

WASHINGTON STATE BarNews

THE OFFICIAL PUBLICATION OF THE WASHINGTON STATE BAR ASSOCIATION



Committed to Community

An interview with Washington
Supreme Court Justice
Salvador A. Mungia / p. 29

ALSO INSIDE

FEATURE

Full list of 2024 WSBA
volunteers / p. 34

COLUMN

Ethics: Compensating
fact witnesses / p. 16

FEATURE

Seeking support for
grief after loss / p. 25

APRIL/MAY 2025
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FEATURES



25

Wellness After Grief and Loss

→ BY PATRICK J. PRESTON

34

The WSBA Celebrates National Volunteer Week: April 20-26, 2025

Learn ways to get involved with your Bar and find a list of 2024 WSBA volunteers

→ BY WSBA STAFF



COVER STORY

29

Committed to Community

An interview with new Washington Supreme Court Justice Salvador A. Mungia

→ BY ELIZABETH PORTER



ANSWER OUR Q&A

Beyond the Bar Number

If you'd like to see yourself in *Bar News*, let us know! We would love to send you a questionnaire. wabarnews@wsba.org.



COLUMNS

- 4 **Editor's Note**
Three Cheers For Volunteers
BY KIRSTEN LACKO
- 12 **Bar in Brief**
Rule of Law Ambassadors: Let's Come Together to Build Confidence in Our Legal System
BY TERRA NEVITT
- 14 **President's Corner**
The Rule of Law: The Historic Role of Lawyers as Defenders and a New Opportunity as Rule of Law Ambassadors
BY SUNITHA ANJILVEL
- 16 **Ethics & the Law**
Fair Pay: Compensating Fact Witnesses
BY MARK J. FUCILE
- 21 **Innovation in Law**
Access to Justice: From Crisis to Change
BY JORDAN L. COUCH

ESSENTIALS

- 7 **Inbox**
- 11 **NWSidebar: There's More on the Blog**
- 38 **On Board**
- 40 **In Remembrance**
- 42 **Need to Know**
- 47 **Discipline & Other Regulatory Notices**
- 48 **Marketplace of Professionals**
- 55 **Classifieds**
- 56 **Beyond the Bar Number: Tyler O'Brien**

Three Cheers For Volunteers

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.

All opinions, statements, and conclusions expressed in submitted articles, editorial comment, and letters to the editor appearing herein represent the views of the respective authors and do not necessarily carry the endorsement of the WSBA, its Board of Governors, or individual members of the Washington Bar. Publication of articles, editorial comments, or letters to the editor is not to be deemed an endorsement of the opinions, statements, and conclusions expressed by the author(s). Likewise, the publication of any advertisement is not to be construed as an endorsement of the product or service offered unless it is specifically stated in the ad that there is such approval or endorsement.

In honor of National Volunteer Week (April 20-26), this issue recognizes the nearly 1,000 volunteers who contributed to the WSBA in 2024. These people performed a wide variety of work for the organization, including presenting CLEs, researching member well-being, reviewing court rules, serving on the Character and Fitness Board, and much more. In this magazine, for instance, there is often at least one article or element developed or written by a member of the WSBA's

Editorial Advisory Committee. Much of the work toward furthering the WSBA's mission would not be possible without these volunteers. See the full list of names and find out more about how you can get involved on page 34.

This month's cover story is an interview with the newest Washington Supreme Court justice, Salvador Mungia. Justice Mungia talks about what inspired him to pursue law school, what it's like shifting from law practice to serving as a justice, and recommendations for lawyers advocating before the court. Read more on page 29.

Also in this issue, Patrick Preston shares his experience seeking grief support through his employer's EAP (page 25), Mark Fucile discusses considerations

for compensating fact witnesses (page 16), Jordan Couch offers thoughts on how to better tackle our state's access-to-justice crisis (page 21), and Executive Director Terra Nevitt highlights the WSBA's new Ambassador Program (page 12). [BN](#)

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



ON THE COVER
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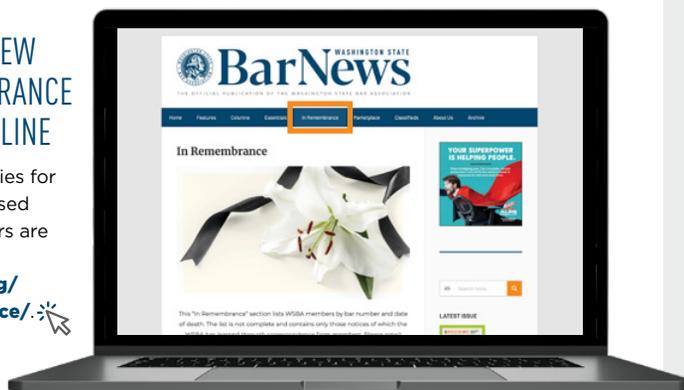
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VISIT OUR NEW IN REMEMBRANCE SECTION ONLINE

Longer obituaries for recently deceased WSBA members are now online.

wabarnews.org/in-remembrance/



Creating a Stable, Sustainable License Fee Philosophy

The WSBA Board of Governors is considering a “soft landing” license-fee philosophy, which would keep pace gradually with the actual cost of business to avoid larger deficit cliffs—requiring steep fee increases—in the future.

WSBA leaders have made it a priority to keep license fees steady while maintaining high levels of regulatory and service standards. This year marks the sixth consecutive licensing season with no increase to attorney license fees.

How? Through a series of strategic decisions that maximized operational savings and revenue. For instance, the WSBA’s newly renegotiated office lease, with a 45 percent reduction in square footage, saves \$900,000 per year for the next decade compared to the previous lease. We have also benefited from unexpectedly high returns on investments and careful use of reserve funds.

At the same time, the complexity of the WSBA’s work continues to grow. This work includes requisite technology replacements and security upgrades, implementation of complicated initiatives like the new pathways to licensure and pilot for entity regulation, and urgent member-driven priorities like supporting rural practitioners.

All told, the WSBA has been doing more with less. License fees are, by far, our primary source of revenue, and the rate of membership growth has not kept pace with the rising cost of business. Put another way: If license fees had mirrored inflation for the past decade, an active lawyer would pay \$705 this renewal cycle.

We have hit the limits of financial sustainability under this model. The question is not if the license fee will need to



WHAT’S NEXT?

WE WANT TO HEAR FROM YOU!

- > Does this “soft landing” approach to the license fee make sense to you?
- > What do you want the WSBA to know about how the annual license fee impacts you and your practice?
- > Do you have other suggestions about how to shape a license fee philosophy that will provide predictability and consistency for members while maintaining the financial stability of the bar into the future?

BY MAY 26, 2025: Please send your input to BoardFeedback@wsba.org.

increase, but when and how. Toward that end, the Board is coalescing around a license-fee philosophy that will avoid steep intermittent fee hikes, allow flexibility, reflect the changing value of the dollar, and continue to respect members’ pocketbooks.

HERE’S THE PROPOSAL

Under the proposed new philosophy, the Board would use three steps to set the license fee each year:

- 1. Apply a market factor.** The current year’s license fee will be adjusted using the most recent Washington Department of Labor & Industries Cost of Living Adjustment (COLA). This will ensure the license fee continues to adjust annually to reflect the actual cost of doing business to avoid a steep funding spike in future years.
- 2. Adjust to support overall programming needs and changes in membership.** This includes a comprehensive analysis of expected changes in revenue and expenses for the coming year.
- 3. Mitigate through use of available reserves.** The Board retains and frequently exercises its option to strategically spend down the general fund reserves to offset the license fee. This allows us to prioritize license-fee stability for members as a short-term strategy.



SCAN TO LEARN MORE OR VISIT >

www.wsba.org/fee-philosophy

The Washington State Bar Foundation is pleased to announce the 2025 Powerful Communities grant recipients. Since its inception, 75 grants totaling \$264,000 have been awarded to organizations all over Washington state.

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These grants help jumpstart new community-based projects and/or expand existing programs that benefit and provide services to people who are denied justice due to systemic oppression.

To support Powerful Communities or other WSBA programs that the Foundation supports, visit our webpage:

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BarNews

Washington State Bar News Submission Guidelines

Washington State Bar News relies on submissions from WSBA members and members of the public that are of interest to readers. Articles should not have been submitted to any other publications and become the property of the WSBA. Articles typically run 1,000-2,500 words. Citations should be incorporated into the body of the article and be minimal. Please include a brief author's biography, with contact info, at the end of the article. High-resolution graphics and photographs (preferably 1 MB in size) are requested. Authors should provide a high-resolution digital photo of themselves with their submission. Send articles to wabarnews@wsba.org. The editor reserves the right to edit articles as deemed appropriate. The editorial team may work with the writer, and the editor may provide additional proofs to the author for review.

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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.

Reevaluating Barriers to Success

In her article "Toppling the Barriers to Success for Asian American Female Litigators" [*Bar News*, February 2025] Adriena Clifton alleges that she has suffered personal barriers to success in the legal profession. But what barriers is Ms. Clifton talking about? Being female? Women are in positions of power. For instance, there are many female judges in the courts, including on the Washington Supreme Court and the United States Supreme Court. Being Asian? Asians have some of the highest IQs in the world and excel at intellectual endeavors. These two "barriers," gender and race, haven't kept



Ms. Clifton down. From her self-description she appears to have a flourishing legal practice as a corporate and real estate attorney. Further, she states, "I have fought against stereotypes to be my strong-willed, outspoken, daring, bulldog self." So much for the author's alleged hindrances and oppression. The one slight that Ms. Clifton describes is being mistaken in court as the translator. She seems to be

CONTINUED >

insulted at this innocent mistake and implies that translators are beneath her status as an attorney. How elitist and petty. A little more respect for equality is in order.

The author quotes with approval the following from the Asian Pacific American Bar Association: “We conclude that Asian Americans would benefit greatly from more institutional supports that counteract stereotypes and facilitate relationship building, development of soft skills, and leadership opportunities.” If this vague mishmash means herding people into seminars and workshops to harangue them about implicit bias, then that is coercive and only causes resentment. Crusades against implicit bias are nothing more than politically correct thought control. People have a right to their biases. It is called freedom of thought.

Lawyers should get off the victimhood bandwagon. Lawyers are accomplished professionals in society, not victims. DEI and woke philosophies pit people against each other. Lawyers should stop playing the gender and race cards and just do good legal work.

Patricia Michl
Ellensburg



Alternatives To Bar Funding

The February 2025 issue of *Washington State Bar News* reached my desk four days ago. I found the article on pages 22-24 about the possible license fee increase, something that did surprise me as I had expected in the back of my mind. I have followed the articles for the past couple of years about the budget. I brought before the Board of Governors the idea of moving the office out of downtown Seattle and suggesting Leavenworth as an alternative. Apparently, instead of giving serious thought to moving the office, the Board settled on a reduced lease for reduced space in Seattle. The financial issues were “just kicked down the street” and will have to be addressed again when the lease expires.

The budget difficulties are

still there and getting worse. I believe that a solution is right before the Board and the administration. The answers are not in the history, philosophy, English, psychology, and similar courses which college

advisors told pre-law students to take. One had to go the next building and up two floors to find the classes that a future lawyer really needed in the undergraduate level—the business school. Since I have a degree in business management and many years of practicing bankruptcy law, my mind went to proposing a solution to the financial problem.

For my purposes, I will assume that there are 40,000 lawyers paying \$458 each for their license fee. (The reduced number accounts for those who pay less and/or do not pay the fee because of their status.) $\$458 \times 40,000 = \$18,320,000$.

The second door down the floor is the marketing department. The first question the marketing department will ask is “What product and/or service do you have to sell to the 40,000 potential customers?” The answer is the right to practice law in

Washington for a year.

When I was running for governor from District 2, I wrote a statement about what I would be interested in working on. I said: “There are 29 sections; if only 20 sections presented a seminar, sponsored and advertised to the whole Bar, the profits should be sufficient to replace the need for a fee increase.”

How does it work? I chose to use only 20 sections because there are probably some sections that are unable and/or unwilling to present to certain attorneys; e.g., prosecutors do not want to teach defense attorneys all of their tricks; likewise defense attorneys do not want to teach prosecutors all of their tricks.

If a different section put on a seminar every two to three weeks, there would be a wide variety of subjects on a regular basis, providing lots of opportunities for lawyers to meet their continuing legal education requirements.

Since this proposal will require more lawyers to be presenters at seminars, it will match President Sunitha Anjilvel’s attempts to get more people involved in the Bar Association.

Peter H. Arkison
Bellingham

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There's More on the Blog

NW Sidebar

THE VOICES OF WASHINGTON'S LEGAL COMMUNITY



Federal Court Surveys 'Actual Innocence' Requirement For Legal Malpractice Claims from Criminal Cases

The federal court in Tacoma recently surveyed the "actual innocence" requirement for legal malpractice claims arising from criminal cases and a related exception to that rule. *Neaman v. Washington State Department of Corrections*, 2025 WL 672642 (W.D. Wash. Mar. 3, 2025) (unpublished), involved, in relevant part, a malpractice [...]

nwsidebar.wsba.org



Oregon Issues Ethics Opinion on AI in Law Practice

The Oregon State Bar's ethics opinion, OSB Formal Opinion 2005-205, aligns with ABA Formal Opinion 512 on artificial intelligence in law. It emphasizes competence and confidentiality, advising lawyers to understand AI tools and their contractual confidentiality assurances. Both opinions provide timely guidance amid evolving [...]

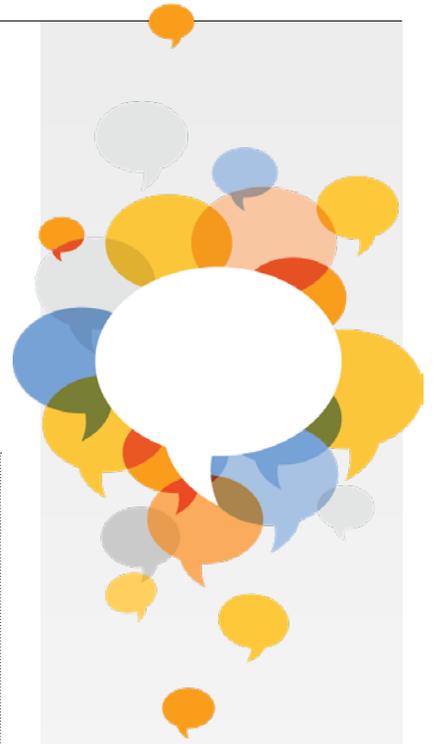
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Idaho Codifies 'Entire File' Approach When Withdrawing

Under ABA Model Rule 1.16(d), lawyers must surrender client papers upon withdrawal, but the definition of "papers and property" is unclear. Following this ambiguity, states have generally adopted two approaches: the "entire file" approach, which requires lawyers to provide all materials, and the "end product" [...]

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A NOTE FROM THE WSBA EXECUTIVE DIRECTOR

Rule of Law Ambassadors:

Let's Come Together to Build Confidence in Our Legal System

For most of my adult life, American society has felt divided. At any given time, roughly half of us seem to feel deeply fearful for the future of our country. Like many, when I am out in the community, I find myself drawn to like-minded people. It feels good to have my fears and anger validated by others. At the same time, I find that it becomes harder and harder to understand the perspectives of those who see the world fundamentally differently.

Research bears out my experiences. A new comprehensive study from NORC at the University of Chicago¹ shows that we are becoming profoundly polarized across the nation; in fact, the only thing it seems like we can universally agree on is a deep and growing distrust of the government and our fellow citizens.

