. A recent decision by Division I of the Washington Court of Appeals in Seattle, however, underscored the risks of waiting too long. In *Atlas Debt Holdings, LLC v. Seafood Express, LLC*, 2024 WL 3650246 (Wn. App. [...]

4 Court of Appeals Discusses Emotional Distress Damages for Legal Malpractice

In *Schmidt v. Coogan*, 181 Wn.2d 661, 671, 335 P.3d 424 (2014), the Washington Supreme Court set broad outlines for emotional distress damages as a part of a legal malpractice claim: "We hold that the plaintiff in a legal malpractice case may recover emotional distress [...]

5 New Ethics Advisory Opinion on Surrendering the Client File

Your former client wants a copy of their file, but they haven't paid you your fee. Do you have to give it to them? You've already given your client a copy of their file, but now they want it again. Do you have to give it to them one more time? Can you charge for your time doing it? [...]

Read these posts and more at nwsidebar.wsba.org

BLOGGERS WANTED!

Write for the WSBA's award-winning blog — NWSidebar.

CONNECT WITH THE LEGAL COMMUNITY!

If you would like more information, please contact **blog@wsba.org.**

GET SOCIAL! > facebook.com/wastatebar.main x.com/wastatebar linkedin.com/company/washington-state-bar-association/

The Rule That Unites Us

Greetings from your Bar president! Many Americans woke up on Nov. 6 and thought, what next? Having gone through one of the most polarized elections in history, it is time to move forward. What does "forward" mean? Does it mean not talking to friends and family who didn't vote the way you did? (That seems extreme and exclusionary.) Does it mean only interacting with those who think like you? (That seems unrealistic and limiting.) Does it mean moving ahead calmly, hopefully even collaboratively, as you recognize the unifying power of the rule of law? Of course, the choice is yours because that is the essence of democracy—we are free to choose our thoughts and actions without fear of reprisal.

The rule of law is the principle that our laws as duly promulgated assume primacy in our democratic system. As stated on the U.S. Courts website, all individuals, institutions, and entities are accountable to laws that are publicly promulgated, equally enforced, independently adjudicated, and consistent with international human rights principles.[1] In a potentially divisive time, it could be argued that the rule of law is what binds us together; it is a necessary unifying feature of a system in a time of potential disunity.

We cannot understand the rule of law relative to our modern-day jurisprudence if we do not have a sense of its philosophical background. The appearance of the concept in Western civilization likely dates back to the ancient Greek philosopher Aristotle. According to Aristotle, "It is more proper that law should govern than any one of its citizens: upon the same principal, if it is advantageous to place the supreme power in some particular persons, they should be appointed to be only guardians, and the servants of the law." For Aristotle, the guardianship of "just" laws is the most critical feature of leadership in government. The notion of the rule of law as a cornerstone of democracy continued to take shape in the writings of British philosopher John Locke, who in the late 1600s stated, "Wherever law ends, tyranny begins." About 100 years later, the rule of law became a bedrock of the U.S. Constitution.

For lawyers and legal professionals, the rule of law is our business. No matter our area of practice or who we represent, we operate within a system that requires us to defend, support, and guard the rule of law. This is not a partisan endeavor. In fact, the rule arguably promotes honoring our institutions no matter who leads them. The rule also promotes civility and respect for our executive, judicial, and legislative branches. But this does not mean we cannot challenge systemic laws that conflict with other laws or that are unconstitutional. Nor does it mean that we cannot challenge, where appropriate, new laws that are inconsistent with others or with our Constitution. A system based on the rule of law must allow for legally appropriate challenges.

As legal professionals we are born into and schooled to work within an adversarial system. In a politically charged climate, it is sometimes hard to focus on what unites us over what tears us apart. But every legal professional in the state of Washington is bound together by one thing upon our admission to practice law and that is our oath to the court, our pledge to support the Constitution and its laws, and a promise to respect the judiciary.

In another life of mine, some years ago, in another state, I had occasion to work on a bipartisan statewide ballot initiative. It was fascinating to connect with people from different sides of the aisle who shared the same concerns about this particular initiative, which arguably sought to redress a rule of law issue. In talking to folks, it was remarkable to me that while they might radically differ as to certain fundamental political viewpoints, they were able to hold a common cogent stance connected to the rule of law. It gives me hope that as long as the rule of law is a constant, we have a way of rising above politics and safeguarding our democratic system.

Want to join the effort? The WSBA's leadership understands and proudly supports the critical responsibility that lawyers and legal professionals play in upholding the rule of law as the foundation of our democracy. The Board of Governors has adopted as part of its official role service as public ambassadors, to increase trust and confidence in the legal profession as defenders of the Constitution, rule of law, and individual freedoms. We are also launching an ambassador program to equip and support WSBA members who want to volunteer to spread this message in their own communities. Thank you to those who have already indicated you are interested. If you would like to be part of the effort, contact WSBA Chief Communication and Outreach Officer Sara Niegowski at saran@wsba.org. BN

Sunitha Anjilvel

WSBA President

Sunitha Anjilvel is the 2024-2025 WSBA president. She can be reached at sunitha@amlawseattle.com.

NOTE

1. www.uscourts.gov/educational-resources/educational-activities/overview-rule-law.

YOU BECAME A PUBLIC DEFENDER TO FIGHT AGAINST THE HARMS OF THE CRIMINAL LEGAL SYSTEM.

JOIN THE FUTURE OF PUBLIC DEFENSE.

At the King County Dept. of Public Defense (DPD), we're implementing new caseload standards that are long overdue.

Starting in July 2024, DPD began implementing groundbreaking new caseload standards from the ABA/RAND Study, weighting cases from 1 to 8 based on seriousness and significantly lowering caseloads. For example, a murder case is worth 7 credits.

WSBA's New Caseload Standards

- In 2025, a maximum of 110 weighted felony credits
- In 2026, the limit reduces to 90 weighted felony credits
- In 2027, weighted felony credits limited to 47

Be the lawyer you always wanted to be

At King County DPD, you'll have:

- Felony and misdemeanor caseload limits
- Robust funding for expert witnesses
- Support from skilled, in-house investigators and mitigation specialists
- Supportive and inclusive workplace

We value your passion and experience

- Salary range: $103,272 - $163,621
- Comprehensive medical benefits
- Strong union workplace
- Well-funded and secure pension
- Ongoing training opportunities

If you have 3+ years as a criminal defense attorney or civil litigator and trial experience, join us.

READY TO LEARN MORE?

Visit **kingcounty.gov/dpd/jobs** or email **dpd-hr@kingcounty.gov**
Equal opportunity employer

King County
Department of PUBLIC DEFENSE

The 'Nature' of Environmental Justice

Imagine, for a moment, that you are tasked with describing a healthy, just, and responsible environmental politics. What comes to mind?

If we were in a large room, many of us would probably not be surprised to hear our colleagues mention sustainability, the protection of natural land and resources, or practices like recycling, taking public transit, or buying local produce.

Let's make it more challenging. Do some nonhuman life forms have the right to not die by human hands? If we answer yes, upon what characteristics do we base that determination? Is it sentience? (And if so, how do we define sentience?) Is it ecological carrying capacity, the population density that can be sustained for living creatures without degrading resources or ecosystem health? (And if so, should ecologists determine who gets to take or consume nonhuman forms of life, and when, how, and why they can do so? Should this be enforceable by government authority?)

Let's make it even more complicated. Who should be, or who is, responsible for the climate crises on humanity's horizon? Is it, as suggested by the prefix of our "Anthropocene" era, humankind itself? Or are climate crises a result of particular systems of production, governance, and consumption, such as those tied to industrialization and the global expansion of capital markets?

How does our understanding of the proper response to pressing environmental issues depend on how we answer these questions?

In significant ways, ideas about justice have expanded in recent years. As this column has explored, the approaches of distributive justice, restorative justice, reparative justice, and transitional justice have encouraged us to conceive of justice less individualistically. Justice in these approaches goes beyond personal virtue with respect to written law and more deeply involves social institutions, including the state.

However, even for those who adopt the more radical or progressive approaches, the universe of justice in distributive, restorative, reparative, and transitional justice often remains limited to humans. In response, as an attempt to correct what some consider a problematic and limiting disposition (especially in the face of contemporary ecological crises), environmental justice has emerged.

The term itself, environmental justice, often abbreviated EJ, did not become widely employed until the 1980s, and in its common usage today it most often refers to policy initiatives that involve a wide range of community stakeholders in decisions about environmental health. This definition owes a great deal to the impact of the Environmental Protection Agency's (EPA) Office of Environmental Justice, established in 1992, which advocates on behalf of communities disproportionately affected by environmental harms—such as pollution, contaminated water, and hazardous waste—and engages these impacted groups in developing policy solutions.

This institutional approach also developed, in part, from grassroots movements of the prior decade, such as the activism of the primarily Black residents of rural Warren County, North Carolina, who led marches and nonviolent protests in response to North Carolina's decision to dump tens of thousands of tons of contaminated, toxic soil in their community.[1]

And yet, to speak of environmental justice as a single or ready-made framework may be somewhat off base. Given that EJ views the natural environment (including human relationships with and within nature) as an integral part of justice itself, a multitude of challenging questions follow, and EJ can mean different things to different people.

To understand how "justice" might be affected by its "environmental" modifier, let's examine what we mean when we refer to the natural environment. For early conservationists, including President Theodore Roosevelt, the potential for depletion of nonhuman resources that are vital for ecosystem stability and

CONTINUED >

Elliott Schwebach

Elliott Schwebach is a WSBA Equity and Justice Lead.

Many of us would likely agree that it is important to account for the natural world in our human endeavors, including, of course, our practice of justice.

even human life—trees and forests, game, water—compels an approach to natural spaces that protects them from overconsumption, especially at the hands of commercial interests.

Environmentalism for conservationists therefore emphasizes the maintenance of natural resources for sustained use, including both present and future human use. This has led to expanded federal creation and regulation of national parks and forest systems, the rise of the EPA (proposed and signed into law by President Richard Nixon in 1970), and even contemporary social trends such as ecotourism.

Around the same time as conservationism emerged, however, there were critics who argued that it does not go far enough, leading to an environmentalist position known today as preservationism. Preservationists, like John Muir, place their emphasis on "wilderness," a natural space purportedly free of human interference.

They believe that these spaces have intrinsic value in themselves (making preservationism a more "eco-centric," or earth-centered, position than conservationism), and that justice is served by protecting natural spaces from resource extraction, artifice, and even vehicles and roads.

Other environmentalist positions emerged throughout the mid-to-late 20th century that take wildly different approaches. Deep ecology, for example, as advanced by the Norwegian philosopher Arne Næss, finds preservationism to be too moderate(!). Deep ecologists challenge the significance of a distinction between urban life and wilderness, and advocate for a wholescale, society-wide noninterference with nature, at least outside of the minimum necessary for survival.

By contrast, "ecomodernists," who might be found near tech-centric areas like Seattle or Silicon Valley, promote technological development as the best means of addressing environmental crises and other ecological harms.

For ecomodernists, protecting natural land and wildlife does not just mean protecting endangered plant and animal species or even reintroducing extirpated species into modern ecosystems, but supporting contemporary attempts, such as those made by the company Colossal Biosciences (by many accounts, a billion-dollar company), to genetically resurrect extinct specials like the woolly mammoth and Tasmanian tiger.

As environmental activism and justice frameworks have advanced, there are many who have slowed down the conversation to ask: What do we mean by nature itself?

While preservationism and deep ecology trend progressively more eco-centric, ecomodernism is far more "anthropo-centric," and sometimes proudly so, which is to say that attending to nature and staving off ecological crisis is largely meant to serve the well-being of humanity, including in its "mastery" over natural knowledge and laws.

From this perspective, injustice would be done if human ingenuity and economic growth were thwarted, but *also* if ecological harm negatively impacted the social human collective. Justice (perhaps paradoxically, depending on your perspective) thus requires both unhindered, free human enterprise, especially scientific enterprise, *and* a direction of these efforts toward sustainable ends. The opening of the "Ecomodernist Manifesto"[2] reads:

> To say that the Earth is a human planet becomes truer every day. Humans are made from the Earth, and the Earth is remade by human hands. Many earth scientists express this by stating that the Earth has entered a new geological epoch: the Anthropocene, the Age of Humans. As scholars, scientists, campaigners, and citizens, we write with the conviction that knowledge and technology, applied with wisdom, might allow for a good, or even great, Anthropocene. A good Anthropocene demands that humans use their growing social, economic, and technological powers to make life better for people, stabilize the climate, and protect the natural world.

Finally, as environmental activism and environmental justice frameworks have advanced, there are many who have slowed down the conversation to ask: What do we mean by nature itself? For example, how stable are the boundary lines separating "nature" or "wilderness" from "culture" and "artifice"?

How "protected" are national parks if their ecosystems are affected by atmospheric green gasses emitted in industrial centers elsewhere? More challengingly, how "natural" is this land if it was formerly occupied by Native populations who have not only been violently displaced from and/or alienated of sovereignty over it, but who have maintained a long history of land-management practices, including prescribing controlled burns and migrating plants and animals, that shaped the environment over time?

Both conceptually and practically speaking, it is also a difficult truth that modern environmental movements owe a great deal of their heritage to eugenicist political philosophies. Consider Madison Grant, for example, an American pioneer of conservationism and wildlife management (and creator of the Bronx Zoo and numerous national parks) who worked assiduously to protect what he understood to be the "purity" of both nature and the "Nordic [white] race."[3] Adolf Hitler, in fact, wrote to Grant to thank him for serving as a formative influence.

In what should be essential reading for any critically thinking student of environmental justice, scholar and EJ advocate Dina Gilio-Whitaker's *As Long as Grass Grows* does a fantastic job relating

contemporary issues in environmental justice to the contradictory ideologies that first allowed colonists to associate Indigenous people with "nature" itself, encouraging conquest, and then to render their historical and continued presence invisible.[4]

Gilio-Whitaker counsels practitioners and advocates of environmental justice to question the extent to which contemporary, policy-driven environmental solutions perpetuate U.S. interests, such as those of resource extraction, economic development, or national security, at the expense of Indigenous sovereignty. And invoking and stretching existing models of justice, she explains:

> From an Indigenous standpoint, justice must transcend the distributive, capitalist model. Indigenous models of justice typically reflect a restorative orientation. A decolonized American justice system would also necessarily encompass both the colonized and the colonizer. In essence, justice for Indigenous peoples is about restoring balance in relationships that are out of balance.[5]

Whether for narrowly "anthropocentric" reasons or not, many of us would likely agree that it is important to account for the natural world in our human endeavors, including, of course, our practice of justice. Indeed, because this is so important, it is also vital to keep in mind the political and community implications of how and why we do so, and to continue to question the assumptions that we bring to the table in our framings of nature and the environment. BN

NOTES

1. "This is environmental racism," *The Washington Post,* April 6 2021, www.washingtonpost.com/climate-environment/interactive/2021/environmental-justice-race/.
2. John Asafu-Adjaye, et al., "An Ecomodernist Manifesto," (The Breakthrough Institute, April 2015).
3. *See e.g.*, Jonathan Peter Spiro, *Defending the Master Race: Conservation, Eugenics, and the Legacy of Madison Grant* (University of Vermont Press 2008).
4. Dina Gilio-Whitaker, *As Long as Grass Grows* (Beacon Press 2019).
5. *Id.* at 26.

