

WSBA NEWS

Free WSBA Deskbooks available
online now / p. 32

FEATURE

WUCIOA—upcoming changes for
community associations / p. 34

WSBA NEWS

2024 Discipline System Annual
Report snapshot / p. 50

WASHINGTON STATE BarNews

THE OFFICIAL PUBLICATION OF THE WASHINGTON STATE BAR ASSOCIATION



The Acknowledging Professional Excellence (APEX) Awards honor exemplary members of the legal community, including legal professionals, judges, and members of the public / p. 26

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FEATURES

24

**PRO BONO ORGANIZATION
OF THE MONTH**

**In Conversation
with Northwest
Immigrant Rights
Project (NWIRP)**

→ **Q&A WITH NWIRP
PRO BONO
COORDINATING ATTORNEY
JORDAN WASSERMAN**

26

COVER STORY

2025 APEX Awards

The Acknowledging Professional Excellence (APEX) Awards honor exemplary members of the legal community, including legal professionals, judges, and members of the public

→ **BY WSBA STAFF**

32

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→ **BY KATRINA MULLIGAN**

38

ENTITY REGULATION PILOT PROJECT UPDATE:

The Call for Innovative Legal Service Models to Expand Access to Justice

→ **WSBA STAFF**

34

**The Impacts of
Standardizing the
Law Applicable
to Community
Associations**

New Washington Uniform Common Interest Ownership Act (WUCIOA) provisions take effect Jan. 1, 2026

→ **BY TONY RAFEL
AND TIM FETH**

40

Somewhere To Turn

Representing people with intellectual and developmental disabilities in administrative hearings

→ **BY JENNIFER OLIVERI
AND STACIE SIEBRECHT**

**2024 SNAPSHOT
WSBA Discipline
System Annual Report
/ P. 50**

COLUMNS

- 4 **Editor's Note**
Annual Awards
BY KIRSTEN LACKO
- 12 **President's Corner**
Shepherding Change:
A Year of Collective
Vision and Bold Progress
BY SUNITHA ANJILVEL
- 14 **Guest Column**
Diversity is Not Limited
BY RAINA WAGNER
- 16 **Ethics & the Law**
Fessing Up: The Duty
to Correct Inaccurate
Legal Citations
BY MARK J. FUCILE
- 20 **Innovation in Law**
Going Green as a Lawyer
BY JORDAN L. COUCH

ESSENTIALS

- 7 **Inbox**
- 11 **NWSidebar: There's
More on the Blog**
- 44 **On Board**
- 46 **Need to Know**
- 55 **Discipline & Other
Regulatory Notices**
- 56 **Marketplace of Professionals**
- 63 **Classifieds**
- 64 **Beyond the Bar Number:
*Mei Shih***

**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.

Recognizing Excellence

Each September, the cover of *Bar News* features the WSBA's Acknowledging Professional Excellence (APEX) Awards. This year's awards honor a Supreme Court Justice with an impressive legacy (Justice Susan Owens), a longtime community volunteer with an "undeniable" presence (John Cummings), a government lawyer and generous mentor (Kristin Brewer), a steadfast civic leader and champion of justice (Dennis Cronin), a celebrated First Amendment lawyer (Bruce Johnson), a trailblazer and change-maker toward inclusion and equal justice (Kim Tran), a court clerk with "technical brilliance and scrupulous ethics" (Erin Lennon), a judge devoted to community empowerment and education (Judge LeRoy McCullough), a young leader and dedicated law student mentor (Tyler Quillin), and an innovative group helping to rectify past injustices in the legal system (Blake Refund Bureau). Read more about each of these winners on page 26.

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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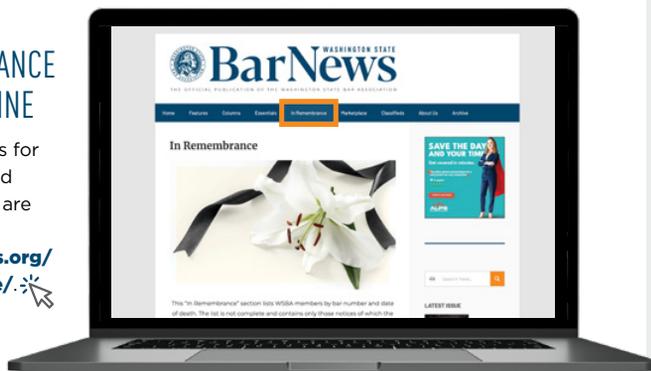
Also in this issue: A discussion of the Washington Uniform Common Interest Ownership Act and several upcoming changes for condominium and homeowners' associations (page 34); the Discipline System Annual Report (page 50); an ethics column on correcting inaccurate legal citations (page 16); a Pro Bono Organization of the Month

feature on Northwest Immigrant Rights Project (page 24); a deep dive into the Developmental Disability Administration Appeal Project (page 40); a look at the soon-to-launch Entity Regulation Pilot and a call for applicants (page 38); and more. **BN**

IN REMEMBRANCE SECTION ONLINE

Longer obituaries for recently deceased WSBA members are now online.

www.wabarnews.org/in-remembrance/



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We are honored to recognize John M. Cummings, Partner at Eisenhower Carlson PLLC, as the recipient of the 2025 WSBA APEX Award for Pro Bono & Public Service (Individual) for his remarkable commitment to justice and service.



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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. All opinions, statements, and conclusions expressed in letters to the editor 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.

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 that do not relate to or affect the objectives of GR 12.1 or GR 12.2(a) or (b); 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.

The Rule of Law is Not Political

Supporting the importance of the rule of law in our country as lawyers is not a political statement. We are a country of laws. Our professional association should encourage our members to defend our legal system against tyranny, regardless of political beliefs.

Roger Ley in his recent letter to the editor [July/August 2025 *Bar News*] argues to "Keep Politics Out" of our activities. I agree. But then he boldly states that the "Rule of law" as a slogan is a "thinly disguised attack on the Trump Administration." That is baloney! His statement sounds



political to me! And I thought Mr. Ley wanted to keep politics out of our discussion.

It sounds to me like Mr. Ley thinks the emperor's new clothes look great on him. Apparently, he doesn't see what many of us see and about which we are greatly concerned.

I choose to support the rule of law as currently enforced

CONTINUED >

Inbox

CONTINUED >

by our court system. I believe that thereby we can safeguard our rights as written in the Constitution.

Stephen J. Henderson
Olympia

Experimenting With AI

I always appreciate the practical approaches Jordan Couch brings to his and my shared goal of access to justice. His July/August 2025 article, “The Bright Legal Future,” focused on AI, which for me conjures up musical earworms of the themes from *The Twilight Zone* and the *The X Files*.

In essence, Couch encourages us old stick-in-the-mud lawyers to play around with AI and get ready for the future. And at my age and stage, how often do I get to enter uncharted waters that could help increase efficiency, access more research quickly, and contain costs? (Yes, the caveats are all specified and well worth considering.)

Couch suggests that “there are lots of easy ways you can begin exploring” inside and outside of your law practice:

“Ask ChatGPT to plan your next vacation. Search for a dinner recipe ... that uses only items you have in your fridge already. If you are using a tool at work that has a built-in AI (like Microsoft Copilot) try asking it how it can help you.”

So I held my breath and took the plunge these past few months, thinking it might help me in my personal life and in preparation for my weekly pro bono neighborhood legal clinics.

For fun, I asked ChatGPT to create a song for my 72nd birthday that incorporated the following themes: 1) always wanting/hoping to be 6-feet tall; 2) telling baristas when they ask how I like my coffee: “short like me”; 3) that my “practice” has shifted from practicing law to practicing being the silliest grandpa ever; and 4) in the style of a country song written and sung by Kenny Chesney or Chet Atkins.

I was blown away. The quality and humor of ChatGPT’s birthday ballad was clever and tight enough to share with my family (and credit the robot accordingly). No, I’m not sophisticated enough to figure out how to have it additionally compose

the melody and play for it me (but I’ll bet you Couch knows how).

Then I asked ChatGPT to replay for me (so to speak) a landlord-tenant issue I handled several weeks earlier (I had already researched the issue and explained it to the client). I described similar facts and issues (without sharing any confidential information) and gave specific prompts asking for state law and appropriate city and county ordinances, and once again, it was spot on. The explanation provided was linear and organized. Yes, there were some glitches as far as listing the correct subsection of statutes or omitting them altogether.

Lastly, I took an essay I had been working on and that ideally, I’d have a friend with an eagle eye edit and critique. I was very specific with my prompts to make sure that the integrity of my writing and substance was retained. ChatGPT took and preserved the contents, style, and organization, but grammatically and tonally smoothed it out like a professional editor should. There was no question it was my essay. But it certainly

became a more polished second draft. I would never ask AI to write first or second drafts of anything I submit. But for a final polish?

With regard to pro bono services, Couch encourages “the development of tools for self-represented individuals and pro bono clinics.” He highlights Querious, an AI tool that listens to meetings between intake staff and clients, helps identify and triage legal issues, and makes intake faster, which is “particularly important for organizations like pro bono clinics where budgets are tight.” My response: “Beam me up, Scotty.”

Here’s hoping that our Bar and pro bono services sectors will be able to find a way to incorporate these AI tools and train us, with the necessary guardrails in place. In the meantime, I’ll still be experimenting a bit, just for fun, while I drink a coffee, “short like me.”

Note: AI was not involved in writing this letter. And if you want to use my birthday song, will you have to pay royalties to me, or to ChatGPT?

Michael Goldenkranz
Seattle



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The Legal Profession Needs Better Leaders — Not More Managers

BY MARGEUX GREEN



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WSBA Creates Oath Review & Drafting Task Force

BY COLIN RIGLEY

The WSBA Board of Governors is reviewing the Washington state Oath of Attorney, finding it outdated and convoluted. Following Law Day, a Task Force is being formed to propose updates, aiming to [...]

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Federal Court Clarifies Fiduciary Exception and Internal Law Firm Privilege

BY MARK J. FUCILE

Over the past generation, law firms have developed internal ethics and risk management structures. Courts recognize attorney-client privilege for internal [...]

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What They Don't Teach in Law School... They Do Now.

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Shepherding Change: A Year of Collective Vision and Bold Progress

When I stepped into the role of acting president in April 2024, it felt like trial by fire. But by the time I officially began my term in October 2024, I felt confident in my commitment to my theme of collaboration, consensus, and community in the legal profession. Over the past year, I have come to understand the depth and reach of the Washington State Bar Association in terms of its work to make the practice of law better for everyone in an ever-changing world. So, for those who are wondering, “What does the State Bar actually do?” this column will provide specific answers.

The accomplishments of the past year reflect teamwork. It has been my privilege to shepherd these initiatives alongside passionate, thoughtful colleagues and WSBA staff whose commitment to professional excellence is remarkable. Here are just a few highlights that I believe demonstrate how the WSBA is leading the nation in reimagining what a modern bar association can and should be.

A Bold Equity & Justice Plan, Unanimously Approved

In May 2025, our Board of Governors unanimously adopted the WSBA's **Equity & Justice Plan**—a landmark accomplishment that grew from a year of hard work, listening sessions, data analysis, and community engagement. This plan centers belonging, equity, and access as institutional imperatives and provides a clear framework for implementation across all levels of the WSBA's work.

That we arrived at a unanimous vote reflects not just shared values, but deep collaboration between members, the Equity & Justice Plan Subcommittee, the DEI Council (read more about the DEI Council's work from the fantastic outgoing chair, Raina Wagner, on page 14), WSBA staff, and the Board. The plan is not just aspirational—it is actionable, measurable, and built to last.



Sunitha Anjilvel
WSBA President

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

Technology Task Force: Preparing the Profession for What's Next

Recognizing the rapid pace of technological change, we launched the **WSBA Legal Technology Task Force**. This forward-looking group of appointed volunteers represents a cross section of legal professionals (including a judge) that is charged with examining the role of artificial intelligence, legal automation, and emerging technologies in Washington's legal landscape. Their work ensures that we are not just reacting to disruption, but anticipating it—with ethics, equity, and public service at the center. Stay tuned for reports from this important task force.

Defending the Rule of Law: Launch of the Ambassador Program

At a time when trust in democratic institutions is under strain, the WSBA took a principled stand by launching a **Rule of Law Ambassador Program**—kicking off on **Law Day 2025** with 13 events across the state allowing lawyers to retake their oath in a symbolic commitment to the rule of law. It was a proud moment to watch this new program take shape, with support from across the political and professional spectrum. This program is developing, and it empowers members to engage the public, educate communities, and defend foundational principles such as judicial independence, due process, and equal protection. Check out www.wsba.org/about-wsba/ambassadors to see how you can get involved and become an ambassador.

Reimagining Governance: Two New Committees Chart the Way

Good governance is essential to building a credible and responsive Bar. In that spirit, we created a dedicated **Governance Committee** to review and strengthen the WSBA's internal structures and processes and assess our governing bylaws for

contradictions, ensuring transparency and long-term sustainability.

We also are in the process of convening an **Oath Review & Drafting Task Force**—a thoughtful group tasked with evaluating whether our oath reflects the evolving values and responsibilities of legal professionals today. This is about more than words; it's about aligning our spoken words with our collective mission in a way that is less anachronistic than our current oath.

Innovating Attorney Regulation: The Entity Regulation Pilot

We took a bold step by launching the **Entity Regulation Pilot Program**—a forward-thinking project that explores the regulation of entities providing legal services (rather than just individual attorneys) with a view toward improving accountability, compliance, and client outcomes. This places Washington at the forefront of regulatory innovation, learning from global models while tailoring reforms to our own landscape (Read more on page 38.).

Developing Real Solutions for Geographically Underserved Communities

Our **Small Town and Rural (STAR) Council** has been hard at work developing initiatives to combat the issue of lawyer and legal professional shortages in less populated areas across the state. STAR held its second annual summit at Heritage University on the Yakama Reservation near the town of Toppenish and is continuing its mission to address these critical gaps in access to justice.

Bar Licensure Reform: From Vision to Implementation

The WSBA has played a key role in supporting the implementation of multiple pathways to bar licensure, following the Supreme Court's adoption of these alternatives in 2024. Our staff and volunteers have worked tirelessly to

build out systems and criteria to support and adopt these new pathways—including the NextGen Bar Exam and supervised practice models—broadening access to the profession while maintaining protection of the public.

A THANK YOU TO TEAM PLAYERS

Every one of the accomplishments listed above was made possible through the dedication of the WSBA's many volunteers, professional staff, section leaders, affinity bar members, and governors. To the many volunteers, please know how much you matter. To my Board members past and present, it has been a joy and a privilege to work alongside you. I also want to recognize a group of folks who are the lifeblood of our work and our mission: our incredible Bar Association staff, who work hard and smart and who truly care. Executive Director Terra Nevitt's leadership is exercised with a rare combination of intelligence, insight, compassion, and love for her work and the people involved. Last, but not least, I want to acknowledge that our Washington Supreme Court is truly modeling a culture of collaboration as it leads and supports us in our initiatives, which is inspiring to me.

LOOKING FORWARD

I am proud of what we've built—and even more excited for what's next. The Equity & Justice Plan will now move into the implementation phase. The Legal Technology Task Force will soon share initial findings. Our governance committees are setting the foundation for lasting reform. The STAR Council continues its problem-solving work. And the Rule of Law Ambassadors are already engaging communities across Washington.

We are not just keeping pace with change—we are leading it.

I'm especially excited to pass the torch to my friend and colleague, **President-Elect Francis Adewale**, whose long-standing commitment to public service, community engagement, and legal innovation make him exceptionally well-suited to lead the WSBA into its next chapter. I look forward to supporting him and watching the Bar continue to evolve under his thoughtful and principled leadership.

Go Francis! 

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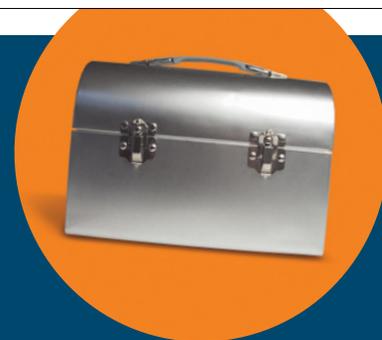
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Diversity is Not Limited

Back in late 2021, with my six-year stint on the board of the Loren Miller Bar Association (LMBA) coming to an end, I thought to myself, “What next?”