The name of that study is “Civic Cynicism in the United States.” *Civic cynicism*—from my viewpoint as a lawyer, is one of the most alarming trends I can imagine for our profession and country. Legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. When we stop valuing and heeding our system of government—built on the foundational pillar of a free and independent judiciary—it goes away.

Legal professionals have a unique obligation that is underscored in times like these. It is written into the preamble of Washington’s Rules of Professional Conduct,² which calls out lawyers’ “special responsibility for the quality of justice,” which includes “furthering the public’s understanding of and confidence in the rule of law and the justice system” and playing “a vital role in the preservation of society.” It is written into the Washington Court Rules³ that they establish the purpose of the State Bar: to promote “independence of the judiciary and the legal profession” and “understanding of and respect for our legal system and the law.”

More fundamentally, this is an obligation written into the hearts of legal professionals. And I have heard from many of you in recent months, earnestly and urgently asking how we can individually and collectively combat growing civic cynicism, especially as it threatens to erode the rule of law. This was the case in November, when the legal community asked how to promote and defend free and fair elections. This was the case in January,

when the legal community asked how to uphold the peaceful transfer of power. This was the case in March, when the legal community asked how to support an independent legal profession in the face of several executive orders targeting lawyers and law firms for doing their work. (See the WSBA Board of Governors’ Statement in Support of an Independent Legal Profession Free from Government Retaliation.⁴)

“What can we do?” so many have asked, and “How can the Bar support the legal community?” Or, as the Board of Governors said in their statement: “*If lawyers and judges are not willing or able to defend liberty and freedom for all people under the law and Constitution, who will?*”

We hope to provide you with an outlet for those feelings and questions as the WSBA launches its Rule of Law Ambassador Program. The initiative has been in the works since February 2024, and the focus is nonpartisan—in fact, the purpose is to *unite* legal practitioners across the political spectrum to demonstrate to Washingtonians that the rule of law serves *all* of us. Our concern stems not from who is currently in power; it stems from the deep divide, apathy, and cynicism that is affecting U.S. citizens, causing them to devalue and turn away from our basic tenets of democracy.

Here are some of our key ambassador messages: *The same laws apply to everyone, and everyone is treated equally under the law; government power is bound by law; and human rights are guaranteed to all.* This is the promise of the rule of law, and that is what we strive for in Washington state.

The WSBA Board of Governors has adopted the public ambassador function as one of their official roles and responsibilities. The Rule of Law Ambassador Program will equip volunteer legal professionals to take part, as well. We are creating a toolkit that volunteers can use to educate and engage with their communities. The toolkit will include presentation templates and speaking points, best-practice guidance regarding community engagement, and tips for combatting conversational misinformation. The long-term goal is to develop resources to empower legal professionals to build community relationships to get to the root



Terra Nevitt

*WSBA Executive
Director*

Nevitt can be reached at terran@wsba.org or 206-727-8282.

MORE INSIDE

For a historic perspective on how lawyers and judges have been called on to be rule of law ambassadors—and defenders in times of crisis—see the President’s Corner on page 14.

MORE ONLINE >

The WSBA invites you to join its volunteer Rule of Law Ambassador Program, which will equip volunteer legal professionals to educate their local communities about the importance of an independent legal profession as a cornerstone of U.S. democracy and to build relationships to increase trust and confidence in the rule of law. We are kicking off the program with coordinated events on Law Day, May 1, for lawyers to publicly recommit to their professional oath to uphold the Constitution. To learn more and volunteer, visit www.wsba.org/ambassadors.

of public mistrust of the legal system.

One of the major focuses of the ambassador program will be the U.S. Constitution. Our intent is to ground our volunteers in constitutional law so they are prepared to educate community members, secure its continuing authority as the foundation of our democracy, and uphold the inherent rights it guarantees to all. Toward that end, we are kicking off the Rule of Law Ambassador Program with a public show of support for the Constitution. On Law Day, May 1, an initial cohort of ambassadors—legal leaders across the state—will invite you to retake your professional oath, emphasizing your responsibility to support the federal and state constitutions. In essence, we want to say to Washingtonians: The Washington legal community is not polarized when it comes to defending the rights and liberties of everyone.

Does this work sound important to you? Would you like to join us to take a step toward overcoming growing civic cynicism? Please join us as a Rule of Law Ambassador. Visit www.wsba.org/ambassadors to sign on and find a Law Day kickoff event near you. **BN**

NOTES

1. www.norc.org/research/projects/civic-cynicism-united-states.html.
2. www.courts.wa.gov/court_rules/pdf/RPC/GA_RPC_PREAMBLEANDSCOPE.pdf.
3. www.courts.wa.gov/court_rules/pdf/GR/GA_GR_12_02_00.pdf.
4. www.wsba.org.



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The Rule of Law:

The Historic Role of Lawyers as Defenders and a New Opportunity as Rule of Law Ambassadors

Greetings from your Bar president! Spring in the Pacific Northwest always feels like an awakening. If you are feeling similarly energized, I invite you to channel some of that renewed *spring* in your step for the good of our profession and democracy. The WSBA's Rule of Law Ambassador Program, which has been in the works for the past year, will launch on Law Day, May 1.

We want to empower legal practitioners—you—to be community leaders and to spread accurate information and build relationships to increase trust in the legal system. We want to empower you to help your friends and neighbors understand the critical importance of an independent legal profession as the cornerstone of our democracy. We want to empower you with knowledge to defend the rule of law, especially as we encounter efforts to erode it.

As the Board of Governors said in a recent statement:¹ "If lawyers and judges are not willing or able to defend liberty and freedom for all people under the law and Constitution, who will?"

To put this question in historical context, it is my pleasure to interview Hugh Spitzer about when and how lawyers have been called upon to uphold their highest ambassadorial obligation to preserve the rule of law. Professor Spitzer is mostly retired from the University of Washington School of Law, where he taught constitutional law, classical Roman law, and professional responsibility.

Please take a journey through history with us, and I hope you will be inspired to step up as a Rule of Law Ambassador.

SA: What does the "rule of law" really mean?

HS: The "rule of law" is an ideal of political philosophy that emphasizes the primacy of law, rather than arbitrary action, in the political system. In the modern version, "rule of law" has a few key elements: The same laws apply equally to political leaders and community members; the government itself is bound by law; government powers are separated among political actors; the judicial function is independent; and basic human rights are guaranteed to all.

SA: How far back in history does the "rule of law" concept go?

HS: This concept has been around for thousands of years, in virtually every culture—ancient Egypt, China, Persia, Greece, and Rome, for example. The most basic ideas are that the leaders of a political community are subject to fundamental moral, religious, and legal principles, and that they forfeit their right to rule if they ignore those principles.



Sunitha Anjilvel
WSBA President

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



Hugh Spitzer

is a mostly retired University of Washington School of Law professor.

MORE INSIDE

To learn more about the Rule of Law Ambassador program being launched by the WSBA, read the Bar in Brief column on page 12.

SA: Can you share examples from history where the rule of law was undermined? What were the immediate and long-term consequences for those societies?

HS: Lord Shang, who served as prime minister to the fourth century BCE Duke Xiao of Qin [now part of modern-day China], complained that the duke's heir-apparent had violated the law and wrote that "violations by the upper class are why the law cannot be implemented." During the Roman civil wars of the first century BCE, several authors observed that the breakdown of Republican institutions was exemplified by armed gangs attacking elected officials and shutting down the courts.

The Roman Republic's legal system divided power between many separately elected officials, several of whom oversaw dispute resolution processes. But independent "jurists," or legal thinkers, wrote about and helped develop complex legal topics over the centuries. They also wrote legal treatises and provided legal opinions to lawyers, judges, and government officials.

These jurists were strongly committed to the law as a body of concepts superior to any individual political actors. But starting in the first century CE, Rome gradually became more authoritarian as emperors consolidated power. A number of Roman legal thinkers paid the ultimate price for continuing to insist that the ruler himself was subordinate to law. For example, the Emperor Caracalla had the respected jurist Papinian killed in 212 CE when Papinian refused to issue a legal opinion justifying Caracalla's murder of his own brother. The death of Papinian can be treated as one symptom of the crumbling empire in the third century.

In our direct legal tradition, there were serious consequences for English kings who asserted that they were above the law. Charles I lost his head in 1649 because he tried to assert one-man rule, ignoring Parliament and transgressing on the people's rights. Forty years later, James II was deposed and replaced for ignoring English constitutional principles.

Our own Declaration of Independence proclaimed that the 13 colonies were seceding from Britain because George III ignored the British Constitution and the rule of law. The Declaration charges George III with many transgressions, including his refusal to assent to properly enacted

laws, interfering with colonial legislative bodies, obstructing the administration of justice, making judges “dependent on his Will alone, for the tenure of their offices, and ... payment of their salaries,” and rendering the military “independent of and superior to the Civil power.” In other words, the Americans declared that they were seceding from Britain because the king was consistently violating the rule of law.

SA: What happens when the independence of the judiciary is not respected? Are there historical examples where the erosion of judicial independence led to significant political changes?

HS: As I mentioned earlier, the Romans equated the rule of law with the courts being open and available for business. The English King James I sidelined Sir Edward Coke and then fired him as chief justice of the King’s Bench in 1616, because Coke insisted that the king himself was subject to the Common Law. Coke was also issuing specific rulings that the king disliked. This firing was resented nationwide because people thought the king was tampering with justice. Coke’s ideas ultimately won, contributing to victory of parliamentary authority over royal powers later in the 17th century.

Throughout history, successful dictators crippled independent judiciaries and silenced lawyers who represented their opponents. We saw Hitler do that in the 1930s, and both Russia’s Putin and China’s government doing the same thing in recent history. One recent example of a fight to maintain judicial independence is in Pakistan, where in 2007 President Pervez Musharraf tried to unconstitutionally suspend the chief justice of that country’s supreme court. This led to a massive lawyers’ “Black Coat” revolt, where lawyers went on strike and staged massive demonstrations, dressed in their black robes, to force the reinstatement of the chief justice. This movement led to a change in government, but unfortunately the pressure on Pakistan’s independent court system has resumed. [BN](#)

NOTE

1. <https://wsba.org/news-events/media-center/media-releases/statement-in-support-of-an-independent-legal-profession-free-from-government-retaliation>.

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FAIR PAY:

Compensating Fact Witnesses

BY MARK J. FUCILE



Fact witnesses can make a critical difference in a case. Their role varies with any given litigation. In one instance, the witness might be a bystander to an automobile accident who can say whether the light was green or red. In another, the witness may be a former employee who can provide the “institutional memory” of why a company involved in litigation did or did not take particular action in the past. Although fact witnesses who are subpoenaed for a deposition or

trial are entitled to statutory witness fees, those are modest in both state and federal court and usually do not compensate the witness fully for the time involved.¹ RPC 3.4(b) generally permits a fact witness² to be paid for preparing and testifying beyond statutory fees as long as the compensation is for the time involved and related expenses rather than as an inducement to testify in a particular way.³

In this column, we will first briefly survey the development of RPC 3.4(b) in Washington for context. We will then turn to the dividing line between reasonable

compensation and impermissible inducement. We will conclude with a discussion of the consequences for violating RPC 3.4(b).

Before we do, three qualifiers are in order.

First, for simplicity, we will address fact witnesses who are unrepresented. RPC 4.2 governs contact with represented “persons” and in some circumstances key witnesses may be represented.⁴ When a witness is represented, the lawyer seeking the testimony can ordinarily coordinate the witness’s appearance for a deposition, hearing, or trial through the witness’s law-

yer—including any compensation beyond statutory fees.⁵

Second, interacting with unrepresented fact witnesses can involve a wide spectrum of sensitive issues beyond compensation ranging from avoiding giving them legal advice⁶ to not improperly invading an opponent's privilege when talking with a former employee.⁷ By focusing on compensation here, these other areas should not be overlooked.

Third, although we will focus on the compensation element of RPC 3.4(b) here, it is important to remember that the Washington rule, like its ABA Model Rule counterpart, also prohibits a lawyer from falsifying evidence and counseling or assisting a client to testify falsely. ABA Formal Opinion 508 (2023), which is available on the ABA website, addresses these other aspects of the rule in detail.

CONTEXT

RPC 3.4(b) is straightforward:

A lawyer shall not:

...

(b) ... offer an inducement to a witness prohibited by law.

The Washington RPC mirrors its ABA Model Rule counterpart. Both trace their lineage to former ABA DR 7-109 (1969) and its still earlier predecessor, ABA Canon 39 (1928).⁸ In many respects, the most significant practical development in the history of the Washington rule was the adoption of ABA Model Rule Comment 3 in 2006 explicitly confirming that it is permissible to pay a witness's expenses:

With respect to paragraph (b), it is not improper to pay a witness's expenses[.]”⁹

The ABA in Formal Opinion 96-402 (1996) found that, read fairly in light of the history of the rule, compensation can include both out-of-pocket expenses and the reasonable value of time loss. The WSBA took the same general approach in Advisory Opinion 1908 (2000).¹⁰

REASONABLE COMPENSATION

Although the term “reasonable” suggests an objective standard, both the ABA and the

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WSBA opinions just noted concluded that what is reasonable compensation in any given case will vary with the circumstances. The Washington opinion, for example, was painted against the backdrop of compensating a treating doctor who was testifying as a fact witness for time loss. ABA Formal Opinion 96-402 concluded that reasonable compensation usually turns on the direct economic loss experienced by the witness expressed in terms of the hourly wage or professional

compensation at the time of his retirement, adjusted for the passage of time.¹⁴

ABA Formal Opinion 96-402 does not distinguish between time actually spent testifying and related preparation—including reviewing relevant documents.¹⁵

Although not required, prudent practice suggests requiring and maintaining documentation of both the basis and the record of payment.

IMPROPER INDUCEMENT

By contrast, offering to pay a fact witness for the content of the witness's testimony is prohibited by RPC 3.4(b).¹⁶

In a recent Washington case, for example, a lawyer representing the plaintiffs in a commercial case offered that his clients would share the proceeds of a successful recovery with a fact witness if the witness's testimony conformed to talking points the lawyer suggested. After this conversation surfaced during the witness's deposition, the lawyer was disqualified and later resigned his law license in lieu of disbarment.¹⁷

Improper inducements can involve more than simply money. A Washington lawyer, for example, was disbarred for pro-

Beyond discipline, lawyers offering improper inducements have been disqualified and the testimony involved has been excluded—both as sanctions for the misconduct involved.

fees that the witness would otherwise have earned for the time involved.¹¹ A federal court in New York, for example, held that a fact witness was appropriately compensated at \$125 per hour because that was the rate he charged in his consulting business.¹²

When a fact witness is not employed—for example, a retired employee of a litigant—the ABA opinion suggests that compensation for time loss should be calculated using “all relevant considerations.”¹³ A federal court in Michigan, for example, found nothing improper with paying a retired employee at an hourly rate that reflected his

viding whiskey to a witness with a known drinking problem to induce favorable testimony at the trial of a real estate dispute.¹⁸

Improper inducements under Washington RPC 3.4(b) have also extended to offers intended to silence witnesses altogether. A Washington deputy prosecutor, for example, was found to have violated RPC 3.4(b) by offering to drop charges against a co-conspirator if the witness invoked the Fifth Amendment to preclude possible testimony favorable to the target's defense.^{19, 20}

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CONSEQUENCES

As the Washington cases just discussed illustrate, serious regulatory discipline—including disbarment—has been imposed for offering witnesses improper inducements.²¹

Beyond discipline, lawyers offering improper inducements have been disqualified and the testimony involved has been excluded—both as sanctions for the misconduct involved.²² In other circumstances approaching—but not reaching—improper inducements, courts have suggested bias instructions if a payment, while not violating RPC 3.4(b), reasonably appears disproportionate to the time involved.²³

At least where the client was not complicit in the lawyer's improper inducement, the client may have their own remedies against the lawyer ranging from malpractice to fee forfeiture if, for example, the lawyer is disqualified for offering an improper inducement.²⁴ [BN](#)

relationship. See generally *Bohn v. Cody*, 119 Wn.2d 357, 363, 832 P.2d 71 (1992) (test for determining attorney-client relationship).