RECKONING:

The Duty to Correct under RPC 3.3

BY MARK J. FUCILE

In the course of a case, litigators typically make all sorts of statements to courts on the facts and the law. Some, like pleadings, are governed by specific standards of lawyer personal knowledge that, although prohibiting lawyers from knowingly offering false evidence, recognize that litigation inherently involves a clash of competing narratives.[1] In other situations, however, litigators make specific representations of fact or law based on personal knowledge.[2] Some are in briefs, while others are made in open court. Some are representations uniquely within the lawyer's knowledge, while others may be based on information supplied by a client. Lawyers sometimes come to learn that their statements—although made in good faith at the time—were inaccurate or came to be inaccurate in light of later developments. In addition to triggering a range of human emotions, this uncomfortable discovery may also raise a duty to correct under the Rules of Professional Conduct, specifically RPC 3.3(a)(1): "A lawyer shall not knowingly … fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer[.]"

The sources of errors are many and varied. Some are "old fashioned." A lawyer in Tennessee, for example, was disciplined under Tennessee's version of RPC 3.3(a)(1) for failing to correct a statement made to a court that he had the original documents confirming a real estate transaction, when, as it turned out, he did not.[3] Similarly, a Washington lawyer was fined as a sanction for failing to correct inaccurate statements about the record in an appeal.[4] Others are more contemporary. A lawyer in Colorado, for example, was disciplined under Colorado RPC 3.3(a)(1) for failing to correct a brief that contained citations to nonexistent cases generated by an artificial intelligence tool the lawyer had used.[5]

Upon discovering that an earlier statement is not correct, three questions typically race through a lawyer's mind: (1) Was the statement "material"? (2) How do I correct it? and (3) How long does the duty to correct last? In this column, we'll look at all three.

Before we do, however, four qualifiers are in order.

First, we'll leave the even more searing

issue of client perjury for another day. Discovering client perjury or similar situations involving evidence offered that the lawyer later learns was false can raise very difficult issues under other aspects of RPC 3.3, along with the confidentiality rule, RPC 1.6, and the withdrawal rule, RPC 1.16.[6]

Second, we'll leave for another day the conceptually similar duty to disclose adverse legal authority to a tribunal under RPC 3.3(a)(3).

Third, we'll focus on situations where lawyers did not intend to misspeak. Lawyers who intentionally lie to courts or engage in similar misconduct are usually on a quick path to a new line of work through disbarment or will have a long time to think about their error while serving a suspension.[7]

Fourth, because the duty to correct under RPC 3.3(a)(1) arises in the context of court proceedings,[8] court rules and statutes on sanctions can also enter the mix—principally CR 11 that governs certifications and its federal counterpart.[9] Here, however, we'll focus on the ethics rule. In doing so, it is important to remember that the rule uses the word "tribunal" rather than "court" and the term "tribunal" is defined broadly by RPC 1.0A(m) to include administrative hearings and arbitrations.[10] Comment 1 to RPC 3.3, in turn, notes that the duty also applies to "ancillary" proceedings conducted under a tribunal's authority—including depositions.

Getting back to the three questions that confront the lawyer who discovers an earlier statement to a tribunal was incorrect, we'll take each in turn.

WAS THE STATEMENT MATERIAL?

The duty to correct is expressly predicated on the statement involved being "material."[11] Although the word "material" is not defined in the text or the comments to RPC 3.3, the Washington Supreme Court in *In re Dynan*, 152 Wn.2d 601, 613-14, 98 P.3d 444 (2004), defined materiality in the context of RPC 3.3 as "'those facts upon which the outcome of the litigation depends in whole or in part.'" In doing so, the Supreme Court took the same approach to the term "material" in RPC 3.3 as it had two years earlier under RPC 4.1—which prohibits material misrepresentations to third persons—in *In re Carmick*, 146 Wn.2d 582, 600, 48 P.3d 311 (2002). The *Carmick* court, in turn, relied on a similar definition for "material" facts in the summary judgment rule—CR 56(c).[12]

Case law both within and outside the disciplinary realm recognizes that materiality is inherently contextual.[13] *Black's Law Dictionary*, for example, notes that materiality is case-specific, i.e., "[a] fact that makes a difference in the result to be reached in a given case … What constitutes a material fact is a matter of substantive law."[14]

Because the trigger for correction is contextual, the lawyer who made the misstatement is often in a unique position to answer the question of materiality. That said, it is always difficult to maintain dispassionate lawyerly professional judgment when it is your mistake—whether ultimately classified as "material" or not. Therefore, it is usually best to seek the assistance of a trusted colleague, ideally one who is familiar with the case, in the assessment.

In making this often-nuanced decision about materiality, it is also important to keep in mind the underlying rationale for the duty expressed in the title to the rule: "Candor Toward the Tribunal." In other words, the fact that your client benefited from your misstatement to the court doesn't excuse the duty to correct.[15] Comment 2 to RPC 3.3 puts it this way:

> This Rule sets forth the special duties of lawyers as officers of the court to avoid conduct that undermines the integrity of the adjudicative process. A lawyer acting as an advocate in an adjudicative proceeding has an obligation to present the client's case with persuasive force. Performance of that duty while maintaining confidences of the client, however, is qualified by the advocate's duty of candor to the tribunal.

In weighing whether a misstatement was material, lawyers are often understandably concerned about how the judge involved will react. If, as often happens, the misstatement will likely come to light later anyway, prudence suggests that it is better to make the correction promptly rather than appear to have intentionally misled the court (and the opposing party) through the failure to correct. In a case from the federal district court in Seattle, the judge wrote the following after a lawyer corrected an earlier statement that a letter was privileged:

> Plaintiff's counsel filed his disclosure pursuant to Rule of Professional Conduct 3.3, which requires counsel to correct a false statement of material fact previously made to the tribunal. The Court appreciates counsel's candor with this Court, and is confident that counsel believed that the document was privileged when he previously made the assertion.[16]

Those laudatory comments contrast sharply with the pointed language courts have used in many of the cases cited earlier when they concluded that lawyers were intentionally deceptive. The ABA Standards for Imposing Lawyer Sanctions that were cited in those earlier cases, for example, note in Standard 6.11 that disbarment is generally the presumptive sanction for a lawyer who intentionally makes a material false statement to a court.

If the misstatement will likely come to light, prudence suggests that it is better to make the correction promptly rather than appear to have intentionally misled the court.

HOW DO I CORRECT THE STATEMENT?

RPC 3.3 does not specify a particular way to correct an error. The nature of the error, however, may suggest the method of correction. An error in a declaration, for example, might be corrected through an amended declaration correcting—and explaining—the error. Similarly, a statement

CONTINUED >

made during court proceedings might be corrected on the record when the matter reconvenes. In still others, a letter to the judge and opposing counsel may be appropriate. Prudent practice suggests that whatever method is chosen should be in the court record in the event of later proceedings at either the trial or appellate level.

RPC 3.3 also does not specify a particular time to correct an error. Although a lawyer should ordinarily be accorded a reasonable period of time to assess the nature of the error, it does not mean that a lawyer can wait indefinitely. The practical problem with not promptly disclosing a material misstatement is that both the court and the opposing party may have relied on it in, for example, judicial rulings or settlement negotiations. Those kinds of scenarios raise additional risks for the lawyer involved that are well beyond the professional embarrassment of having to reveal a misstatement, because it may appear that the lawyer intentionally withheld the correction to gain advantage in the case involved. To borrow an old adage, "bad news rarely improves with age."

HOW LONG DOES THE DUTY TO CORRECT LAST?

RPC 3.3(b) states the duration of the duty to correct: "The duties stated in paragraph (a) continue to the conclusion of the proceeding." Comment 13 to RPC 3.3 elaborates on this point:

> A practical time limit on the obligation to rectify false evidence or false statements of law and fact has to be established. The conclusion of the proceeding is a reasonably definite point for the termination of the obligation. A proceeding has concluded within the meaning of this Rule when a final judgment in the proceeding has been affirmed on appeal or the time for review has passed.[17]

The time limit in RPC 3.3(b) addresses situations where the inaccuracy of a prior statement only comes to light after the proceeding involved has concluded. It is not, however, an invitation to "run out the clock" by keeping mum until the conclusion of the proceeding on the assumption that once the proceeding concludes the lawyer is safe from any consequence. In that situation, the duty arose (and was breached) during the representation, and there is no statute of limitation in disciplinary proceedings under Rule for Enforcement of Lawyer Conduct 1.4.

Mark J. Fucile of Fucile & Reising LLP handles professional responsibility and risk management for lawyers, law firms, and legal departments throughout the Northwest. He is a former chair of the WSBA Committee on Professional Ethics and has served on the Oregon State Bar Legal Ethics Committee. He is editor-in-chief of the WSBA's *Washington Legal Ethics Deskbook* and is a principal co-editor of the WSBA's *Law of Lawyering in Washington* and the OSB *Ethical Oregon Lawyer*. He also teaches legal ethics as an adjunct for the University of Oregon School of Law at its Portland campus. He can be reached at 503-860-2163 and mark@frllp.com.

SUMMING UP

No one likes to admit they made an error. Given the sensitivity of our duty of candor to courts, however, when a lawyer discovers they misspoke to a court, they should promptly analyze whether the statement was material and, if so, make the necessary correction. BN

NOTES

1. Comment 3 to RPC 3.3 distinguishes pleadings, which typically do not require a lawyer's personal knowledge, from statements made directly by the lawyer based on the lawyer's personal knowledge. This column focuses on the latter, rather than the former—which are subject to other RPCs, such as RPC 3.1 on meritorious claims and contentions, and court rules, such as CR 11(a) governing pleading standards.
2. The facts involved need not be "evidentiary facts" in the sense that the lawyer would qualify as a witness in the proceeding concerned under ER 602. For example, a lawyer might say: "Judge, that key point is in the record" when, as it turns out, it is not. For a discussion of this conceptual distinction and the attendant gray area of representations made on "information and belief," *see* Brooks Holland, "Confidentiality and Candor under the 2006 Washington Rules of Professional Conduct," 43 *Gonz. L. Rev.* 327, 363-65 (2008).
3. Board of Professional Responsibility of the Supreme Court of Tennessee v. Walker, 638 S.W.3d 127, 131-34 (Tenn. 2021).
4. In re Welfare of R.H., 176 Wn. App. 419, 429-31, 309 P.3d 620 (2013) (citing RAP 18.9(a) and RPC 3.3(a)(1)).
5. People v. Crabill, 2023 WL 8111898 at *1 (Colo. Nov. 23, 2023) (unpublished).
6. For thoughtful discussions of the intersection of these rules in the context of client perjury, see the chapters written by Professors Brooks Holland and Tom Andrews in, respectively, the WSBA *Legal Ethics Deskbook* at 21-11 to 21-12 (2d ed. 2020), and WSBA *Law of Lawyering in Washington* at § IV (2012).
7. In re Osborne, 187 Wn.2d 188, 386 P.3d 288 (2016) (lawyer disbarred for, in relevant part, false testimony in declaration submitted to a court); In re Kamb, 177 Wn.2d 851, 305 P.3d 1091 (2013) (lawyer disbarred for intentionally altering court document); In re Christopher, 153 Wn.2d 669, 105 P.3d 976 (2005) (law firm associate suspended for 18 months for intentionally falsifying document submitted to court).
8. RPC 3.3(a)(1) is not limited to representational contexts. *See, e.g.*, In re Whitney, 155 Wn.2d 451, 120 P.3d 550 (2005) (violation of RPC 3.3(a)(1) while acting as guardian ad litem); In re Dornay, 160 Wn.2d 671, 161 P.3d 333 (2007) (witness); In re Jensen, 192 Wn.2d 427, 430 P.3d 262 (2018) (witness); In re Conteh, 175 Wn.2d 134, 284 P.3d 724 (2012) (applicant in immigration proceedings).
9. *See* Gordon v. Robinhood Fin., LLC, __ Wn. App. 2d __, 547 P.3d 945, 958-60 (2024) (discussing Washington CR 11 for failure to correct statements made to the court); Olympic Steakhouse v. W. World Ins. Group, 2023 WL 6962711 at *1-*4 (W.D. Tenn. Oct. 20, 2023) (unpublished) (discussing Fed. R. Civ. P. 11 in the context of misleading quotation of statute). *See also* Gibson v. Credit Suisse Group Sec. (USA) LLC, 733 Fed. App'x 342, 345 (9th Cir. 2018) (affirming sanctions under 28 U.S.C. § 1927 prohibiting "vexatious litigation" for failure to correct statements to court). Although some courts in the sanctions context cite RPC 3.3(a)(1), others simply rely on applicable sanctions rules and statutes or the court's inherent authority to control the conduct of counsel appearing before them. *See* Descanleau v. Hyland's, Inc., 26 Wn. App. 2d 418, 445 n.22 (2023) (noting that a sanction must ultimately depend on the applicable authority of the court rather than the RPC standing alone).
10. *See, e.g.*, In re Kamb, 177 Wn.2d 851 (Department of Licensing hearing); In re Rodriguez, 177 Wn.2d 872, 306 P.3d 893 (2013) (immigration proceeding). *See also* Angelo v. Kindinger, 2022 WL 1008314 at *8-9 (Wash. Ct. App. Apr. 4, 2022) (unpublished) (discussing RPC 3.3(a)(1) and the duty to correct in the context of an arbitration).
11. Under RPC 3.3(a)(1), there is no materiality threshold for making false statements: "A lawyer shall not knowingly … make a false statement of fact or law[.]" Rather, materiality is now a qualifier for the duty to correct: "A lawyer shall not knowingly … fail to correct a false statement

of material fact or law previously made to the tribunal by the lawyer." This distinction was introduced by the ABA when it amended the Model Rule in 2002 by deleting "material" as a qualifier for making a misrepresentation and adding the duty to correct that included "material" as a qualifier. ABA, *A Legislative History: The Development of the ABA Model Rules of Professional Conduct, 1982-2013*, at 468 (2013) (ABA Legislative History). Washington made a similar amendment to our RPCs in 2006. See Washington Supreme Court Order 25700-A-851, July 10, 2006 (adopting comprehensive amendments to Washington RPCs generally mirroring then-recent amendments to the ABA Model Rules).

12. 146 Wn.2d at 600, quoting Samis Land Co. v. City of Soap Lake, 143 Wn.2d 798, 803, 23 P.3d 477 (2001) (use of "material" in the context of CR 56(c)). *See also* Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 106 S. Ct. 2505, 91 L. Ed. 2d 202 (1986) (using similar definition of materiality in interpreting the federal summary judgment standard). Dynan was decided when RPC 3.3(a) read differently than the present version but included the word "material." *See* note 11, *supra*. There is nothing in the history of either the Washington rule or the ABA Model Rule on which the Washington version is patterned suggesting that this change altered the meaning of the word "material." *See* WSBA, *Reporter's Explanatory Memorandum to the Ethics 2003 Committee's Proposed Rules of Professional Conduct* at 179-81 (2004) (explaining proposed changes to RPC 3.3 that moved the word "material" within RPC 3.3(a)(1)); ABA Legislative History, supra note 11, at 468-74 (2013) (same). As noted earlier, these changes added the duty to correct to the then-existing duty not to mispresent facts or law to a tribunal.

13. *See, e.g.*, In re Dynan, 152 Wn.2d at 613-14; Anderson v. Liberty Lobby, Inc., 477 U.S. at 248.

14. *Black's Law Dictionary* (12th ed. 2024).

15. As noted at the outset, this column addresses lawyer misstatements rather than situations involving client perjury and the like that involve additional analysis of the competing duties of candor and confidentiality. *See* note 6, *supra*.