It was a strange time. That winter, the nation was in the throes of the second big COVID-19 wave and, begrudgingly, we all shuffled back into our Zoom rooms. In my life, LMBA leadership was transitioning to the next generation, but I still wanted to devote my volunteer hours to enhancing diversity in the legal profession, and access to justice. And I ached for connection.

That’s the time that I saw an email inviting applicants to the Washington State Bar Association’s Diversity Committee, one of the many volunteer committees, councils, and boards organized by our Supreme Court and the WSBA Board of Governors (WSBA Board). The Diversity Committee—which had an off-cycle position open up—needed someone to raise a hand to volunteer for just the kind of volunteer work I was ready to do. I applied, they picked me, and my WSBA volunteer life took off.

Being off-cycle, I joined in media res, and the committee was already hard at work with the affinity bar associations (ABAs), serving as a liaison between the ABAs and the WSBA Board and tackling the issue of transforming itself from a committee to a council. I devoted time to the committee-to-council transformation project, which included rewriting the charter, gathering statewide input and feedback, and presenting the proposal to the WSBA Board for first read, second read, and vote. The WSBA Board approved the new charter in July 2022, formalizing the voting rights of all committee members and expanding the composition of the group to include law students, judicial officers, law school faculty and staff, and members of the general public. It also meant a renaming: We became the Diversity, Equity, and Inclusion Council (or DEI Council), a subtle name change that broadened our focus and shed light one of the DEI Council’s core missions—access to justice.

All the work I did on the DEI Council over the next three years was in furtherance of that general principle, including:

- **Launch of the Membership Demographic Study:** A yearslong process that culminated with the 2024 WSBA Membership Demographic Study, which highlighted that while the Washington legal profession is slowly gaining diversity, it still does not reflect the demographics of the state.
- **Creation of a new Equity & Justice Plan:** The DEI Council also worked for years (with statewide input and expert

consultants) to update the WSBA’s 2013 Diversity Plan, arriving at three main goals: 1) strengthen the legal profession by building community and fostering belonging; 2) advance a fair, inclusive, effective, and accessible legal system for all people in our state; and 3) broaden the WSBA’s ongoing commitments to addressing inclusion, belonging and equity issues. The WSBA Board unanimously approved the 2025 Equity & Justice Plan earlier this year.

- **Mentorship and development of new lawyers:** Through partnerships with Washington’s three law schools and the creation and launch of the WSBA’s 2024 Pathways to the Profession Summit, the DEI Council supported and advocated for new legal professionals.



Raina Wagner

Raina Wagner works as an attorney in the Civil Rights Division at the Washington Attorney General’s Office and as an intermittent adjunct professor at Seattle University School of Law. She is a former treasurer, vice president, and president of the Loren Miller Bar Association (LMBA), and current vice chair of the Board of Directors of Puget Sound Public Radio (KUOW). Wagner’s term on the WSBA Diversity, Equity, and Inclusion (DEI) Council concludes Sept. 30.

Beginning in 2022, I served as co-chair for the DEI Council, being reappointed to the leadership position in 2023 and 2024 and sharing co-chair duties first with now-President Sunitha Anjilvel, and then with WSBA Governor Nam Nguyen. None of the above accomplishments would have made their way across the finish line without Sunitha and Nam’s dedication, along with the work of the WSBA’s Equity & Justice Team staff and all the other governors, legal professionals, and public members I have had the pleasure of serving with for the past three and a half years.

Here in the Washington legal profession, we continue to recognize the value of a diverse and equitable legal profession, and we are committed to doing the work necessary to advance it. For some, the letters DEI have become tainted, representing preferential treatment for non-white people, or racial quotas in job hiring, contract awards, and career advancement (note: DEI means none of those things). In

In 2025, the existence of the WSBA Diversity, Equity, and Inclusion Council—with no further name change—is a statement in itself. So is the WSBA Board’s unanimous approval of the Equity & Justice Plan.

MORE ONLINE

To learn more about the WSBA Diversity, Equity, and Inclusion Council, visit

www.wsba.org/connect-serve/committees-boards-other-groups/diversity-equity-inclusion-council.



2025, the existence of the WSBA Diversity, Equity, and Inclusion Council—with no further name change—is a statement in itself. So is the WSBA Board’s unanimous approval of the Equity & Justice Plan.

Another project I worked on during my time on the DEI Council reflects just how seriously we took our commitment to diversity. In 2023, after a year of seeking input from affinity bar associations and other WSBA members, the Council proposed a change to the definition of “diversity” in a key WSBA bylaw. The bylaw lays out the procedure for the election of two at-large governors to the WSBA Board, whom the DEI Council recommends for placement on the ballot. Prior to the proposed change, the WSBA bylaws dictated that these at-large positions should be filled by people who represent groups that are “historically underrepresented” in the Washington bar or represent “some of the diverse elements of the public of the State of Washington.” After the 2023 amendment was approved, the bylaw states that underrepresented communities “encompass[] and [are] not limited to, race, disability, age, ethnicity, religion, sexual orientation, gender identity, and gender expression.” As the definition shows, diversity is so much more than race. It means young and old. Able-bodied and disabled. From all religions. From all ethnic and cultural backgrounds. And because diversity “is not limited,” it also encompasses overlooked groups and populations that we do not even know we are missing at the table. The WSBA will continue through any future amendments to ensure that this provision of the Bylaws serves the purpose of including unheard voices on the Board.

That’s diversity. That’s DEI. And as I walk away from my time as a WSBA volunteer, that’s what I am most proud of.

What next.



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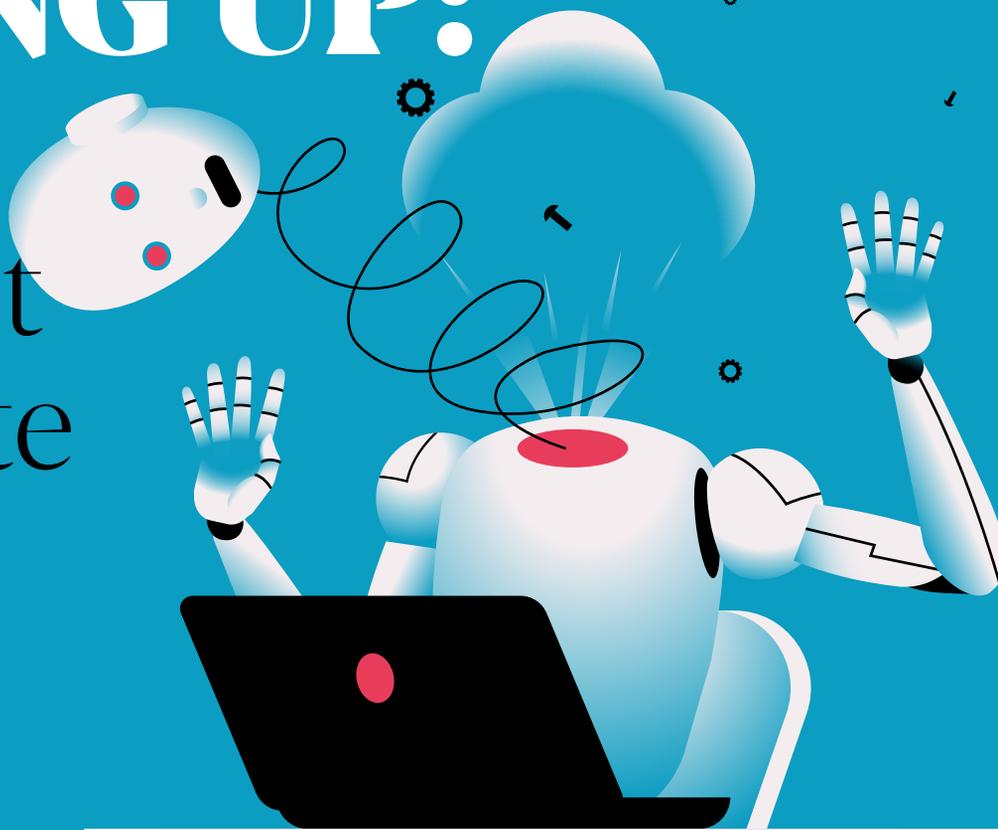
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FESSING UP:

The Duty to Correct Inaccurate Legal Citations

BY MARK J. FUCILE



“[A]ny use of AI requires caution and humility. One of AI’s prominent applications made headlines ... for a shortcoming known as ‘hallucination,’ which caused the lawyers using the application to submit briefs with citations to non-existent cases. (Always a bad idea.)”

—Chief Justice John G. Roberts, Jr.¹

Once upon a time, in an era when paper reigned supreme, there were stories of lawyers who cited cases after only reading the headnotes or similar summaries rather than the opinions themselves.² Those lawyers risked citing cases for the wrong proposition.³ More recently, the case Chief Justice John Roberts was alluding to with his pointed comment—*Mata v. Avianca, Inc.*, 678 F. Supp.3d 443 (S.D.N.Y. 2023)—involved a lawyer who used an artificial intelligence tool to write a brief that included citations to cases that didn’t even exist.⁴

Both of these “old” and “new” shortcuts

may say more about human nature than the march of technology. With the advent of AI tools that promise both legal research and brief writing, however, the risk from cutting corners is magnified because an entire brief or other critical filing may be stricken. That raises the twin specter of client harm and lawyer sanctions.⁵ The growing genre of AI “hallucination” cases has also provided a related illustration of human nature: an unwillingness to “fess up” when lawyers discover mistakes. Failing to acknowledge an initial shortcoming in competence can quickly spiral into a central issue of lawyer credibility with the court. Although judges

understandably have little patience for lawyers who took shortcuts by not cite-checking their filings, they have even less tolerance for lawyers who then try to hide their errors.

In this column, we will first briefly note the ethics rule—RPC 3.3(a)(1)—that requires a lawyer to correct a false statement of law the lawyer made to a court. We will then survey the emerging genre of cases where lawyers used AI tools for court filings that included inaccurate—or nonexistent—case citations and the accompanying risk of not promptly correcting the problem once discovered.⁶

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

First, as Supreme Court Chief Justice John Roberts observed, filing a brief without checking the citations is “always a bad idea.” Both the regulatory duty of competence under RPC 1.1⁷ and the civil standard of care⁸ put the responsibility for prepar-

ing accurate briefs squarely on the lawyer involved. The development of AI tools that both research and write, however, appears to have increased the temptation to take this risky shortcut. Although lawyers have important duties to understand the technology they use in law practice,⁹ today we will focus on the decidedly more human risk of not owning up to mistaken legal citations once discovered.

Second, we will address lawyers who did not set out to knowingly lie to courts. RPC 3.3(a)(1) prohibits lying outright, and sanctions for intentionally lying to a court are understandably severe.¹⁰

Third, although we will focus on the ethics rule, many of the examples we will touch on involve court sanctions under Federal Rule of Civil Procedure 11 and state counterparts—under which, using the federal phraseology, a lawyer’s signature on a filing certifies that the “legal contentions are warranted by existing law[.]”¹¹ It bears remembering that court sanctions and regulatory discipline are not mutually exclusive and some of the cases we will discuss involve both.¹²

Finally, AI is evolving rapidly and, as it does, the ways it will impact both law practice and the legal profession are also in flux. The ABA and state bars around the country—including the WSBA—have undertaken extensive studies of the broader impacts of AI and have or are issuing rolling guidance as the technology evolves.¹³ We will save those broader considerations for another day. In this column, we will take a small-bore approach to the particular problem of lawyers who don’t acknowledge errors when they discover them in briefs that include inaccurate citations generated by AI tools.¹⁴

RPC 3.3(a)(1)

RPC 3.3(a)(1) is simple and direct:

A lawyer shall not knowingly:

- (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.¹⁵

Comment 4 to RPC 3.3 states the reason for the rule:

Legal argument based on a knowingly false representation of law constitutes dishonesty toward the tribunal.

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



Washington’s rule is patterned on its ABA Model Rule counterpart.¹⁶ Both trace their lineage to the ABA Canon 22—“Candor and Fairness”—adopted by the ABA in 1908.

As noted earlier, today we will focus on the failure to correct once an inaccuracy has been discovered, and the cases in the “hal-

Although judges understandably have little patience for lawyers who took shortcuts by not checking their filings, they have even less tolerance for lawyers who then try to hide their errors.

lucination” genre thus far tilt in that direction. Absent a technological fix, however, it is conceivable that with the growing awareness of that shortcoming a lawyer who uses an AI tool to both research and write a brief without independently checking the accuracy of the resulting citations could at some point be accused of knowingly making a false statement of law from the outset—perhaps in a disciplinary setting but more likely in a sanctions context. RPC 1.0A(f), for example, notes that knowledge can be inferred from the circumstances. Washington Civil Rule 11(a)(2) and Federal Rule of Civil Procedure 11(b)(2), in turn, both frame a lawyer’s certification of the legal authority cited in filings as being based on “an inquiry reasonable under the circumstances.”¹⁷

HALLUCINATION CASES

Nationally, “hallucination” cases are a comparatively diverse lot. Some involve experienced partners.¹⁸ Others involve junior associates.¹⁹ Some are civil cases.²⁰ Others come from criminal practice.²¹ Some involve large law firms.²² Others involve solos.²³ Some involve lawyers using consumer products.²⁴ Others involve products tailored to law practice.²⁵ A few involve lawyers who said they understood how the AI tool worked.²⁶ Others claimed ignorance.²⁷ Although a few involve discrete citations in briefs otherwise prepared by lawyers,²⁸ many involve multiple citations to non-existent cases in filings prepared largely by AI tools.²⁹ What they all share is Chief Justice Roberts’ pungent observation: The lawyers didn’t check their work.

In almost all instances, either opposing counsel or the court discovered the error. What happened next often dictated the outcome for the lawyers.

Some refused—at least initially—to acknowledge the source of the error. A case

from Colorado involving a young associate provides a telling example:

When the judge expressed concerns about the accuracy of the cases, Crabill falsely attributed the mistakes to a legal intern. Six days after the hearing, Crabill filed an affidavit with the court, explaining that he used ChatGPT when he drafted the motion.³⁰

The lawyer was disciplined under Colorado’s version of RPC 3.3(a)(1) for failing to disclose the error once it surfaced—along with Colorado RPC 1.1 on competence and RPC 8.4(c) for engaging in dishonest con-

CONTINUED >

duct.³¹ Media reports noted that the lawyer was later fired from his law firm.³²

By contrast, others immediately accepted responsibility and apologized.

A case from New York involving a more seasoned lawyer provides an equally telling example:

The Court also credits Schwartz's representations—that the inclusion of the cases in his motion was an “honest” and “unfortunate mistake,” ... that he “had no intention to deceive the Court,” ... and that he would have withdrawn the citations immediately if given the opportunity ... and does not doubt the genuineness of his apologies and acceptance of responsibility.³³

In light of the forthright apology, the court did not impose sanctions.³⁴

This is not to suggest that a quick apology will cure all. A Massachusetts court, for example, noted its appreciation for a lawyer's ready acceptance of responsibility and apology, but still fined the lawyer \$2,000.³⁵ Moreover, an insincere apology can heighten rather than lessen the risk of sanctions.³⁶

Nonetheless, as the old saw attributed to Will Rogers counsels: “If you find yourself in a hole, stop digging.”³⁷ Lawyers have a clear responsibility for their filings under RPC 3.3(a)(1), applicable court rules such as CR 11 and its federal counterpart, and the standard of care. Failure to meet those duties can have serious consequences for both the lawyers and their clients.³⁸ Those consequences are ordinarily stark enough when a lawyer has failed to check the accuracy of the legal citations in a filing and they are incorrect, or even worse, nonexistent. To compound those consequences by not being completely honest with the court is to invite turning a “hallucination” into a very unpleasant reality of potential court sanctions, regulatory discipline and, depending on the circumstances, civil claims. Further, once lost, credibility with the court can be difficult to restore.³⁹ In short, while it is always a bad idea to file a brief without cite-checking it as Chief Justice Roberts noted, not fessing up to the court when that failing inevitably surfaces is even worse. 