7. See *Newman v. Highland School District No. 203*, 186 Wn.2d 769, 381 P.3d 1188 (2016) (demarcating the boundaries for privilege between current and former employees).
8. See generally ABA, *A Legislative History: The Development of the ABA Model Rules of Professional Conduct, 1982-2013* at 483-91 (2013) (history of the ABA Model Rule); Thomas R. Andrews, *The Law of Lawyering in Washington* §11.C.2 (2012) (history of the Washington rule). See also *Restatement (Third) of the Law Governing Lawyers* § 117 (2000) (taking an approach similar to the ABA Model Rule).
9. See Supreme Court Order 25700-A-851 (July 10, 2006) (adopting amendments to the text of the Washington RPC and adopting official comments); WSBA, *Reporter's Explanatory Memorandum to the Ethics 2003 Committee's Proposed Rules of Professional Conduct* 182 (2004) (recommending adoption of the ABA Model rule comment); see also Robert H. Aronson, "An Overview of the Law of Professional Responsibility: The Rules of Professional Conduct Annotated and Analyzed," 61 *Wash. L. Rev.* 823, 868 (1986) (noting the absence of the accompanying comment when Washington adopted RPC 3.4 in 1986).
10. For a national collection of ethics opinions addressing this area, see ABA, *Annotated Model Rules of Professional Conduct* 426-27 (10th ed. 2023) (ABA Annotated Model Rules).
11. ABA Formal Op. 96-402, *supra*, at 3.
12. *Prasad v. MML Investors Services, Inc.*, 2004 WL 1151735 at *5-*7 (S.D.N.Y. May 24, 2004) (unpublished).
13. ABA Formal Op. 96-402, *supra*, at 3.
14. *Consolidated Rail Corp. v. CSX Transp., Inc.*, 2012 WL 511572 at *3-*13 (E.D. Mich. Feb. 16, 2012) (unpublished).
15. ABA Formal Op. 96-402, *supra*, at 2. See, e.g., *Centennial Management Services, Inc. v. Axa Re Vie*, 193 F.R.D. 671, 682 (D. Kan. 2000) (citing the ABA opinion); *Smith v. Pfizer Inc.*, 714 F. Supp.2d 845, 852-53 (M.D. Tenn. 2010) (same).
16. At the extreme, conduct violating RPC 3.4(b) may also—depending on the circumstances—constitute bribery or witness tampering under applicable criminal law. See RCW 9A.72.090 (bribing witness); RCW 9A.72.120 (witness tampering); 18 U.S.C. § 201(b)(3) (bribing witness); 18 U.S.C. § 1512 (witness tampering). See, e.g., *Matter of Simmons*, 110 Wn.2d 925, 929, 757 P.2d 519 (1988) (finding overlap of RPC violations and bribery and witness tampering statutes). RPC 8.4(a) prohibits a lawyer from violating the RPCs through the acts of another. In *Wagner v. Lehman Brothers Kuhn Loeb, Inc.*, 646 F. Supp. 643 (N.D. Ill. 1986), a lawyer was disqualified when the improper inducement was made by the lawyer's client with the lawyer's

NOTES

1. See RCW 2.40.010 - 030 (witness fees and mileage/travel expenses in state court); 28 U.S.C. §1821 (same for federal court).
2. Comment 3 to RPC 3.4 uses the term "occurrence" witness when referring to fact witnesses. While the latter is arguably broader than the former (see *Black's Law Dictionary* 12th ed. 2004 ("fact witness")), the intent here is to use them interchangeably.
3. RPC 3.4(b) also governs compensation of expert witnesses. It generally allows broad latitude for expert witnesses as long as the expert's compensation is not contingent on the outcome of the case involved. See *Blair v. Washington State University*, 108 Wn.2d 558, 574-75, 740 P.2d 1379 (1987) (discussing former CPR DR 7-109(C) and RPC 3.4(b)).
4. For a discussion of whether an employee is "represented" in the organizational context, see *Wright v. Group Health Hospital*, 103 Wn.2d 192, 691 P.2d 564 (1984), and RPC 4.2, cmt. 7.
5. See also WSBA Advisory Op. 201502 (2015) (discussing process server contact with a represented person).
6. As framed by RPC 4.3, a lawyer is prohibited from giving legal advice to an unrepresented person (other than a recommendation to retain counsel) "if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client." Even when not technically prohibited by RPC 4.3, prudent practice suggests not giving legal advice to an unrepresented person to avoid inadvertently creating an attorney-client

knowledge. For a survey of cases nationally involving improper inducements, see ABA Annotated Model Rules, *supra*, at 425.

17. *Ota v. Wakazuru* 2023 WL 1962363 (Wn. App. Feb. 13, 2023) (unpublished) (recounting underlying facts); *In re Palumbo*, WSBA Disciplinary Bd. No. 24#00043, July 17, 2024 (resignation in lieu of disbarment) (available in the disciplinary notices section of the WSBA website at: <https://www.mywsba.org/PersonifyEbusiness/Default.aspx?TabID=1541&dID=2446>). Although the Court of Appeals in *Ota* reversed and remanded the disqualification for procedural reasons, the Court of Appeals noted that "substantial evidence supports the [trial] court's finding that "[t]he amount mentioned could be viewed as a substantial financial incentive' for ... [the witness] ... to testify at the deposition consistent with ... [the lawyer's] ... version of events." *Ota v. Wakazuru*, *supra*, 2023 WL 1962363 at *9.
18. *Matter of Simmons*, *supra*, 110 Wn.2d 925.
19. *In re Bonet*, 144 Wn.2d 502, 29 P.3d 1242 (2001). See also *In re Kronenberg*, 155 Wn.2d 184, 117 P.3d 1134 (2005) (disbarring lawyer for, in relevant part, paying witness \$6,000 to leave the state so that witness would not be available to testify against the lawyer's client).
20. The lawyers in *Palumbo* and *Bonet* were also found to have violated RPC 8.4(d), which prohibits conduct prejudicial to the administration of justice. The lawyer in *Simmons* was also found to have violated RPC 8.4(c), which prohibits, in relevant part, conduct involving dishonesty.
21. The Florida Supreme Court noted in *Florida Bar v. Wohl*, 842 So.2d 811 (Fla. 2003), that the inducement is improper regardless of whether the witness eventually testifies or not.
22. See note 17, *supra* (disqualification); *Golden Door Jewelry Creations, Inc.*, 117 F.3d 1328, 1135 n.2 (11th Cir. 1997) (exclusion of testimony). In *Rocheux Intern. of New Jersey v. U.S. Merchants Financial Group, Inc.*, 2009 WL 3246837 (D. N.J. Oct. 5, 2009) (unpublished), the court found that an improper payment cannot be cured simply by reclassifying the witness from "fact" to "expert."
23. See, e.g., *Caldwell v. Cablevision Systems Corp.*, 984 N.E.2d 909, 913 (N.Y. 2013) (suggesting a limiting instruction where a doctor was paid \$10,000 as a fact witness to recount entries in his chart notes); *Fernlund v. Transcanada USA Services, Inc.*, 2014 WL 5824673 at *4 (D. Or. Nov. 10, 2014) (unpublished) (taking adverse inference on summary judgment where inducement did not technically violate RPC 3.4(b) but suggested bias by witness).
24. See, e.g., *Cotton v. Kronenberg*, 111 Wn. App. 258, 264, 44 P.3d 878 (2002) (client sued lawyer under multiple theories when lawyer disqualified for improper inducement to witness and then refused to refund unearned fees).

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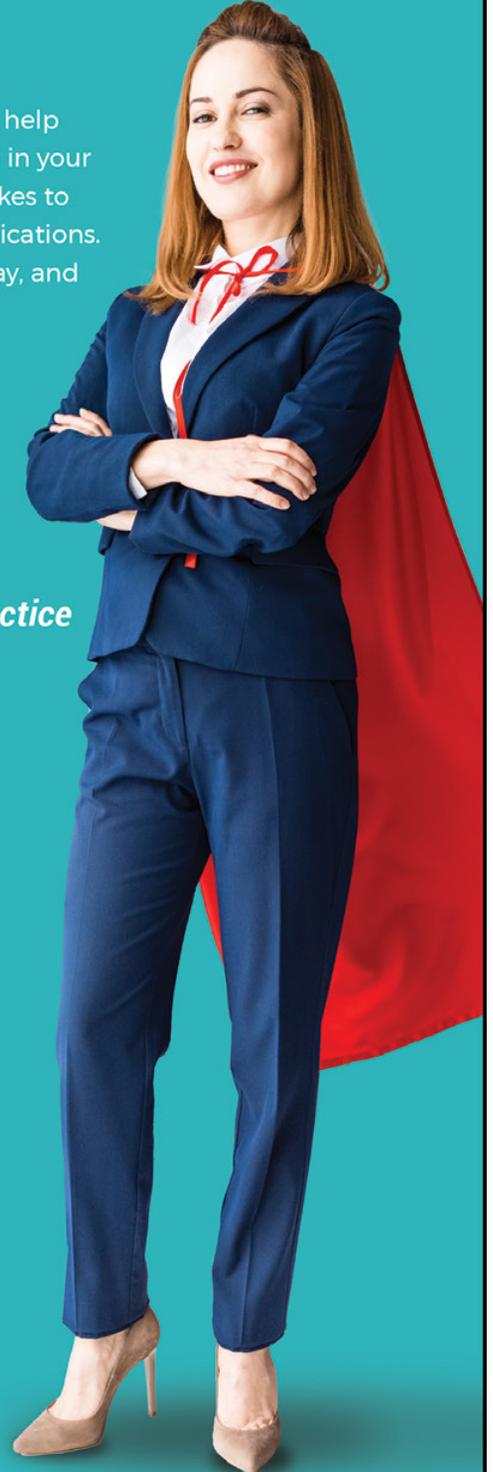
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ACCESS TO JUSTICE: FROM CRISIS TO CHANGE

BY JORDAN L. COUCH

In 2015, the Washington Civil Legal Needs Study reported that 76 percent of people with civil legal needs do not get legal help.¹ Of that 76 percent, 11 percent had tried to find legal help but were unsuccessful. Some of these people (nearly a third) said they could not afford to hire a lawyer. Others said they tried to reach out to a lawyer but either couldn't get through or their calls were not returned. And some people report-

ed confusion over the information they were given. Even if a portion of these people simply have bad cases, that still leaves hundreds of thousands of Washingtonians without the legal support they are seeking every year. If they can't afford help, that's a problem. If they have a "bad case," but no one will explain it to them in terms they can understand, that's also a problem and one we can

and should seek to address.

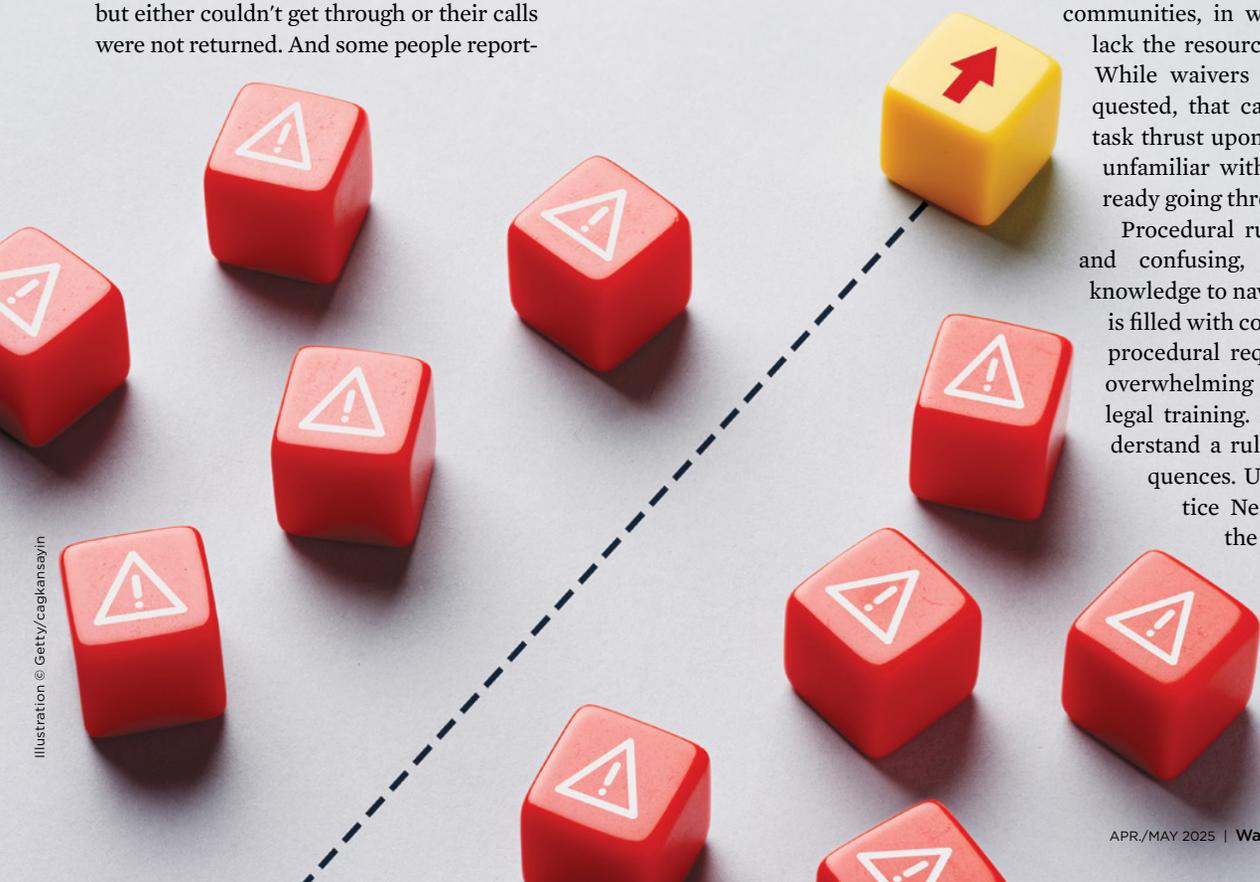
The access-to-justice crisis is not a bug; it's a feature. We got here not by accident but by design. In the early days of the legal profession, the complexity of laws and procedures was intentionally designed to maintain control.² Legal professionals created intricate procedural rules and requirements that made it challenging for individuals without legal training to navigate the system. This exclusivity ensured that only those with resources and knowledge could effectively access and utilize the legal system. The legal profession's role as a gatekeeper has persisted over time. Legal organizations and associations, using their outsized influence, often push back on changes that would make the system more accessible to the general public.

BARRIERS TO JUSTICE

People face numerous barriers when seeking access to the legal system. Court costs can be prohibitively expensive, deterring many from pursuing their cases. For instance, filing fees and other associated costs can quickly add up, making it financially unfeasible for many individuals to seek justice even if they avoid paying attorney fees. This financial burden is particularly heavy for historically and currently marginalized communities, in which individuals often lack the resources to afford court fees. While waivers can sometimes be requested, that can become yet another task thrust upon a person who is likely unfamiliar with the system and is already going through a crisis.