16. Tilton v. McGraw-Hill Cos., 2007 WL 777523 at *5 n.4 (W.D. Wash. Mar. 9, 2007) (unpublished).

17. By its terms, Comment 13 does not include any additional period governing relief from a judgment, such as CR 60. It is conceivable, however, that a party who was affected adversely by a lawyer's intentional delay in correction until after a judgment became final might argue that the failure to timely correct constituted a ground to set aside the judgment under CR 60(b). *See generally* New York City Bar Formal Op. 2013-02 at 3-4 (2013) (discussing duration in the context of the New York rule that does not have a defined end-point).

Writing Tips From the Bench: Knowing When Less Is More

A Conversation with Ninth Circuit Judge Morgan Christen

BY JEFF FELDMAN

University of Washington School of Law Professor Jeff Feldman recently sat down with Judge Morgan Christen of the U.S. Court of Appeals for the Ninth Circuit for a candid conversation about what makes for helpful and persuasive appellate briefs. What follows is an edited transcript of the conversation.

Judge Morgan Christen of the U.S. Court of Appeals

Q. Thinking back on some of the best appellate briefs that you have encountered, what is it that makes a brief unusually or especially persuasive?
A. Clarity and brevity. Briefs that are clear and efficient are the most effective and also the most persuasive.

Q. Speaking of brevity, how often do lawyers submit briefs that actually don't use all the available space?
A. Not often enough. Briefs are often too long and very repetitive. I don't know why that is.

Q. Have you ever read a brief, gotten to the end, and thought to yourself, "This was so good, I wish I had another 10 pages to read"?
A. [Laughing] No. I was in private practice, so I understand people charge many, many thousands of dollars for these briefs, and sometimes clients want something heftier. I sometimes think that's also true in a courtroom. It's very gutsy for a lawyer to recognize he or she [is] winning an appellate argument, and that it would be a good idea to sit down and stop. Very often they can't bring themselves to do it because their clients are watching and have an expectation their lawyer will do something other than sit down. I understand that. But to answer your question, I think clarity and brevity are certainly elements of the most helpful briefs, and I think a clear and concise argument is a real sign of strength and persuasiveness.

Q. Is "especially persuasive" the same as "especially helpful"? Are they the same thing for you?
A. Well, often they are, but there are other things lawyers can do to be helpful but that aren't really persuasive. You know, we typically have 28, maybe even 30 cases in a week of oral arguments. So that's just a lot of volume. Sometimes people do things that, if they are missing, I would assign to my law clerk. Things like preparing lists of acronyms; timelines; or charts, graphs, or other devices to help us manage the volume and get up to speed more quickly. When lawyers include those things in their briefs, they can be very, very helpful, whether they are persuasive or not.

ORGANIZATION

Q. Do you have any tips for lawyers about organization and structure; things that you and your colleagues like or don't like seeing—things like introductions, summaries of arguments, subheadings, tables, photos, and bullet points?
A. Well, I can't speak for all my colleagues, and it is good to remember that we have a very large bandwidth these days—two or three generations are represented on my court. And I think legal writing evolves over time. Different fads come and go. I think you know that I'm a fan of Bryan A. Garner. He makes a lot of great points, but not all my colleagues follow the same rules. Broadly speaking, I think my colleagues and I would agree that a summary of the argument usually is very helpful, something that signposts upfront where we're going.

I also think there's been a real change

Jeff Feldman is a professor from practice at the University of Washington School of Law where he teaches civil procedure and constitutional law and is co-director of the law school's Ninth Circuit Appellate Advocacy Clinic.

> I think clarity and brevity are certainly elements of the most helpful briefs, and I think a clear and concise argument is a real sign of strength and persuasiveness."

over the course of my career in the extent to which judges use and rely on a table of contents as scaffolding. It's very important structurally. And I spend some time reading that up front. It helps me to see how the party has built their argument, and how they're responding or not responding to the opposing party's argument. So I would prefer that people not use the table of contents as an afterthought, but really use it as a critical piece of structure. By the time I get into the meat of the argument, my view is that I should have heard what the litigant's points are in the table of contents, and in the summary of the argument, and in the topic headings. That structure should be clear before I really get to the first paragraph of the discussion and analysis of the issues.

Q. Is the table of contents the very first thing that you read when you look at a brief?
A. Yes. And I often look at the table of contents of the opening brief, and then the table of contents of the opposing brief, so I can line up what's happening and what's at issue.

Q. Do you always read the briefs in the order in which they are submitted?
A. The first thing I read is the order on appeal. The staff attorneys prepare what they call an inventory sheet, and that tells me which issues are on appeal. That is very helpful because, of course, from the order appealed, often only two of five issues are pursued. After that, I read the briefs in the order in which they were filed.

Q. Some legal writing gurus say, "Put your conclusion at the start of an argument, and then argue down from the conclusion." Or they'll say, "No, it's premise, premise, premise, and then conclusion." Is there a particular approach that you think is more helpful?
A. There's certainly one that's more persuasive to me. I'm not a proponent of starting with a conclusion. For me, that reads like an unsupported assertion. It makes me immediately suspicious. I'd much rather see—to use your language—premise, premise, premise, that yields to the conclusion. That's much more persuasive and that's what I teach my clerks to do.

FACTS

Q. When we teach law students about writing briefs, the part that is, for me at least, most difficult to teach is writing the statements of facts. Students intuitively seem to have a better grasp of legal arguments, but fact statements are challenging. What do you look for in a description of the facts that will then make it resonate as credible and persuasive and reliable?
A. I think it's interesting that you have more trouble teaching how to write a statement of facts than the legal analysis. That's fascinating.

Q. They learn how to write the law in a variety of places, including the legal writing program. But the statement of facts is different. My experience has been

CONTINUED >

Photo ©Getty / Avosb

that students tend not to recognize that arguing in the statement of facts comes at a significant cost to your credibility.

A. It's a huge cost. The first thing I'm looking for in the statement of facts is no adjectives, or very few of them. I think these should really be short, choppy sentences. And you know, if I'm writing an opinion, it's going to have a record cite after every single assertion of fact.

So, what am I looking for? You're going to have two or three chances to tell the story, so at the beginning of the brief there should be a statement that just tells me: What galaxy are we in? How does this case come to us? I read a set of briefs this morning and I was on page 34 before I knew why we had jurisdiction and what issues were being appealed. You'd be surprised. And I think this is one of the most common mistakes lawyers make. They're working really hard, and they know their case inside out, but they have forgotten what they did not put on the page. So right up front, I need somebody to tell me why the court has jurisdiction, and what this case is about, at least at the 30,000-foot level. If I don't have that, I find it very distracting from everything else I'm reading. I suggest writers should get those two things checked off the list right away.

It's also a mistake to put too much in the first statement of facts, and I tell my clerks to think about that too. What is the general story? What's this dispute about? And then, later on, after I understand the legal issues and the law pertaining to each, that's where you can drop down and tell a lot more about the detailed facts, because they'll be meaningful, and the reader will see how they fit together.

Q. Do you expect the statement of facts to tell a story in the same way that, for example, in trial we tell a story in the opening statement? Do you expect it to be engaging in that way?

A. I hope it's engaging in that way. You know, it's the drama. I think it typically is engaging in that way, in a good brief.

CITATION

Q. One issue that often comes up in brief writing is, how do you use the different

types of cases or authorities that you might want to cite? How heavily, for example, should I rely on persuasive authority as opposed to controlling authority? How do you see that effectively addressed in briefs?
A. It depends on what court you're talking to and what other authority you've got. The Ninth Circuit has a very important voice, and I think it has a wonderful tradition of using it. We are engaged in conversations with other circuits all the time about what the law is and, where the waters are uncharted, what the law ought to be. But like any good conversation, I want to be listening to what those other circuits are doing and thinking. In that way, authority from other circuits is helpful.

Q. Are there some circuits that are more persuasive to cite to because they are circuits that the Ninth Circuit holds in higher regard in some way, and other circuits may not fit that description?
A. That probably is a question that you get different answers to depending on who you asked on my court. And in my case you won't get an answer to that question.

Q. I didn't think I would. So I won't ask the next question, which was, "Which are the circuits worth citing?"
A. At the time you're drafting a brief for my court, you don't know who your panel is going to be. So predicting which courts might be more persuasive could be very fraught. All kidding aside, I definitely want to know what other people are thinking when they've confronted these new issues. Absolutely. It's very, very helpful, Whether I agree or disagree with them, it's helpful to know what they're thinking. It's why my job is so humbling. Even on a three-judge panel on a routine case I try to be absolutely as prepared as I can be going into argument. But I have certainly had the experience of thinking I've got something all figured out, and getting to conference, and discovering that a colleague has just read it differently—and has really good reasons for reading it differently. That's one of the things that makes my job so exciting.

Q. What can an attorney do to make an application for discretionary review stand out? We all understand that discretionary review is sparingly granted. So, what is it that you need to see, that is going to get your attention?
A. In some ways, it is similar to what we need to see or hear for en banc review. We have to be persuaded that we're going to either hear it now or hear it later, and that there's going to be a big, much bigger problem if we wait. For en banc review, what we're really looking for is whether or not there's an inter-circuit split, or an intra-circuit split. Or is it a question of exceptional importance? The thing that's most likely to get my attention is an intra-circuit split. I definitely want to know if we have been internally inconsistent.

So of course I'm going to look at that awfully hard when considering discretionary review. If I can see that there are other cases where we have granted interlocutory review under comparable situations, then I'm going to be very concerned about consistency.

ASK US

If you have a question about legal writing that you'd like to see addressed in a future "Write to Counsel" column by UW Law writing faculty, please submit it to wabarnews@wsba.org, with the subject line "Write to Counsel."

STYLE

Q. Another issue that attorneys confront when they're drafting appellate briefs is how to take the appropriate tone when referring to the lower court—when you have to argue that the lower court got it wrong, or maybe even did something that you think was boneheaded. Are there better and worse ways of doing it? Is it better to depersonalize the process and just refer to the court and not use the judge's name?
A. Well, there are some ways that might go down worse. For example, I do not refer to the "lower court." I never liked that when I served on a state supreme court, and I didn't like it when I was a trial court judge. I don't think it's respectful. To answer your question, I certainly would not recommend referring to a trial court judge by name in the circumstance that you are describing. My advice is that lawyers just report the district court did this, or the district court did that. A paragraph that explains how the court reached its ruling can be very helpful. If a paragraph starts by explaining that the district court may be forgiven for making this particular mistake because this or that happened at trial, or explains that a mistake may have been made in light of the arguments that were presented, that type of background explanation is respectful and surprisingly often it's quite helpful.

Q. Does it catch your eye when district court judges adopt magistrate judge's reports and findings in full without any

> So right up front, I need somebody to tell me why the court has jurisdiction, and what this case is about, at least at the 30,000-foot level. If I don't have that, I find it very distracting from everything else I'm reading."

CONTINUED >

adjustment? Does it send a signal that they're just rubber stamping without thinking? Or is that not a fair thing to infer?
A. I don't think it's a fair thing to infer, and I certainly do not think that judges rubber stamp without thinking. Sometimes the signal the court is sending is that it has a whole lot of confidence in that magistrate judge's work. I don't think anybody would have that reaction if a state supreme court said that the "superior court judge did a great job, and we're going to adopt that opinion." That would be a highlight of some trial court judge's career. It doesn't happen very often, but I wouldn't take that as a rubber stamp at all.

Q. With the time pressures that lawyers face, it can be tough to take the extra time on a brief to work on writing style, especially when you feel like your substance is already there. You have the arguments, you have the cases. How important are pure stylistic considerations in making a brief persuasive?
A. I think it's huge. It's the difference between a good brief and one that is masterful. If someone puts in the extra time to reduce the redundancy, to really tighten the sentences, to make sure that each sentence and each paragraph is working effectively and doing its job—it definitely shows.

Q. Is there a place for humor in appellate briefs?
A. I'm sad to say, that is really rare. There are a few lawyers who can get away with it. But the problem is that you don't know who your audience is, at least not on my court. So that's why it's so very dangerous to try to use humor.

Q. The composition of your court has changed a good bit over the past decade. Does the change imply anything that lawyers should be thinking about when they draft an appellate brief? Have the court's preferences or perspectives and practices in any respect changed in ways that affect how we should be writing our briefs?
A. Well, when I came to the court, there were just a few, maybe half a dozen judges, who were reading briefs on iPads. The norm when I arrived was that boxes of briefs would come up from San Francisco. They get unpacked. Those same boxes of briefs would be shipped all the way back for oral argument. And all of them, maybe 20 boxes, would be shipped back north to prepare the dispositions and opinions. I worked hard to get to the place where I could do almost all of it on my iPad as quickly as possible. And now, of course it is not universal, but it is certainly the case that very few judges actually move those boxes of paper around anymore.

It would be great for lawyers to have an iPad and try reading their briefs there. On an iPad, we see one screen at a time if the lawyers have not built in bookmarks. So it is not immediately apparent what is contained in the brief, and there can be a lot missing from that type of presentation. If there are addenda with the statutes and whatnot, I might not even know that they're there at the end of the brief unless the author tells me upfront. I find visual cues really helpful. And I think my colleagues do, too. Charts, graphs, photos, and timelines are definitely helpful. They're visually interesting, for one thing, but they're also an efficient way to master a lot of information.

That said, on an iPad I can't necessarily see that there is an addenda. And especially for statutes and regulations, seeing how those authorities are laid out can be very helpful to understanding an argument. For some reason, it seems to be going out of style for people to put the statute in the body of the brief, where the reader can see and understand the author's interpretation of the statute or regulation. When we worked from paper, it was easy to flip to the addenda. On my iPad, if an addenda is bookmarked so I know it's there, no problem. But if those authorities are not readily accessible, it is inefficient to go out of the argument and go over to my Westlaw tab and pull up a statute. I appreciate when lawyers remember how much reading we have to do, and how much of it we do at 30,000 feet on an airplane where our sets of statutes are not readily available.

> "If someone puts in the extra time to reduce the redundancy … to make sure that each sentence and each paragraph is working effectively and doing its job—it definitely shows."

ADVICE

Q. Last question for you. You've been doing this work for a good while. Now, if you could wind the clock back and go have a conversation with your younger self before you became a judge … what would you tell that younger version of you? What advice would you give that person based on what you now have come to understand about how this work gets done?
A. I would tell that person to always be mindful of who the audience is. And to remember that there's some arguments that one can make, and that an advocate will want to make because we all get competitive, but that are not best for the client to have made.

It's really hard to remember that, as advocates, lawyers really are speaking on behalf of the client. And it's the client who's going to have to wear those words and live with them. Sometimes those words will come back and haunt with employees, or with coworkers, or in other litigation or industry groups. You might be surprised how often I read briefs, and I think that might win the day here, it might win the battle. But that's going to be problematic down the road.

Q. Thank you very much for taking the time to discuss these issues. It's always interesting talking to you.
A. It was truly my pleasure. BN

GRAPHICALLY SPEAKING:

The Value of a Dollar and Creating a New License Fee Philosophy

BY WSBA STAFF

'Tis the season! Perhaps you broke bread with extended family recently and indulged in a favorite pastime during intergenerational dining—reminiscing about what a buck or two used to buy. *Remember when a Snickers bar cost 50 cents? And gas was under $2 a gallon?*

WSBA leaders have been having similar conversations of late, albeit gathered 'round the board table rather than the holiday table. The 2025 licensing season marks the sixth year in a row with no increase to the $458 active-attorney license fee. But during that time, the actual purchasing power of $458 has decreased year by year, sometimes significantly.[1] All considered, if license fees had mirrored inflation for the past decade, an active lawyer would pay $705 for the 2024 renewal cycle. To further put that in perspective, the current active-attorney license fee, adjusted for inflation, is equivalent to what it was in 2013 when we had 10,000 fewer members.