NOTES

1. Chief Justice John G. Roberts Jr., *2023 Year-End Report on the Federal Judiciary* at 5-6 (2023).
2. See, e.g., *Fahner v. Marsh*, 1988 WL 5016 (N.D. Ill. Jan. 19, 1988) (unpublished) (lawyer sanctioned under Fed. R. Civ. P. 11 for inadequate legal research when he cited decision for incorrect proposition after only reading about it in a footnote to a CLE publication rather than analyzing the case himself).
3. *Id.*
4. For a non-technical background discussion of AI tools in law practice that assist with both researching and writing and the associated risk of “hallucinations” in legal citations, see generally *Wadsworth v. Walmart, Inc.*, 348 F.R.D. 489 (D. Wyo. 2025).
5. See, e.g., *Grant v. City of Long Beach*, 96 F.4th 1255 (9th Cir. 2024) (dismissing appeal, in relevant part, for citation to nonexistent case). Depending on the circumstances and the policy involved, AI-related errors may not be covered under at least some malpractice policies. See Danielle Braff, “Got Insurance?” 111 *ABA J.* 1, 9-10 (Feb./Mar. 2024) (discussing coverage issues from AI-related errors).
6. Because this unfortunate genre is still developing, the cases included should not be regarded as a static compilation. Running “hallucination” through a legal research engine will likely continue to yield newer cases.
7. RPC 1.1 provides: “A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”
8. Washington Pattern Jury Instruction 107.04 on legal malpractice states that “[a]n attorney has a duty to use that degree of skill, care, diligence, and knowledge possessed and used by a reasonable, careful, and prudent attorney in the State of Washington acting in the same or similar circumstances.”
9. See, e.g., RPC 11, cmt. 8 (noting duty to stay current on technology used in law practice).
10. See, e.g., *In re Kamb*, 177 Wn.2d 851, 305 P.3d 1091 (2013) (lawyer disbarred for altering court order and related misrepresentation); *In re Osborne*, 187 Wn.2d 188, 386 P.3d 288 (2016) (lawyer disbarred for, in relevant part, filing false declaration).
11. For a discussion of Federal Rule of Civil Procedure 11 in the context of nonexistent citations generated by AI tools, see Jessica R. Gunder, “Rule 11 Is No Match for Generative AI,” 27 *Stan. Tech. L. Rev.* 308 (2024). For a general discussion of Washington Civil Rule 11, see Philip Talmadge, Emmelyn Hart-Biberfeld, and Peter Lohnes, “When Counsel Screws Up: The Imposition and Calculation of Attorney Fees as Sanctions,” 33 *Seattle U. L. Rev.* 437 (2010).
12. See, e.g., *People v. Crabill*, 2023 WL 8111898 (Colo. Nov. 22, 2023) (unpublished) (lawyer disciplined following court sanctions for failing to check citations to nonexistent cases generated by AI tool used to write brief and then trying to cover-up the error); *Park v. Kim*, 91 F.4th 610 (2d Cir. 2024) (lawyer referred to disciplinary committee after imposition of sanctions for filing brief that included nonexistent citation generated by AI tool). See also *Restatement (Third) of the Law Governing Lawyers* § 111, cmt. e (2000) (noting that inadequate legal research can expose lawyers to both regulatory discipline and court sanctions).
13. See generally ABA Formal Op. 512 (2024) (addressing AI tools in law practice and compiling authorities nationally). In Washington, the work of the WSBA Legal Technology Task Force is summarized on the WSBA website at: www.wsba.org/connect-serve/committees-boards-other-groups/legal-technology-task-force.
14. Some of the cases in the AI “hallucination” genre involve *pro se* litigants. See, e.g., *Kruse v. Karlen*, 692 S.W.3d 43 (Mo. App. 2024); *Al-Hamim v. Star Hearthstone, LLC*, 564 P.3d 1117, 2024 WL 5230126 (Colo. App. 2024). In this column, we focus on lawyers. That said, lawyers who “ghostwrite” briefs for *pro se* litigants should carefully verify the accuracy of the legal citations included. See generally WSBA Advisory Op. 202002 (2020) (lawyer ghostwriting for *pro se* litigants); ABA Formal Op. 07-446 (2007) (same).
15. Correcting statements of fact was addressed in this space as “Reckoning: The Duty to Correct under RPC 3.3,” in the December 2024/January 2025 issue. RPC 3.3(a)(3) addresses the associated principle that a lawyer must “disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by the opposing party[.]”
16. Robert H. Aronson, “An Overview of the Law of Professional Responsibility: The Rules of Professional Conduct Annotated and Analyzed,” 61 *Wash. L. Rev.* 823, 863 (1986) (discussing Washington's adoption of the RPCs based on the ABA Model Rules in 1985).
17. On a related note, some courts around the country by local rule or general order require disclosure of the use of AI tools to varying degrees for filings. For a convenient tracker of these kinds of rules and orders, see www.ropesgray.com/en/sites/artificial-intelligence-court-order-tracker.
18. See, e.g., *Mata v. Avianca, Inc.*, *supra*, 678 F. Supp.3d 443.
19. See, e.g., *People v. Crabill*, *supra*, 2023 WL 8111898.
20. See, e.g., *Will of Samuel*, 206 N.Y.S.3d 888 (N.Y. Surrogate's Ct. 2024).
21. See, e.g., *United States v. Cohen*, 724 F. Supp.3d 251 (S.D.N.Y. 2024).

22. See, e.g., *Wadsworth v. Walmart*, supra, 2025 WL 608073.
23. See, e.g., *Park v. Kim*, supra, 91 F.4th 610.
24. See, e.g., *Mata v. Avianca*, supra, 678 F. Supp.3d 443.
25. See, e.g., *Gauthier v. Goodyear Tire & Rubber Co.*, 2024 WL 4882651 (E.D. Tex. Nov. 25, 2024) (unpublished).
26. *Park v. Kim*, supra, 91 F.4th at 614.
27. See, e.g., *Mata v. Avianca, Inc.*, supra, 678 F. Supp.3d at 456.
28. See, e.g., *United States v. Cohen*, supra, 724 F. Supp.3d at 254-55, 257-260.
29. See, e.g., *Mata v. Avianca*, supra, 678 F. Supp.3d 443; *People v. Crabill*, supra, 2023 WL 8111898; *Smith v. Farwell*, 2024 WL 4002576 (Mass. Super. Feb. 15, 2024) (unpublished).
30. *People v. Crabill*, supra, 2023 WL 8111898 at *1.
31. *Id.*
32. Pranshu Verma and Will Oremus, "These Lawyers Used ChatGPT to Save Time. They Got Fired and Fined," *Washington Post*, Nov. 16, 2023 (available at: www.washingtonpost.com/technology/2023/11/16/chatgpt-lawyer-fired-ai/#).
33. *United States v. Cohen*, supra, 724 F. Supp.3d at 258-59.
34. *Id.* at 260.
35. *Smith v. Farwell*, supra, 2024 WL 4002576. See also *Kohls v. Ellison*, 2025 WL 66514 at *4-*5 (D. Minn. Jan. 10, 2025) (unpublished) (noting a quick and sincere apology when a "hallucination" was discovered in an expert's declaration but still striking the declaration).
36. See, e.g., *United States v. Hayes*, 763 F. Supp. 3d 1045, 1066 (E.D. Cal. 2025). ("The Court finds this response inadequate and not credible."); *University of Washington v. Singh*, 2024 WL 4315178 at *5 (W.D. Wash. Sept. 26, 2004) (unpublished) ("[T]he court finds it strains credulity that the originally proffered case could have been mistaken for the 'substitute' case.").
37. See www.parks.ca.gov/?page_id=23998 (California State Parks/Will Rogers State Park website).
38. Where potential client harm is involved, conflicts can follow under RPC 1.7(a)(2) between the interest of the client and the interest of the lawyer. Depending on the circumstances, some of those conflicts may be waivable, but others may not (and, therefore, would require the lawyer's withdrawal under RPC 1.16(a)(1)).
39. See, e.g., *Lee v. Delta Air Lines, Inc.*, 2024 WL 1230263 at *3 (E.D.N.Y. Mar. 22, 2024) (unpublished) ("[T]he Court maintains serious concern that at least one of Plaintiff's cited cases is non-existent and may have been a hallucinated product of generative artificial intelligence, particularly given Plaintiff's recent history of similar conduct before the Second Circuit.").

PROFESSIONAL ETHICS

Ethics Advice Bar Discipline Disqualification Motions Fee Disputes Judicial Ethics Judicial Discipline

Bellingham Muni. Court v. City of Bellingham,
Whatcom Cty. Cause No. 21-2-00541-37 (2022) (disqualification of Bellingham City Attorney)

Plein v. USAA Cas. Ins. Co., ***Arden v. Forsberg & Umlauf***,
195 Wn.2d 677, 463 P.3d 728 (2020) (RPC 1.9) 189 Wn.2d 315, 402 P.3d 245 (2017) (RPC 1.7)

LK Operating, LLC v. Collection Group, LLC,
181 Wn.2d 48, 331 P.3d 1147 (2014) (RPC 1.8)

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2025 WL 1625553 (2025) (determining that UW had no Covid-related property insurance coverage)

Lionetti v. Shriram Family Revocable Trust,
31 Wn. App. 2d 1077, 2024 WL 3567363 (2024) (affirming summary judgment dismissal of construction lawsuit)

Lucid Group USA v. Dep't of Licensing,
33 Wn. App. 2d 75, 559 P.3d 545 (2024)
(court rejects direct vehicle sales)

King Co. v. Friends of Sammamish Valley,
556 P.3d 132 (2024) (Court upholds rejection of County ordinance expanding commercial activities in agricultural/rural zones)

Hawkins v. ACE American Ins. Co.,
558 P.3d 157 (2024) (Court finds insurer was deprived of due process in reasonableness hearing on settlement)

CR Construction, LLC v. Sherlock Investments, et al.,
31 Wash. App. 2d 1084 (2024) (overturning \$1,288,620 jury verdict in a construction lawsuit)

Selim v. Fivos, Inc.,
2024 WL 3423716 (2024) (concluding that Washington, not Egyptian, law applied in employment case)

Gardens Condominium v. Farmers Ins. Exchange,
2 Wn.3d 832, 544 P.3d 499 (2024) (amicus brief for insured on ensuing loss provision)

Hartford Fire Ins. Co. v. FC Leschi, LLC,
2024 WL 1856692 (2024) (reversing trial court coverage, extracontractual award against insurer)

Gordon v. Robinhood Financial, LLC,
547 P.3d 945 (2024) (reversing excessive fee sanction award)

Scott v. City of Tacoma,
28 Wn. App. 2d 1050, 2023 WL 7327746 (2023)
(summary judgment for city on attenuated causation grounds reversed)

Ebbeler v. WFG National Title Co.,
29 Wn. App. 2d 1049, 2024 WL 692684 (2024)
(reversing dismissal of contract and negligence claims against escrow agent)

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GOING GREEN AS A LAWYER

BY JORDAN L. COUCH

Law is not exactly a high-emissions industry. We're not running factories or shipping crates across oceans. But that doesn't mean we get a pass on climate responsibility. In fact, it means we have an opportunity to lead by example when doing so is much easier for us than other industries. Going green as a lawyer isn't just good for the planet; it's good for your bottom line, your clients, your team, and yourself. I know that some readers may not agree with that statement. This article isn't going to try to convince you. But for those of you who see the value in doing what we can, this article will provide practical tips for going green without turning your firm into a composting co-op (unless that's your thing, in which case, compost away).

START WITH THE EASY WINS

It's amazing how much low-hanging fruit there is for a lot of firms. Much of the carbon footprint for law firms comes down to three things: paper (law firms are one of the largest publishing industries), physical footprint (big fancy offices), and travel (conferences, court hearings, and client meetings).

1 Go Paperless. I'm sure you've heard this one before, but it's worth repeating: Stop printing everything. Use a digital document-management system for briefs, contracts, and filings. E-signature platforms like DocuSign or Adobe Sign are easy to implement and save you from

Going green as a lawyer doesn't mean you have to overhaul your entire practice overnight. Start small. Pick one thing. Then another. Then another.

printing, scanning, and filing. Bonus: You'll make things easier on your client, and you'll save money on paper, toner, and office space. Double bonus: Your briefcase gets lighter. Yes, you will still get mail, and clients will still hand you paper. Set a policy in your office that you don't keep paper; anything that comes in is immediately scanned and either returned or recycled. Not only is this more green, but it is also more secure. Physical documents can easily be destroyed or lost. If you are using cloud-based products and basic cyber security measures, even deleted documents can usually be recovered. Your physical office is not more secure than the undisclosed locations where Microsoft, for example, hosts your documents on the cloud.

2 Switch to Smart Energy. LED lights. Smart thermostats. Energy-efficient appliances. These are not radical changes—they're just smart business. They reduce your utility bills and your carbon footprint. And if you own your office building, solar panels are a long-term investment that pays off in both dollars and karma. If your office has good natural light, embrace it. Nobody likes fluorescent lighting anyway.

Jordan L. Couch is a partner at Palace Law. Outside of his practice, Couch is heavily involved in state, local, and national bar associations, advocating for a better, more client-centric future to the legal profession. Contact him at jordan@palacelaw.com.



3 Reduce Travel. Zoom fatigue is real, but can be easily mediated by remembering the adage: Could this meeting be an email or a phone call? Virtual meetings cut down on emissions and save time. Ask the court to let you appear virtually when you aren't in front of a jury, hold client meetings by video conference, and take advantage of many of the WSBA's great on-demand CLEs. When travel is necessary, encourage carpooling, public transit, or even trains (which, let's be honest, are way more fun than driving). When you do have to fly, consider offsetting your emissions (more on that later).

SUPPORT YOUR TEAM'S SUSTAINABILITY

Going green is an area in which, thankfully, what's good for your team is also good for your firm and the environment. There are a number of things you can do in your firm that support your team members and your firm's goals.

1 Encourage Greener Commutes. Make sure your office has safe bike storage. Offer public transit passes to employees. Reimburse employees for e-bikes as part of an employee wellness benefit (there may also be potential savings on health insurance in some marketplaces). These small perks make a big difference and show your team that you walk the walk. They are small investments that can improve morale, health, and the environment.

2 Let People Work from Home. I know this will be controversial to some, but if you have hired the right people, then being in person every day isn't necessary or even helpful. When Palace Law went fully virtual in 2020, we saw an increase in productivity that has sustained. Even today we only ask our local team members to be in office once or twice a week, and that's only to help with the cultural onboarding and training of newer employees. On the advantages side, remote work reduces commuting emissions, office energy use, and physical footprint. Those reductions are probably the biggest single thing you can do to make your firm more climate-friendly. It also makes a lot of people happier. Happier people do better work. Better work makes clients happy. You see where this is going.

RETHINK OFFICE NORMS

1 Ditch the Single-Use Stuff. Set up recycling and compost bins. Get rid of disposable cups and plastic water bottles. Give everyone a reusable mug and water bottle. It's not revolutionary—it's just responsible. It was about 15-20 years ago that Palace Law ditched Styrofoam cups in favor of mugs and compostable cups and stopped buying bottled water. It cost us

CONTINUED >



more and some employees thought it was a tad ridiculous at the time. But soon after, no one noticed or cared. Be the one doing ridiculous things for the love of the environment; please ditch the K-cups.

2 Use Eco-Friendly Cleaning Products. Your office doesn't need to smell like a chemical plant to be clean. Green cleaning products are better for the environment and for the people breathing them in every day. They might cost a little more, they might not be quite as effective as the industrial cleaners, but is your law firm really that dirty on a daily or weekly basis?

3 Buy Less, Buy Smarter. You don't need a new laptop every year. Upgrade the RAM. Replace the battery. When it's time to let go, recycle it responsibly. Same goes for office furniture—second-hand or refurbished options are cheaper and greener.

BE THOUGHTFUL ABOUT TECH

Technology is not without an environmental impact, but in many cases the right technology is essential to reducing your firm's environmental impact.

1 Cloud Over Servers. Cloud-based systems can have a lower energy footprint than physical servers, especially if you choose providers that run on renewable energy. Some reasons for that are because large cloud servers benefit from efficiencies of scale, from optimization (they almost never run idle), location (naturally cooler environments), and advanced infrastructure (better and more efficient cooling systems). As an added bonus, they can be more secure and scalable. This is another one of those situations where doing the more environmentally-friendly thing is also (in the long term) cheaper for your firm.