Procedural rules are often intricate and confusing, requiring specialized knowledge to navigate. The legal system is filled with complex terminology and procedural requirements that can be overwhelming for individuals without legal training. And the failure to understand a rule can have dire consequences. U.S. Supreme Court Justice Neil Gorsuch highlighted the consequences of "too

CONTINUED >



much law” in a 2024 *New York Times* interview, noting that the average American cannot possibly keep up with all the rules that govern them and often lacks the means to hire a lawyer to help them navigate the complexity of the system.³

The time and physical presence requirements for court appearances can be burdensome, especially for those with limited resources or mobility issues. Many court proceedings require individuals to be physically present, which can be challenging for those who cannot take time off work, have caregiving responsibilities, or face transportation barriers. Additionally, the time-consuming nature of legal proceedings can deter individuals from pursuing their cases, as they may not have the flexibility to attend multiple court dates or wait for extended periods for their cases to be resolved.

These barriers are not just incidental; they are built into our system, making it difficult for anyone without a lawyer to effectively advocate for themselves. By design, the legal system often prioritizes procedural correctness over substantive justice, further perpetuating inequities.

PRO BONO CAN'T DO IT ALONE

I have a certificate on the wall of my office awarding me for pro bono work I did in law school; I'm pretty sure if you check the WSBA's annual honor roll you'll see I have exceeded 50 hours in every year of my practice. I say this not to extol my virtues—many lawyers do far more pro bono work than I do—but to offer context for my perspective. While pro bono work is crucial, it is not a comprehensive solution to the access-to-justice crisis our state faces. Additionally, relying too heavily on pro bono efforts can even sometimes divert attention away from the broader structural issues at play. It offers a temporary remedy to an ongoing challenge, and we would benefit from focusing more on addressing the root causes that create the need for legal assistance in so many everyday situations.

There's an apocryphal story of a kid on a beach throwing sea stars back into the ocean so they don't dry out during a particularly low tide. Someone comes along and tells him that what he's doing doesn't matter because he can't possibly save them all. “No,” he replies, “but it matters to the ones I save.” Pro bono work is a lifeline to those

who receive support, and it can be deeply fulfilling. However, the U.S. is grappling with an access-to-justice crisis of such magnitude that it can be difficult to grasp its scope. And while pro bono efforts are often celebrated as a solution, they cannot carry the burden alone.

Pro bono work can make significant inroads in addressing this access-to-justice problem, but there simply aren't enough lawyers or hours in the day to fulfill all of these legal needs. If 76 percent of people with civil legal needs are not finding legal help, that means less than one-quarter of people with civil legal needs are getting the



Thankfully there are examples of how we can design systems differently to better serve legal consumers.

help they need from the current workforce of attorneys. In the act of serving that 24 percent of civil legal needs that are actually met, lawyers are working an average of more than 50 hours a week.⁴ Let's assume the remaining 76 percent of civil legal needs in Washington are simple cases that can be resolved in a third as much time as is spent on the cases lawyers take (likely an absurd assumption). To meet the barest minimum of legal demand, we would have to either double the number of lawyers in our country or expect every lawyer to work more than 100 hours a week, half of it for free. Pro bono is great, but it should not be looked to as the solution to our access-to-justice crisis. It will never come close.

EMERGING SOLUTIONS

Our modern court system is built by lawyers for lawyers, yet up to 80 or 90 percent

of people who enter a courtroom do so unrepresented.⁵ While I do think people would always be better off with the help of a lawyer, there are a lot of legal issues that are so common and easy that a lawyer should be a superfluous bonus rather than a key outcome determinant. Thankfully there are examples of how we can design systems differently to better serve legal consumers.

Modria is an online dispute resolution platform that efficiently handles a wide range of cases, making legal processes more accessible and cost-effective. The Civil Resolution Tribunal in British Columbia is an online tribunal that resolves small

claims and strata property disputes through a user-friendly, human-centered design approach. Here at home, GR 40 created Washington's Informal Family Law Trials, which allow family law parties to opt out of traditional evidence and procedure rules, simplifying the process and making it more accessible for self-represented individuals.

These systems are shining examples of prioritizing the needs of legal consumers, making it easier for them to resolve their issues without the need for a lawyer. There are many common legal issues that really should be built to exclude rather than include lawyers. For example, property damage insurance claims, social security, and simple wills are a few areas where the process could be simplified to the point where legal representation is not necessary.

WHAT CAN WE DO?

The first, and for some of us, the hardest step is to just get on board. If you want to be a part of the solution to the access-to-justice crisis, acknowledge that pro bono work can't be the only path forward. Many legal consumers do need lawyers. But everyone needs a system that doesn't discriminate against them if they can't afford one.

The second step is to go after that 76 percent of civil legal needs (or even just the 11

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percent who are actively looking for help) by redesigning your services to fit their market needs. Forrest Carlson built Washington Wills⁶ to help consumers make a simple will for themselves for free. Megan Zavieh built an online course to teach her clients how to represent themselves.⁷ Erin Levine built an entire system for divorce proceedings that enabled consumers to choose what best suits them from a variety of service levels.⁸ ZAF Legal offers free personal injury services assisted by AI.⁹ Some of these examples were created within the existing legal framework. Some used regulatory reforms similar to the entity regulation pilot program that was recently approved in Washington.

Finally and most importantly, support changes to our system that make the law and legal services more accessible to all. If you're helping write legislation or court rules, make sure the text is written in plain language. Help courts experiment with remote proceedings even if you don't mind going to the courthouse. And when you find yourself doing pro bono work, as I hope you will, ask yourself what about our system led that person to your office in the first place, and whether it has to be that way for the next person. **BN**

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FEATURE

Wellness After Grief and Loss

BY PATRICK J. PRESTON

The demands of a legal career lead many practitioners on a never-ending quest for a healthy balance of life's priorities. In the midst of this pursuit, we may find ourselves pushing through personal challenges—particularly when experiencing the loss of a loved one. In times of loss, we often feel compelled to stay on top of workflows, but professional obligations provide only a temporary distraction from the intense experience of grief. Simply put, there comes a time when work must yield, and although the sense of loss may feel overwhelming, help is available for those who seek it.

Learning to live with or through grief is the first step on a journey into a world without your loved one and, when the time is right, for returning to the pursuit of your life interests and career. Support through established relationships such as family, trusted friends, close colleagues, clergy, or counselors may be the best approach for some, while others may choose a pathway of solitude and reflection or find a balance of both. A wellness program can complement these approaches.

Wellness programs provide short-term support for a variety of personal challenges such as addiction, anxiety, and job burnout, but such support may be overlooked when the acute need is rooted in grief after loss. Grief is a part of the human condition that takes its

own course and is experienced in unique ways. The loss of a loved one in the middle of a heavy schedule of professional demands presents many difficult dilemmas. While there are no easy answers, a wellness program may provide a momentary break from work routines to focus on self-care. Short-term counseling, for example, can bridge loss, grief, and mourning to future perspectives that restore balance, celebrate the loved one, and lead to gratitude for times once shared. Fortunately, there are a number of options available to Washington practitioners.

For attorneys and law students experiencing challenges from grief and loss, the Member Wellness Program¹ is a free resource provided by the Washington State Bar Association. After an initial confidential consultation, individuals are eligible for three counseling sessions scheduled at their convenience. Referrals may be obtained for long-term professional support. Group therapy sessions are available for those looking to connect with peers who have lived similar experiences. Group discussion topics include tools for daily stability, knowing when to step away from your work, and showing self-compassion during personal challenges.

Many law firms and legal employers provide Employee Assistance Programs (EAPs) that similarly offer no-cost confidential assessments, short-term counseling, and referrals for follow-up services. Each federal agency has an EAP. In Washington, state and local entities have the statutory authority to develop voluntary public employee wellness programs. Given the importance of confidentiality, the Public Records Act provides a broad exemption protecting the personal information of these employees.

Throughout my legal career, I have been privileged to advocate for mental health awareness and treatment. I have represented clients living with mental health challenges that contributed significantly to legal consequences. I have advised higher education institutions to support mental health research and programs training the next generation of front-line clinicians and social workers. I have collaborated with a multidisciplinary group of volunteers



Patrick J. Preston is senior counsel at Stanford University. His higher education practice supports advances in biomedical research, collaborative public health initiatives including for youth mental health, and clinical trials of drugs, devices, and therapies. The ideas and opinions reflected in this article are his own.

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Wellness After Grief and Loss

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to host a mental health symposium at the University of Washington on the topic of destigmatizing mental illness and community-based treatment options. And while I have often suggested wellness programs to colleagues who confided personal challenges, only recently did I have the opportunity to follow my own advice. I am glad I did.

After a beloved aunt passed away, my daily thoughts drifted to her outsized influence in my life, memories of joyful family gatherings, the home away from home she provided during my college years, and her remarkable strength and resilience in the face of loss. During this time of mourning, my father's health was also in rapid decline, and I knew I would soon be carrying a double burden of grief. It was hard to imagine keeping up with professional obligations as that reality approached.

By chance, I received an email reminder about my employer's EAP. While browsing the program's website for grief support availability, I wondered if the EAP would truly be helpful for my circumstances. My aunt and father faced death in their mid-90s, and I had long anticipated their passings. At home, my family and I already were attuned to bravely facing loss together, having supported my spouse when her father passed during the pandemic. In my professional life, however, this process was more challenging. I was concerned about losing my focus in the office, where I was responsible for managing a legal team and carrying a heavy workload. More than once, I hesitated to move forward with EAP participation, discounting its potential benefits to my long-term wellness and productivity.

Although I cannot fully explain what drove my initial reluctance, the reasons may have had to do with vulnerabilities that are common barriers for legal professionals. As Deborah Rhode, a Stanford law professor and expert on the legal profession, has discussed, vulnerabilities commonly found among lawyers include intense competitiveness, heavy workloads, worries about job security, sleep deprivation, and a culture of near constant availability.² Rhode suggests that lawyers need to develop better strategies to assist themselves and their



This timeless place, facing the vast expanse of the ocean on the edge of the continent, provided a deep sense of solace.

colleagues in identifying and coping with wellness problems arising from such vulnerabilities, and to work toward reducing the debilitating consequences of stigma so they can seek the help they need.

Ultimately, I decided that EAP support made sense for me whether it helped a little or a lot. Taking the plunge also aligned with my mental health advocacy. If nothing else, I knew it would be hypocritical not to seek help in my time of need, especially if stigma were a lurking factor. After returning from a gathering in the Midwest to celebrate my aunt's life, I took the first steps forward. I filled out a simple online form, visited an intake booking page, and received confirmation with a secure video link. During my intake with a licensed counselor, I described my aunt's recent death and the approaching end of my father's life. The counselor asked what I hoped the EAP could provide. While I found this question initially difficult to answer, I shared my general desire to process my grief while managing my professional obligations. I was reassured to hear that program providers were experienced with these issues. After a few more background questions, I was paired with a counselor for three virtual sessions.

The day of my first session was hectic at work, and I began to think I would not be able to unwind enough to have a meaningful conversation. Fortunately, the EAP counselor was welcoming, unhurried, and

focused. The convenience of our virtual session made me much more comfortable with the process. During our encounter, I shared more than I thought possible about my aunt and father, reflecting on their close sibling relationship—from childhood memories to their educational and career paths, to raising families, retiring, and eventually outliving their spouses by many years. I shared the simple joy I found in sending my father frequent deliveries of his favorite fresh blueberries and sugar cookies, especially since his skilled nursing facility was far away. I also expressed my concern about him having to undergo unnecessary medical treatments before shifting to hospice care. Having lost track of time, I was surprised when we reached the end of our session.

The counselor shared a few materials on grief—some that resonated more than others. I recognized familiar experiences in a list of common grief reactions that spanned mental, physical, emotional, social, behavioral, and existential realms. A description of the “tasks” of mourning included encouragement to adjust to a world without the deceased and to find ways to integrate memories while moving forward with life. A poem entitled “The Guest House” by the 13th century mystic and poet Rumi compared deep human emotions with unexpected visitors arriving at your doorstep and encouraged the reader to welcome them in and ultimately find gratitude for their presence and guidance.

Reflecting on the session, I felt a calm sense of relief. My remaining sessions were equally insightful and helped me better accept the loss of my aunt and reframe grief over the approaching death of my father by appreciating the arc of their lives and all we had shared together over the years. The counselor encouraged me to consider how grief changes the person left behind, the importance of planning meaningful remembrances, and thinking about what support might be beneficial for me in the future. Following this advice, I planned simple legacy acts—planting the packet of wildflower seeds I had brought home from my aunt's celebration of life and attending a blueberry festival that my father would have enjoyed.

Fortunately, the losses I experienced were neither sudden nor traumatic, situations in which a greater level of support would be important. The short-term EAP

sessions helped me focus on celebrations of life and gaining a deeper understanding of these relationships. After my father passed, I found comfort in the foundation of those sessions and the idea of living with intention to transform my grief. I had gained a new appreciation for explorations of grief, such as KEXP's day of programming, "Music Heals," Anderson Cooper's podcast, "All There Is," and poems such as "For Grief" by John O'Donohue.

Following my father's death, I took a leave of absence with the support of kind colleagues at my former employer, the Washington State Attorney General's Office, who stepped up to cover my duties. I embarked on a spontaneous road trip with my spouse to visit the Tree of Life, an aged spruce at Kalaloch Beach along the coastline of Olympic National Park. The gnarled tree, improbably growing in a carved-out section of the ocean bluff, had defied decades of erosion from a small stream under its exposed roots and buffeting by the Pacific and winter storms. Other visitors had left mementos nearby, including handwritten messages, flowers, and stone cairns stacked on driftwood. This timeless place, facing the vast expanse of the ocean on the edge of the continent, provided a deep sense of solace.

During the trip home, I used the much-needed downtime to browse photos, listen to my father's voice and enjoy his expressions in dozens of old family videos, and fall into equal parts of sorrow and appreciation for his life. I knew that my visit to the Tree of Life was a symbolic first adjustment to a world without him, an indelible new memory to carry forward, a connection to the person I had lost.

When I returned to the office, I still had many days when feelings of loss found their way into my workflows. Acknowledging those expected feelings and taking breaks helped. And returning to the simple but profound insights from my EAP sessions enabled me to stay better connected to the loved ones I had lost. **BN**

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Photo courtesy of the author

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COVER STORY

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AN INTERVIEW WITH JUSTICE SALVADOR A. MUNGIA

BY ELIZABETH PORTER

Justice Salvador A. Mungia, who was elected to the Washington Supreme Court last November, was sworn in on Jan. 13 at the Temple of Justice in Olympia. Before joining the court, Justice Mungia practiced law at Gordon Thomas Honeywell in Tacoma for almost 40 years.

This interview has been edited for length and clarity.

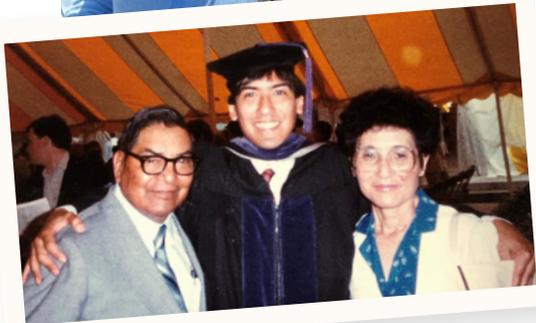
Above: Justice Mungia with his family at his swearing-in ceremony on Jan. 13, 2025.

Q: You have spoken previously about how you loved law school. I think you called it the coolest thing ever. What inspired you during your legal education?

A: I loved the intellectual rigor—the chance to really learn how to think. I mean, on the skeptical scale, lawyers are like at the very top. I loved the fact that I got to spend three years with like-minded people. I think most people go into the profession to make a difference.