Two constraints compound the equation: Membership fees are, by far, the WSBA's primary source of revenue, and the rate of membership growth is slowing, not nearly keeping pace with the rising cost of business; and the bulk of programs and services performed by the WSBA are not optional—in fact, the amount and complexity of our regulatory initiatives continues to grow.[2]

Considered in this context, it has been a remarkable feat, prioritized and upheld by recent WSBA treasurers and the Board of Governors, to keep the license fee steady for so long. Their budgeting philosophy has been to responsibly utilize all available options before leaning on the license fee for additional revenue. Essentially, the license fee *should* increase every year to balance out the books, for all the reasons listed above. For each of the past six years, however, there has been a significant and strategic fiscal counterbalance in the form of operational efficiencies, capitalization on market conditions, and/or careful shepherding of the reserve funds. Consider the new office-lease contract the WSBA negotiated last year (downsizing our space by 45 percent), projected to save more than $900,000 annually per year for the next 10 years, compared to the previous agreement.

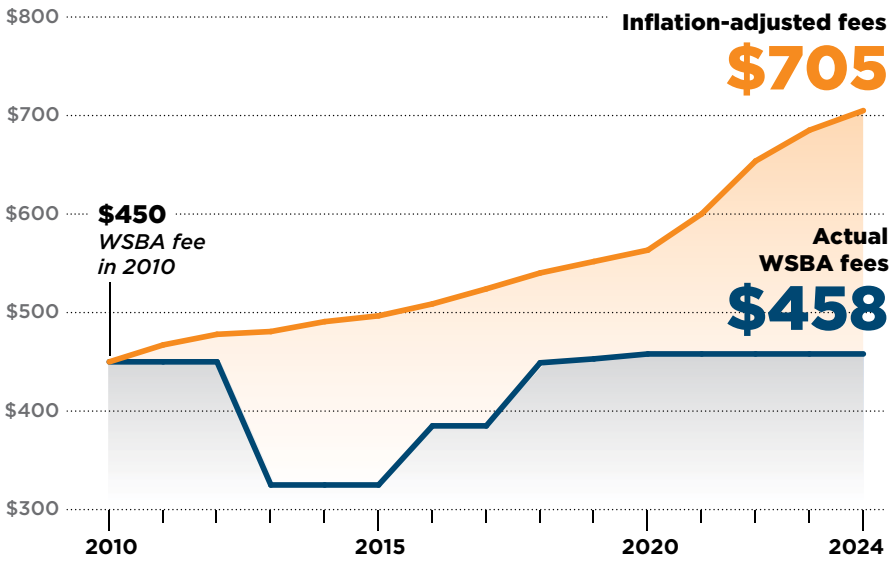
It's respect for members' pocketbooks that has driven this budgeting philosophy since 2018. It's respect for members' pocketbooks that now has the Board looking to pivot to a more sustainable budgeting philosophy for the future. We've just begun the 2025 fiscal year where we've budgeted a net loss of $1.4 million. That's OK—it is expected—but it's a clear indication that we are going to need to reconcile the ever-rising cost of business (inflation) with our primary revenue source (fees) to remain solvent.

Given all this information, the WSBA

MORE ONLINE

Read the November 2024 installment of *Graphically Speaking* for more information about the WSBA's new office lease, smart investments, and other strategic decisions that have allowed us to keep license fees steady for the past six years.

wabarnews.org



It's respect for members' pocketbooks that has driven WSBA's budgeting philosophy since 2018, and it's that same respect that has the Board looking to pivot to a more sustainable budgeting philosophy for the future.

Budget and Audit Committee is coalescing around the idea of a "soft landing" for members—gradual annual increases in the license fee to align with the true cost of doing business rather than remaining steady until there must be a substantial fee hike. (The latter, for example, is what is happening in California this year, with fees increasing $88 after remaining flat since 2020.) Toward that end, the Board of Governors in November approved the Budget and Audit Committee's proposal for a $10 net increase to fees in 2026 and the Supreme Court has confirmed that rate as reasonable to move forward.

In March, the Board of Governors will meet for a budget retreat where they will explore how to incorporate the "soft landing" approach into a longer-term budget philosophy. What might that look like? One idea under consideration is an automatic inflation factor built into the fee each year, which can be mitigated by use of reserves or other offsetting factors. Here's how that works out when applied, for example, to the recommended 2026 fee: $468 represents a $10 increase to the active lawyer license fee; this amount was arrived at by applying the Washington State Department of Labor & Industries Cost of Living Adjustment (COLA) for 2024-2025 of 5.9 percent, resulting in a $27 fee increase, minus a $17 use of reserve funds. Looking to the future, this type of budgeting approach might allow us to be mindful of the "soft landing" we need to operate sustainably while creating a cushion to respect members' wallets.

We are going to expand these conversations to include *you* in the coming months as we continue to explore a long-term, sustainable license fee philosophy. We want you to know about the strategic financial decisions we have made to keep the license fee flat for so long. We want you to understand the gap we are facing between rising costs and flat revenue. Mostly, we want your input about a sustainable fiscal future for the WSBA. Look for more information in *Bar News* in the months ahead. BN

NOTES

1. www.bls.gov/regions/west/news-release/consumerpriceindex_seattle.htm.
2. A future installment of "Graphically Speaking" will explore the value of your license fee.

Photo © Getty / photoMacgyver

EXPERIENCE
TENACITY
JUDGMENT
RESOLVE!

CHARLES S. BURDELL JR.
Former King County Superior Court Judge

JOHN P. ERLICK
Former King County Superior Court Judge

BRUCE HELLER
Former King County Superior Court Judge

LARRY A. JORDAN
Former King County Superior Court Judge

PARIS K. KALLAS
Former King County Superior Court Judge

PALMER ROBINSON
Former King County Superior Court Judge

STEVE SCOTT
Former King County Superior Court Judge

JdR
Judicial Dispute Resolution, LLC

Joshua Green Building · 1425 Fourth Avenue · Suite 300 · Seattle, WA 98101
206.223.1669 · **jdrllc.com**

FEATURE

DEVELOPING AN ORGANIZATIONAL CONFLICT PHILOSOPHY FOR LAW FIRMS:

A Guide to Growth and Inclusion

BY KJ WILLIAMS

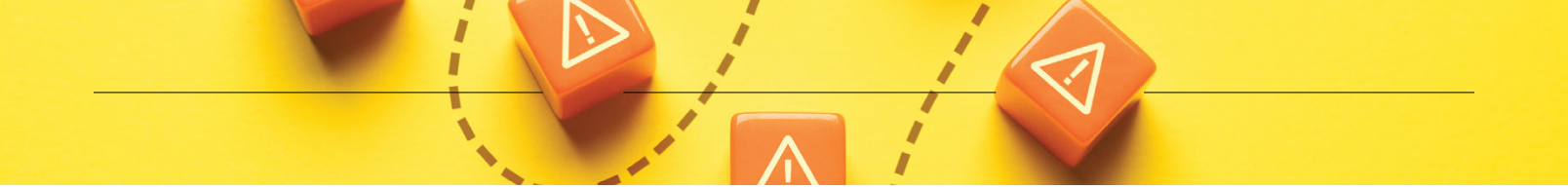
Conflict is challenging, especially in the legal profession, where precision, accountability, and clear boundaries define the workplace. Difficult conversations often feel uncomfortable, yet they provide pivotal moments to choose growth over silence. In a law firm, these challenges may arise in cases of client disagreements, interdepartmental disputes, or discussions on strategic decisions.

POWER DYNAMICS IN LAW FIRMS

The hierarchical structure of law firms inherently affects how conflicts unfold and how they are addressed. Associates, for instance, may feel hesitant to address issues with partners or senior attorneys out of fear of career repercussions. Imagine a scenario where a junior associate feels uncomfortable with a partner's dismissive approach toward their case analysis, feeling their contribution is minimized based on their status rather than merit. In such cases, the firm's leadership must ensure that structures are in place for all team members to voice their concerns without fear of judgment or retaliation, making it clear that constructive feedback is valued regardless of one's position within the firm.

Similarly, consider a conflict where an attorney from a historically marginalized background feels sidelined during a case assignment meeting, as certain partners unconsciously favor individuals they have previously worked with. Addressing power

CONTINUED >



Developing an Organizational Conflict Philosophy for Law Firms: A Guide to Growth and Inclusion

CONTINUED >

dynamics openly helps ensure that conflicts rooted in implicit biases are recognized and that every team member has equitable access to high-visibility cases. Leadership must actively facilitate these conversations, emphasizing that every attorney's growth contributes to the firm's success.

LEADERSHIP'S ROLE IN PROMOTING CONFLICT RESOLUTION

Leaders in the legal profession bear significant responsibility in shaping a firm's approach to conflict. Modeling behaviors that encourage open dialogue and trust helps create a psychologically safe environment where associates, paralegals, and support staff feel comfortable expressing their thoughts without fear of retaliation. For example, a managing partner could initiate monthly forums where team members discuss common challenges in casework or client interactions. Such forums foster transparency and allow for grievances to be voiced constructively, building a culture of inclusivity and open communication.

Establishing a written conflict philosophy is crucial to reinforce this culture. Such a philosophy, accessible to everyone in the firm, clarifies that all staff members, regardless of seniority, have the right to voice their concerns. A conflict philosophy in a law firm might read as follows:

> Our firm's conflict philosophy is firmly rooted in respect, equity, and transparency, with a commitment to advancing anti-racism and Diversity, Equity, Inclusion, Accessibility, and Belonging (DEIAB) principles. We approach conflicts as opportunities for professional growth and learning. We honor diverse perspectives and the essential role they play in enhancing our legal practice.
>
> We recognize that mutual accountability is critical in effective conflict resolution. Each member is responsible for their actions and their contributions to both the conflict and its resolution. Our aim is to create an environment where everyone feels safe to express concerns and work collaboratively toward solutions that align with our firm's mission and values.
>
> Our approach to conflict prioritizes fair practices that dismantle systemic inequities. By centering the voices of marginalized groups within our conflict resolution processes, we ensure that our work environment remains inclusive, just, and transformative.

ADDRESSING MICROAGGRESSIONS IN LEGAL SETTINGS

In legal practice, where high-stakes work environments intensify interpersonal dynamics, microaggressions can disrupt team cohesion and morale. Consider an example where a paralegal repeatedly receives patronizing comments about their qualifications due to their accent or perceived background. Addressing these microaggressions involves training legal professionals to recognize and respond constructively, creating a safe space where team members can address biases openly. A well-developed conflict philosophy ensures that such harmful patterns are addressed promptly and that the affected individual feels supported in their role.

KJ Williams is a transformative leader with over 14 years of experience guiding organizations toward equity-driven cultural change. As the founder of RISEWITHUS, Williams partners with businesses, nonprofits, and educational institutions to develop tailored, equity-centered strategies that prioritize authentic inclusion, belonging, and psychological safety. Williams holds a Master of Public Administration from Seattle University and a Bachelor of Science in Urban Studies from the University of Washington Tacoma and equips leaders with the insight and tools to embed lasting, equitable values within their organizational practices.

An inclusive approach acknowledges that conflict styles are influenced by cultural, personal, and professional experiences.

RECOGNIZING AND RESPECTING DIFFERENT CONFLICT STYLES

Legal teams are composed of individuals from varied backgrounds, each bringing unique conflict styles. For instance, an attorney accustomed to direct communication might inadvertently clash with a colleague who uses a more indirect approach, common in certain cultural backgrounds. Rather than dismissing these differences as "communication issues," an inclusive approach acknowledges that conflict styles are influenced by cultural, personal, and professional experiences. By fostering an environment where different conflict styles are respected, law firms can ensure that disagreements contribute to professional growth and enhance collaborative relationships.

THE CONSEQUENCES OF UNRESOLVED CONFLICT IN LAW FIRMS

In my work with DEIAB initiatives, I've observed that unresolved conflict within law firms often emerges during pivotal moments, such as client review processes or team restructuring. For example, if tension between two senior attorneys over their differing strategies on a high-stakes case is left unaddressed, it may impact the firm's performance, morale, and even client satisfaction. Suppressing conflict can stifle innovation, breed groupthink, and hinder boundary-setting. Left unaddressed, it can also lead to bullying or ostracism, particularly for those from marginalized backgrounds.

By embedding principles of fairness, justice, and anti-racism into conflict-resolution practices, law firms can help mitigate power imbalances and ensure equitable decision-making. This not only supports individual growth but also reinforces a more cohesive and ethical legal practice.

Reflecting on the nature of conflict in legal practice and its opportunities for growth lays the foundation for developing an effective organizational conflict philosophy. In the next part of this series, we'll discuss the steps to create a conflict philosophy that reflects individual values and firm-wide goals, along with practical tips for its implementation across all levels of a legal organization. BN

Dirty Freedom® Adventures

Escape the courtroom for a day in our office with Dirty Freedom® Adventures! We offer unforgettable journeys that blend adventure, wellness, and immersion in the stunning landscapes of Tanzania. Our treks to iconic destinations like Mount Kilimanjaro and Mount Meru are designed not only to challenge you physically but also to rejuvenate your spirit. We believe that unplugging from the daily grind and connecting with nature is essential for personal growth and well-being.

Our team is led by experienced owners who are deeply passionate about what they do. Our Chief Guide, Larick, is a professional mountain climber born in the Kilimanjaro foothills, boasting 82 successful summits of Kilimanjaro and 19 summits of Meru. He is also Wilderness First Responder certified, ensuring that you are in safe hands during your adventure He has a 100% safety record over 20 years of climbing. Having been subjected to unethical practices as a porter in his early career, Larick founded Dirty Freedom® Adventures to put an end to those injustices. His mission is to ensure proper payment, treatment, respect, and guidance for all staff, fostering a culture of care and integrity within our team. Joining him is his wife, affectionately known as “Honey Badger,” a retired Seattle insurance coverage lawyer who brings her expertise in client care and a commitment to creating meaningful experiences for our guests.

For those seeking a climbing adventure, Kilimanjaro and Meru provide exhilarating challenges against breathtaking backdrops. Our expert guides ensure you have a safe and enriching experience, allowing you to focus on reaching new heights and achieving personal milestones.

If a wildlife experience is what you desire, our safari options include visits to UNESCO World Heritage sites like the Serengeti National Park and the Ngorongoro Crater. Experience the thrill of viewing the Big Five in their natural habitat while exploring Tanzania’s diverse ecosystems. These extraordinary landscapes offer unforgettable encounters that will stay with you long after your journey ends. You are free to do both! Climb a mountain, go on safari, and then escape to Zanzibar, the spice island, for beach time.

At Dirty Freedom® Adventures, we pride ourselves on being ethical tour operators in an industry where such practices are the exception rather than the norm. We prioritize sustainable practices, fair compensation for our staff, and support for local communities, making your adventure not just enjoyable but also impactful. By choosing us, you are supporting a commitment to responsible tourism that benefits both the environment and the people you meet along the way.

Join us for the trip of a lifetime, where adventure meets mindfulness, and every moment is an opportunity for discovery. Whether you’re drawn to mountain climbing or safari exploration—or both—Dirty Freedom® Adventures is your gateway to the wonders of Tanzania. Let us help you create lasting memories on your journey toward wellness and adventure.

2nd Annual Yoga Climb:

Join the Second Annual Rebekah Yoga-Meditation-Ayurveda Climb in July 2025—**no experience required**! Unplug on Kilimanjaro, then continue the journey with a thrilling safari and relaxation on the beautiful beaches of Zanzibar. Go to our webpage below and click on “Rebakah Yoga Climb 2025” link.