2 Use AI Sparingly. I know I've talked about the advantages of AI in a few of my columns.¹ But generative AI is incredibly resource intensive. A ChatGPT query, for example, can use up to 10 times as much energy as a simple Google search (the average is said to be about five times as much). Before you fire up a chatbot to

Before you fire up a chatbot to write your next email, ask yourself if there's a simpler, greener way to get the job done.

write your next email, ask yourself if there's a simpler, greener way to get the job done. Instead of using AI for individual tasks, set up a template that can be used again and again.

3 Use Technology That Gives Back. For instance, instead of reaching for your usual search engine, use Ecosia, a search engine that plants trees with its ad revenue. It's vetted, transparent, and easy to switch to. One small change, thousands of trees.

FIND YOUR CLIMATE SWEET SPOT

Dr. Ayana Elizabeth Johnson has a brilliant framework for climate action: a Venn diagram with three circles—what you're good at, what brings you joy, and what the world needs. Where those circles overlap? That's your sweet spot.

As lawyers, we're good at a lot: advocacy, negotiation, research, writing, organizing chaos into order. The world needs all of that in the fight against climate change—whether it's drafting policy, litigating environmental violations, or helping nonprofits get off the ground.

And joy? That's the secret sauce. If you don't enjoy the work, you won't stick with it. So, find the climate work that lights you up. Maybe it's helping frontline communities. Maybe it's suing polluters. Maybe it's just making your firm a little greener every day. Whatever it is, lean into it.

OFFER PRO BONO FOR THE PLANET

If you want to make a real impact, offer your legal skills to environmental causes. That could mean helping advocacy groups, green startups, or community organizations.

CARBON OFFSETS: A LOVE-HATE RELATIONSHIP

If you have already jumped on all of the tips in this article and you want to take it further, good for you. Unfortunately, two things are true: 1) if your firm wants to be carbon neutral, you'll probably need to buy carbon offsets; and 2) many carbon offsets are completely ineffective. The idea behind carbon offsets is that you can mitigate your carbon footprint by supporting activities that counteract emissions. The classic example is planting trees to make up for the air pollution put out by a factory. However, carbon offsets are largely unregulated, unverifiable, and sometimes downright fraudulent. One analysis indicated that more than 90 percent of rainforest carbon offsets certified by the world's biggest certifier, Verra, are likely "phantom credits" that do not represent actual carbon reductions. Verra has disputed this finding.²

The takeaway here is, if you want to engage in offsets, do some research. Don't just click the add-on to your airplane ticket. Look for programs that actually remove carbon from the atmosphere or support verified reforestation with native species. The Climate Action Reserve is a good place to start. So is UNDO (<https://un-do.com>), which focuses on carbon removal and helps you track your footprint.

FINAL THOUGHTS

Going green as a lawyer doesn't mean you have to overhaul your entire practice overnight. Start small. Pick one thing. Then another. Then another. The legal profession has a long way to go, but we're also uniquely positioned to lead. And if you ever feel overwhelmed, remember the Venn diagram. Find your sweet spot. Do what you're good at. Do what brings you joy. Do what the world needs. And maybe—just maybe—save a little piece of the planet along the way. **BN**

NOTES

1. And I used AI at various points in my process of writing this article. To learn about my process of using AI, check out the WSBA CLE I did recently, "Using AI to Accelerate Your Law Firm and the Justice System."
2. www.theguardian.com/environment/2023/jan/18/revealed-forest-carbon-offsets-biggest-provider-worthless-verra-aoe.

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PRO BONO ORGANIZATION OF THE MONTH

In Conversation with Northwest Immigrant Rights Project (NWIRP)

Q&A WITH NWIRP PRO BONO COORDINATING ATTORNEY JORDAN WASSERMAN

Q. Tell us a bit about the history of your organization. What is your organization’s philosophy? Why do you do what you do?

Northwest Immigrant Rights Project promotes justice by defending and advancing the rights of immigrants through direct legal services, systemic advocacy, and community education. We strive for justice and equity for all persons, regardless of where they were born.

Q. Where is your organization located? Do volunteers participate remotely, in person, or both?

NWIRP has offices in Seattle, Wenatchee, Granger, and Tacoma. Our volunteers provide in-person and remote representation to clients across

Washington state, including those at the Northwest ICE Processing Center (NWIPC) in Tacoma.

Q. Who does your organization serve?
NWIRP serves the needs of low-income immigrants.

Q. What area(s) of law do you provide services in?
Immigration.

Q. Does your organization provide training, CLE credit, or other benefits to volunteers?
NWIRP provides training,

CLE credit, helpful resources, interpreter resources, malpractice insurance, and technical support.

Q. Please provide one or two (anonymous) client stories—examples of people who were helped and how.

“CS” was a Venezuelan journalist who was blacklisted, harassed, and threatened for his reporting. The harassment escalated until his home was broken into by pro-government forces, the facade of his home was shot up, and his two dogs were killed. CS fled Venezuela and was detained coming into

Jordan Wasserman has been a staff attorney at NWIRP for over 18 years. He provides direct representation to NWIRP clients and manages NWIRP’s pro bono program. He can be reached at jordan@nwirp.org.



the U.S. NWIRP helped him apply for (and receive) asylum. He is now a U.S. citizen.

“CC” is a 70-year-old woman from the Philippines. She has been a Lawful Permanent Resident of the United States for nearly 50 years. Unfortunately, CC developed a drug addiction 40 years ago and has been unable to stay sober. Her drug addiction led to several arrests. She was ultimately detained by ICE and put into deportation proceedings. NWIRP helped her gather support from her estranged children and show the immigration judge that her positive qualities were sufficiently strong to outweigh her criminal history, and that she merited a favorable exercise of discretion. She was able to retain her LPR status and was let out of detention.

Q. What does a typical weekly or monthly commitment look like for a volunteer? How many hours? How many clients?

Most volunteer attorneys provide direct representation to one or two clients at a time. They will typically work on a case a few hours a week. Most attorneys spend between 50-100 hours working on a case over a period of time that could span between several months and several years.

Q. What do volunteers say they enjoy most about serving clients through your organization?

Most volunteers say they enjoy being able to have a huge impact on the lives of their clients.

Q. Are you currently in need of volunteers? If so, how can legal professionals reach out to get involved?

NWIRP needs volunteers now more than ever. If

interested, please email me, Jordan Wasserman (Pro Bono Coordinating Attorney). My email address is jordan@nwirp.org.

Q. What gaps in our existing system(s) does your organization fill?

NWIRP provides pro bono representation to low-income immigrants in their immigration matters, when they cannot afford to hire their own attorney. In immigration matters, people who cannot afford an attorney usually must proceed *pro se*.

Q. What would you most want readers to know about the type of work your organization does and the type of people who need your services?

You do not need prior experience, and you will receive the support you need. Without the help of volunteer attorneys, even more low-income immigrants would be unrepresented, and without representation, their chances of success plummet. The majority of immigrants in deportation proceedings are unrepresented. 



LEARN MORE

To get involved, please visit <https://nwirp.org/>. More information about volunteering can be found at: <https://nwirp.org/join/volunteer/>.



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APEX

A W A R D S

The Acknowledging Professional Excellence (APEX) Awards honor exemplary members of the legal community, including legal professionals, judges, and members of the public.

Note: APEX Award winners are nominated by WSBA members and members of the public. Nominations are reviewed by the WSBA APEX Awards Committee (made up of members of the WSBA Board of Governors), which makes recommendations to the full Board of Governors. Nominations for the 2026 APEX Awards open in January.

Questions can be emailed to barleaders@wsba.org.

PRO BONO AND PUBLIC SERVICE AWARD (INDIVIDUAL)

The Pro Bono and Public Service Award for an individual is presented to a lawyer or other legal professional for outstanding cumulative efforts in providing pro bono services or who gives back in meaningful ways to the public, the community, or the legal profession.

John Cummings

By using his legal prowess and commitment to empathy and kindness, John has been a lighthouse in the storm to those feeling lost or unheard. He is described as “a constant volunteer” whose “presence in the community is undeniable.” In partnership with TacomaProBono and the Inn of Court, John helped launch a name change clinic that assists people in navigating the stressful process of changing their identity documents. He has also served as a pro tem judge in the city of Lakewood and Thurston County and serves as the QLaw voting member liaison to the Tacoma-Pierce County Bar Association, where he helps promote access to justice and improve the legal profession. John has also dedicated time to form and policy refinement at the county and state level. His public service work is not performative—it is who he is at his core. He not only volunteers tirelessly, but he also inspires others to do the same.



PROFESSIONALISM AWARD

The Professionalism Award is awarded to a WSBA member who exemplifies the spirit of professionalism in the practice of law, as defined in the WSBA's Creed of Professionalism.

Bruce Johnson

(Presented posthumously)

Bruce spent his entire legal career, nearly 50 years, with the firm Davis Wright Tremaine. There, he established a media law practice and became an authority on the First Amendment and specifically commercial speech. Bruce was singularly responsible for helping Washington state enact its first reporter's shield law in 2007. He also (twice) helped to write and lobby for the passage of the state's anti-SLAPP (strategic lawsuits against public participation) statute. This legislative work was reflective of not only Bruce's passion for the First Amendment but also his desire to ensure that the law protected everyone—not just his clients. In addition, Bruce represented local media outlets, including *The Seattle Times*, which dubbed him “one of the country's preeminent First Amendment lawyers,” a sentiment echoed by many of his colleagues. Bruce's legacy not only includes his own impressive and extensive legal work—it also includes decades of pro bono service and mentorship of countless younger attorneys, both inside and outside his firm.

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OUTSTANDING YOUNG LAWYER AWARD

The Outstanding Young Lawyer Award recognizes one attorney who has made significant contributions to the professional community, especially the community of young lawyers, within their initial years of practice. Recipients must be active WSBA members within five years of admission to any bar association or less than 36 years of age.

Tyler Quillin

As a member of the University of Washington School of Law Alumni Leadership Council (2024- present), Tyler continues to play a critical role in mentoring and supporting law students from underrepresented backgrounds, ensuring that they have the resources and opportunities to succeed. He has consistently used his position to guide young attorneys through the challenges of law school and early practice, as well as to connect young attorneys of all backgrounds with his extremely vast network of attorneys across the country. His work with the King County Bar Association's New Lawyer Division (2019-2022) provided valuable mentorship for emerging legal professionals, particularly those from diverse backgrounds. Through every position he holds, Tyler continues to break down barriers and create pathways for underrepresented groups to thrive in the legal profession. His leadership, mentorship, and service are not only helping to transform the legal community but also ensuring that diverse voices are heard and represented.



CHIEF JUSTICE MARY E. FAIRHURST AWARD OF MERIT

The Chief Justice Mary E. Fairhurst Award of Merit is the Bar's highest honor and is given to an individual for a recent, singular achievement. The singular achievement may involve an individual who has displayed exceptional courage in the face of adversity, thus bringing credit to the legal profession. It is awarded to individuals only — both legal professionals and members of the public.

Justice Susan Owens

(Presented posthumously)

Washington Supreme Court Justice Susan Owens was a true judicial giant whose service, character, and leadership have left an indelible mark on the legal landscape of Washington state. Her journey to the Washington Supreme Court is a story not only of perseverance and dedication, but also of bold, barrier-breaking leadership. When she was first elected in 2000, she became only the seventh woman to serve on our state's highest court. In the years since, she served with distinction as the longest-serving female justice in Washington history. But her impact goes far beyond those numbers. Justice Owens brought to the bench a unique and essential perspective, shaped by her early work as a tribal judge and as a district court judge in Clallam County. She carried that lived experience into her opinions and her leadership, advocating passionately for fairness, equity, and the rule of law—always grounded in a profound respect for every person who came before the court. She was a stalwart advocate for access to justice. Whether working to improve services for marginalized communities or championing the cause of those voices who are too often drowned out, Justice Owens never shied away from tough decisions. Her opinions reflected deep empathy, meticulous legal reasoning, and a fearless sense of duty to the Constitution and to the people of Washington. Many have had the privilege of working with her, learning from her, or simply witnessing her extraordinary career. What stands out is not just her brilliance as a jurist, but her humanity.

Justice Owens brought warmth, humor, and humility to a role that demands so much. She reminded us that justice is not an abstract concept—it is a human endeavor.

LIFETIME SERVICE AWARD

The Lifetime Service Award is a special award given for a lifetime of service to the legal community and the public.

Dennis Cronin

(Presented posthumously)

Throughout his lifetime, Dennis devoted himself to those who did not have a voice, to those who were marginalized by society. After law school, he worked for more than a decade at Maxey Law Office in Spokane before starting his own firm, the Law Office of D.C. Cronin, in 2003. He had a strong passion for service, which is exemplified in the various roles he held including commissioner pro tem for Spokane County Superior Court from 2005 to 2015, chair of the Spokane County Bar Association's Family Law Section from 2008 to 2022, chair of the WSBA's LGBTQ+ Section from 2019 to 2020 and member of the Section's executive committee from 2015 to 2021, and chair of Spokane's Human Rights and Ethics Commissions. Dennis also served in a volunteer capacity as the Carl Maxey Center general counsel and the legal director and senior supervising attorney for the Sandy Williams Justice Center, which has provided free legal clinics since it opened in 2023. One significant achievement of his legal career was his role in helping to bring about General Rule 40—Washington's Informal Family Law Trials—adopted by the Washington Supreme Court in 2022. The new rule promotes a less adversarial trial process and greater access to the legal system for people who represent themselves. Dennis had a strong commitment to diversity, equity, and inclusion and to serving his community even prior to becoming an attorney. In his 1982 application to

Gonzaga University School of Law, Dennis wrote, "[f]or the past few years, the primary goal in my life has been to become a competent legal-aid lawyer ... I have increasingly felt a moral commitment to aid the many disadvantaged people living in our society. This commitment is unshakable ... Consequently, nothing shall prohibit my eventual fulfillment of this goal."



Courtesy photos



NORM MALENG LEADERSHIP AWARD

The Norm Maleng Leadership Award is given jointly by the WSBA and the Access to Justice Board, in honor of the late King County Prosecutor Norm Maleng's legacy as a leader. He was an innovative and optimistic leader committed to justice and access to justice in both civil and criminal settings. Within the profession, his leadership was characterized by his love of the law and commitment to diversity and mentorship. This award recognizes those who embody these qualities.

Erin Lennon

For the better part of a decade, from 2016 to 2025, Erin (pictured, left, with Justice Mary Yu) served as the first openly LGBTQ+ clerk and deputy clerk of the Washington Supreme Court before stepping down earlier this summer. Even though clerk of the court is a big job, Erin's positive influence managed to outsize her formal title. Her technical brilliance and scrupulous ethics made her an ideal fit for the clerk's role of interpreting and applying often-Byzantine court rules. Yet Erin was always aware that neutral-seeming rules can close the courthouse doors to meritorious claims, usually with a disparate impact on members of historically marginalized communities. Fortunately for the Washington legal system, Erin has a keen eye for justice, an extraordinary talent for organizing and inspiring people, and a unique ability to devise and implement solutions where others can't even see a problem.

CONTINUED >



LEGAL INNOVATION AWARD

The Legal Innovation Award recognizes legal professionals, law firms, courts, law schools, individuals, or organizations who demonstrate leadership in promoting innovation in the practice of law. Innovation may be defined as programs, processes, or technology that advance or streamline the future of the profession and accessibility/delivery of legal services.

Blake Refund Bureau

The Blake Refund Bureau has effectively streamlined the refund process for legal financial obligations (LFOs) resulting from unconstitutional convictions under the landmark *State v. Blake* decision, 197 Wn.2d 170, 481 P.3d 521 (2021). Launched in July 2023, the Administrative Office of the Courts' Refund Bureau stands as the primary legal entity in Washington responsible for reimbursing individuals who paid LFOs on convictions now deemed unconstitutional. The significance of the Refund Bureau's work is underscored by the extensive scope of cases impacted by *State v. Blake*. With 626,188 simple drug possession cases across all 39 county superior courts and various courts of limited jurisdiction dating back to 1971, the scale of potential refunds is substantial. Although not every case affected by *Blake* will require a refund, it is estimated that between five to 20 percent of cases will necessitate processing, highlighting the Bureau's critical role in rectifying past injustices and ensuring fairness within the legal system.