And at least for me, I loved learning to see both sides of any argument, which I think is critical to becoming a lawyer. I mean obviously you want to advocate for your clients, but to do that, at least for

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Clockwise from left: Justice Mungia with his parents at his law school graduation in 1984. Justice Mungia, Russ Aoki, and Mark Johnson catching a Cubs game at Wrigley Field in June 2022. Justice Mungia with his grandson, Malcolm, in 2021.

An Interview with Justice Salvador A. Mungia

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me, I had to understand the other side. In practice, I always got a little nervous when we were too far apart in any kind of settlement talks because I kept on questioning myself: “What am I missing?”

Q: This is actually your second time working at the Washington Supreme Court. After law school, you served as a law clerk on the Washington Supreme Court for Justice Fred Dore. Are things the same? Different?

A: It was different back then. Back in 1985, all of us law clerks were down in the basement together, all working with one another and exchanging ideas. Now the law clerks are with us in chambers. I know they still get to see each other, but it’s not the same as when we were down there every day with the same group.

Q: So, you have had quite a long legal career since that time as a law clerk.

A: That’s a nice way of saying that.

‘Law practice is not a movie; it’s the slow, incremental process of starting from a baseline and trying to improve.’

Q: Are there any moments that really stand out from your career as learning experiences, whether positive or negative?

A: This is what I can tell you: Especially those first few years of private practice, you don’t know, in a sense, what you’re doing. I remember going to depositions and you just don’t know. I certainly remember times coming back to the office and telling the partner what happened and what I did, and they went, “You did *what?*”

I tried my first jury trial within a year at the firm. It was an exceptional opportunity. Talk about a learning experience.

But I got lucky. I had great mentorship, and not only within the firm. I was able to work on matters with great opposing counsel who really did try to help me out.

Q: Was there anything difficult that you learned from?

A: I will say this. I love our public education system, but I think my writing needed a lot of work. You know, my parents were both immigrants. Our use of the English language wasn’t exactly what you would hope to have. And so I was, you know, from day one, always trying to improve my writing.

And my oral presentation skills. As a young associate, the night before I would argue a case, I would spend literally hours in front of the mirror going over what I was going to say to the judge.

It's not one moment. Law practice is not a movie; it's the slow, incremental process of starting from a baseline and trying to improve.

Q: What's been the biggest change for you in making the transition from practice to serving as a justice?

A: One thing that is I think different is that I get to spend as much time as I want researching any issue. I mean, I don't have that worry: "Man, I really got to be conscious of the client having to pay for this."

Also, having discussions with law clerks, that is again the coolest thing in the world, because we're bouncing off ideas and we're probing. I guess that was unexpected because, again, when I was a law clerk, we didn't have that much exposure to our justices. That's an unexpected joy right there.

Q: During your campaign, you emphasized your commitment to working people in Washington. How do you envision doing that in your role now as a justice?

A: I think in two basic ways. One, obviously, you know, interpreting the laws fairly and equally for everyone throughout the state. I loved going to Eastern Washington and talking to people. They would tell me: "Treat me equally like you would anybody else. If I think you're fair and equal, that's all I can expect of a judge." And so that's paramount for me.

The second way is by trying to make a difference in the community. I've been volunteering at Sheridan Elementary School, which is on the east side of Tacoma, for, what, eight years? Eighty percent of the kids are kids of color, eligible

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Photos courtesy of Justice Salvador Mungia

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An Interview with Justice Salvador A. Mungia

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for free or reduced school lunch. They all come from working class families. Anybody can do that, but I think because I was a lawyer, I had greater access to that school, and now that I'm a judge, I think I'll have more of those opportunities to help people just like me when I was growing up.

Q: Many new lawyers want to make a difference in their community, but they are worried about how to do that while also paying their student loans, meeting their billable hours requirements, and taking care of family obligations. Do you have any advice?

A: Especially when you're first starting out, you may not be able to do much. But do what you can. You may not be able to take on a big pro bono case. But likely you could volunteer for two hours a month, down at a legal clinic. And volunteering at a legal clinic, again, is one of the coolest things in the world. That really makes a difference for people, because otherwise they can't talk to a lawyer. That's one of our core values as a profession—making sure that people get access to the legal system.

Q: Do you have any recommendations for people who are advocating before you, either in briefs or at oral argument?

A: Yep, certainly do.

One: Don't try to dance around a question. I'm looking for some guidance. And if you dance around, you're not

Elizabeth Porter teaches Civil Procedure, Torts, and Constitutional Law at the University of Washington School of Law. She also co-directs the Ninth Circuit Pro Bono Appellate Advocacy Clinic.



QUICK BIO

Justice Salvador "Sal" A. Mungia was elected to the Washington Supreme Court in November 2024 and was sworn into office in January 2025.



- > Justice Mungia is the son of immigrants: His father came from Mexico and his mother from Japan. He was born and raised in Tacoma.
- > He graduated from Pacific Lutheran University with honors in 1981 and from the Georgetown University Law Center with honors in 1984.
- > After graduating from law school, Justice Mungia clerked for a Washington Supreme Court justice and then for a federal district court judge before joining the law firm of Gordon Thomas Honeywell. He practiced there for 38 years and served as the managing partner the last two years of his practice.
- > Justice Mungia served as the president of the Washington State Bar Association from 2009 to 2010. He has also served in numerous other roles with many other organizations including as president of the Tacoma-Pierce County Bar Association, president of the Western States Bar Conference, chair of the Access to Justice Board, member of ACLU of Washington's Board of Directors, and commissioner on the Tacoma Human Rights Commission.
- > Justice Mungia believes that the best part of his life are his four children, two daughters-in-law, and one grandson.

'That's one of our core values as a profession—making sure that people get access to the legal system.'

helping me, or your case.

Two: At the very beginning, always say what you are seeking. Make your opening count. The first minute or two, that's platinum time. That's the one time that you have the 100 percent attention of people listening to you. The same thing is true with writing a brief. After I read or listen to your introduction, I should be thinking, "You win."

Three: Don't unnecessarily raise the bar with an exaggeration that you're not going to be able to prove. If anything, understate things, don't be bombastic. Also, get rid of fluffy stuff. Shorter is better.

Four: I'm a big believer in the rule of three. So, if you can, organize your presentation into three parts. It's just the way our minds work.

Q: Your fourth point is that lawyers should have three points?

A: Yes, I've just violated my rule.

Q: At a time when the United States Supreme Court is very preoccupied with interpretive methodologies, do you have an interpretive home?

A: No, not yet. The one thing I will tell you, and I've seen it already during my first month, is that I really want to respect precedent. I can feel that easy tug of saying, "Sal, we can get to a different result," if I don't necessarily love where a case takes us. But I'm looking at precedent, and that's our job. If the precedent was based upon racism, sexism, or ableism—obviously those decisions are not given the same deference as other opinions. But I am concerned about having the law change just because there's been a change in the composition of the court. I don't think that's productive for society.

Q: The Washington Supreme Court and the Washington Bar have committed to working toward eradicating systemic racism and its effects in the justice system. Do you have any thoughts about how all lawyers can best contribute to that work?

A: Yes. Self-awareness goes a long way. If you realize that everybody has biases, well, you're part of everyone. Therefore, you have biases. You may have biases that you know about. And the scary thing is, you have biases you don't know about. So, educate yourself. Take the Implicit Association Test.¹ That's an eye opener for people. I took it and, you know, I think of myself as an empathetic lawyer and found out that no, I've got these implicit biases. That doesn't mean I'm going to act on them, but the more we can be aware that we have them, I think the more on guard we can be, so we don't inadvertently act on them.

Q: Finally—any book suggestions? What is on your nightstand?

A: *Justice Deferred*, by Orville Vernon Burton and Armand Derfner. 

NOTE

1. <https://implicit.harvard.edu/implicit/takeatest.html>.

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SIDEBAR

Volunteer with the WSBA

- > **Application period is May 1-May 31.** Applications received by the deadline will be given priority review and be entered into a random drawing to win a WSBA swag bag.
- > WSBA boards, committees and councils focus on a wide array of topics. You're bound to find a role that matches your interests and skills.
- > **NEW!** Inactive, honorary and pro bono members can now apply (eligibility varies).
- > Most opportunities are virtual.
- > Training provided.



SCAN THE
QR CODE
TO LEARN
MORE

A
Abedi, Syed
Abelson, Joanne
Adams, Charles
Adams, Jeffrey
Adamson, Joseph
Addams, Michael
Adewale, Francis
Affronte, Kelsey
Agarwal, Vivek Kumar
Ahearne, Thomas
Ahlers, John P.
Akhter, Faisal
Aldrich, Nicholas
Alig, Paul
Allen, Eric
Allen, Timothy
Ambrosio, Fabio
Anderson, Brian
Anderson, Elizabeth
Anderson, Kimberly
Anderson, Pamela
Anderson, Rachel
Andersson, Magnus
Anjilvel, Sunitha
Antush, Matthew
Apahidean, Ruth
Apple, Paul
Archer, Ryan
Ard, Hannah
Arefi-Pour, Leila
Arkison, Peter
Armstrong, Albert
Arneson, Emily
Arnold, Tyler
Ashby, Joshua
Ashby, Scott
Ashley, Lesli
Atreya, Agraj
Audish, Matthew
Ayoub, Miriam
Ayoubi, Sara

B
Baek, Susan
Baer, Jehiel
Baird, J. Christopher
Baker, Magda
Balconi, Angela
Baldwin, Elizabeth
Bank, Kevin
Bargala, Daniella
Barnett, Donna
Batey, Douglas
Bazan, Allyson
Beck, William
Becker, Peter
Beckford, Nancy
Bedell, Geoffrey
Bejerea, Jessica
Beltrán, Luís
Bender, John
González Benítez, Alfredo

Benjamin, Andrew
Benson, Andrew
Berger, Kathryn
Berning, Nick
Berry, Melissa
Bertley, Miller Rodman
Bevacqua-Lynott, Amber
Beyerlein, Jennifer
Bhang, Christopher
Bighorse, Amber
Billetdeaux, David
Bingham, Justin
Birgenheier, Hugh
Birnbaum, Leslie
Black Horse, Bree
Blair, Gregory
Blair, Watson
Blancas, Miguel
Bloom, Todd
Blumel, Joseph
Blumhorst, Victoria
Bolgiano, Allison
Borboa, Esperanza
Boruchowitz, Robert
Boughton, Rose
Bourgeois, Jeremiah
Bove, Sarah
Bowman, Sarah
Boxx, Karen
Bradley, Heidi
Brandenberg, Michael
Brandfield-Harvey, Cornelia

Brandt, Shelley
Branquin, John
Branstetter, Cody
Breakstone, Elizabeth
Bretz, Mackenzie
Bricklin, David
Bridewell, Margaret
Briseño, Citlalli
Brodie, Kaelen
Brown, Evan
Brown, Steven
Bryant, Zachary
Bueter, Michael
Bull, Jennifer
Bullock, Najja
Bumatay, Ashley
Burke, Kathryn
Burnette, Viveca
Burns, Donya
Busch, Greggory
Bussey, Jonathan

C
Cairns, Ian
Calkins, Jennifer
Calogero, Carla
Calvert, Maren
Cameron, William
Campbell, Luke
Capell, Jeff
Carlsen, Serena

Carlson, Forrest
Carlson, William
Carmody, James C.
Carnell, Darren
Carney, Michele
Carpenter, Christine
Carpenter, Stephen
Carpman, David
Carr, Jessica
Carrillo, Alexandra
Carrington, Andrew
Coppinger Carter, Carrie
Casey, Bridget
Casey, Christell
Cashman, Anna
Casillas, Christopher
Catzola, Christina
Celebrezze, Jaclyn
Chait, Michael
Chan, Adrian
Cherry, Michael
Childress, Bil
Chin, Michael
Chinchar, Brian
Chon, Margaret
Chose, Kimberly
Christian, Ann
Chu, Marissa
Chung, Noelle
Clark, Bruce
Clark, Daniel
Clark, Karen
Cleveland, Joanna
Clifton, Adriana
Coats, Jeffrey
Cognata, Amber
Cohen, Devra
Cohon, Keith
Colburn, Travis
Collins, Jill
Colman, Ayanna
Colman, Darryl
Comeau, Marci Danielle
Comstock, Brian
Connell, Catherine
Conner, Kevin
Conrad, Lane
Considine, Brian
Cooke, John T.
McCurtain Cooney, Jocelyn
Cooper, Noelle
Corning, James
Cortez, Rachel
Couch, Jordan
Coy, Kristi
Ebreo Craft, Leandra
Creager, Jessica
Cress, Caroline
Cressman, Paul R.
Crinzi, Ricci
Crisalli, Paul
Cropley, Theodore
Crosby, Ian
Crossland, Stephen
Crowder, Greg

Cummins, Ashley
Cunningham, Milli
Curda, Devin
Curran, J. Donald
Pera Czollak, Paula

D
Danielson, Kyle M.
Darling, John
Darling, June
Dashiell, Thomas
Daudt, Michael D.
Dave, Prachi
Davila, Michelle
Davis, Kerri
Dawson, Seth
de la Cruz, Emily
Dearmin, Diana
DeBlicck, Heather
DeForest, Stephen
Degraff, Dashiell
Dehkoda-Steele, Ramina

DeJong, Eric
DeLeo, Michael
Denmark, Katharine
Devenport, Jennifer
DeVet, Pamela
DeWeese, Abigail Pearl
Dirgo Deweese, John
Dhoot, Jasbinder
Diamond, Craig
Dickerson, Lea
Dickinson, Lisa
Digiaccinto, Darren
Dikeakos, Stephanie
Dille, Bryce H.
Dillon, Zachary
Dirie, Christopher
Diskin, J. Denise
Doherty, Julia
Doherty, Nicholas
Dong, Zeyou
Donohue, Emily
Doty, John
Douglas, Lillibel
Downey, Patrick
Dresden, Matthew
Dressel, Jerusha
Drutman, Paul
Dugan, Andrew
Dumph, Daryl
Dumph, Susan
Dunlap, Lucinda
Durante, Nina
Durbin, Brett
Durkan, Jenny
Dutton, Gillian
Dworschak, Fabio

E
Ehman, Merf
Ehrlichman, Tom
Ellerby, Scott

Elsinger, William
Elysee, Janelle
Emans, Joel
Emanuel, Evelyn
Emery, Paula
Endter, Anna
English, Ronald
Epler, Sara
Epperley, Gary
Erker, Patrick
Jensen Erler, Jackie
Eshbach, Laura
Evans, Hillary

F
Fairchild, Taylor
Farber, Henry
Farley, Eileen
Farr, Megan
Farrell, Michael
Faubion, Jennifer
Fay, Kevin
Fayette, Brittany
Feld, Andrew
DeJuanette Felder, Shaunita
Felix, Brynn
Felleisen, John
Ferguson, Gregory
Ferreira, Catarina
Feulner, Timothy
Finch, Peter
Fine, Seth
Finkle, Michael
Finnegan, Tracy
Fischer, Timothy
Fisher, Bridgett
Fitzsimmons, Annette
Flaherty, Brian
Flannery, Kevin
Fleming, Jessica
Flood, Hon. Tracy
Flora, Carson
Flynn, Jennifer
Foote, Faith
Foreman, Allison
Foster, Stephen
Foust, Jason
Fowler, Julie
Fox, Gregory
Frank, Derek
Franklin, Steve
Franklin IV, Jesse O.
Frantz, Louis
Fraser, Sara
Freeburg, David
French, Daniel
Frenchman, Ethan
Fucile, Mark
Fuller, Melissa
Fullner, Erin