Please contact us at DirtyFreedom@icloud.com or visit our website at trips.dirtyfreedomadventures.com

COVER STORY

NO LONGER 'BAD LUCK' ON BOARD

AN INTRO TO YOUR LOCAL FEMALE MARITIME BAR

BY CAREY GEPHART AND MOLLY HENRY

THE MARITIME INDUSTRY PLAYS AN INTEGRAL ROLE IN WASHINGTON STATE.

Women have been historically underrepresented in the industry,[1] and this is mirrored in the practice of maritime law.[2] Maritime means "connected with the sea," and maritime law governs the unique circumstances surrounding those peoples, places, and things so connected. With its roots in ancient scrolls and sea codes, maritime law is a diverse practice area covering all things vessel-related, be it shipping and cargo, collisions, pollution, marine insurance, or injury and death on the high seas.

In this article, we introduce you to eight women who have risen to the top in maritime law who share their experiences in an industry long dominated by men, and we hope this article sparks interest in maritime law as a complex, rewarding, and interesting practice area. Indeed, contrary to the perception that historic and current demographic data paints, maritime practice in Washington supports and welcomes individuals of all backgrounds. BN

NOTES

1. Erika Schultz, "Washington's maritime industry is pushing to be more inclusive, welcoming," *Seattle Times*, Dec. 5, 2021; *see also* 2021 BIMCO/ICS *Seafarer Workforce Report* (estimating that 1.2 percent of the global seafarer workforce is comprised of females); Jessica M. Ryals, "Gender Equality is a Maritime Issue: Examining Structural and Social Barriers to Closing the Gender Gap in the Maritime Industry" (Apr. 28, 2023) [master's thesis, State University of New York Maritime College].
2. *See* WSBA Member Demographics Report 9/3/24 (www.wsba.org/docs/default-source/licensing/membership-info-data/countdemo_20190801.pdf) (accessed 9/28/2024) (Of 41,177 members, only 308 attorneys identified maritime as their practice area—of those, only a handful are female.)

* The title of this article is based on the old superstition that women brought bad luck to ships. *See e.g.*, "Why Were Women on Ships Considered Bad Luck?" How Stuff Works, June 3, 2015.

SEE PROFILES ON PAGES 34–40

Carey M.E. Gephart

LAW FIRM: LeGros, Buchanan & Paul P.S.
WEBSITE: www.legros.com/people/carey-gephart

BACKGROUND

I grew up in Alexandria, Minnesota, and attended the University of St. Thomas - Minnesota, double majoring in chemistry and biology. A patent attorney I knew in the chemistry field suggested I apply to law school. I obtained my J.D. from Drake University.

• • •

ENTRY TO MARITIME LAW: I clerked for Judge Mark W. Bennett, chief judge of the Northern District of Iowa. Thereafter, my husband (then active-duty Army) got orders to Fort Lewis. I had no connections in Washington, so I sent applications to pretty much everyone. LeGros offered me a position and I've never looked back. The firm focuses on maritime law and trained me from the ground up.

MENTORS: Judge Bennett taught me how to be a student of the law, hold myself to a standard of excellence, and navigate the court systems. David Bratz, an attorney with LeGros, held those same standards of excellence for his clients and showed me how to transform them into advocacy.

CHALLENGES: I still encounter what I call "men's room mediation," which is probably not unique to maritime law, but happens when a male attorney and a male mediator will have case-related conferences in places like the "men's room"—and exclude women. It can make you feel like you're not getting a fair shake with the mediator.

BEST FACETS OF MARITIME PRACTICE: The three Cs: clients, complexity, and colleagues. Our clients are hardworking people who come from all walks of life. Maritime law is ancient and complex, never boring. And last but definitely not least, the collegiality of the maritime bar.

Molly Henry

LAW FIRM: Schwabe, Williamson & Wyatt, P.C.
WEBSITE: www.schwabe.com/professional/molly-henry/

BACKGROUND

I grew up in Anacortes. I went to Smith College in Massachusetts. Then I lived in Boston, worked as a French translator, and considered entering the Peace Corps. My husband was interested in law school and encouraged me. I applied and attended Ohio State University (Moritz) College of Law.

• • •

ENTRY TO MARITIME LAW: I knew I wanted to return to Washington. I ultimately accepted an offer at Keesal, Young & Logan in Seattle. I had no sights on maritime law, but KYL had a strong maritime practice so I fell into it. I transitioned to Schwabe in 2018, but my practice remains maritime.

MENTORS: Philip Lempriere and Bob Bocko were my mentors at KYL, and I continue to work with Philip at Schwabe. I was lucky to be in a small office of a mid-size firm and we worked on everything as a team. It was collaborative, and doors were always open. I was given real responsibility early on; for example, I argued a Ninth Circuit appeal as a second-year associate.

BEST FACETS OF MARITIME PRACTICE: It's a tight-knit community, which lends itself to a level of respect and collegiality.

MOST MEMORABLE SEA STORY

One of my first onboard vessel inspections was to investigate the death of a crewmember. It was an international vessel and the crewmember had died several weeks before the vessel returned to port, so the body got stored in the freezer for preservation. We were invited to dine on the vessel with the captain, on a meal presumably prepared from the same freezer. I was taught never to turn down crew hospitality, so we accepted, but all I could think about was where the food had come from.

Barbara Holland

LAW FIRM: Collier Walsh Nakazawa LLP
WEBSITE: www.cwn-law.com/barbara-holland2

BACKGROUND

I grew up in Ann Arbor, Michigan. I went to Cornell University for a year, finished my undergrad at Wake Forest University, and attended Harvard Law School.

ENTRY TO MARITIME LAW: I became interested in international shipping and all things maritime before law school. I decided to practice maritime law on the West Coast and only interviewed with firms in San Francisco and Seattle. I had no contacts on the West Coast and had never been to either city, but once I saw Seattle, I was immediately taken with it as a place to live and practice. I accepted a position at Garvey Schubert Barer [now Foster Garvey PC], where I was a partner and headed up the maritime practice for over 30 years. At the end of 2019, I joined Collier Walsh Nakazawa. I also serve as general counsel for Nichols Brothers Boat Builders and its affiliates, and just completed two years as president of the Maritime Law Association of the U.S.

MENTORS: I have had the opportunity to work with some amazing people. Stan Barer was a key figure in the Seattle maritime world, particularly with regard to maritime policy and U.S.-China trade. Mike Garvey is a visionary in the world of maritime business. Bruce King was a terrific colleague and mentor on the transactional side. These are just a few of the wonderful colleagues I had the pleasure of working with; it would be impossible to name them all.

CHALLENGES: Shipping is a traditionally male-dominated industry. I was certainly questioned along the way. Early on I had a client tell me that women didn't belong in maritime law. I had opposing counsel tell me the same. These experiences just cemented my resolve to keep on moving forward. My colleagues at the firm were very supportive of me. The reality is that in this area you do have to prove that you know something about the industry, that you belong at the table, and that your opinion and advice matter.

BEST FACETS OF MARITIME PRACTICE: The people that you get to meet, learn from, and work with are a highlight. It is an international practice, and the complexities of the legal issues are also particularly interesting.

CONTINUED

MOST MEMORABLE SEA STORY

I had a very hard-fought case where I represented a crab fisherman who suffered severe injuries on a boat. On the plaintiff side, you have the opportunity to form real relationships with your clients because you are involved in their personal life as a matter of necessity. I still keep in touch with that client.

Marissa Olsson

LAW FIRM: Kraft Davies Olsson
WEBSITE: www.admiralty.com/lawyers/marissa-a-olsson/

BACKGROUND

I grew up in Edmonds and went to the University of Washington for both undergraduate and law school.

ENTRY TO MARITIME LAW: I interned with the predecessor to my current firm during law school. Maritime law was not on my radar before that, but I really enjoyed it and stuck with it. I chose the plaintiff side of the bar because I like helping people and working to make their lives better.

MENTORS: Rob Kraft and Rick Davies have been mentors to me throughout my career. They put so much time and energy into showing me how to be an effective advocate for my clients, how to put a case together, and how to approach certain issues. They taught me when to fight and when to be pragmatic.

CHALLENGES: As a female practitioner, I take offense to having zealous advocacy labeled as "emotional" or some other gendered term. It's unfortunate, but it continues to happen.

BEST FACETS OF MARITIME PRACTICE: Maritime cases often come down to complex legal issues, which is an opportunity for me to focus on the quality of my writing and oral advocacy. Nothing is cookie cutter in this area of the law. The quality of your work speaks more than your showmanship.

Michelle Buhler

LAW FIRM: Bryan Cave Leighton Paisner (BCLP), LLP
WEBSITE: www.harriganleyh.com/attorney/michelle-buhler/

BACKGROUND

I grew up in the Bellevue/Issaquah area. I attended Seattle University as an undergrad and then the University of Washington School of Law.

ENTRY TO MARITIME LAW: As a freshman at Seattle U, I decided I wanted a job and got hired as a file clerk at Levinson Friedman, a maritime personal injury firm. Through my experience working there, I decided to become an attorney, and while in law school pursued my interest in maritime law.

MENTORS: Upon graduating, I was hired by Danielson, Harrigan, Smith and Tollefson. The firm's maritime partners, Dave Danielson and Val Tollefson, were both instrumental in my professional development, giving me case responsibility early on and providing consistent and thoughtful constructive criticism throughout my years as a young lawyer. They also included me in business development endeavors, which helped me build relationships with the firm's clients and the maritime community at large.

CHALLENGES: There are very few women maritime attorneys, and this was particularly true when I started practicing; I was usually the only woman attorney on a case. Early in my practice, women attorneys were viewed with a certain degree of skepticism, especially by superstitious seamen who believed women brought bad luck to vessels. I had to work a little harder than my male counterparts to earn their trust.

BEST FACETS OF MARITIME PRACTICE: Although maritime law is a specialized area of the law, it is broad in scope. I like the variety of issues I encounter day to day, and the collegiality of the maritime bar, which makes the practice of law more enjoyable.

MOST MEMORABLE SEA STORY

Probably the most interesting matter I've worked on involved the Sea Shepherd Conservation Society, an anti-poaching group focused on marine conservation that was featured in the Animal Planet documentary series *Whale Wars*. The case, which related to the Japanese whaling industry, was factually intriguing and presented novel maritime law issues, including piracy.

Svetlana P. Spivak

LAW FIRM: Holmes Weddle & Barcott
WEBSITE: www.hwb-law.com/svetlana-spivak/

BACKGROUND

I was born in the Soviet Union, in what is now Ukraine. I studied mechanical engineering at the Lviv Polytechnic University and came to the U.S. with my parents as refugees in 1993. From there I attended the University of Washington for undergraduate business school and then law school.

• • •

ENTRY TO MARITIME LAW: I was hired by LeGros Buchanon & Paul after completing a year of clerkship at Snohomish County Superior Court. I knew nothing about maritime law when I started. I got a few treatises from the library and read them before my first day so I would look like I knew what I was talking about.

MENTORS: Eric McVittie at LeGros took me under his wing and showed me how to do discovery, draft pleadings, and take depositions. LeGros had a very good system for training associates and Eric put extra effort into helping me.

CHALLENGES: When I first started handling maritime cases, I had the sense from some of my clients that they were insecure with a woman handling their case. There were numerous instances where a client would bypass me and go to a male partner with questions or concerns on the cases I was handling. That has gotten much better with time and as more women enter the field.

BEST FACETS OF MARITIME PRACTICE: I love the travel. My maritime practice has taken me to Spain, American Samoa, New Zealand, the Marshall Islands, Norway, England, Mexico, Philippines, Panama, Ecuador, and Uruguay, not to mention all over the U.S.

MOST MEMORABLE SEA STORY

We get the wildest fact patterns. I had a case where a crewmember claimed he fell out of his bunk and sustained injuries but sued more than 10 years later claiming PTSD from the injury had made him forget about it. I spent a week in Texas deposing doctors about whether that was even medically possible.

CONTINUED

Anusha Pillay

LAW FIRM: Collier Walsh Nakazawa LLP
WEBSITE: www.cwn-law.com/anusha-pillay

BACKGROUND

I grew up in Indiana and attended the University of Illinois Champaign-Urbana for both undergrad and law school. In between those degrees, I worked for a few years as a property-casualty insurance underwriter at CNA in Chicago.

ENTRY TO MARITIME LAW: I always dreamed of moving to the West Coast. Every time I visited it just felt right and like home. When a midsize California firm interviewed at my law school, I connected with them and was offered a position. My first five years of practice, I litigated in Los Angeles. Then I took time off to travel overseas. Upon returning, I set my sights on Seattle and ultimately accepted a position with Cozen O'Connor. It was there that I was first introduced to maritime law—through insurance coverage work. I moved to Collier Walsh Nakazawa (CWN) in 2022 where I now practice maritime law (or represent maritime industry clients) almost exclusively. So, a non-linear path of luck, sweat, and a little risk.

MENTORS: Bill Walsh at Cozen, and Joseph Walsh and Barbara Holland at CWN. Bill is a tremendous litigator and inspired me to hold myself and my work to the highest standards. Joe and Barbara are heavy hitters in maritime law for a reason, and I've learned a great deal from them in only two years.

BEST FACETS OF MARITIME PRACTICE: Undoubtedly, the people. Whether in Seattle or across the globe, it's a tight-knit, collegial group that really cares about and takes pride in this industry. And the maritime practice has truly historic and international breadth.

Katie Matison

LAW FIRM: Lane Powell PC
(firm is combining with Ballard Spahr as of Jan. 1, 2025)

WEBSITE: www.lanepowell.com/Our-People/Katie-Matison

BACKGROUND

I'm from New Orleans and Miami. I obtained all of my degrees—undergraduate, J.D., and LL.M. in Admiralty—from Tulane.

ENTRY TO MARITIME LAW: I practiced for six years as a felony prosecutor in Mississippi before my husband and I relocated to Seattle. I joined Lane Powell and have been practicing maritime law ever since.

MENTORS: I worked a lot with Mark Beard, Rivers Black, Bob Israel, and Mark Johnson. Who you work with changes as time goes on, but just by talking with these people about how to approach an issue I learned so much. Mark Beard once told me that if you don't feel appreciated or enjoy the people you work with then you won't want to stay. Lane Powell has been a terrific place to work, and I've been here for 32 years.

CHALLENGES: I think women in this field of law can be underestimated. Upending those preexisting ideas about how a woman practices maritime law can be an advantage.

BEST FACETS OF MARITIME PRACTICE: We have the opportunity to work with people from around the world and to interpret international treaties and conventions. I think that's something that is unique to this practice.

SIDEBAR

Local Maritime Organizations for Attorneys Interested in Maritime Law

Maritime Law Association of the U.S.: **www.mlaus.org**.

Washington Maritime Blue: **www.maritimeblue.org**.

Women's International Shipping & Trading Association: **www.wistainternational.com**.

Marine Insurance Association of Seattle: **www.miaseattle.org**.

Seattle Propeller Club: **www.seattlepropellerclub.org**.

Puget Sound Marine Claims Association: **www.psmca.org**.

MOST MEMORABLE SEA STORY

Every year I provide maritime updates at the Association of Transportation Law Professional annual meetings. About 10 years ago, I presented on hijackings and piracy attack data affecting the industry. The crowd was completely engaged. There are so many interesting facets to this area of the law.

On Board

NEWS FROM THE BOARD OF GOVERNORS & THE WSBA

SAVE THE DATE

The next regular meeting is Jan. 17-18, 2025, in Seattle. To subscribe to the Board Meeting Notification list, email barleaders@wsba.org.