JUSTICE C.Z. SMITH EXCELLENCE IN DIVERSITY AWARD

The Justice Charles Z. Smith Excellence in Diversity Award is named in honor of Justice C. Z. Smith, the first African American to serve on the Washington Supreme Court. This award goes to a lawyer, law firm, or law-related group that has made a significant contribution to diversity in the legal profession.

Kim Tran

(Presented posthumously)

Since she began her legal career, Kim was a champion of diversity and equal justice. Over the course of her law practice, she worked for Seattle City Light, Microsoft, and most recently, GitHub, where she served as in-house employment law attorney and head of HR legal. Despite a burgeoning career and volunteer commitments, Kim made time to seek opportunities and positions where she could effect change. 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 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, Kim volunteered as a naturalization teacher, helping immigrants apply for U.S. citizenship. She was never content to sit on the sidelines and hope things would improve. She worked tirelessly to educate others about diversity, gently revealing opportunities for growth. She intuitively knew that creating opportunities for inclusion would lead to a more accepting and, in turn, more accessible community. She worked fiercely to improve the lives of the Asian and Pacific Islander community. Everything she did, she did with respectful strength and commitment.





OUTSTANDING JUDGE AWARD

The Outstanding Judge Award is presented for outstanding service to the bench and for special contribution to the legal profession at any level of the court.

Hon. LeRoy McCullough

King County Superior Court Judge McCullough’s knowledge and experience has been consistently recognized by his colleagues who have entrusted him with leadership roles over the court and on various communities. He has served as the chief presiding judge of the Maleng Regional Justice Center and the King County Juvenile Drug Court. He has chaired the court’s Jury Committee, Personnel Committee, and Courts and Community Committee. Yet Judge McCullough’s impressive judicial service goes beyond his 36 years on the King County Superior Court bench. Prior to his appointment, he served as a chief hearing examiner for the Office of the Hearing Examiner and worked as an administrative law judge for more than a decade. His legal career is a legacy and amasses to nearly 50 years. Alongside his judicial work, Judge McCullough believes in community and civic education. He has a deep commitment to bridging courts and communities. More than simply being present in the community, he invites community members to be empowered with knowledge of the system and to engage with the judges who serve at their pleasure.

MORE ONLINE

Check out videos of 2025 APEX Award recipients at www.wsba.org/news-events/apex-awards.



ANGELO PETRUSS AWARD FOR LAWYERS IN GOVERNMENT SERVICE

The Angelo PetruSS Award for Lawyers in Government Service is named in honor of Angelo R. PetruSS, a senior assistant attorney general who passed away during his term of service on the WSBA Board of Governors. It is given to a lawyer in government service who has made a significant contribution to the legal profession, the justice system, and the public.

Kristin Brewer

Kristin currently serves as senior counsel in the Office of the Washington State Attorney General. She has litigated for the office since 2007 in the Government Compliance and Enforcement Division’s Health Section. Her work protects some of the state’s most vulnerable populations and ensures the public’s continued trust and confidence in the state’s health care professionals and health care systems. Kristin has advocated on behalf of her clients in Washington’s administrative tribunals, superior courts, and appellate Divisions I, II, and III. Kristin is a tenacious litigator who teaches, mentors, and challenges those who work with her. As senior counsel, she generously mentors assistant attorneys general and the office’s support staff to ensure

her experience continues to benefit those in the division. Kristin’s tenure at the Attorney General’s Office caps her career commitment to public service. **BN**



WSBA DESKBOOKS: Check Them Out (Literally) Free!

All titles are now available via a partnership with state law library

BY KATRINA MULLIGAN

Check them out—*literally*! Thanks to a new partnership between the Washington State Bar Association and the Washington State Law Library, the entire catalogue of WSBA Deskbooks is available for free online lending, with an expanded number of the most popular titles.

“We surveyed members and heard clearly that Deskbooks are an important and trusted practice resource,” said Matthew Dresden, WSBA governor and co-chair of the Member Engagement Council. “People that use them, love them. And this new partnership with the Washington State Law Library promises to take Deskbooks to the next level: Not just a WSBA product but also a fantastic member benefit, and at no additional cost. To quote Ron Burgundy, it’s ‘kind of a big deal.’”

Deskbooks are by Washington practitioners for Washington practitioners. They are authored by leading legal experts to provide practice-tested, practice-focused guidance, including forms, checklists, and practical tips. They cover areas such as family law, real property, business and corporate law, litigation, and many more. Long recognized as authoritative resources on Washington law, Deskbooks have been cited in more than 250 appellate opinions.

As technology has evolved, so too has Deskbook accessibility. In recent years, the WSBA has worked with its physical book distributor, LexisNexis, to produce electronic versions of books for purchase; and the WSBA launched an annual subscription

model for Deskbook titles through the legal-research platform vLex/Fastcase.

“The main reasons Deskbooks aren’t used by members—and I include myself in that number—are (1) cost and (2) lack of a Deskbook relevant to their practice area,” Dresden said. “This new partnership eliminates the first reason by putting every Deskbook just a mouse click away from every member, regardless of resources. Eliminating the second reason is a work in progress, but the dream is to commission even more Deskbooks covering even more practice areas.”

So go explore! Members will need to create a free account with the Washington State Law Library to check out eBook versions of Deskbooks via the library’s LexisNexis Digital Law Library system. Step-by-step instructions are available at www.wsba.org/deskbooks.

‘THEY SAID YES!’

In 2021, the WSBA’s strategic planning council began investigating options about whether and how to support a free-access model for Deskbooks after Rajeev D. Ma-

jumdar, managing partner of Whatcom Law Group and former WSBA president, began advocating for the idea.

“We are a small rural practice ... so it’s not like if you want to bounce an idea off someone, you can just walk down to the next building and say, ‘Hey, Joe, I have this idea, let’s kick it around,’” Majumdar said. “We really have to think about how we get resources and practice-area expertise”—especially *timely* and *affordable* resources, he added.

Majumdar described Deskbooks as one of the WSBA’s “most noble projects, bringing together cutting-edge legal thought and case law and putting it one place.” His request kickstarted a months-long span of fiscal research and operational planning that ultimately landed with the Member Engagement Council, which surveyed and engaged with members about Deskbooks and potential distribution models. The Council then made a successful recommendation to the Board of Governors to partner with the Washington State Law Library and fund expanded access to high-use titles.

“They said YES,” Majumdar said. “I am so excited about it.” He noted that one of his firm’s newest attorneys, Alejandra Cabrales, was just the type of colleague he had in mind when he began his advocacy; and, in a perfect full-circle moment, she was one of the first to login to take advantage of the expanded Deskbook titles via the law library.

“As a new attorney, I had been limited to resources that our firm has on hand,” Cabrales said. “And I do random different areas of law. One that comes to mind, for example, is estate planning, so I am very excited.” No matter what curveballs she may encounter as she starts out, Cabrales said, she knows the Deskbook catalogue is there to help.

State Law Librarian Rob Mead along with other law librarians were instrumental in both the research and implementation phases of the new partnership, providing examples of how frequently Washingtonians turn to Deskbooks for legal guidance. In celebrating the release of the third edition of the *Family Law Deskbook* in 2022, the State Law Library encapsulated the spirit of the new edition—as well the overall Deskbook ethos—by calling it an amazing “mentoring resource.”

Now, thanks to this new partnership,

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Katrina Mulligan is the senior legal editor at the Washington State Bar Association. She can be reached at katrinam@wsba.org.



that mentoring legacy is expanded and accessible to every member of the Washington Bar—free of charge.

DESKBOOKS: A BRIEF HISTORY

The Deskbooks have a nearly 50-year legacy as a cornerstone resource for Washington lawyers. In 1972, the WSBA's Continuing Legal Education Committee launched the project, modeled on similar publications in California and Oregon.

The first edition, the *Washington Community Property Deskbook*, was published in 1977 under the editorship of Spokane County Superior Court Judge George T. Shields, with contributions from University of Washington Law Professors Harry M. Cross and John C. Huston and Washington Supreme Court Justice Robert F. Brachtenbach. The fifth edition of this Deskbook was released in March 2023.

In 1977, the WSBA appointed Edward W. “Ted” Kuhrau, a Perkins Coie partner, to edit the *Washington Real Property Deskbook*. Published in 1979, the two-volume set was the largest Deskbook project at the time. In his preface, Kuhrau urged the WSBA to recognize such scholarship with continuing legal education (CLE) credit—a policy later adopted, allowing contributors to earn CLE credit for authoring or editing Deskbooks.

Subsequent editions expanded significantly, reflecting both the growth of Washington law and the Deskbooks' increasing stature. By 1997, the *Real Property Deskbook* spanned nine volumes and had been cited dozens of times by the Washington Supreme Court and Court of Appeals. The fifth edition of the seven-volume set is now in progress.

Other major Deskbooks followed: the *Washington Appellate Practice Handbook* (1980), selected by the ABA as a national model; the *Washington Commercial Law Deskbook* (1982); the *Washington Family Law Deskbook* (1989, 3d ed. 2022); the *Washington Civil Procedure Deskbook* (1992, 3d ed. 2014); and many others. 



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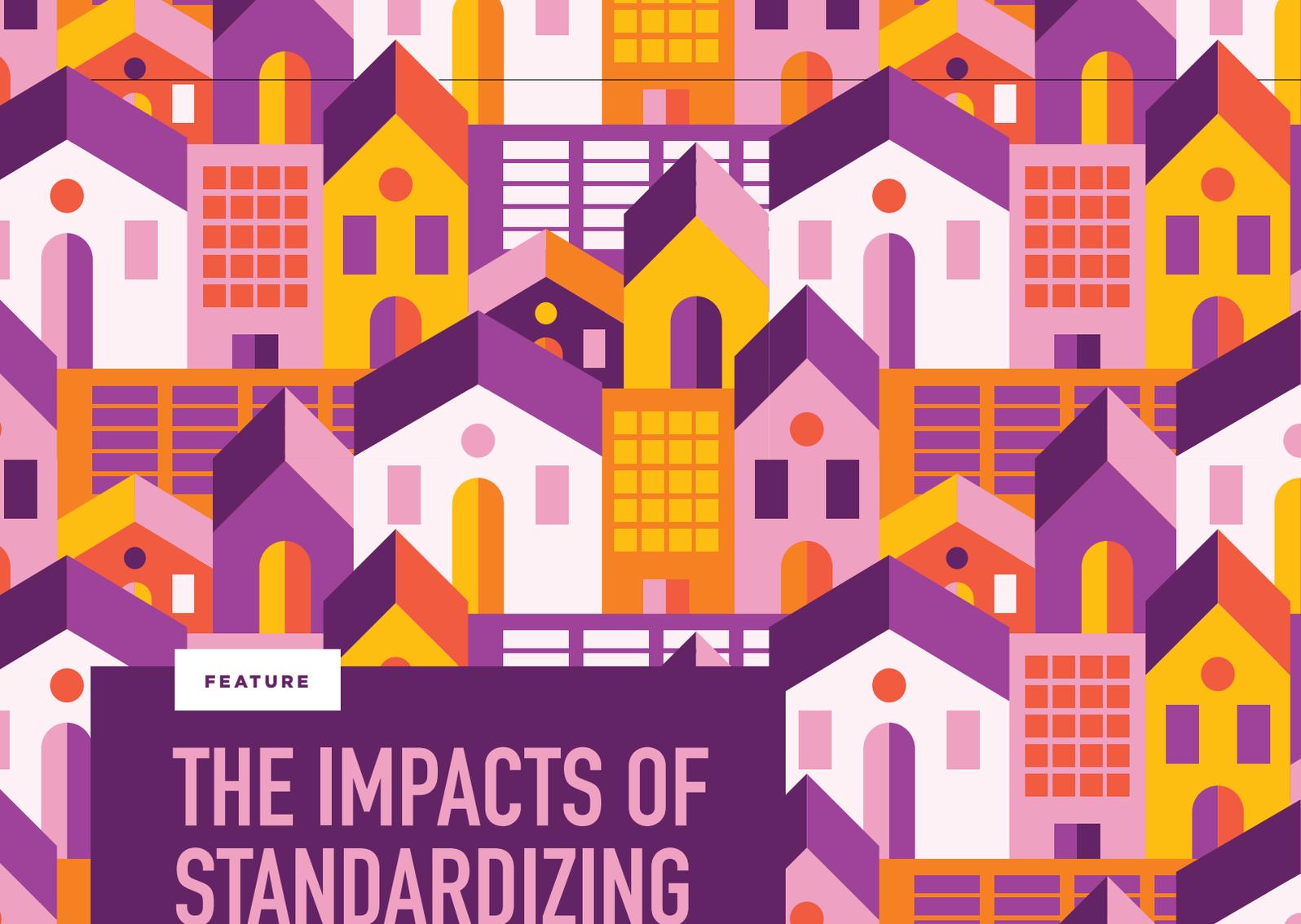


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FEATURE

THE IMPACTS OF STANDARDIZING THE LAW APPLICABLE TO COMMUNITY ASSOCIATIONS

New Washington Uniform Common Interest Ownership Act (WUCIOA) provisions take effect Jan. 1, 2026

BY TONY RAFEL AND TIM FETH

In 2018, the Washington Legislature took a major step toward standardizing the law that applies to condominium associations, homeowners' associations, and other common interest communities. The Washington Uniform Common Interest Ownership Act (WUCIOA) became effective on July 1, 2018, and applied in full to all common interest communities created on or after that date, but not to communities formed under prior laws. Beginning Jan. 1, 2026, important provisions of WUCIOA become applicable to all community associations. And in 2028, the journey toward standardization will be complete when WUCIOA becomes applicable to all communities, regardless of when they were formed or under what laws. These changes will surely cause significant upheaval in communities that do not get prepared in advance.

The current statutory landscape for community associations is, to put it lightly, complex. Condominiums can take the form of downtown high-rises, apartment-style mid-rises, or townhouses. But regardless

of the type of physical structure, the owners of condominium units co-own the community's common elements (which can include roofs, exterior walls, lobbies, shared amenities, etc.), which are administered by the condominium owners' association. Condominiums created before July 1, 1990, are governed by the Horizontal Property Regimes Act (Chapter 64.32 RCW, the "Old Act"), while those created between July 1, 1990, and June 30, 2018, are governed by the Washington Condominium Act (Chapter 64.34 RCW, the "Condo Act").

Homeowners' associations are typically (but not always) made up of single-family homes subject to shared covenants in which a nonprofit association owns and operates the common areas (which can include private roads, parks, event centers, and other amenities). HOAs created before July 1, 2018, are governed by the Homeowners' Associations Act (Ch. 64.38 RCW, the "HOA Act").

Condominiums, HOAs, and other "common interest communities" created on or after July 1, 2018, are all governed by WUCIOA, Chapter 64.90 RCW. In 2024, the Legislature adopted, and the governor signed Senate Bill 5796, nicknamed "WUCIOA For All." SB 5796 repeals the Old Act, the Condo Act, and the HOA Act effective Jan. 1, 2028, and makes WUCIOA applicable to all common interest communities thereafter. WUCIOA For All effectively converts all older communities into WUCIOA communities. Since the governing documents of older communities are based on prior laws that differ significantly from WUCIOA, those communities will need to amend their documents to come into compliance with WUCIOA.

Currently, portions of both the Condo Act and WUCIOA are retroactively applicable to communities governed by the earlier statutes. So, a condominium created in 1985 is governed primarily by the Old Act, but also by portions of *both* the Condo Act and WUCIOA. And HOAs created before WUCIOA are governed by the HOA Act but also by portions of WUCIOA.

Community associations are made up of owner-members who live in the community or rent their units and are managed by volunteer boards of directors elected from the membership after the developer control period ends. Sorting through different and overlapping statutes poses a major challenge

for these owners and directors trying to address governance of the community and specific issues as they arise.

One of the major goals of WUCIOA was to bring all common interest communities under a single statutory scheme. For communities formed on or after July 1, 2018, it accomplishes that. But until 2028, older communities formed under prior laws are still subject to a patchwork of the laws under which they were formed and an overlay of some WUCIOA provisions.