G
Gaba, David

Gaffney, Tamara
Gallegos, Nathaniel
Gallup, Kiona
Garber, Jennifer
Garcia, Sandy
Gardiner, Bruce
Gardner, Todd
Garrett, Russell
Garrison, Oliver
Garrison, Tamara
Garvey, Thomas
Gates, Jeffrey
Gaydos, Maria
Gehrke, Joseph
Gellner, Jennifer
George, Brenda
Gerl, Angelle
Gheen, Spencer
Gieger, Caleb
Gilbert, Molly
Gilchrist, Ryan
Gillespie, Lisa
Gilmartin, Anastasia
Giusti, Ambrogino
Glisson, Stan
Glosser, Lawrence S.
Goergen, Brad
Golden, Robert
Goldenkranz, Michael
Goldman, Jessica
Gordon, Joseph
Gordon, Miryam
Gorton, Kenneth
Gould, Benjamin
Gouveia, Samantha
Grabicki, Peter
Grace, Mike P.
Graffe, John
Graham, Donald
Grayson, Carole
Gregory, Kirsten
Groves, Laura
Guite, Robert
Gurian, Gabrielle

H
Hacker, Susan
Hagin, Leslie
Haines, Taylor
Halasz, Benjamin
Haller, Madeleine
Hamilton, Lisa
Hancock, Emily
Haney, Melissa
Hanson, Amanda
Hardy, Rory
Harfouche, Emily
Harmon, Sarah N.
Harn, Jason
Harris, Joshua
Harris, Michael
Hart, Emmelyn
Hartse, Merri

CONTINUED >

Thank You to Our Volunteers

CONTINUED >

Hartwell-Gobeske, Alexis

Haspel, Pablo
Hawkins, Nancy
Hayden, John
Hayes, Angela
Hayes, Annette
Haynes, Aaron
Headley, Nadel
Hedeem, Heather
Hedman, Christie
Heller, Bruce
Helm, Elizabeth
Helman, Cathy
Helms, Haley
Henry, Christina
Hernández, Vivian
Heyd, Jana
Hicks, James
Higginson, Carla J.
High, Mary
Hille, Keaton
Hinman, Gabriel
Hinton, Loni
Hoad, Kristy
Hoglund, John
Holce, Nicholas
Holland, Paul
Holler, Kelly
Holohan, Lena
Hong, Joelle
Horne, James
Hosannah, Vernon
Howsley, James D.
Hsieh, Daniel
Hughes, Karey
Hume, Taud A.
Hunsberger, Vanessa
Hunsucker, Philip
Hutchings, W. Michael
Hytten, Sharon

I
Ingram, Jakini
Ireland, Faith
Ivarinen, Nancy
Iwasaki, Genta

J
Waiguchu Jackson, Elizabeth
Jackson, Katherine
Jacobs, Richard
Jaffe, Melissa
Jain, Ritu
Jarmon, Hon. Andrea
Jarvis, Peter
Jenkins, Lynnette
Jennings, Elizabeth

Jennings, Ursula
Jensen, Darin
Jeske, Jacqueline
Jetter, John
Jevitt, Kelsey
Jewell, Monte
Ji, Mason
Jimenez, Fabiola
Johal, Kira
Johnsen, Mark
Johnson, Aaron
Johnson, Adin
Johnson, Richard
Jones, Angela
Jones, La Vonna
Jones, Reed
Juhl, Hans

K
Kameron, Katherine
Kang, Min
Kang, Selina
Kaplan, Grant
Kardong, Catherine
Karmy, Jill
Karol, Jennifer
Karp, Adam
Katzaroff, James
Kenneth
Kaus, McKenzie
Keeley, Claire
Keenan, David
Keeton, Richard
Keiffer, Eileen
Keller, Dawn
Kellison, Julia
Kelly, Emily
Kelly, Matthew
Kelsie, Gail
Khandelwal, Anita
Kim, Sung-Yon
King, Stephen
Kingston, Alicia
Kirigin, Alexandro
Kisielius, Tadas
Knapp, Denise
Kopp, Rebecca
Korchia, Ilana
Korst, Nicholas
Kost, Thomas
Kover, Melissa
Krabill, Robert
Kremer, Lisa
Krening, Eric
Krisher, Efreem
Kuenzli, Col. Kris D.
Kutsin, Margarita
Kuykendall, Taylor
Kwan, Kimberly
Kyle, Kathleen

L
Laicharoenwat, Chawisa

Lambert, Crystal
Lamp, Jesse
Lampson, Marcus
Lantz, Michael
Larry, Kristina
Larsen, Lori
Larson, Maja
Larson, Nicholas
Laurent de Cannon, Franz
Lautanen, Emma
Laverty, Dana
Lawson, David
Lawton-Abbott, Kelly
Leary, John
Leavitt, Adrien
LeBeau, Daniel F.
Ledbetter, Andrew
Lee, Sunah
Lee, Tiffany
Leghorn, Allan
Leifer, Ian
Benedetti Lein, Adriana
LeMaster, Matthew
Lemire, Laura
Lemonidis, SaNni
Lenning, Cassandra
Lewis, Laura
Limric, Ailene
Lindberg, Eric
Little, Richelle
Litwak, Jeffrey B.
Llorens, Susan E.
Lloyd, Erin
Lobo, Darcel
Lofts, Carrie
Loges, Kimberly
Lombardi, Vincent
Longyear, Michael
Louie, Mikaela
Lou-Magnuson, Shirley
Lucas-Smith, Carnissa
Luce, Nathaniel
Lurie, Donna
Lutzenhiser, Jeanine
Lybeck, Christopher
Lykken, Phyllis

M
MacCormack, Scott
Machleidt, Dario
Machler, Susan
Mahon, Robert
Mahoney, Michael
Main-Ogasawara, Sierra
Majumdar, Rajeev
Malaier, William
Malcolm, Sean
Maley, Michelle
Malpass, Lisa
Manlove, Kari
Mann, Genevieve

Mano, Joseph
Manus, Maya
Mark, Jonathan A.
Marler, Nicholas
Marshall, Jolene
Aguilera Martinez, Dallas
Martirosian, Claire
Masters, Kenneth
Matter, Molly
Matyas, Steven
McClure, William T.
McComb, Devin
McCormick, Jody
McCoy, Jonathan
McCurdy, Devon
McDonald, Eric
McGann, Julia
McGuire, Lee
McHugh, Colin
McIntyre, Elizabeth
McKewen, Richard
McMahon, Brian
McNeil, Elisabeth
McOmie, Valerie
Medeiros, Bruce
Medlin, Bradley
Men, Hansi
Mendoza, Michelle
Meserve, Christina
Meyer, Jennifer
Meyer, Laura
Meyer, Paul
Meyers, John
Miao, Qingqing
Miller, Craig
Millstein, Seth
Minogue, Camille
Moen, Sarah
Moll, Frederic
Montes, David
Montgomery, Ryan
Moody, Margaret
Mooney, Martin
Moore, Craig
Moore, Michele
Morales, Joanna
Moran, Timothy
Moreno, Priscilla
Moritz, Anna
Moscowitz, Jason
Moss, Laura
Moss, Susan
Mullins, Jill
Munger, Tracey
Murillo, Candelaria
Murray, Pilar
Musser, Arianah
Myers, Michelle

N
Nagi, Sanaa
Nashiwa, Karen
Neiswender, F. Lauren
Nelson, Colm

Nesteroff, Michael A.
Neu, David
Neubeck, David
Neuberger, Amy
Neutze, Asel
Newman, Claudia
Ng, Daniel
Nguyen, Nam
Noble, Danica
Nodit, Luminita
Noel, William
Nolan, Bethany
Noma, Arian
Nomamiukor, Jonathan
Nord, Erin
Norton, Edwin
Novack, Lauren
Noyes, Marya

O
O'Brien, Tyler
Ochoa-Bruck, Hon. Gloria
O'Connell, Timothy
Ogura, Brad
O'Keefe, Katherine
O'Laughlin, Matthew
Oles, Karl F.
Olson, Christine
O'Neill, Lesley
Oreskovich, Carl
Orrico, Vicki
Ortega, Jennifer
Oshiro, Kelly
Ostroff, Paul
O'Toole, E. Susan
Otsuka, Anna
Overby, William
Owada, Aaron K.

P
Palace, Patrick
Palachuk, Geoffrey
Palmer, Steven
Paneko, Joe
Park, Cynthia
Parker, Matthew
Patrick, Knowrasa
Paul, Thomas Frank
Paulson, Althea
Pence, Abigael
Penoyar, Elizabeth
Perka, Elizabeth
Pesik, Edward
Peters, Brendan J.
Peters, Chantal
Peterson, Bryn
Peterson, Janelle
Peterson, Thomas
Petgrave, Randolph
Petitta, Dean
Petra, Anita
Petrasek, Kari

Philbrick, Robert
Phillabaum, Benjamin
Phillips, Glenn
Phillips, Henry
Phillips-Spotts, Carson
Pickett, William
Picone, Ethan
Pierce, Kathleen
Pierce, Suzanne
Pierce-Wright, Chris
Pilgrim, Jessica
Piwonski, Alayna
Pleasants, Nicholas
Poland, Mary
Poley, Christina
Polin, Marla
Pollack, James
Pollom, Andrew
Powell, Jason
Powers, Anthony
Powers, Carolyn
Praggastis, Elena
Pratter, Virginia
Prevost, Isaac
Price, Terry
Price, Parvin
Pritchard, John
Proctor, Chadwick
Propst, Sarah
Prowant, Barbara
Punsalan-Teigen, Peder

Q
Qadri, Shahzad
Quihuis, Liberty
Quinn, Sallye
Quittner, Jonathan

R
Rahim, Ghousia
Raigrodski, Dana
Rao, Nandini
Rasmussen, Sativa
Rathbone, Mary
Rawnsley, Patrick
Raymond, Megan
Reaganson, Alexander
Ream, Erin
Reardanz, Leslie
Reardon, Kari
Reavis, Isham
Reber, Natalie
Reed, Bart
Reed, Ellen
Reinbold, Leone
Reinikka, Matthew
René, Elizabeth
Rey-Bear, Daniel
Reynolds, Rachel
Rhodes, Robert
Rich, Anthony
Richardson, James
Richmond, Christina

Riedel, Amy
 Riehl, James
 Riggs, Julia Mercedes
 Ritchie, Alexa
 Ritter, Abraham
 Rivera, Zaida C.
 Roberts, Jessica
 Robertson, Lucretia
 Rocafort, Frederic
 Roe, Rebecca
 Roeder, Melissa
 Rogers, Hon. James E.
 Rommelmann, Matthew
 Romnor, Duffy
 Roohani, Pardies
 Rose, Emily
 Rose, Mandy
 Rosenberg, Seth
 Rothstein, Gabriel
 Rubenstein, David
 Rubinstein, Carl
 Rushing, Claudette
 Russ, Daniel
 Russell, Cheryl
 Rustambekova, Diyora
 Rutenberg, Daniel
 Rutter, Erika
 Ryan, Terrance
 Rydberg, Jennifer

S
 Safren, Michael
 Sakamoto, Sharon
 Sancken, Lauren
 Sanders, Christopher
 Sargent, Vonda
 Sato, Allison
 Satterthwaite, Ronald
 Saunders, Joshua
 Savage, Michael
 Savage, Tonilynn
 Sayani, Serena
 Scheinman, Tenaya
 Schell, Jennifer
 Schlosser, Thomas
 Schreiber, Brennan
 Schumsky, Fallon
 Schuster, Breanne
 Schwarz, Jason
 Sciuchetti, Kyle
 Scott, Nate
 Searing, Nicole
 Seidel, Anne
 Sekits, Matthew
 Severson, Deborah
 Sevier, Melissa
 Shafer, Courtland
 Sham, Monica
 Shank, Craig
 Sharp, John
 Sheppard, Rebecca
 Sherman, Sydney
 Shifley, Sarah
 Shih, Mei

Shoaib, Bisma
 Shook, Heather
 Shreiner, Kate
 Sierra, Alinsson
 Silva, Andrekita
 Silverman, Marc L.
 Simburg, Melvyn
 Sing, Vanna
 Singla, Sumeer
 Sinner, R. Bryce
 Sinsheimer, Rachel
 Sito, Daniel
 Skalbania, Rich
 Slack, C. Dale
 Sleight, Scott R.
 Graves Slugic, Sage
 Smith, Kainui
 Smith, Laurel
 Smith, Lori
 Smith, Nathan
 Sonntag, Dee
 Spartan, Daria
 Sperry, Michael
 Spierling, Sarah
 Spiess, Dillon
 Spinks, Makenzie
 Spitzer, Hugh
 Sprangers, Michael
 Spratt, Paige
 Springstroh, Nicole
 Sprinkle, David
 St. Hilaire, Ronald
 St. Romain, Jacques
 Stanley, Megan
 Startzel, Todd
 Stave, Yukiko
 Stearns, Travis
 Steele, David
 Steele, Janta
 Steiner, Justin
 Stephen, Amanda K.
 Stephens, Alec
 Stiefel, Mark
 Stiles, Henry
 Stock, Matthew J.
 Stonecipher, Dylan
 Stookey, Matthew
 Strait, John
 Stratton, Evangeline
 Strelecky, Marty
 Stroupe, Bart
 Stryker, Katherine
 Stuber, Jennifer
 Stutzer, Jennifer D.
 Hannali Styles, Yuriko
 Subramanian, Murugeshwari
 Suelzle, Paige
 Sundier, Stephanie
 Sutanto, Owen
 Swaby, Christopher
 Sweeney, Nicolas
 Swenson, Raymond
 Sydney, Dawn
 Szalay, Andre
 Szurek, Catherine

T
 Tack-Hooper, Molly
 Taddeo, Luisa
 Taga, Brendon
 Tahl, Megan
 Taicz-Blandon, Erica
 Tan, Hao
 Tarraf, Julien-Marie
 Taylor, Stephanie
 Tedrow, Nicole
 Telegin, Bryan
 Terasaki, Michael
 Thomas, Jerry
 Throgmorton, Courtney
 Tilden, Saul
 Tindell, Alan
 Tingstad, David
 Titova, Maya
 Tobin, Thomas
 Tollefson, Brian
 Topp, Gina
 Townsend, Josephine
 Tracy, Jerry
 Trimble, Jaymi
 Tullett, Rodney
 Turcott, Bruce
 Tyson-Shu, Emily

U
 Ulrich, Nicholas
 Umland, Carrie
 Ummel, Laurie
 Upton, Liberty
 Urena, Normalinda

V
 Valdez, Yohana
 Valeri, Joanna
 Van Winkle, Andrew
 Vana, James
 Vanderpol, Aaron
 Vandsburger, Leron
 Vanyo, Maialisa
 Varriano, Erin
 Vicuna, Isabel
 Vijay, Shashi
 Villeneuve, Alain
 Vincent, Collin
 Vodde, Ethan
 Voelckers, Shona
 Vohr, Mark
 Von Weber, Mark
 Vovos, Mark

W
 Wade, James
 Wagner, Raina
 Walker, Jacob
 Walker, Ruthanna
 Wan, Feng
 Wang, Janice
 Ward, Lawrence

Wareham, Kathleen
 Waters, Elise
 Parris Watts, Lauren
 Weafer, David
 Wechselblatt, Deborah
 Wehling, Martha
 Weintraub, Boaz
 Weisbrod, Stephen
 Weiss, Annemarie
 Weissman, Joshua
 Dib Wietstruck, Stephanie
 Welch, Cecilia
 West, Brandon
 West, Catherine
 Weston, Amy
 Whidbee, Paige
 Whitson, Lish
 Wickes, Geoffrey
 Widney, Allison
 Sun Widrow, Carolina
 Wilcox, Thomas
 Wilke, Robert
 Wilke, Tiffany
 Williams, Kinnon
 Williams, Noah
 Williams, Thomas
 Williamson, Amanda
 Williams-Ruth, Brent
 Wilson, Clay
 Wilson, Karen
 Thompson Wininger, Suzanne
 Wolf, Heather
 Wong, Carmen
 Wong, Denny
 Wood, Jeremy

X
 Xiao, Xuan

Y
 Yamada, Masaki
 Yanasak, Adam
 Yandle, Anita
 Ybarra, Christine
 Yelish, Laura
 Yeung, Cindy
 Yhann, Stephan
 Yi, Andrew
 Yoder, Jesse
 Young, Christopher
 Yue, Kathy

Z
 Zanol, Anthony
 Zeidel, Judy
 Zhuang, Ling
 Ziff, David
 Zigler, Kenneth
 Zinke, Ben
 Zuniga, Jacob
 Zydek, Bailey **BN**



SIDEBAR Volunteer Survey

According to WSBA volunteers who responded to the 2024 WSBA Volunteer Engagement Survey:

85%

Agree there is a climate of teamwork among staff and volunteers.