NOV. 7-8, 2024

A Summary of the Board of Governors Meeting

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

TOP MEETING TAKEAWAYS

1 **Finances: 2026 and Beyond.** As you renew your license for 2025, it will be the sixth consecutive year with no fee increase—thanks to careful and prioritized financial planning. Looking ahead, the Board has been discussing how to implement a "soft landing" for members—that is, avoiding one major fee hike in the future by using smaller, gradual increases over several years to align with the actual cost of business. Toward that end, the Board voted to increase the 2026 license fee by $10 (from $458 to $468 for a full active license); the Washington Supreme Court will now review that recommendation for reasonableness. Why $10? Read the November issue of *Bar News* for an explanation and an in-depth look at the strategic financial decisions that have kept fees flat for so long.

2 **You Asked, We Listened: New License Statuses.** Based on much member feedback, several changes to WSBA license-status options were approved for implementation, pending court approval: allowing members to choose "retired" as opposed to "voluntarily resigned" when they leave the profession, changing the name of "honorary" status to "emeritus"; decreasing the number of years needed to qualify for honorary (now emeritus) status from 50 to 40 (and allowing active years of practice in other jurisdictions to count), allowing inactive emeritus and pro bono members to volunteer on WSBA entities, and allowing certain senior members to qualify for pro tempore judicial positions or a hardship reduction of the active license fee.

3 **Governor-at-Large Vacancy**. Governor Brent Williams-Ruth resigned his at-large position at the conclusion of the meeting. The Board voted to appoint someone to fill the remainder of Governor Williams-Ruth's term, through September 2025, as soon as possible. The Board requested that the Diversity, Equity, and Inclusion Council make initial recommendations to the Board regarding candidates. If you are interested in applying, look for more information to be sent membership-wide soon. The next regular election for a full term for this seat will occur in spring, to begin in October 2025.

4 **2025 WSBA Legislative Agenda**. In addition to the WSBA's ongoing legislative goal—to monitor and take appropriate action on legislative proposals related to the practice of law and administration of justice—the Board approved a proclamation to advocate for a comprehensive study of any inefficiencies and inequities created by local court rules, technology, and funding (i.e., a de-unified court system). Several legislators are committed to convening a task force for such a study, and the WSBA wants to be part of the effort, specifically when it comes to gathering experiences and information from members about adverse impacts to the public. The Board stipulated that it will seek to meaningfully engage all WSBA members, especially those in rural counties, in the study.

MORE ONLINE

The agenda, materials, and video recording from this Board of Governors meeting (held in Seattle), as well as past meetings, are online here: **www.wsba.org/about-wsba/who-we-are/board-of-governors.**

THE BOARD ALSO:

- **Discussed** the state of pathways into the legal profession with the deans of Washington's law schools and the chair of the Law Clerk Board. Topics covered included growing enrollment numbers, with a record-high number of students from diverse backgrounds; innovative clinical offerings; and the cost of tuition.
- **Approved** an amendment to Comment 6 to RPC 1.5 (expanding contingent fee prohibition to domestic partnerships and committed intimate relationships and a wider range of family law matters) suggested by the Committee on Professional Ethics; the proposal will now go to the Supreme Court for consideration.
- **Began its process** to institute a three-year strategic planning process, starting with 2026-2029.
- **Received** its annual anti-harassment training. BN

MAKE BOARD SERVICE ONE OF YOUR GOALS FOR 2025

JOIN THE WASHINGTON STATE BAR ASSOCIATION BOARD OF GOVERNORS!

OPEN POSITIONS

- ☐ **District 1 Governor***
- ☐ **District 2 Governor**
- ☐ **District 9 Governor**
- ☐ **District 10 Governor**
- ☐ **Governor-at-Large**
- ☐ **President-Elect**

Terms are three years.

**District 1 Governor is a partial, two-year term*

The Board focuses on strategy and policy while exhibiting vision, leadership and diplomacy in pursuit of WSBA's mission.*

KEY DATES

APPLICATION DEADLINES

District Governor	**February 18**
President-Elect	**April 8**
Governor-at-Large	**April 15**

ELIGIBILITY

Any active member may run for their own congressional district. Any active member may run for the Governor-at-Large position and President-Elect. This year, this at-large position is intended to represent those whose membership has been historically underrepresented in governance (WSBA Bylaws Section VI).

BECOME A CANDIDATE

Visit **www.wsba.org/elections** for complete application information. For more information, please contact **barleaders@wsba.org**.

***THE WSBA'S MISSION >** *The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.*

WASHINGTON STATE BAR ASSOCIATION

In Remembrance

This In Remembrance section lists WSBA members by Bar number and date of death. The list is not complete and contains only those notices of which the WSBA has learned through correspondence from members. Please email notices to wabarnews@wsba.org.

Nancy Koptur

#14412, 10/28/2024

Nancy Koptur was born March 23, 1958. She grew up in Detroit and later moved to Seattle and then Olympia, where she worked as a staff attorney in the Department of Social and Health Services, Division of Child Support, for over 30 years. She served as the Division of Child Support's legislative and rules coordinator and was described as the "go-to" attorney for all things related to child support. Koptur was passionate about serving her community—she did extensive family law pro bono work and volunteered with literacy programs, women's shelters, and legal clinics. In 2020, she received the WSBA's Angelo Petruss APEX Award for Lawyers in Government Service. The award is given to a lawyer in government service who has made a significant contribution to the legal profession, the justice system, and the public. Koptur was also very involved in the WSBA Family Law Section, where she served as an executive committee member and chair and a frequent list serve contributor. Koptur was described as a unique and extremely generous person, as having flamboyant style and a great sense of humor. She loved the theater and volunteered with several local theater groups. Koptur is survived by her Seattle family, her sisters in Florida and Michigan, and many friends. BN

Justin Lowe Quackenbush

#670, 10/27/2024

Justin Lowe Quackenbush was born in October 1929 in Spokane. He attended North Central High School and played four sports, including golf, which became a lifelong passion. He once worked as a caddy for U.S Open champion Olin Dutra during a PGA championship in Spokane. After high school, Quackenbush enlisted in the U.S. Navy officer training program, first at the University of Illinois and then at the University of Idaho. After graduation, he served during the Korean War aboard the Navy destroyer U.S.S. Arnold J. Isbell. While in the Navy, Quackenbush married fellow University of Idaho grad Polly Packenham, and the couple went on to have three children. After concluding his military service, Quackenbush earned his law degree at Gonzaga University. Quackenbush first worked as a deputy prosecuting attorney for Spokane County, and then in 1960, he formed the law firm of Quackenbush, Dean, Bailey, and Henderson. Quackenbush practiced at the firm until 1980, when he was appointed by President Jimmy Carter to serve as a U.S. District Court judge for Eastern Washington. Quackenbush went on to serve for other district and circuit courts and achieved senior federal judge status in 1995. Quackenbush also served as a member and later master of Masonic Lodge #272, chair of the Spokane County Planning Commission, and an adjunct professor at Gonzaga University School of Law. Gonzaga's law school honored him by creating the Quackenbush Lecture Series, which continues through a family endowment. Quackenbush is survived by his second wife, Marie; his children, Karl, Robert, and Kathy; his stepchildren, Frayne and Mark; several grandchildren and great-grandchildren; and many other friends and family members. BN

Brian L. Comstock,
#184, 11/15/2024*

James Krider,
#1398, 9/19/2024

Todd Maiden,
#14922, 9/16/2024

Bryan Poehler,
#12252, 9/14/2024

John Franklin Sherwood (Sr.),
#2948, 9/24/2024

Eugene Amandus Studer,
#20175, 11/1/2024

Molly Wagner,
#50210, 7/30/2024

*The WSBA learned of Brian Comstock's passing just before this issue went to press. Look for his longer obituary in a future issue of *Bar News*.

MORE ONLINE >

When available, links to obituaries can be found in the online version of this article at **wabarnews.org**.

Need to Know

NEWS & INFORMATION OF INTEREST TO WSBA MEMBERS

WSBA NEWS

2025 License Renewal and Sections Information

License Renewal is Paperless (online only). Notifications and reminders will be sent by email. Please be sure your email address is current, and emails from the wsba.org domain will not be marked as spam. License renewal must be completed online at **https://licensing.wsba.org**, where you will be able to complete required certifications and securely pay your license fee or print an invoice to mail with a check.

Certify MCLE Compliance. If you are in the 2022-2024 reporting period, you are due to report CLE credits and certify MCLE compliance. The deadline for completing credits is Dec. 31, 2024. The certification must be completed online by Feb. 3, 2025. Visit **www.wsba.org/MCLE** to learn more.

License Fee Payment Plan and Exemptions. If you are experiencing financial challenges, a payment plan option is available. Payments may be made in up to five installments with the balance required to be paid in full by Feb. 3, 2025. License fee exemptions are available for licensed legal professionals who qualify. Visit **www.wsba.org/licensing** to learn more.

New Option for Member Pronouns. You now have the option of including pronouns on your profile in the WSBA Legal Directory. Please go to **https://mywsba.org/** to include yours! Pronouns are words used to refer to someone in the third person in place of their name. The purpose of including them is to indicate how others can respectfully refer to you.

THE BAR BUZZ

Avoid Phishing Scams

Phishing is a type of online fraud that involves someone masquerading as a trustworthy/reputable source to get you to reveal sensitive information like passwords or credit card numbers. Long gone are the days of clumsy emails from fake foreign princes asking for your bank account number—phishing is on the rise and becoming more sophisticated. That includes reports from members who have received fraudulent messages purporting to be from WSBA officers or lawyer colleagues. The WSBA has compiled resources to help you keep your data safe: *How To Recognize and Avoid Phishing Scams; Phishing 101 — An Introduction to Phishing Awareness and Prevention; and Email Phishing Scams? Prevent Common Threats by Using the S.T.O.P Method.* To learn more, visit **www.wsba.org/for-the-public/public-home/scam-alert**.

Voluntary Demographic Information. Please update your information during license renewal at **licensing.wsba.org**. This information is essential to understanding the demographic makeup of Washington licensed legal professionals and can help inform better policymaking by decision-makers, including the Washington Supreme Court.

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

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

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

DEADLINES

Dec. 31, 2024:

- Complete MCLE credits.

Feb. 3, 2025:

- Pay license fee.
- Certify trust account information and liability insurance disclosure or financial responsibility.
- Certify MCLE credits.
- ***Optional:*** Request license fee exemptions.

Feedback Needed: New Equity and Justice Plan

The WSBA's DEI Council has drafted a new Equity and Justice Plan as a roadmap to help the WSBA advance equity and justice in our legal profession and legal system. The draft plan is based on the 2024 membership demographic study and a broad spectrum of member input. It focuses on three main goals: strengthening the legal profession by fostering belonging and building community; advancing a fair, inclusive, effective, and accessible legal system for all; and deepening and broadening the WSBA's commitment to equitable decision-making. To learn more and take advantage of several different methods to comment, including an online survey and live, remote feedback sessions, visit **www.wsba.org/equity-and-justice-plan**.

Apply for Ninth Circuit Judgeship

The Court of Appeals for the Ninth Circuit invites applications from highly qualified candidates for a bankruptcy judgeship for the District of Oregon. This position is available immediately; however, the selection process may take up to 18 months to complete. The official duty station for this position is Eugene, Oregon. The term of office is 14 years with a possible renewal appointment subject to reappointment procedures. Application instructions and the application form are available on the Ninth Circuit Court of Appeals website at **www.ca9.uscourts.gov**. A copy may also be obtained by emailing **personnel@ce9.uscourts.gov**.

CONTINUED >

WASHINGTON STATE
BAR ASSOCIATION

Which Sections Are Best For Me?

JOIN WSBA SECTIONS FOR PROFESSIONAL GROWTH.

- Find Community
- Effect Change
- Education and Resources
- Leadership Opportunities

EXPLORE AND JOIN TODAY!
wsba.org/legal-community/sections/about-sections

Need to Know

CONTINUED >

Spanish Language Access to the Lawyer Grievance Process

Please help spread the word: Information, directions, forms, and telephone interpreters are now available in Spanish for anyone who would like to contact the state bar with a concern about the ethical conduct of a lawyer. Spanish speakers can click "En Español" on the top menu bar at **http://www.wsba.org** to learn more. This is a pilot project that the WSBA hopes to expand to more languages soon. Visit **www.wsba.org/for-the-public/concerns-about-a-lawyer/preocupaciones-por-un-abogado.**

Engage With WSBA Leaders

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

VOLUNTEER

WSBA CLE Volunteer Presenter

WSBA CLE is currently seeking volunteer CLE speakers on the topics of limited practice officer/title/escrow, and legal technology/AI. If you are interested in presenting a CLE on one of the above topics, visit **https://zurl.co/saqX** to sign up. Please email rachelm@wsba.org if you have questions.

Be a Judge for UW In-House Competitions

The University of Washington School of Law hosts three in-house competitions during the school year and seeks local attorneys and judges to evaluate,

score, and give feedback to the student competitors. If you are interested, please email trialad@uw.edu. Find out more at **www.law.uw.edu/academics/experiential-learning/moot-court.**

RESOURCES

IOLTA FAQs

Have questions about trust accounts? Check out the new IOLTA FAQs to learn important information about such topics as unidentified owners and unclaimed property, recordkeeping, disbursements, general banking, reconciliation, and more. Find the FAQs at **www.wsba.org/for-legal-professionals/member-support/practice-management-assistance/iolta-faqs**.

Check Out the DEI Resource Library

The DEI Resource Library is where WSBA members can learn more about diversity, equity, and inclusion concepts. Visit **www.wsba.org/about-wsba/equity-and-inclusion/dei-resource-library**.

Virtual Career Guidance Group

This free group meets on the first Thursday of the month at 3 p.m. This is a chance to receive guidance on your résumé, informational interviewing, applying for positions, and where you see yourself in your legal career. This group is led by Dan Crystal, Psy.D. Sign up at **www.wsba.org/for-legal-professionals/member-support/wellness/group-sessions**.

Free Practice-Management Consultations

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

DISCOUNTS AVAILABLE

Software & Services for Your Practice

As a member of the WSBA, you have access to the Practice Management Discount Network, a collection of discounts on products and services to help you improve your law practice. We offer discounts on conflict-checking, credit-card processing, encryption, cybersecurity, document editing, document management, e-discovery, marketing and website support, office supplies, practice management software, remote receptionists, and retirement planning. Learn more at **www.wsba.org/for-legal-professionals/member-support/practice-management-discount-network**.

SCAN TO LEARN MORE >

WSBA MEMBER WELLNESS

Share Your Story

The Member Wellness Program wants to hear your inspiring stories. We know there are many challenges you have faced and hardships you have overcome. Share your story anonymously (some stories may be published) at **https://tinyurl.com/c5c8frft**. Your story can make a difference in the lives of your fellow legal professionals.

Virtual Mental Health Support Group

The free group led by WSBA staff Adely Ruiz, LICSW, and Dan Crystal, Psy.D, meets the first Thursday of every month from 1-2 p.m. Learn more and sign up at **www.wsba.org/for-legal-professionals/member-support/wellness/group-sessions**.

Telehealth is Here!

The Member Wellness Program is now offering hi-def, HIPAA-protected video consultations using the telehealth portal **Doxy.me**. Visit **www.wsba.org/for-legal-professionals/member-support/wellness** and click "Book Your Initial Consultation" to schedule time with our licensed providers.

Health Benefits

The WSBA Private Health Insurance Exchange offers members access to the most competitive group health insurance solutions on the market. Speak to a benefits counselor and request a free quote today at **www.memberbenefits.com/wsba**.