The changes imposed by WUCIOA will have wide-ranging impacts. For example, with respect to insurance, Old Act condominiums used to be able (so long as permitted by the condominium declaration) to maintain only stripped-down, "walls-out" property insurance. That will no longer be permitted under WUCIOA, which requires

ONE OF THE MAJOR GOALS OF WUCIOA WAS TO BRING ALL COMMON INTEREST COMMUNITIES UNDER A SINGLE STATUTORY SCHEME.

condominium associations to maintain property insurance covering the common elements and all the units. In addition, all types of communities will be required to obtain fidelity insurance, which was previously required only if required by the governing documents.

For older condominiums, costs of repair within an association's master property insurance deductible were often assessed under the condominium declaration to the "source" unit—that is, the unit served by the component that failed and caused the damage—regardless of whether the damage was to the unit, another unit, or the common elements. Under WUCIOA, a unit may only be assessed amounts within the master deductible for damage to that unit.

WUCIOA also modifies the costs that may be assessed to individual owners in other ways and requires that prior to assessing an owner for costs arising out of the owner's negligence, gross negligence, or misconduct, the association must provide the owner with notice and an opportunity to be heard.

WUCIOA also imposes a novel annual account reconciliation requirement "[t]o assure that the unit owners are correctly assessed for the actual expenses of the association," unless the board determines that reconciliation will not result in a material savings to any owner.

And WUCIOA will change the rules governing wide-ranging topics including quorums, lien priority, termination of the association, amendment of governing documents, and many other aspects of community association operations.

One of the most fundamental changes WUCIOA imposes involves how associations conduct meetings and transact business. Of the legacy statutes, only the HOA Act requires meetings of the association's board of directors to be "open," that is, open to observation by the owners. There is no open meeting requirement under the Condo Act or Old Act. While an individual condominium association's governing documents may require meetings to be open, that is not the default rule. WUCIOA requires all board meetings to be open to the owners, while allowing the board to meet in executive session for limited purposes.

Further, for all board meetings, WUCIOA requires either: (1) 14 days' formal notice (i.e., notice by mail or personal delivery, unless the owner has agreed in writing to notice by electronic means) to all owners of every board meeting; or (2) that meetings be held pursuant to a schedule provided in advance to the owners. WUCIOA also requires that owners be given an opportunity not just to attend but to participate in board meetings by commenting on any matter affecting the community. Most dramatically, the WUCIOA open meeting provision prohibits most board action between meetings. Currently, it is common—and perfectly acceptable under the Condo Act, Old Act, HOA Act, and Nonprofit Corporation Act—for boards to take action by unanimous written consent between meetings. Under

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The Impacts of Standardizing the Law Applicable to Community Associations

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WUCIOA, the only action boards may take between meetings are “ministerial” actions and actions previously authorized at an open meeting. Another change is that WUCIOA’s open meeting requirements apply not only to board meetings, but to committee meetings as well.

WUCIOA is also more exacting regarding reserve accounts. One of the provisions of WUCIOA that was retroactive from the start, was the requirement that associations conduct reserve studies—a process by which an independent professional evaluates the remaining useful life of physical components which the association is responsible to maintain, repair, and replace, and provides guidance on how the association should be saving money to meet those repair and replacement obligations as they arise. There is no requirement under WUCIOA or older statutes that associations follow the advice of the reserve study professional or fund reserves to any minimum degree. However, WUCIOA communities have the additional requirement to open and maintain a reserve account. The required reserve accounts will be subject to detailed regulations, including where the funds may be held and invested.

The fact that all communities will have to comply with WUCIOA by Jan. 1, 2028, was already a daunting scenario for many boards, managers, and community association attorneys. But the Legislature was not done there.

In 2025, the Legislature adopted, and the governor signed SB 5129, which makes portions of WUCIOA applicable to all communities on Jan. 1, 2026. The result will be a “phase-in” or “ramp-up” to WUCIOA For All. The most significant part of SB 5129’s phase-in involves WUCIOA’s meetings requirements. Effective January 1, 2026, all common interest communities must comply with the meeting provisions described above and provide a new mandatory minimum 15-minute owner-comment period at the beginning of every board meeting. In addition, SB 5129 imposes a new requirement that any written materials provided to board mem-

bers in advance of meetings be made available to owners as well. Communities currently operating under the Old Act, Condo Act, and HOA Act will have to fundamentally change the way they are conducting day-to-day business by Jan. 1, 2026, to comply with this new law.

WUCIOA For All solves the problem of having disparate laws with different requirements applying to similar communities, but the benefit of standardization comes at a cost. If community associations created under the earlier Acts do not act to amend their governing documents before 2028, their documents and practices, however compliant with the legacy laws preceding WUCIOA,

ASSOCIATIONS THAT FAIL TO GET AHEAD OF THE CHANGES RISK DISRUPTION, CONFUSION, CONFLICT, AND UNNECESSARY COSTS.

will immediately become noncompliant. Under SB 5129, associations also have to modify their meeting practices starting Jan. 1, 2026, or find themselves out of compliance with WUCIOA. For associations that do not adapt to the changes, routine board actions such as holding meetings, adopting budgets, levying assessments, approving projects, and taking enforcement action against homeowner violations may be subject to challenge and invalidation.

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When the new laws become effective, there will be no grace period for associations created under prior laws to achieve compliance. They will be required to comply with the new laws on “Day One,” even though their governing documents specify different requirements. This “disconnect” will create chaos for associations that have not planned for the transition. In most cases, planning should consist of amending and restating the governing documents to conform to WUCIOA, training the board and outside manager on the changes, and communicating with the community. In most cases, amending the governing documents requires the vote or approval of 67 percent of the total voting power and the execution and recording of an amendment with the county.

Where low voter turnout is a concern—or to take advantage of some of the benefits of WUCIOA before it becomes universally applicable—associations can utilize the statutorily authorized “opt in” procedure, through which an association can voluntarily make WUCIOA applicable in full in advance of the automatic changeover. That process also involves obtaining a vote of the owners, but the threshold for opting in is lower than for standard amendments. Opting in also gives a board of directors the opportunity to utilize authority in WUCIOA to amend portions of governing documents that represent a direct conflict with the statute, without obtaining a further vote of the owners, but does not allow for board amendments to provisions not in “direct” conflict.

One benefit of amending is that the board of directors, owners, and association managers will necessarily engage with the governing documents, identify outdated provisions, and become familiar with the new procedures and standards required under WUCIOA For All. Another key benefit is that future owners and board members can rely on the amended and restated governing documents instead of having to determine, each time a new issue arises, whether and to what extent the governing documents have been superseded, and what requirements now apply. In short, associations and attorneys that represent associations will benefit greatly by being proactive in preparing for WUCIOA. Associations that fail to get ahead of the changes risk disruption, confusion, conflict, and unnecessary costs. Timely preparation is key to a smooth transition. 

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ENTITY REGULATION PILOT PROJECT UPDATE:

The Call for Innovative Legal Service Models to Expand Access to Justice

BY WSBA STAFF

In December 2024, the Washington Supreme Court entered an order authorizing a timebound test of entity regulation. Essentially, the order launches the development of a carefully monitored experiment to gather data to answer the question:

How might innovative legal service models help close the access-to-justice gap while still protecting Washington consumers?

The Entity Regulation Pilot is now taking shape: The WSBA and Practice of Law Board are finalizing application procedures, oversight mechanisms, and data protocols to support a closely supervised 10-year test. Project leaders anticipate that the application process will open during the fall of 2025.

The term *entity regulation* may not be familiar to many in the profession. Under the pilot, entities such as businesses, nonprofits, or multidisciplinary organizations—not just individual licensed legal professionals—may be authorized to deliver legal services in Washington state for the first time. These entities will operate under specific time-bound rule adjustments that permit new ownership models, service structures, or delivery methods, all within a framework of compliance, transparency, and consumer protection.

We invite members of Washington's legal and adjacent communities to begin exploring service models they might propose. What business model would you create to increase access to legal services to people in Washington? What delivery models could serve those left out of the system?

To help spark ideas and to make some of the possibilities more concrete, project leaders have put together examples of the types of entities that may be eligible for participation. For traditional law firms, this might mean the ability to bring in outside investment (from people who are not li-

MORE ONLINE

Want to learn more and stay up to date when the application process opens? Visit wsba.org/entityreg.



censed to practice) to support technology development, expanded operations, or new delivery methods. For nonprofit organizations, it could mean extending legal services alongside social services through trained staff who are not licensed legal professionals. In each case, applicants will be expected to identify the access-to-justice problem their model aims to address, the rules they would seek to test, and how their proposed service will protect—and serve—the public.

Here are some hypothetical examples specific to law firms (and the rules and laws the model would test):

- A law firm specializing in workers compensation accepts investment from a private equity company to develop an online tool to streamline legal services and increase efficiency while retaining its traditional firm structure. (RPC 5.4; RCW 2.48.180(2)(b)-(c)).
- A nonprofit delivering services to low-income individuals expands the scope of its services to have its employees who are not licensed to practice law deliver direct, limited, and targeted legal services related to housing assistance and eviction actions. (RCW 2.48.180(2)(a)).
- An existing law firm launches a subsidiary entity owned and controlled by the law firm and staffed by individuals not licensed to practice law who provide low-cost basic legal services; firm lawyers do not have direct supervisory authority over the entity staff. (RPC 5.3, RPC 5.5; RCW 2.48.180(2)(a)). The entity might be partly owned by non-lawyer entity staff or involve third-party ownership/investment. (RPC 5.4; RCW 2.48.180(2)(b)-(e)).
- A new law firm is formed that is co-owned by licensed legal professionals and other professionals (not licensed to practice law) to render non-legal professional services to low-income clients jointly with legal services provided by licensed legal professionals, for example, financial planning, social work, psychological counseling, medical consulting, etc. (RPC 5.4; RCW 2.48.180(2)(b)-(e)).
- A law firm specializing in collaborative law marital dissolutions offers

SIDEBAR

LEARNING FROM OTHER JURISDICTIONS:

Concrete Precedents from Utah & Alaska

To see how these structures can lead to specific service offerings, we can also look to other jurisdictions.

In Alaska, the Community Justice Worker (CJW) program, launched by Alaska Legal Services Corporation (ALSC) and authorized under Alaska Supreme Court’s Bar Rule 43.5, trains community residents to provide targeted, limited-scope legal assistance around housing, SNAP benefits, domestic violence protective orders, and related civil matters, under ALSC attorney oversight.

Utah’s regulatory sandbox, authorized by the Utah Supreme Court, operates under rules that are similar to Washington’s Entity Regulation Pilot. Utah’s sandbox has authorized entities such as:

- **Rasa Legal**, which combines software tools and trained non-lawyer staff supervised by attorneys to help low-income Utahns expunge criminal records affordably.
- **The Certified Advocate Partners Program (CAPP)**, run by Timpanogos Legal Center, which trains non-lawyer community advocates under attorney oversight specifically to assist clients seeking civil protective orders in domestic violence cases.
- **Medical Debt Legal Advocate (MDLA) initiatives**, developed by the University of Arizona’s Innovation for Justice (i4J) in partnership with Utah nonprofits (such as Holy Cross Ministries). These MDLA programs train community-based non-lawyer advocates to provide limited legal assistance around medical debt collection, supervised by lawyers affiliated with participating nonprofits.

a reduced-rate fee option under which one lawyer-mediator works with both parties to the dissolution and, in coordination with a team of interdisciplinary professionals (not licensed to practice law), such as dissolution coaches, financial professionals, child specialists, etc., endeavors to obtain amicable and consensual resolution of dissolution, visitation, and child support issues. If the parties come to a full resolution of all issues through the collaborative process, the lawyer-mediator drafts and files pleadings that reflect the parties’ agreement. (RPC 1.7). The firm might be co-owned by the interdisciplinary professionals who are not licensed to practice law. (RPC 5.4; RCW 2.48.180(2)(b)-(e)).

WHAT COMES NEXT?

Applications to participate in the pilot will open in the coming months. In the meantime, the WSBA is encouraging members of the legal community and beyond—lawyers, legal aid leaders, technologists, nonprofit administrators, and others—to begin shaping ideas. If you see yourself in one of the examples above or have a different model in mind that could serve Washingtonians more effectively, now is the time to begin developing that vision.

This is a rare opportunity—not just to rethink service delivery, but to test it, shape it, and build the evidence for what a more accessible legal system could look like. Questions and expressions of interest are welcome.

Let’s move to learning what works and building what’s next. [BN](#)

SOMEWHERE TO TURN

Representing people with intellectual and developmental disabilities in administrative hearings

BY JENNIFER OLIVERI
AND STACIE SIEBRECHT



Intellectual and developmental disabilities (IDD) encompass a group of conditions that affect how a person thinks, learns, communicates, and manages everyday activities in life. IDD includes conditions like Down Syndrome, cerebral palsy, epilepsy, autism, and other neurological or related conditions.¹ The community of people with IDD is diverse and includes students, artists, workers, friends, and family members, all with unique strengths, dreams, and ways of experiencing life. But too often they confront systems that are not built for them and barriers that make basic rights feel out of reach, including access to the legal system.

People with IDD face significant and

persistent obstacles to accessing legal services. They also tend to encounter the legal system more often than others by way of guardianship cases, denials of special education and benefits, and discrimination in housing, employment, and public accommodations.²

Two years ago, The Arc of Spokane released a report entitled “Nowhere to Turn,”³ which exposed Washington state’s failure to track and respond to the civil legal needs of people with IDD. In response to this report, the authors of this article helped launch a new project called the Developmental Disability Administration Appeal Project (DDAAP), which aims to address one of the most pressing recommendations from the report—to “provide education about and assistance with requests for counsel or Suitable Representatives as an accommodation in legal proceedings.”

Specifically, people with IDD need services provided by the state to live their daily

lives—support with housing, health care, and community living. However, far too often, people with IDD are denied these critical services. They are then left to appeal the denial of these services through the administrative hearing process, often without representation. DDAAP establishes a network of trained attorneys and law students who work together to advocate for people with IDD through the administrative appeals process.

The Need

People with IDD often rely on state-funded services to meet their basic needs. Every individual's needs are unique, but typical areas of need often include assistance with getting out of bed, using the bathroom, preparing meals, going to work, moving around their community, and accessing health care.⁴ In Washington, the Department of Social and Health Service's Developmental Disabilities Community Services (previously the Developmental Disabilities Administration (DDA), now DDCS) provides these services, but they are hard to access and, as with any government program, there is a lot of red tape and many bureaucratic gatekeepers. As of July 2024, DDA had 58,068 enrolled clients, 71 percent of which receive services paid for by DDA. The remaining 29 percent do not receive any services paid for by DDA.⁵ These people may not receive paid services because they do not want them, because no one told them what is available, because they are waiting for services to become available, or because they were denied services they truly need.

People with IDD are often low income as they have high rates of unemployment, and until recently, it was legal in Washington to pay them less than minimum wage when they did secure a job. We know that those who are low income in Washington state experience an average of more than nine legal problems a year.⁶ We also know that accessing legal help is challenging for most people due to barriers like complicated intake processes, long holding times, an inability to take action on trainings offered, a lack of understanding about when a problem has a legal remedy, and an inability to secure legal representation due to scarce resources. These barriers are magnified and often insurmountable for many people with IDD. Moreover, many people with IDD,

Stacie Siebrecht has more than 25 years of experience as a disability rights attorney. She recently authored a report for The Arc of Spokane, exposing barriers to accessing legal services for people with Intellectual and Developmental Disabilities. Previously at Disability Rights Washington, she advocated for systemic change through impact litigation, directed the Treatment Facilities Program, and expanded organizational capacity through fundraising and partnership building in the Strategic Partnership Program.



Jennifer Oliveri is the founder of Oliveri All Abilities Consulting and a passionate advocate for disability inclusion. With years of experience improving accessibility in programs and systems, Oliveri partners with professionals to create welcoming, barrier-free environments for people with disabilities. A former director at The Arc of Spokane and the Next Generation Zone, she believes real change happens through practical, thoughtful solutions that ensure everyone can participate fully and thrive.



particularly Black, Indigenous, and people of color, and those with co-occurring disabilities like mental health or addiction, face systemic bias, and often lack access to a diagnosis that can open the door to additional services and protections of rights.

We can no longer ignore the civil legal needs of people with intellectual and developmental disabilities across Washington state.