86%

Agree volunteer efforts make an impact on furthering the WSBA's mission.

84%

Agree volunteers are overall satisfied with their volunteer experience.

82%

Agree others should volunteer with the WSBA.



On Board

NEWS FROM THE BOARD OF GOVERNORS & THE WSBA

MARCH 21–22, 2025

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 In Support of an Independent Legal Profession. A theme of the meeting was the need for the WSBA to act in defense of the profession and against any erosion to the rule of law. Toward that end, Board members agreed to submit an amicus brief—at the appellate level—in *Perkins Coie LLP v. U.S. Department of Justice*. They referenced the Board's March 12, 2025, "Statement in Support of an Independent Legal Profession Free from Government Retaliation" to reiterate their viewpoint: The rule of law, the bedrock principle of our democracy, depends on lawyers being able to represent all interests and to challenge government overreach without fear of retribution. Relatedly, the Board joined more than 50 bar associations as co-signers of an ABA statement in support of the rule of law. The WSBA is also launching a Rule of Law Ambassador Program. **Read more on page 12 and email ambassadors@wsba.org to join the distribution list.**

2 License Fee Philosophy. After almost a decade of fiscal prioritization and strategic actions to keep the license fee essentially flat, the Board is considering a license-fee philosophy focused on future sustainability and predictability for members and the

association. The philosophy would have the Board start with the assumption that the fee should be annually adjusted by a market factor (Washington's L&I cost-of-living adjustment); any increase would then be offset by revenue or cost-saving initiatives or strategic use of reserve funds. The goal is to create a "soft landing" for members—that is, the license fee should keep pace with actual costs of business annually to avoid significant, intermittent fee increases. The Board is seeking feedback before codifying and putting the philosophy to use. **Learn more on page 5.**

3 Setting a New Course for Equity and Justice. Leaders of the WSBA's Diversity, Equity, and Inclusion Council presented a draft Equity and Justice Plan to fulfill the WSBA's purpose of regulating the legal profession and improving the quality of legal services. "This is a plan for every member of the public and for every member of the Bar," said WSBA President Sunitha Anjilvel. The plan is based on a membership study that provided wide-ranging data about the composition of Washington's legal profession and member experiences in the workplace. After receiving much feedback from members, the Council prepared the current draft with three goals: (1) Strengthen the legal profession by building community and fostering belonging; (2) Advance a fair, inclusive, effective, and accessible legal

SIDEBAR

The WSBA Receives Clean Financial Audit

Certified Public Accounting firm Clark Nuber has issued an unmodified, "clean" audit opinion for the WSBA's 2024 fiscal year. This marks another year of upstanding independent audit reports for the state bar. The WSBA has been issued "clean" audits—that is, without a modified opinion, verifying that our financial records accurately present our fiscal status and obligations—dating back to at least 1970. Additionally, the WSBA's annual audits have had no management letters—that is, no issues of note or concern to communicate to the Board of Governors—dating back to at least 1996.

"Financial integrity is paramount," said WSBA Treasurer Kari Petrasek. "We're proud to have another consecutive year of an unmodified opinion, highlighting the accuracy and prudent management of our financial operations." More information about the WSBA's finances can be found at www.wsba.org/about-wsba/finances. 

system for all people in Washington; and (3) Deepen and broaden WSBA leadership's ongoing commitment to address inclusion, belonging, and equity issues. "We're talking about justice for all here, and all means *all*," said Gov. Tom Ahearne. The Board is expected to review and potentially adopt the plan at its May meeting.

SAVE THE DATE

The next regular meeting is May 2-3, 2025, in Port Angeles. To subscribe to the Board Meeting Notification list, email barleaders@wsba.org.

4 Expansion of License Fee Hardship Exemptions.

After considering member feedback, licensing data, and economic statistics, the Board considered a recommendation from the Budget and Audit Committee to increase the number of times a member is eligible for the hardship exemption from two to three, and to raise the eligibility threshold from 200 percent to 270 percent of the federal poverty level. The Budget and Audit Committee will fine-tune the proposal and bring it back for Board action soon.

THE BOARD ALSO:

- **Held** its annual meeting with the Washington Supreme Court, discussing topics such as the WSBA's draft Equity and Justice Plan and implementation of the court's new alternatives to the bar exam and entity regulation pilot program.
- **Discussed** the idea to create seats on the Board of Governors for public (non-legal licensee) members. Governors expressed feedback and concerns, including the need to gather member-wide feedback if this idea were to come forward as a full proposal.
- **Heard** an update from the WSBA's Council on Public Defense regarding new standards for indigent defense—the Legislature and local jurisdictions are encountering implementation challenges with the WSBA's newly adopted standards, and the Washington Supreme Court is currently considering whether to update its own standards that would be codified in court rules. 

MORE ONLINE

The agenda, materials, and video recording from this Board of Governors meeting (held in Shelton), as well as past meetings, are online here: www.wsba.org/bog. 

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Announcement:

We are excited to announce that the Law Offices of James S. Rogers is now Rogers & Cover PLLC.

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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.

Kim Tran

#29734, 2/6/2025



Kim Tran was born in Saigon, Vietnam, to parents Kim Chi Tran and Hung Tran. When she was a toddler, Tran along with her older brother and parents fled the fall of Saigon on one of the last airlifts in 1975. She earned a bachelor's degree in English and political science from Tufts University, a J.D. from Lewis & Clark Law School, and a certificate in human resources from the University of Washington. After law school, Tran joined Stafford Frey Cooper, where she developed an employment law practice. Tran went on to work for Seattle City Light, Microsoft, and most recently, GitHub, where she served as in-house employment law attorney and head of HR legal. Tran's impact on her community and on the legal profession was extensive. She was the first woman of color to serve as president of the King County Bar Association, from 2015 to 2016. She was a distinguished fellow of the American Bar Foundation and participated in the inaugural class of the Washington Leadership Institute (now a collaborative effort between the WSBA and the University of Washington). She also served as board president of Asian Counseling and Referral Service (ACRS), as member and 2006 president of the Asian Bar Association of Washington, as chair of the Joint Asian Judicial Evaluations Committee, as a board member of the Vietnamese American Bar Association of Washington, as a board member of Asian Americans Advancing Justice, and a member and Best Under 40 honoree of the National Asian Pacific American Bar Association. In addition, Tran volunteered as a naturalization teacher, helping immigrants apply for U.S. citizenship. Her leadership and dedication to community service is exemplified in the statements released after her death by the many organizations she was a part of, including the King County Bar Association, Washington Leadership Institute, the Asian American Bar Association of Washington, and Asian Americans Advancing Justice. Tran loved baseball, had an infectious laugh, and was always generous with her time and attention. She was a kind friend, a loving mother, and a mentor to many. Tran died on Feb. 6, 2025, a few weeks after being diagnosed with pancreatic cancer. She is survived by her husband, Angelo; their three sons, Amililo, Elias, and Dante; her mother; and her siblings. 

- Bradley Bartlett**, #54680, 7/4/2024
- John Black**, #13081, 8/22/2024
- Philip Chandler II**, #31997, 8/2/2024
- Dennis Cronin**, #16018, 1/16/2025
- James Deal II**, #8103, 4/10/2024
- David Gaba**, #18908, 6/23/2024
- Ralph Hua**, #42189, 11/14/2024
- Korbey Hunt**, #13518, 3/6/2024
- Jeffrey Jacobs**, #24981, 7/29/2024
- Jeffrey Jones**, #7670, 2/27/2025
- Frank Lathrop**, #5243, 5/14/2024
- Muriel Magee**, #22998, 11/6/2024
- Margaret Mawson**, #26294, 11/2/2024
- Terence McGee**, #6221, 11/23/2024
- Whitney Miller**, #48547, 7/8/2024
- Mark Moburg**, #19463, 11/24/2024
- Jerry Neal**, #3323, 1/22/2025
- Jerry Riedinger**, #25828, 5/19/2024
- Terry Roberts**, #14507, 4/13/2024
- William Romaine**, #21364, 1/3/2025
- Matthew Rutt**, #16949, 2/7/2025
- Hon. Scott Sparks**, #20775, 1/10/2025
- Stephen Smith**, #15414, 8/11/2024
- Patricia Stuart**, #20250, 1/8/2025
- Carl West III**, #5456, 10/8/2022
- H. James Zachor Jr.**, #6327, 7/27/2024

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

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Need to Know

NEWS & INFORMATION OF INTEREST TO WSBA MEMBERS



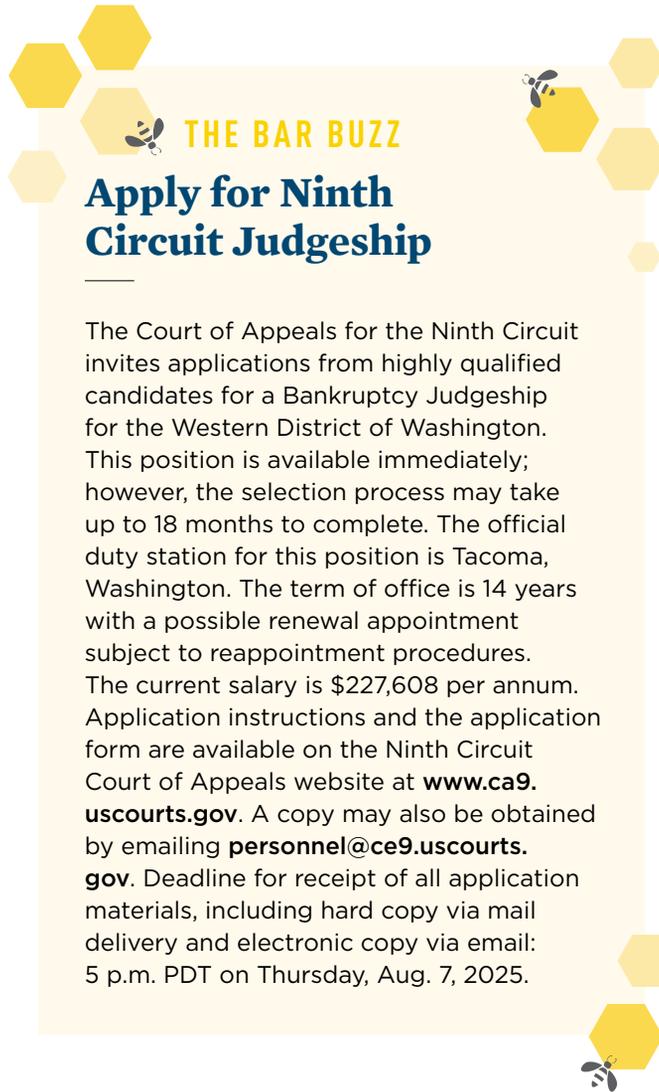
WSBA NEWS

Licensing Suspensions

All licensing and MCLE requirements must be complete and received by 4:30 p.m. PDT on May 5. If you have not complied by 4:30 p.m. PDT on May 5, the Washington Supreme Court will receive a recommendation from the WSBA for suspension of your license to practice law (APR 17). Licensing requirements, including MCLE certification, must be completed online at <https://licensing.wsba.org/>. Visit www.wsba.org/licensing to learn more.

Please Complete Your Confidential Demographics Form

Did you know that the WSBA regularly publishes a variety of demographic information about the WSBA membership? This information is essential to understanding the makeup of the profession, assessing the services the WSBA provides, and informing policymakers as they contemplate changes related to regulation of the practice of law. We highly encourage WSBA members to participate in this voluntary demographic information collection. Please answer the short survey of demographic questions during your license renewal. If you have already renewed your license, you can still return to the license renewal page (<https://licensing.wsba.org/>) to complete the demographics section. Individual gender, race/ethnicity, sexual orientation, and disability information is kept strictly confidential, and is used only in the aggregate for demographic



THE BAR BUZZ

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 Western District of Washington. 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 Tacoma, Washington. The term of office is 14 years with a possible renewal appointment subject to reappointment procedures. The current salary is \$227,608 per annum. 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. Deadline for receipt of all application materials, including hard copy via mail delivery and electronic copy via email: 5 p.m. PDT on Thursday, Aug. 7, 2025.

analysis. Thank you for your participation.

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 [\[www.wsba.org\]\(http://www.wsba.org\) to learn more. This is a pilot project that the WSBA hopes to expand to more languages soon. Visit \[www.wsba.org/for-the-public/concerns-about-a-lawyer/preocupaciones-por-un-abogado\]\(http://www.wsba.org/for-the-public/concerns-about-a-lawyer/preocupaciones-por-un-abogado\).](http://</p></div><div data-bbox=)

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 final Friday of each month from 10-11:30 a.m. via Zoom) is reserved for member comments. All topics are welcome. Visit the events calendar at www.wsba.org for more information.



VOLUNTEER

Rule of Law

Ambassador Program

The WSBA invites you to join its volunteer Rule of Law Ambassador Program, which will equip volunteer legal professionals to educate their local communities about the importance of an independent legal profession as a cornerstone of U.S. democracy and to build relationships to increase trust and confidence in the rule of law. We are kicking off the program with coordinated events on Law Day, May 1, for lawyers to publicly recommit to their professional oath to uphold the Constitution. Visit www.wsba.org/ambassadors to learn more and 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.

Legal Clinic Volunteers Needed

A free legal clinic put on by the Latina/o Bar Association of Washington, the King County Bar Association, and El

APPEALS

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Centro de la Raza is looking for attorney volunteers interested in doing pro bono work. The clinic takes place from 6-8 p.m. on the second Wednesday of every month at El Centro de la Raza in Beacon Hill (2524 16th Ave. S, Seattle, 3rd Floor). Volunteers provide general consultations in areas of the law including immigration, family law, auto accidents, personal injury, worker's rights/wage claims, tenant rights, and criminal law. For more information, email clinics@lbaw.org and clinics2@lbaw.org.

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 vLex Fastcase Platform Upgrade

In October 2024, Fastcase 7, the WSBA's free legal research platform for members, transitioned to vLex Fastcase. The upgraded platform includes everything Fastcase 7 offers plus unique features to enhance your productivity and provide you with greater insights into legal matters. For additional resources

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Juris Doctor, cum laude*

—
Shareholder
—

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Schwabe welcomes Shareholder Ian Adams to the firm's Seattle office. His comprehensive practice spans multiple facets of the real estate and lending industry, primarily focusing on loan transactions involving lenders and borrowers. He also specializes in Federal Housing Administration (FHA)-insured mortgage transactions and advises assisted living and senior housing providers. Ian also served as an Attorney-Advisor for the U.S. Department of Housing & Urban Development.