The 'Unbar' Alcoholics Anonymous Group

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

ETHICS

Ethics Line

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

WSBA Advisory Opinions

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

WSBA COMMUNITY NETWORKING

New Lawyers List Serve

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

ALPS Attorney Match

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

QUICK REFERENCE

Dec. 2024 Usury

The usury rate for Dec. 2024 is 12.00%. The auction yield of the Nov. 4, 2024, auction of the six-month Treasury Bill was 4.414%. The interest rate required by RCW 4.56.110(3)(a) and 4.56.115 for Dec. 2024 is 6.414%. The interest rate required by RCW 4.56.110(3)(b) and 4.56.111 for Dec. 2024 is 10.00%. BN

HAVE SOMETHING NEWSWORTHY TO SHARE?

Email wabarnews@wsba.org if you have an item you would like to place in Need to Know.

Notices

DISCIPLINE & OTHER REGULATORY NOTICES

THESE NOTICES OF THE IMPOSITION OF DISCIPLINARY SANCTIONS AND ACTIONS are published pursuant to Rule 3.5(c) of the Washington Supreme Court Rules for Enforcement of Lawyer Conduct. Active links to directory listings, RPC definitions, and documents related to the disciplinary matter can be found by viewing the online version of *Washington State Bar News* at **www.wabarnews.org** or by looking up the respondent in the Discipline Notice Directory at **https://mywsba.org/PersonifyEbusiness/DisciplineNoticeDirectory**.

As some WSBA members share the same or similar names, please read all disciplinary notices carefully for names, cities, and bar numbers.

Disbarred

Thi Anh Huynh (WSBA No. 34947, admitted 2004) of Seattle, was disbarred, effective 9/12/2024, by order of the Washington Supreme Court. Henry Cruz and Benjamin J. Attanasio acted as disciplinary counsel. Thi Anh Huynh represented themselves. Bruce E. Heller was the hearing officer. Randolph O. Petgrave III was the settlement hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.7 (Conflict of Interest: Current Clients), 1.8 (Conflict of Interest: Current Clients: Specific Rules), 1.15A (Safeguarding Property), 8.4(b) (Criminal Act), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), 8.4(i) (Moral Turpitude, Corruption or Disregard of Rule of Law), 8.4(n) (Unfitness to Practice).

Huynh was found to have violated the Rules of Professional Conduct by: 1) entering into a business transaction with a client – by obtaining a loan for the client and using the proceeds for respondent's own purposes – without i) providing the client with anything in writing regarding the transaction, ii) advising the client in writing to seek, and providing them a reasonable opportunity to seek, independent counsel, or iii) obtaining the client's informed consent to the transaction; 2) using the loan proceeds for respondent's own use and thereby committing the crime of theft as defined in RCW 9A.56.020; 3) executing a Full Reconveyance Deed falsely stating that the investors had made a written request to reconvey and thereby committing the crime of false representation concerning title as defined in RCW 9.38.020; 4) using investor funds for respondent's personal use and other purposes unrelated to the investment and thereby committing the crime of theft as defined in RCW 9A.56.020; 5) providing investors with false accounting of their investment; 6) representing a client in a loan transaction in which another client was directly adverse; 7) representing a client in a litigation matter where there was a significant risk that the representation would be materially limited by respondent's responsibilities to another client or by respondent's personal interest; 8) entering into a business transaction with a client without: i) providing the client with anything in writing regarding the transaction, ii) advising the client in writing to seek, and providing them a reasonable opportunity to seek, independent counsel, or iii) obtaining the client's informed consent to the transaction; 9) using money from a loan obtained for a client for respondent's personal use and other purposes unrelated to the client and thereby committing the crime of theft as defined in RCW 9A.56.020.

Decision documents: Hearing Officer's Decision; Disciplinary Board Order Adopting Hearing Officer's Decision; and Washington Supreme Court Order.

MORE ONLINE

Access further details by clicking the links in the online version: **www.wabarnews.org**.

James Mills (WSBA No. 53561, admitted 2018) of Portland, OR, was disbarred, effective 10/02/2024, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. For more information, see https://www.osbar.org/bulletin/issues/2024/2024October/offline/download.pdf. Henry Cruz acted as disciplinary counsel. James Mills represented themselves.

Decision document: The Washington Supreme Court Order.

Lee Howard Rousso (WSBA No. 33340, admitted 2003) of Renton, was disbarred, effective 10/15/2024, by order of the Washington Supreme Court. Kathy Jo Blake acted as disciplinary counsel. Lee Howard Rousso represented themselves. Jehiel Baer was the hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 8.4(b) (Criminal Act), 8.4(i) (Moral Turpitude, Corruption or Disregard of Rule of Law).

Rousso was found to have violated the Rules of Professional Conduct by 1) com-

mitting the crime of Assault in the Second Degree against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system; 2) committing the crime of Felony Stalking against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system; 3) committing the crime of Felony Stalking.

Decision documents: Hearing Officer's Decision; Disciplinary Board Order Declining Sua Sponte Review and Adopting Hearing Officer's Decision; and Washington Supreme Court Order.

Resigned in Lieu of Discipline

Ajili Hodari (WSBA No. 37251, admitted 2006) of Seattle, resigned in lieu of discipline, effective 09/27/2024. The lawyer agrees that they are aware of the alleged misconduct in disciplinary counsel's Statement of Alleged Misconduct and rather than defend against the allegations, they wish to permanently resign from membership in the Association. Francisco Rodriguez acted as disciplinary counsel. Leland G. Ripley represented respondent.

The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 1.2 (Scope of Representation and Allocation of Authority Between Client and Lawyer), 1.7 (Conflict of Interest: Current Clients), 1.15A (Safeguarding Property), 1.15B (Required Trust Account Records), 4.1 (Truthfulness in Statements to Others), 4.3 (Dealing With Unrepresented Person), 8.1 (Bar Admission and Disciplinary Matters), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), 8.4(d) (Prejudicial to the Admin of Justice).

Hodari's alleged misconduct includes: 1) concurrently representing two clients in the same transaction when there was a significant risk that the representation of one would be materially limited by respondent's responsibilities to the other, without having first obtained informed consent of each client in writing; 2) failing to disclose respondent's concurrent representation of a client while stating and implying that respondent was disinterested, and by failing to make reasonable efforts to clarify a contracting party's misunderstanding regarding respondent's role in the transactions with one of his clients when the contracting party was not represented by counsel and when respondent reasonably should have known that the contracting party misunderstood respondent's role; 3) by falsely stating that respondent represented only one client and did not represent the other; 4) by making a false statement to ODC during a disciplinary investigation; 5) by failing to maintain a check register or equivalent for respondent's trust account; 6) by failing to maintain client ledgers; 7) by failing to properly reconcile the check register to the bank statements and failing to properly reconcile the check register to the combined total of all client ledgers; 8) by failing to maintain copies of deposit slips and cancelled checks for respondent's trust account.

Decision document: Resignation Form of Ajili Hodari ELC 9.3(b).

Suspended

Mike Moceri (WSBA No. 47787, admitted 2014) of Tacoma, was suspended for 18 months, effective 9/26/2024, by order of the Washington Supreme Court. Claire Carden acted as disciplinary counsel. Mike Moceri represented themselves. Joseph M. Mano Jr. was the hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.15A (Safeguarding Property), 1.16 (Declining or Terminating Representation), 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 8.1 (Bar Admission and Disciplinary Matters), 8.4(d) (Prejudicial to the Admin of Justice), 8.4(l), (Prohibiting a Lawyer from Violating a Duty or Sanction Imposed by or Under the Rules for Enforcement of Lawyer Conduct in Connection With a Disciplinary Matter).

Moceri was found to have violated the Rules of Professional Conduct by: 1) failing to diligently represent a client; 2) failing to keep the client informed about the case and/or by failing to provide them with an invoice or other information about how respondent's fee was earned; 3) failing to deposit a payment received from the client to respondent's trust account; 4) charging for work that was of no use to the client and/or failing to refund unearned fees; 5) attempting to induce the client to withdraw the grievance; 6) failing to promptly respond to the client's grievance; 7) failing to diligently represent a second client; 8) charging for work that respondent never performed and/or by failing to refund unearned fees; 9) failing to diligently represent a third client; 10) charging for work that respondent never performed; 11) failing to have any contact with the client after being hired; 12) failing to promptly respond to the client's grievance.

Decision documents: Hearing Officer's Decision; Disciplinary Board Order Declining Sua Sponte Review Consideration; and Washington Supreme Court Order.

Reprimanded

Gina Marie Guiley (WSBA No. 54521 admitted 2019) of Puyallup, was reprimanded, effective 9/06/2024, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of California. For more information, see https://apps.calbar.ca.gov/attorney/Licensee/Detail/226719. Henry Cruz acted as disciplinary counsel. Gina Marie Guiley represented themselves.

Decision document: The Washington Supreme Court Order. BN

Marketplace

PROFESSIONAL LISTINGS OF INTEREST TO ATTORNEYS IN WASHINGTON

ACCOUNTING

Truepoint Analytics

William N. Holmes
CPA, ABV, CVA, CFE
7128 SW Gonzaga Street,
Suite 100 Portland, OR 97223
PH: 503-270-5400 **FX:** 503-270-5401
EMAIL: info@teamtruepoint.com

- **Fraud and Forensic Accounting**
- **Economic Damages**
- **Business Valuation**
- **Commercial Litigation**
- **Accounting and Tax Malpractice**
- **White Collar Financial Crime**
- **Expert Testimony**
- **Plaintiff and Defense**
- **Full Service Public Accounting**

www.teamtruepoint.com

Forensic Accounting

Robert Loe, CFE, CPA
Licensed in WA, AK, & DC

2400 NW 80th St, #302, King County
Seattle, WA 98117
PH: 206-292-1747
EMAIL: robert@loecpa.com

- **Certified fraud examiner**
- **Forensic accounting**
- **Litigation support**
- **Expert witness testimony**
- **Experienced peer reviewer**
- **Former investigator for state board of accountancy**

www.loecpa.com

MORE ONLINE >
Check out our featured Marketplace listings online at **wabarnews.org/marketplace.**

BUSINESS VALUATIONS

Corporate Valuations, Inc.

Blake J. Runckel
2028 NW Fargo Loop, Camas, WA 98607
PH: 503-235-7777 **FX:** 503-235-3624
EMAIL: brunckel@corpval.com

Corporate Valuations, Inc. is a national business valuation and financial advisory firm founded in 1983. We offer a broad range of valuation services, including corporate valuation, gift, estate, and income tax valuation, buy-sell agreement valuation, financial reporting valuation, ESOP and ERISA valuation services, and litigation and expert testimony consulting. In addition, Corporate Valuations assists with transaction-related needs, including M&A advisory, fairness opinions, and strategic alternatives assessment.

We have provided thousands of valuation opinions for corporations of all sizes in a variety of industries. To paint an accurate picture, the valuation of a business or its underlying assets calls for a combination of science and experience. The business valuation consultants at Corporate Valuations offer practical insight into the strategic, operational and financial affairs of the business–so you can understand the real value–regardless of industry. Our valuation opinions are well-reasoned and thoroughly documented, providing critical support for any potential engagement. Our work has been reviewed and accepted by the major agencies of the federal government charged with regulating business transactions, as well as the largest accounting and law firms in the nation in connection with engagements involving their clients.

www.corpval.com

CVI CORPORATE VALUATIONS

BUSINESS VALUATIONS, CONT.

Silverpine Group, LLC

Richard Reynolds, CVA, MAFF
2009 F Street, Vancouver, WA 98663
PH: 360-600-4968
EMAIL: reynolds@silverpinegroup.com

- **Business Valuation**
- **Forensic Accounting**
- **Minority Discounts**
- **Shareholder Disputes**
- **Litigation Support**
- **Economic Damages and Lost Profits**
- **Personal Goodwill**
- **Intellectual Property**

We provide expert opinions and valuations for corporate planning, litigation, financial reporting, gift and estate planning, tax compliance, divorce, and intellectual property matters. Our team delivers accurate, defensible valuations backed by rigorous analysis and clear documentation. Silverpine Group offers quality valuations and expert testimony that withstand challenge and scrutiny.

www.silverpinegroup.com

SILVERPINE GROUP
VALUATION OPINIONS AND CONSULTING

CONSULTANTS

Investor Claims

Courtland Shafer
Llewellyn & Shafer, PLLC
4847 California Ave. SW, Ste. 100
Seattle, WA 98116
PH: 206-923-2889
EMAIL: courtland@llllaw.net

- Former NASD Series 7, 66 and life/annuity insurance licensed broker/investment advisor.
- Available for consultation and referrals in claims involving broker/dealer error, fraud, and investment suitability.

www.llllaw.net

MORE LISTINGS >

SERVICE CATEGORIES

- Accident Reconstruction
- Accident Reconstruction—Biomechanics
- Accountants
- Accountants—Litigation Support
- Appraisers—Residential Appraisal
- Bar-Focused Issues
- Business Valuations
- Computer and Network Support
- Computer Forensics
- Consultants
- Court Bonds
- Court Reporters
- Estate Planning—Automated Document Drafting & Assembly
- Estate Planning Templates
- Financial Services
- Forensic Accounting
- Handwriting Experts—Handwriting & Document Forensics
- Investigative Services—Surveillance Investigations
- Investigative Services
- Litigation Support
- Litigation Support/Trial Consulting
- Marketing
- Mediation
- Practice Management Services & Software
- Professionals
- Telephone Receptionists
- Video Services
- Virtual Receptionists/Answering Services
- AND MORE

WANT TO PLACE A LISTING IN THE MARKETPLACE?

To learn how, please see the information box on page 53

Marketplace

PROFESSIONAL LISTINGS OF INTEREST TO ATTORNEYS IN WASHINGTON

COURT REPORTERS

Puget Sound Reporting

13516 Meridian East, #732188
Puyallup, WA 98373
PH: (800) 576-7129
EMAIL: psr@pugetsoundreporting.com

Puget Sound Reporting is a premier and trusted provider of court reporting services located in Tacoma. We serve the local Puget Sound area, as well as clients nationwide. We understand that precise court reporting is crucial to legal proceedings, which is why our expert staff is dedicated to delivering accurate transcripts to clients in a prompt and professional manner. We assist with class action lawsuits, serving first responders, paralegals, and lawyers with excellence and accuracy.

www.pugetsoundreporting.com

PUGET SOUND REPORTING

ERISA/RETIREMENT PLANS

ERISA Cavalry PLLC

Thomas Veal
1106 168th Street East, Spanaway, WA 98387
PH: 253-316-7812
EMAIL: TomVeal@ix.netcom.com

Have your clients' retirement plans (or your own) encountered design, administration, tax or litigation issues? Summon the ERISA Cavalry! Tom Veal has over 40 years of ERISA experience. See our website for details.

www.ERISACavalry.com

ERISA Cavalry PLLC

FORENSIC ACCOUNTING

Silverpine Group, LLC

Richard Reynolds, CVA, MAFF
2009 F Street, Vancouver, WA 98663
PH: 360-600-4968
EMAIL: reynolds@silverpinegroup.com

- **Forensic Accounting**
- **Lost Profits**
- **Economic Damages**
- **Intellectual Property**
- **Shareholder & Minority Disputes**

Silverpine Group specializes in forensic accounting for complex cases involving lost profits, economic damages, post-acquisition disputes, intellectual property, patent infringement, contract disputes, and shareholder disputes. Our team produces defensible insights, providing critical support in litigation and financial resolution. We provide quality testimony and financial clarity that withstand challenge and scrutiny.

www.silverpinegroup.com

SILVERPINE GROUP
VALUATION OPINIONS AND CONSULTING

QDRO SERVICES

Law Offices of Tresa A. Sadler, PLLC

Tresa Sadler
16708 Bothell-Everett Hwy, Ste 104
Mill Creek, WA 98012
EMAIL: reception@sadlerpllc.com

Does your client need a QDRO drafted? Contact our office! Our team has over 20 collective years drafting and filing all types of QDROs, including deferred comp, labor union, and military orders.

sadlerlawpllc.com

LAW OFFICES OF
TRESA A. SADLER, PLLC.