When people with an IDD cannot access the services that they need to live their lives fully, they suffer, and our community suffers. A person denied DDCS services may end up stuck in the hospital with large hospital bills for an unnecessary and inappropriate level of care, they may be denied opportunities to live in their community where they might obtain employment, or they may languish, isolated from the world, lying in bed every day. People with IDD too

often have nowhere to turn when they need to fight for basic civil rights, like the right to get out of bed, the right to not sit in their own waste, and the right to be a part of the world.

“Access to justice for all persons is a fundamental right. It is the policy of the courts of this state to assure that persons with disabilities have equal and meaningful access to the judicial system.” —General Rule 33⁷

As the “Nowhere to Turn” report explains, *we can no longer ignore the civil legal needs of people with intellectual and developmental disabilities, in Spokane or across Washington.*

DDAAP: A Starting Point

DDAAP hopes to create a sustainable solution to the lack of representation for people with IDD who are trying to access essential services. It responds directly to the “Nowhere to Turn” report's second recommendation to “Provide education about and assistance with requests for counsel or Suitable Representatives (SR) as an accommodation.” The project is funded by a Flom Incubator Grant from the Skadden Foundation and is a partnership between the authors of this article (acting as consultants) and The Arc of Spokane. Starting in September 2026, DDAAP will work in partnership with the Northwest Justice Project.

The Office of Administrative Hearings (OAH) is the state office that handles the appeals cases for people denied services from DDCS. OAH is independent of other state administrative agencies, and is charged with the impartial administration of administrative hearings.⁸ OAH has a rule allowing an administrative law judge (ALJ) to appoint a Suitable Representative (SR) as an accom-

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Somewhere to Turn

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modation.⁹ A person can request an SR as an accommodation directly from OAH. Additionally, the rule requires an ALJ who “has a reasonable belief that an unrepresented party may be unable to meaningfully participate in the adjudicative proceeding because of a disability, with that party’s consent” to refer the case to the ADA Coordinator and stay it until the referral is addressed.¹⁰ If the ADA Coordinator approves the SR and the party and SR agree to the appointment, the Chief ALJ will officially make the appointment. However, OAH has struggled to maintain a pool of SRs.¹¹

That’s where DDAAP comes in. The project recruits, trains, and refers cases to pro bono attorneys and students who will partner together to represent people with IDD in appeals before OAH, establishing a sustainable pipeline of SRs for people with IDD. This fall, DDAAP will train its first cohort of pro bono attorneys and law students statewide. Trainers include Erika Lim and Brendan Haigh from the Northwest Justice Project; Taylor Crisp, an advocate with lived experience; Carla Sullivan, the ADA Coordinator at OAH; and the authors of this article and DDAAP project founders.

After attending the above free CLE, attendees commit to taking at least two administrative appeals over the next year. These cases are discrete, focusing on a single issue, such as the denial of a specific service. Attendees receive training on administrative appeals, learn about specific issues raised in DDCS denials of service, gain tips to effectively represent people with IDD, and obtain ongoing case consultation, if needed. Attorneys will have the opportunity to make a significant difference in the lives of people with IDD through discrete legal cases with support from a law student. Law students will gain practical advocacy, interviewing and counseling skills, and access to legal mentors. And finally, people with IDD who otherwise lack the opportunity to meaningfully participate in their hearings will have the opportunity to access justice, and hopefully greater access to the services they need to live day to day.

In the “Nowhere to Turn” report, sev-

LEARN MORE

To get involved with the DDAAP project and register for a training taking place this fall, visit <https://tinyurl.com/DDAAPtraining>.



eral people with IDD were asked to speak to their experiences with the legal system. One woman with IDD, when asked about the qualities she would want in a legal services provider, said, “a welcoming environment, reassurance, patience, understanding that I might get emotional speaking quickly or shutting down, and someone who will work alongside me throughout the process because it is really hard to do it alone.” She explained that she understood she may not get the results she wants, but she needs someone who is not intimidating and who gives her some hope.¹²

As a legal community, we have continually failed to provide targeted access to justice and civil rights to people with IDD—people who are seeking access to housing, education, health care, employment, and the ability to live their lives fully.

We can change this story. We can show up. We can take action by advocating for those who have been ignored for far too long. Legal services are not the finish line, but they can be the gateway to justice, to opportunity, and to a world in which people are not left unseen and unsupported. **BN**

NOTES

1. See RCW 48.01.035. “Developmental disability” is defined by state law as “a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological condition closely related to an intellectual disability or to require treatment similar to that required for persons with intellectual disabilities, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to such individual.”
2. Washington State Supreme Court Interpreter Commission February 10, 2023, meeting packet, 43-55. “Disability Justice Task Force Study and Program Development Staffing,” agenda item, Robert W. Lichtenberg and Judge David Whedbee.
3. Stacie Siebrecht, “Nowhere To Turn: A Study of the Unmet Civil Legal Service Needs of People with Intellectual and Developmental Disabilities in Spokane County,” prepared for The Arc of Spokane, June 2023 (*available at* www.arc-spokane.org/legal-feasibility-study).
4. Developmental Disabilities Administration website overview of services and programs, *available at* www.dshs.wa.gov/dda/developmental-disabilities-administration-services-programs. Last visited March 25, 2025.
5. Amanda Eadrick, Joshua Karas, Suzanna Pratt, Stephanie Seto, and Melanie Stidham, Ryan McCord, and Eric Thomas, “Developmental Disabilities Administration Processes and Staffing,” 25-04 Final Report, May 2025, conducted by the Joint Legislative Audit and Review Committee (JLARC) (*available at* https://leg.wa.gov/jlarc/reports/2025/DDA/f_c/default.html).
6. “2015 Washington State Civil Legal Needs Study Update,” October 2015, at 3 (*available at* www.courts.wa.gov/disability-justice-task-force/public/OCLA-2015-Civil-Legal-Needs-Study-Update.pdf).
7. Washington General Rule 33, “Requests for Accommodation by Persons with Disabilities,” Comment 1 (*available at* www.courts.wa.gov/court_rules/pdf/GR/GA_GR_33_00_00.pdf).
8. WAC 10-24-010 (providing a process to appoint a person to serve as a “suitable representative.” The accommodation is for self-represented parties when other accommodation measures are not sufficient to provide meaningful participation in OAH hearings).
9. *Id.*
10. RCW 34.12.010; WAC 10-24-010; WAC 10-24-1010(3) and (7) (Specifies that, at any stage of an adjudicative proceeding, if the Administrative Law Judge (ALJ) or any party reasonably believes an unrepresented party may be unable to meaningfully participate due to a disability, the ALJ must, with the party’s consent, refer them to the agency ADA Coordinator. The proceeding is delayed until the ADA Coordinator evaluates the accommodation request. The presence of a guardian, near relative, or friend does not affect the determination of the party’s ability to meaningfully participate.)
11. Sabiha Ahmad and Johnette Sullivan. “Executive Summary of Suitable Representation at OAH—January 1, 2018, to December 31, 2021,” at 2, Washington Office of Administrative Hearings, August 15, 2022. On file with the authors. Accessed June 19, 2023 (stating “We have struggled to build a consistent pool of advocates across the state to serve in this innovative role, which has also been difficult to fund and insure with liability coverage. Partly due to these factors, we were unable to provide an SR to 11 of 26 SR-eligible parties, i.e., roughly 42 percent. If we are evaluating our implementation of the SR process by this metric, we have failed so far.”)
12. *Supra* note 2, at 39.

CALLING ALL ATTORNEYS!

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On Board

NEWS FROM THE BOARD OF GOVERNORS & THE WSBA

JULY 18, 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.

MEETING TAKEAWAYS

1 Incoming Treasurer.

Congratulations to Governor Nam Nguyen, whom the Board elected as the WSBA's next treasurer for fiscal year 2026.

2 Expanding the License Fee Exemption Based on Financial Need.

The Board discussed a proposal that will expand the current license fee hardship exemption in three ways: 1) increase the number of times a member is eligible for the hardship exemption from two to three; 2) raise the eligibility threshold from 200 percent of the federal poverty level to 270 percent of the federal poverty level; and 3) change the name from "Hardship Exemption" to "License Fee and Assessment Exemption Based on Financial Need." The Board expects to vote on this proposal in September.

3 Local Hero. The WSBA recognized retired prosecutor James Nagel as a Local Hero, an honor bestowed by the WSBA president in partnership with county bar associations to recognize colleagues who make noteworthy contributions to their communities. Nagel was nominated by the Walla Walla County Bar Association for his almost four decades of service to the prosecutor's office as well as his longtime volunteerism

with the local Kiwanis Club and Walla Walla County Fire District 4.

4 Fiscal Year 2026 Budget and License Fee Policy. The Board of Governors discussed the first draft of next fiscal year's budget, which is built on a \$10 increase in the active-attorney annual license fee (the first increase since 2020) to maintain regulatory programs and services. The Board also approved a policy and process they will use now and in the future for setting the annual license fee: A market factor (COLA) will be considered each year to ensure the license fee is keeping track with the changing value of the dollar; then the Board will adjust the fee, depending on anticipated changes in revenues, expenses, reserve funds, and program needs.

5 Bylaw Amendment to Young Lawyer Title and Definition. The Board supported a recommendation from the Washington Young Lawyer Committee (WYLC) that would change the WSBA Bylaws in two ways: The term "young lawyer" would change to "new member,"

and a "new member" would include any member within their first 10 years of licensure in Washington state. The current definition encompasses only the lawyer license type with an eligibility cap of 36 years of age or five years of practice in Washington. The WYLC's recommendations are the result of years of research, surveying, and discussion about how to expand the committee's eligibility parameters to include all members who might most benefit from its programs and services. The proposal will now go to the Supreme Court for consideration.

6 Policy Change to Allow Sections to Purchase Alcohol.

The Board approved a change to the WSBA fiscal policy to allow sections to use section funds to purchase alcohol at their events. The recommendation came from the WSBA's Member Engagement Council, which was responding to considerable feedback and requests from sections.

7 Revised Legislative Policy and Procedures.

The Board considered a recommendation to amend the WSBA's policies regarding legislative activities to align with evolving interpretations of relevant rules and case law. The recommendation, from the Board Legislative Committee, consolidates current legislative policies and distinguishes WSBA legislative activity from law-improvement, when WSBA members respond to lawmakers on technical aspects of proposed bills. The Board expects to take action on the proposal in September.

THE BOARD ALSO:

- **Held** a moment of silence to honor and remember the late retired Washington Supreme Court Justice Charles K. Wiggins.
- **Held** a strategic planning retreat the day prior to the business meeting.
- **Approved** a charter for an Oath Review

MORE ONLINE

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

SAVE THE DATE

The next regular meeting is Sept. 26-27, 2025, in Seattle. To subscribe to the Board Meeting Notification list, email barleaders@wsba.org.

SIDEBAR

APR 3 Amended

On June 5, 2025, the Washington Supreme Court issued an order amending Admission and Practice Rule 3 to reduce the active legal experience requirement for admission by motion to one year within the last three years and to reduce barriers for military lawyer spouses who are seeking admission by motion. The changes will be effective on Sept. 1, 2025.

This change comes as part of the Washington Bar Licensure Task Force recommendations, which include creating new pathways to lawyer licensure. More information can be found at www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/lawyers/pathways.

and Drafting Task Force, which is expected to begin work in FY 26. In the wake of this year's local Law Day (May 1) ceremonies around the state at which hundreds of lawyers gathered to retake the Oath of Attorney, President Sunitha Anjilvel recommended that the WSBA initiate a project to update and reinvigorate the professional oaths prescribed by Admission and Practice Rule 5.

- **Recommended** a schedule for application fees and annual fees for the Entity Regulation Pilot Project, to go to the Washington Supreme Court for consideration. More about the Entity Regulation Pilot Program can be found at <https://www.wsba.org/about-wsba/entity-regulation-pilot>. 



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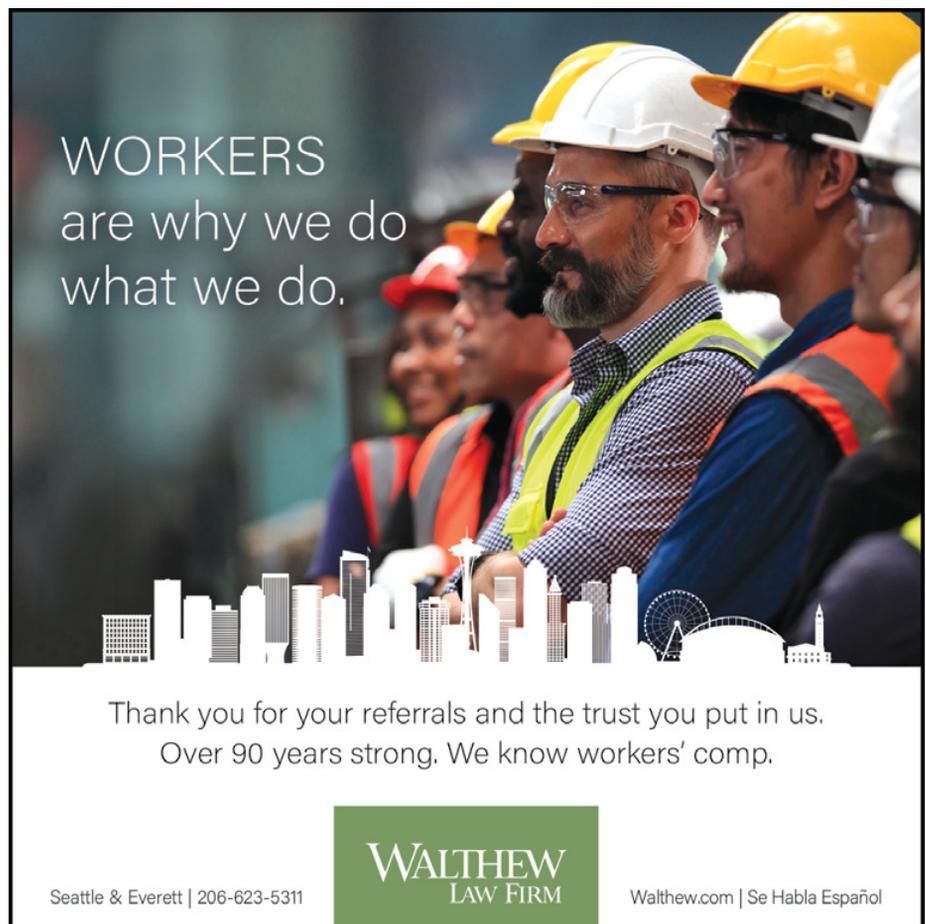
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Need to Know

NEWS & INFORMATION OF INTEREST TO WSBA MEMBERS

WSBA NEWS **Interview for Appellate Court Vacancies**

On Sept. 11, 2025, the WSBA Judicial Recommendation Committee (JRC) will interview attorneys and judges interested in being appointed by the governor to fill potential vacancies on the Washington Supreme Court and Court of Appeals. The JRC's recommendations are reviewed by the WSBA Board of Governors and forwarded to the governor for consideration when making appointments. To be considered for an interview, complete and submit the questionnaire posted on the JRC webpage, www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/JRC.

Find Joy in Justice at the ATJ Conference

Get ready to join with community members, legal advocates, judges, attorneys, and policymakers from across Washington at the 2025 Access to Justice Conference, Sept. 18-19 in Yakima and online. This year's theme, "Finding Joy in Justice Work: Centering Hope and Community Care," focuses on uplifting Indigenous approaches to justice that emphasize resilience, healing, and the power of community. Visit <https://web.cvent.com/event/b4f5c8c5-357d-4cff-b131-724a58d5d00b/summary> to learn more and register by Sept. 11.

Free Deskbooks

The WSBA has partnered with the Washington State Law Library to offer expanded FREE lending of all WSBA Deskbook



THE BAR BUZZ

Bench-Bar-Press Event

Save the date and join us for the annual Bench-Bar-Press Committee luncheon, 12-2 p.m., Nov. 7 at the Washington Athletic Club in Seattle. The Bench-Bar-Press Committee was formed in 1963 to foster better understanding and working relationships between judges, lawyers, and journalists who cover legal issues and courtroom stories. The mission of the committee is to seek to accommodate, as much as possible, the tensions between the constitutional values of "free press" and "fair trial" through educational events and relationship building. The luncheon is \$65 per person. Send questions to Patric Haerle, Administrative Office of the Courts, patric.haerle@courts.wa.gov.

titles. For nearly 50 years, these publications have served as indispensable resources across a wide range of practice areas, offering clear analysis, real-world insights, practice tips, forms, and checklists. Explore the selection of Deskbooks at www.wsba.org/for-legal-professionals/member-support/deskbooks/explore-deskbooks.