LAWYER ANNOUNCEMENT



Vandenberg Johnson Gandara PS

is pleased to announce that two attorneys have joined the firm.



LISA A. KREMER
Of Counsel
Estates, Probates,
Intellectual Property
lkremer@vjglaw.com



JULIA BROWN
Associate
Employment and
School Law, Litigation
jbrown@vjglaw.com

Vandenberg Johnson Gandara PS
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LAWYER ANNOUNCEMENT

Need to Know

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and information, please visit <https://vlex.com/vlex-fastcase>, or www.wsba.org/for-legal-professionals/member-support/legal-research-tools/free-legal-research.

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.

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.

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

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

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.

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.

WSBA MEMBER WELLNESS

Washington Lawyers Assisting Lawyers

Washington Lawyers Assisting Lawyers is a new nonprofit that offers free and confidential services. WALAL is separate from the WSBA and is not affiliated with any 12-step organization. WALAL's trained lawyer volunteers serve as peer counselors to lawyers, judges, and law students facing substance use and other mental health challenges. WALAL's Director of Peer Training and Intake Coordinator is Andy Benjamin, J.D., Ph.D. Dr. Benjamin is a licensed psychologist and University of Washington clinical professor of psychology and affiliate professor of law. To learn more about WALAL, to seek assistance, or to volunteer as a peer counselor, see www.WALAL.org or email info@walal.org.



Explore the WSBA Lending Library

Looking for your next great summer read? The WSBA Lending Library is a free service to WSBA members offering the short-term loan of books on topics related to practice management, wellness, and career development. Visit www.wsba.org/for-legal-professionals/member-support/lending-library to explore the catalogue.

[SCAN TO LEARN MORE >](#)



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

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 April 2025 Usury

The usury rate for April 2025 is 12.00%. The auction yield of the March 3, 2025, auction of the six-month Treasury Bill was 4.282%. The interest rate required by RCW 4.56.110(3) (a) and 4.56.115 for April 2025 is 6.282%. The interest rate required by RCW 4.56.110(3) (b) and 4.56.111 for April 2025 is 9.50%. [BN](#)

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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.

Suspended

Timothy R. South (WSBA No. 26267, admitted 1996) of Longview, was suspended for one year, effective 2/03/2025, by order of the Washington Supreme Court. Briana Michelle Gieri acted as disciplinary counsel. Timothy R. South represented himself.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 3.2 (Expediting Litigation), 3.3 (Candor Toward the Tribunal), 8.4 (Misconduct), and 1.16 (Declining or Terminating Representation).

The hearing officer recommended, and the court ordered, that South be suspended from the practice of law in Washington state for one year, followed by probation for two years beginning on the date Timothy R. South is reinstated to active status to practice law.

South was found to have violated the Rules of Professional Conduct by: 1) failing to participate in a discovery conference, failing to update discovery, failing to respond to a motion for default, and motion in limine, failing to appear for the hearing on these motions, failing to move to vacate the default orders, and failing to timely file a response to the petition for dissolution; 2) failing to respond to a client's requests for information, failing to inform the client about the upcoming trial, and failing to discuss with them the implications of

respondent's failures to respond to the petition for dissolution, discovery, motion for default, and motion in limine; 3) knowingly making false statements to the court; 4) failing to promptly return the client's file after the representation terminated; and 5) failing to timely provide a preliminary written response to the grievance, and failing to appear at a deposition, and to comply with a subpoena requiring the production of records.

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

Interim Suspension

Mark Ture Elliott (WSBA No. 54007, admitted 2018) of Tacoma, is suspended from the practice of law in the state of Washington under ELC 7.2(a)(3), effective 2/13/2025, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.***

Joseph W Kuhlman (WSBA No. 42884, admitted 2010) of Spokane, is suspended from the practice of law in the state of Washington under ELC 7.2(a)(3), effective

2/26/2025, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.***

Andrew Michael Reeves (WSBA No. 47116, admitted 2014) of Tacoma, is suspended from the practice of law in the state of Washington pending the outcome of supplemental proceedings, effective 2/21/2025, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.***

Jeremiah Spencer Styles (WSBA No. 49543, admitted 2015) of Edmonds, is suspended from the practice of law in the state of Washington pending the outcome of disciplinary proceedings, effective 10/29/2024, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.***

Transfer to Disability Inactive Status

Kurt Bradley Peterson (WSBA No. 27580, admitted 1997) of Seattle, was by stipulation transferred to disability inactive status, effective 1/31/2025. ***This is not a disciplinary action.*** 

MORE ONLINE

Access further details by clicking the links in the online version:

www.wabarnews.org 

Marketplace

PROFESSIONAL LISTINGS OF INTEREST TO ATTORNEYS IN WASHINGTON

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WELCOME OUR NEW ASSOCIATE

Yale Law grad and former King County public defender, Ninth Circuit Court of Appeals clerk, quantitative economics major



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LAWYER ANNOUNCEMENT

Congratulations to our New Partner

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*Before Strit's door, beneath a rock,
Trials past, colleagues see me rise,
They lift the rock, sunlight in my eyes.
-M.H.*

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Tyler O'Brien

BAR NUMBER: 59327

My vision is to make the world realize being an attorney is about collaborating with people, not acting better than them. I pursue it through my practice, The Longhair Lawyer. When I'm not practicing law, you'll probably find me somewhere outdoors—in a place that's hard to reach.

What is the most interesting case you have handled in your career so far and why?

In my first job as a law clerk, I had a client who was a former executive and minority owner of a company. The managing member kept telling him the company was in dire straits and the client should get out while he still could.

So he did. He quit and took severance. A few months later, the company was acquired by a massive company traded on the Nasdaq. The managing member lied to him—a deal like that doesn't happen overnight.

Crazy thing was—the more documents I reviewed and the more I researched—his case kept getting better. Clients usually hide the ball and leave the worst facts for their attorneys to find later. Not this guy! He came in not knowing what he was entitled to, but by the time I read the company operating agreement and did some research on unpaid wage claims in the relevant jurisdiction—it was obvious he had millions in damages.

At the end of your career, how would you like to be remembered professionally?

Lawyers get a bad rap. People tend to think of us as pretentious, greedy, and unkind, and rightfully so! Over the years, bad actors have left us the butt of every joke.

A new generation of lawyers is on

the rise. Together we will change the legal industry for the better. I'd like to be remembered as the opposite of the conventional image of an attorney. Instead of a cold, calculated, sharp-dressed barrister, I'd like to be remembered as a kind-hearted dude in a T-shirt.

What is your best piece of advice for someone who's just entered law school?

Ask yourself this: How am I going to react to being placed in an environment surrounded by inherently competitive people, when everything is a competition?

Success is measured in many ways. Grades are one way. Another way could be getting through law school without compromising your morals, being taken advantage of by other students, and struggling to build relationships. To be successful by any measure, you need to understand your environment.

Know that you are surrounded predominantly by proud, competent, competitive people. Know that the curved grading system means that one student's success is to the detriment of another.

Decide how you plan to act. Are you going to sabotage other people? I hope not. Are you going to assist those who are struggling? I hope so! But I also hope you won't let others take advantage of you. Understand the environment, but don't let it define you. **BN**

If you had to give a 10-minute presentation on one topic other than the law, what would it be and why? Too many options to decide! How to select the right camp chair? Dog training basics? How to assess the quality of a potato? An intro to indoor rock climbing? A brief guide to trench safety and affirmative consent? These are all topics that have added value to my life. I'd love to pass them on to others.

If you could go back in time, where/when would you go? I'd go back to the early 1800s and explore Washington state and Northern Idaho. I'd explore the Cascades and Selkirk. I'd see massive salmon swim up the Spokane and Entiat rivers. It would be a dream come true—as long as I'm allowed to get LASIK surgery before I step into the time machine.

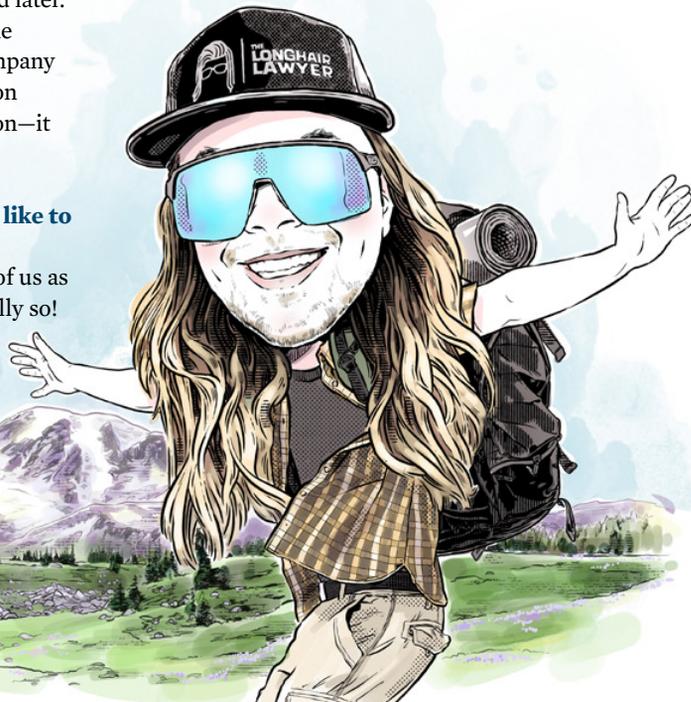
What is one thing from your childhood you would bring back if you could? Days fishing with my grandpa on Hood Canal.

What is the most unusual job you've ever had? You decide! Ranch hand, construction laborer, or sales lead for the Camping Department at an REI?

What's your go-to karaoke song? "Country Roads" by John Denver. It never fails to please the crowd, regardless of whether I'm in rural Washington or downtown San Francisco.

What is your favorite smell? Mountain air.

What is your favorite word? Progress.

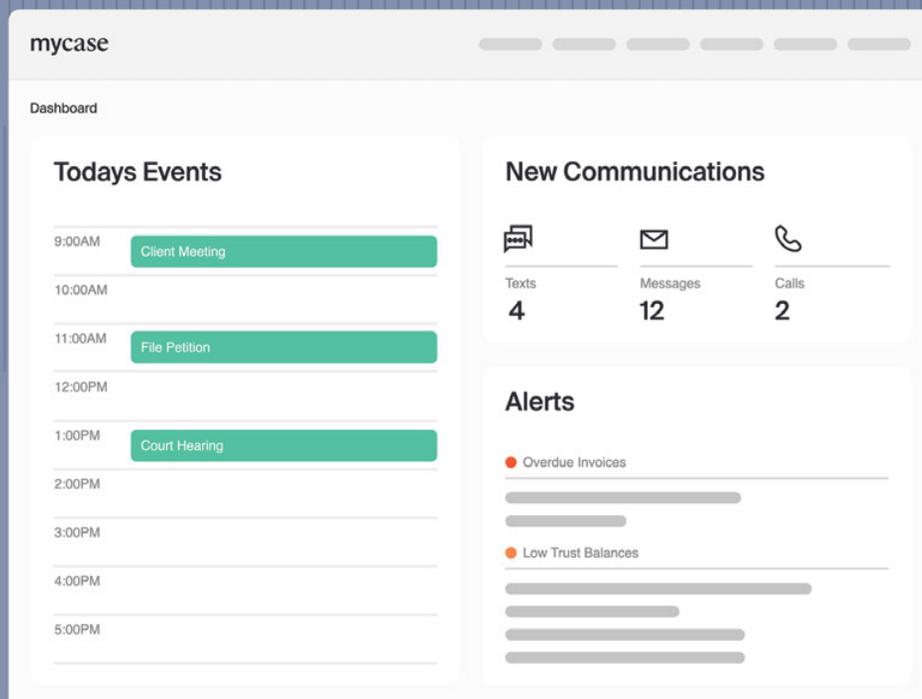


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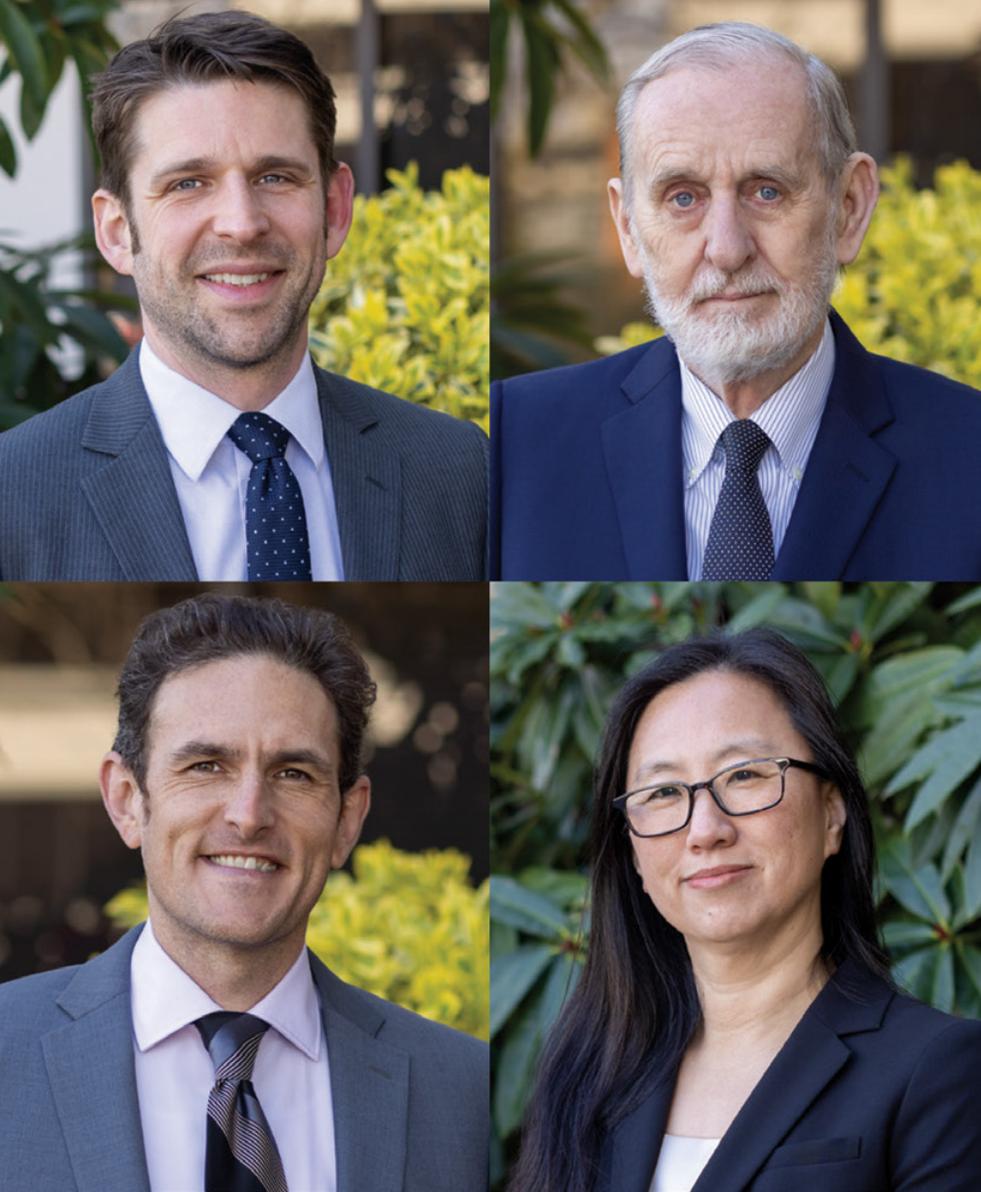
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