PRACTICE MANAGEMENT SOFTWARE

Clio

Affinity Partnerships Team
300-4611 Canada Way Burnaby,
BC V5G 4X3
PH: 1-888-858-2546
EMAIL: affinity.partners@clio.com

Manage everything from intake to invoice with Clio. Clio is a legal technology solution recommended by the Washington State Bar. Members receive a 10% discount on Clio products. Redeem your Member discount at **clio.com/wsba/**.

www.clio.com

Clio

TELEPHONE RECEPTIONISTS

Ruby

Ellie Ricker
PH: 866-611-7829
EMAIL: partners@ruby.com

Unlike staff at typical answering services, Ruby's receptionists engage in real, unscripted conversations while referencing custom information provided by the businesses we represent. The result is exceptional customer and client experience that sounds like it's in-house.

Ruby acts as a seamless extension of your business, delivering unforgettable experiences online and over the phone—24/7, 365 days a year. Through a unique combination of technology, training, and talent, we make it easy for anyone to reach a friendly, helpful representative in seconds.

With the Ruby dashboard and mobile app, you can stay on top of all your communication with callers and website visitors, change your call handling instructions in seconds, set up custom call forwarding, and view your usage. Our platform integrates with tools such as Zapier, Clio Grow and Clio Manage, MyCase, and Grasshopper. Find out how to receive an exclusive 7% discount!

www.ruby.com/campaign/wsba/

ruby

WANT YOUR BUSINESS TO BE FEATURED HERE?

Placing an ad is easy!
To learn more, contact Ronnie Jacko at Big Red M at **503-445-2234** or **ronnie.jacko@bigredm.com.**

Carl T. Edwards

Available for Family Law
Mediation and Arbitration Services

Law Offices of Carl T. Edwards, P.S.
605 First Avenue, Suite 325
Seattle, Washington 98104
(206) 467-6400
Email: rinda@cteps.com
www.cteps.com

Make Sure Your Advertisement Is Seen by
34,000 Legal Professionals!

Washington State Bar News advertising pays off.

- Make your business stand out!
- Display ads, announcements, and listings in Professional Marketplace available in print and online magazine.
- Graphic design assistance available (up to three revisions).

YOUR AD GOES HERE!
Contact us today!
www.bigredm.com | (503) 445-2234

DON'T LET YOUR FIRM GO UNNOTICED.
Reach out today to reserve this and other ad spaces for 2024-2025.

big red M **Ronnie Jacko**
(503) 445-2234
ronnie@bigredm.com

DONATE TO EQUITY & JUSTICE

THE WASHINGTON STATE BAR FOUNDATION

supports Washington State Bar Association programs like Powerful Communities, which provides grants to help ensure access to legal services for people all across the state. Donations also support Diversity, Equity & Inclusion initiatives that help ensure the profession reflects the communities it serves.

THE CAMPAIGN FOR EQUAL JUSTICE

funds 50+ legal aid programs like TeamChild, Northwest Immigrant Rights Project, Legal Counsel for Youth & Children and Columbia Legal Services. Your donation advances civil justice for youth and families and all who suffer the injustices of poverty and systemic racism.

Donate on your license renewal and reaffirm your commitment to equity and justice!

WASHINGTON STATE BAR FOUNDATION

wsba.org/foundation

CAMPAIGN for EQUAL JUSTICE

legalfoundation.org

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

Classifieds

POSITION-AVAILABLE ADS ARE ONLINE

Job seekers and job posters, position-available ads can be found online at the WSBA Career Center. To view these ads or to place a position-available ad, go to **https://jobs.wsba.org**.

A SPECIAL DISCOUNT has been extended to Dec. 31, 2025, for nonprofit, government, and small-firm (10 or fewer attorneys) employers to post position-available ads on the WSBA career center. Please contact Michael Lis at 860-544-5833 or michael.lis@communitybrands.com. Free 30-day postings of jobs for legal professionals in "rural" areas are also available. To determine eligibility for a free posting, please contact memberbenefits@wsba.org with "RURAL EMPLOYMENT OPPORTUNITY" in the subject line.

TO PLACE A PRINT CLASSIFIED AD

RATES, DEADLINE, AND PAYMENT:

WSBA members: $50/first 50 words; $1 each additional word.
Nonmembers: $60/first 50 words; $1 each additional word.

Email text to classifieds@wsba.org by the first day of each month for the following issue (e.g., Jan. 1 for the Feb. issue). Advance payment required. For payment information, see **http://bit.ly/WABarNews**. For questions, email classifieds@wsba.org.

SERVICES

Contract attorney for legal research, analysis, and writing, including technical, scientific, and engineering subjects. Legal research, discovery analysis, and legal argument development. Drafting persuasive letters, memoranda, and briefs. B.S./M.S. Engineering, LL.M. IP Law, M.S. Physics. Leslie English, 206-552-8321, Leslie@LeslieEnglishLaw.com.

Marketing solutions for attorneys and law firms. Our services include website design and development, content marketing, blog and social media management, SEO help, and AI marketing. Licensed attorneys, legal marketers, and web-savvy professionals ready to help. Contact LegalLuster Media, LLC, now: 206-678-5532, dustin@legallustermedia.com, www.Legallustermedia.com.

Attorney websites is all we do! At Defacto-Digital, LLC, we've been helping law firms around the country create more eye-catching and engaging websites and relative content for 20 years. Contact us today at info@defacto-digital.com or 206-678-5532. Please visit www.defacto-digital.com for more information.

Insurance expert witness—Neal Bordenave, J.D., CPCU, RPLU, ARM, AIC. 530-891-8100/530-864-6407, nealbordenave@gmail.com, www.WAInsuranceExpert.com. Extensive expert experience since 2009, 500+ retentions, 100+ testimonies.

FOR SALE

Great opportunity for firm seeking entry in Walla Walla County, or for motivated young attorney to take over established law practice. Highly regarded sole practice of over 35 years for sale. Well-established client base. Would consider staying on for consulting purposes for a period of time. Serious inquiries only. Contact ww.lawoffice.1989@gmail.com.

SPACE AVAILABLE

Downtown Seattle, 1111 3rd Ave., Class A space. Receptionist included, conference rooms, copiers, scanners, gym, showers, bike rack, light rail across the street, several offices available, starting at $1,200/month. Contact 206-294-5060.

VACATION RENTALS

PARIS APARTMENT—at Notre Dame. Elegant 2-bedroom, 2-bathroom apartment, in the heart of Paris. **PROVENCE HOUSE**—in Menerbes. 4-bedroom, 3.5-bathroom house. Incredible views. 503-227-3722 or 202-285-1201; angpolin@aim.com. BN

LIGHTNING ROUND

Robbie Philbrick

BAR NUMBER: 55002

Robbie Philbrick is an operations-driven attorney drawn to digital transformation projects. Right now, the bulk of his workday involves resolving complex registrant conflicts arising from a large antitrust class action settlement. His independent consulting efforts focus on architecting intelligent agile kanban project workflows for SMEs. Robbie takes a discipline-spanning approach to bridge enterprise, technical, and creative domains. He plays piano and guitar for fun, is building a GenAI RPG platform for blended digital-tabletop quests, and will release his first novel on Kindle in Q4 2025 (Echoes from Bardo: Crossing into Fractured Legacies). He is married to the most caring, smartest, and funniest woman ever—who is also a badass nurse at Harborview. They live in South Seattle and have two daughters (ages 3.5 and 1), two dogs (Grizz and Frankie), and a cat (Bear).

What is the biggest regret of your career?
My biggest regret is allowing conventional pressures to shift my definition of success after law school, leading me to pursue a path that didn't align with my original aspirations or values.

What is your biggest success?
My greatest success has been course-correcting from that initial misalignment. On my current path, I can engage with all of my interests to some degree over the course of a workweek—keeping me energized to both pursue professional growth and remain present for my family. Aligning career ambitions with personal priorities is an ongoing process that continually reshapes my definition of success. To me, having the space to simultaneously take pride in my work and fully appreciate my family is a success in itself—perhaps more than any specific accolade or milestone ever could be.

How would you be earning a living if you weren't a lawyer?
My ultimate dream is to work in Major League Baseball management. The blend of data-driven player evaluation and gut instinct in roster construction fascinates me—I'd give my left arm for a shot in the Mariners' front office. Beyond the game and the numbers and the contracts, I'd want to leverage the platform to bring baseball opportunities to underserved communities in the U.S. and abroad. This would allow me to combine my lifelong passion for the sport with a commitment to community development and equal access to sports.

Music is also a passion I'd love to transform into a fulfilling career. It would be a joy to create and record in a studio with friends and share music that resonates with people. BN

Staff illustration

If you had to give a 10-minute presentation on one topic other than the law, what would it be and why? I'd present on Seattle Mariners fandom, exploring the unique joys and challenges of supporting this team.

How do you unwind or recharge after a difficult day? Nothing beats a combo of popcorn, Milk Duds, and a silly show like *Make Some Noise* on Dropout TV to unwind completely.

What is one thing your colleagues may not know about you? I broke my back as a freshman in high school during football season and broke my sternum as a sophomore during a pre-season game of "touch" football. I've stuck to fantasy football ever since—no physical injuries there, but the emotional toll is very real.

What's the best piece of advice you've ever received but ignored? "Save your money." I was eventually ready and willing to heed this advice but realized I still didn't know HOW to save. I found YNAB (You Need a Budget), which instilled in me the maxim: Give every dollar a job. Total game changer.

What's the best place you've ever traveled to? Gillespies Beach on New Zealand's South Island. Standing in one spot, your 360-degree view includes glaciers to the east, a dense temperate rainforest to the north, a long stretch of black sand beach to the south, and the setting sun over the Tasman Sea to the west. It's a stunning convergence of diverse landscapes and nature's perfect panorama.

> WE'D LIKE TO LEARN ABOUT YOU! Email wabarnews@wsba.org to request a questionnaire and submit materials to be used for a hand-drawn portrait.

LawPay®

AN AFFINIPAY SOLUTION

+

PRACTICE MANAGEMENT DISCOUNT NETWORK
PARTICIPANT
WASHINGTON STATE BAR ASSOCIATION

> **I love LawPay!** I'm not sure why I waited so long to get it set up.
>
> *– Law Firm in Ohio*

Trusted by 50,000 law firms, LawPay is a simple, secure solution that allows you to easily accept credit and eCheck payments online, in person, or through your favorite practice management tools.

22% increase in cash flow with online payments

Vetted and approved by all 50 state bars, 70+ local and specialty bars, the ABA, and the ALA

62% of bills sent online are paid in 24 hours

YOUR FIRM LOGO HERE

Trust Payment
IOLTA Deposit

New Case Reference

**** **** **** 9995 ***

TOTAL: $1,500.00

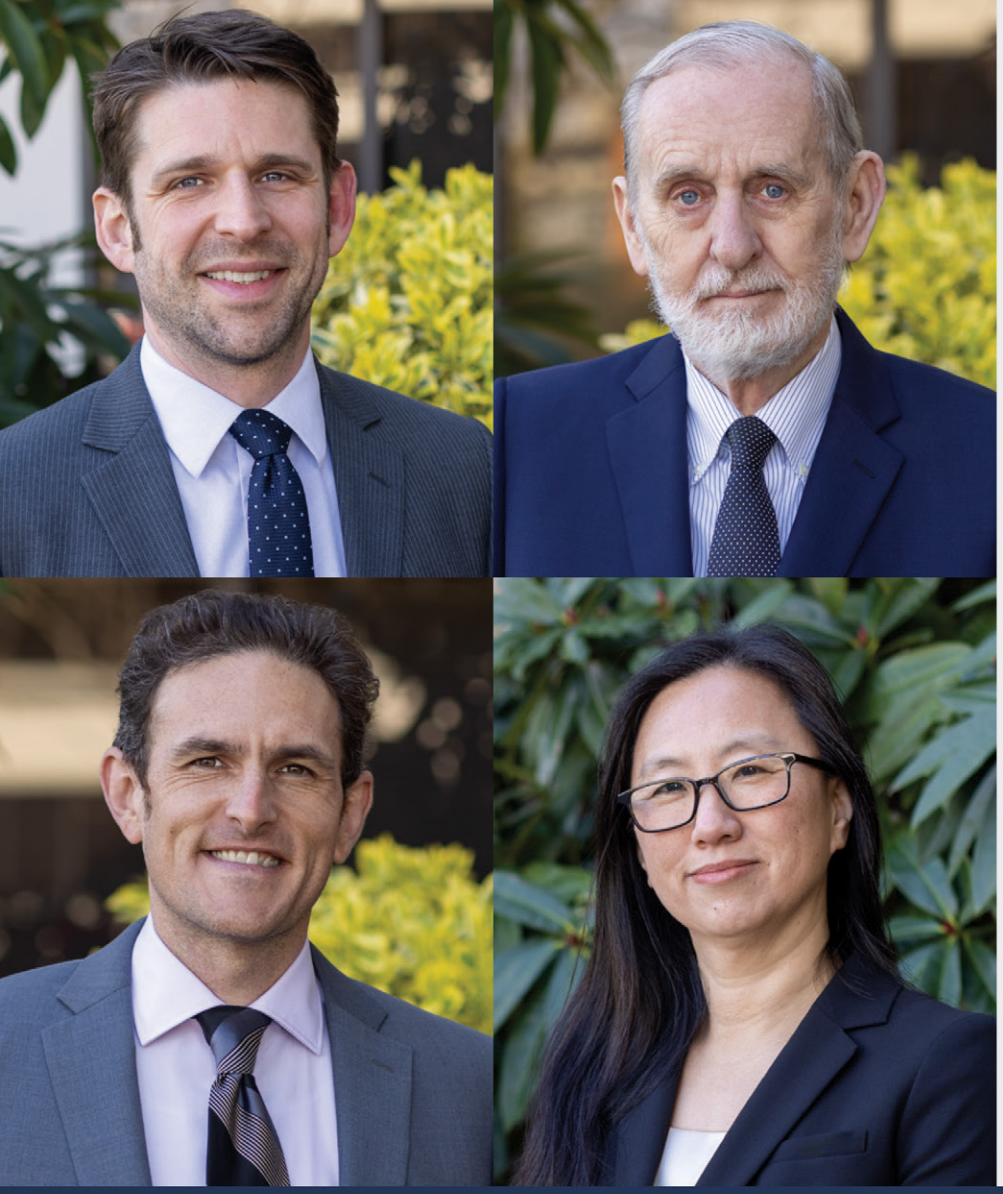
VISA MasterCard AMEX POWERED BY LawPay
eCheck DISCOVER PAY ATTORNEY

Get started at
lawpay.com/wsba
866-730-4140

Data based on an average of firm accounts receivables increases using online billing solutions.

LawPay is a registered agent of Synovous Bank, Columbus, GA., Fifth Third Bank, N.A., Cincinnati, OH, and Wells Fargo Bank, N.A., Canadian Branch, Toronto, ON, Canada.

VOL. 79 • NO. 1 — DEC. 2024/JAN. 2025



CMG LAW

206.443.8600
cmglaw.com

Medical Malpractice

It's All We Do.

Follow us at cmglaw.com/the-cmg-voice