Spanish Language Access to the Lawyer Grievance Process

Please help spread the word: Information, directions, forms, and telephone interpreters are now available in Spanish for anyone who would like to contact the state bar with a concern about the ethical conduct of a lawyer. Spanish speakers can click "En Español" on the top menu bar at <http://www.wsba.org>

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.

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 analysis. Thank you for your participation.

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 second Wednesday of each month from 8:30-10:00 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 kicked off the program with coordinated

HAVE SOMETHING
NEWSWORTHY TO SHARE?

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

events on Law Day, May 1, for
lawyers to publicly recommit to
their professional oath to uphold
the Constitution. Visit [www.
wsba.org/ambassadors](http://www.wsba.org/ambassadors) to learn
more and volunteer.

**Rock Out
with Law Rocks**

Law Rocks, an organization that
hosts battle of the bands events
starring legal professionals, is
returning to Seattle on Sept. 25,
2025, for the Second Annual
Law Rocks Seattle! The event
will take place at The Crocodile
at 7 p.m. on Thursday, Sept.
25. For tickets and more
information, visit [https://
lawrocks.org/sea](https://lawrocks.org/sea).

**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](mailto: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 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

CONTINUED >

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APPEALS

AND EMBEDDED APPELLATE COUNSEL

Jason W. Anderson

Ashley D. Burman

Nicholas A. Carlson

Linda B. Clapham

Rory D. Cosgrove

James E. Lobsenz

Gregory M. Miller

Isaac C. Prevost

Sidney C. Tribe

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Need to Know

CONTINUED >

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

Defense Standards: Guidance and FAQs

For public defenders, local jurisdictions, and other stakeholders in Washington's justice system looking to implement the new WSBA Standards for Indigent Defense Services, find a guidance document and FAQs at www.wsba.org/connect-serve/committees-boards-other-groups/public-defense/standards.

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



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 >



Virtual Career Guidance Group

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

Free Practice-Management Consultations

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

Software and Services for Your Practice

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

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, reconciliation, and more. Find the FAQs at www.wsba.org/for-legal-professionals/member-support/practice-management-assistance/iolta-faqs.



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. To learn more about WALAL, to seek assistance, or to volunteer as a peer counselor, visit www.WALAL.org or email info@walal.org.

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 12-1 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](http://www.doxy.me). Visit www.wsba.org/for-legal-professionals/member-support/wellness and click "Book Your Initial Consultation" to schedule time with our licensed providers.

Health Benefits

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

The 'Unbar' Alcoholics Anonymous Group

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

more information and Zoom credentials contact unbarwa@gmail.com.



ETHICS Ethics Line

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

WSBA Advisory Opinions

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



WSBA COMMUNITY NETWORKING

New Lawyers List Serve

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

ALPS Attorney Match

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



QUICK REFERENCE Sept. 2025 Usury

The usury rate for September 2025 is 12.00%. The auction yield of the Aug. 4, 2025, auction of the six-month Treasury Bill was 4.118%. The interest rate required by RCW 4.56.110(3)(a) and 4.56.115 for Sept. 2025 is 6.118%. The interest rate required by RCW 4.56.110(3)(b) and 4.56.111 for Sept. 2025 is 9.50%. [BN](#)

WSBA DISCIPLINE SYSTEM ANNUAL REPORT

Annually, the Washington State Bar Association publishes a report on Washington’s discipline system. This report summarizes the activities of the system’s constituents, including the WSBA’s Office of Disciplinary Counsel (ODC) and Office of General Counsel (OGC), the Disciplinary Board, hearing officers, and the Client Protection Fund. The report also provides statistical information about discipline for those licensed to practice law in Washington for the calendar year. These pages provide an informal overview of the 2024 Discipline System Annual Report.



MORE ONLINE

For more information on the WSBA discipline system go to www.wsba.org.

To view the full 2024 Discipline System Annual Report, scan the QR code below:



STRUCTURE

How the Lawyer Discipline and Disability System Works

The Washington Supreme Court has exclusive responsibility and inherent authority over regulation of the practice of law in Washington. This authority includes administering the discipline and disability system. Many of the court’s disciplinary functions are delegated by court rule to the WSBA, which acts under the supervision and authority of the court. Under the Supreme Court’s mandate in General Rule 12.2, the WSBA is committed to administering an effective system of discipline in order to fulfill its obligations to protect the public and ensure the integrity of the profession. The prosecutorial and investigative functions of the discipline system are discharged by ODC, while the adjudicative functions are handled by the Disciplinary Board and hearing officers, which are administered by OGC.



WSBA Office of Disciplinary Counsel (ODC)

- Answers public inquiries and informally resolves disputes
- Receives, reviews, and may investigate grievances
- Recommends disciplinary action or dismissal
- Diverts grievances involving less serious misconduct
- Recommends disability proceedings
- Presents cases to discipline-system adjudicators



Hearing Officers (Administered by OGC)

- Conduct evidentiary hearings and other proceedings
- Conduct settlement conferences
- Approve stipulations to admonition and reprimand



Disciplinary Board (Administered by OGC)

- Reviews recommendations for proceedings and disputed dismissals
- Serves as intermediate appellate body
- Reviews hearing records and stipulations



Washington Supreme Court

- Has exclusive governmental responsibility for the system
- Conducts final appellate review
- Orders sanctions, interim suspensions, and reciprocal discipline



BY THE
NUMBERS
PART I

40,967

Licensed Lawyers
(33,830 active)

29

Public Formal
Complaints Filed

8

Disciplinary
Hearings

51

Disciplinary
Actions Imposed

53

Disciplinary & Disability
Proceedings Opened



BY THE NUMBERS > PART II

1,822

**Disciplinary
Grievances
Opened**

1,802

**Disciplinary
Grievances
Resolved***

95

**Non-Communication
Matters Informally
Resolved**

49

**File Disputes
Informally
Resolved**

2,300

**Public Inquiries,
Phone Calls,
and Emails**

* "Grievances resolved" include all grievances that are closed during the calendar year, including, but not limited to, grievances that were dismissed in intake or after investigation and those for which disciplinary action was imposed.

A CLOSER LOOK

Number and Nature of Grievances

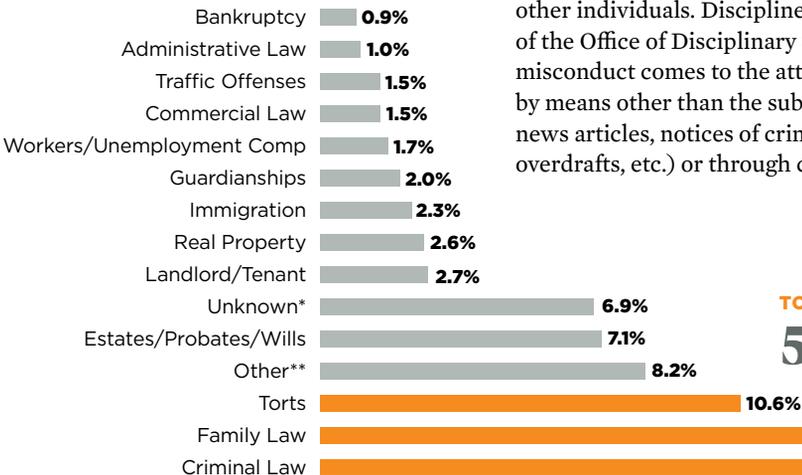
ODC's intake staff receives all public inquiries and written grievances and conducts the initial review of every grievance.¹ After initial review, some grievances are dismissed, and others are referred for further investigation by ODC investigation/prosecution staff. Grievances that are not dismissed or diverted after investigation may be referred for disciplinary action. When warranted and authorized by a review committee of the Disciplinary Board, these matters are prosecuted by disciplinary counsel with the assistance of professional investigators and a support staff of paralegals and legal administrative assistants. In 2024, ODC opened 1,822 grievances.

NOTE

- Conflicts Review Officers perform this review when required by ELC 2.7. In some cases not subject to ELC 2.7, initial review is assigned to independent Special Disciplinary Counsel under ELC 2.8(b).

Practice Areas of Grievances

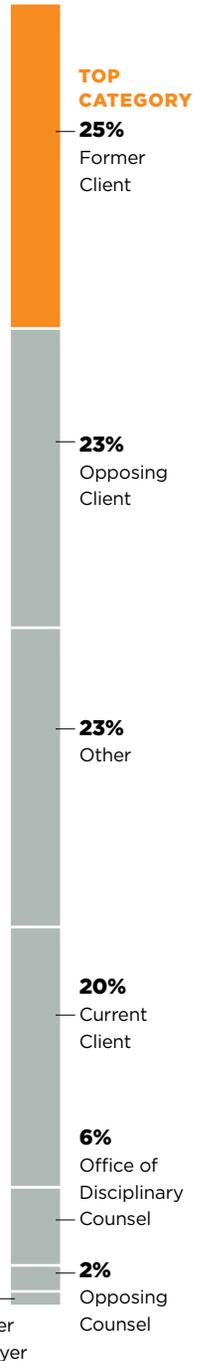
Top 15 (by highest percentage)



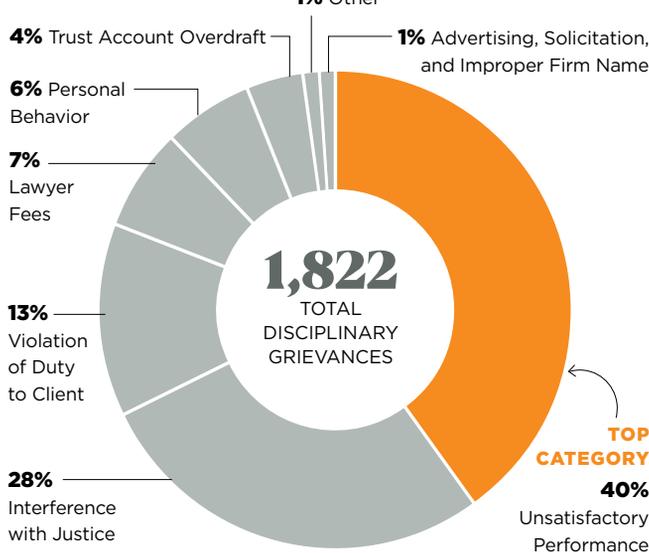
NOTE: **"Unknown" captures those grievances where there was too little information to determine a practice area.***"Other" reflects those practice areas that arise infrequently.



Sources of Grievances Filed



Nature of Grievances



NOTE: "Interference with Justice" may include improper contacts with represented parties or judicial officers and misrepresentations to the court. "Personal Behavior" may include criminal law violations and other conduct not necessarily related to the practice of law.

Grievance Filings in Detail

In 2024, the majority of grievances against Washington lawyers originated from former clients, opposing clients, and other. "Other" may include grievances filed by family members, neighbors, non-client members of the public, or other individuals. Discipline files are opened in the name of the Office of Disciplinary Counsel when potential ethical misconduct comes to the attention of disciplinary counsel by means other than the submission of a grievance (e.g., news articles, notices of criminal conviction, trust account overdrafts, etc.) or through confidential sources.

TOP 3 CATEGORIES

58.4% of grievances arose from criminal law, family law, and tort matters.



2024 Snapshot: WSBA

Discipline System Annual Report

CONTINUED >

A CLOSER LOOK

Disciplinary Actions Taken

Disciplinary “actions,” which include both disciplinary sanctions and admonitions, result in a permanent public disciplinary record. In order of increasing severity, disciplinary actions are admonitions, reprimands, suspensions, and disbarments. If a lawyer should be cautioned, review committees of the Disciplinary Board have authority to issue an advisory letter, which is neither a sanction nor a disciplinary action and is not public information. For less serious misconduct, ODC may divert a grievance from discipline if a lawyer agrees to a diversion contract, which if successfully completed results in dismissal of the grievance. In 2024, nine matters were referred to diversion.

In 2024, 50 lawyers were disciplined and one lawyer had more than one disciplinary action, for a total of 51 disciplinary actions:

11 Reprimands

16 Suspensions

9 Resignations in Lieu of Discipline

15 Disbarments

NEW IN 2024

Updates to the Discipline and Disability Case System and Document Management Software

After four years of development, a new discipline and disability case management and document management system, Litify, went live in 2024. This new system, based upon a Salesforce platform, replaced a nearly 20-year-old in-house built software known as GILDA. This new system enables the WSBA to effectively track grievances, discipline, disability, reinstatements, custodianships, and proceedings for all licensed legal professionals in Washington state, including lawyers, limited practice officers, and limited license legal technicians.



BY THE NUMBERS >
PART III

17

Programs were held on discipline and professional conduct where ODC lawyers and auditors appeared as speakers.



1,900

Calls providing ethics advice were fielded by Professional Responsibility Program staff in fiscal year 2024.



40

Ethics education programs were held around the state, including live, webinar, and webcast events.



OTHER COMPONENTS

Adjunct Disciplinary Counsel Panel

The Adjunct Disciplinary Counsel (ADC) Panel is established by Rule 2.9 of the Washington Supreme Court’s Rules for Enforcement of Lawyer Conduct (ELC). Under ELC 5.3(c), disciplinary counsel may assign a grievance to an ADC for investigation under the supervision of the Office of Disciplinary Counsel. In addition, members of the ADC Panel may be called upon to serve as volunteers in the discipline system in a variety of other capacities.

In 2024, the ADC Panel consisted of 27 volunteer lawyer members. Members of the ADC Panel were assigned to two new disciplinary related probations and assisted ODC in resolving eight investigations.

> MORE ONLINE: Scan the QR code to learn more about the ADC Panel, or visit www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Adjunct-Disciplinary-Counsel-Panel.



LPO and LLLT Discipline System

Limited practice officers (LPOs) and limited license legal technicians (LLLTs) are also authorized to practice law in Washington, through regulatory systems administered by the WSBA. A Washington Supreme Court-mandated regulatory board oversees each limited license. Each licensee is subject to license-specific rules of professional conduct and disciplinary procedural rules. The WSBA administers a discipline system for each of these licenses. At the end of 2024, there were 706 LPOs and 77 LLLTs actively licensed to practice. In 2024, the WSBA received nine disciplinary grievances against LPOs and one disciplinary grievance against an LLLT. One disciplinary action of a reprimand was imposed on an LPO.

Lawyer Disability Matters

Special procedures apply when there is reasonable cause to believe that a lawyer is incapable of properly defending a disciplinary proceeding, or incapable of practicing law, because of mental or physical incapacity. Such matters are handled under a distinct set of procedural rules. In some cases, the lawyer must have counsel appointed at the WSBA’s expense. In these cases, a determination that the lawyer does not have the capacity to practice law results in a transfer to disability inactive status. Although the procedural rules governing disability proceedings are contained in the ELC, the proceedings are not disciplinary in nature. In 2024, five lawyers were transferred to disability inactive status based on an incapacity to practice law. **BN**



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Patrick Palace, founder of Palace Law, has made history as the first-ever President of the National Conference of Bar Presidents (NCBP) from Washington state. In his inaugural address, he called on bar leaders nationwide to bridge differences, embrace innovation like AI, to expand access to justice, prioritize the independence of the profession and rule of law, and protect judicial independence. This milestone is more than personal achievement—it's a moment of pride for Washington's legal community and a bold step in shaping the future of the profession.



Patrick Palace, first Wa. State Bar President of NCBP sharing his inaugural address at the recent NCBP meeting in Toronto, Canada.



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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.

Admonished

Andrequita Silva (WSBA No. 17314, admitted 1987) of Seattle, was ordered to receive an admonition, effective 3/25/2025, by a Review Committee of the Disciplinary Board. Stephanie Bloomfield acted as special disciplinary counsel. Andrequita Silva represented themselves.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.1 (Competence), 3.1 (Meritorious Claims and Contentions), 3.3 (Candor Toward the Tribunal), and 8.4(d) (Prejudicial to the Administration of Justice).

In relation to Silva's representation of a client in a case under the Hague Convention to determine if a child had been wrongfully removed or abducted from the habitual country of residence, a Review Committee of the Disciplinary Board ordered an admonition. The Review Committee found that Silva failed to adequately investigate the factual and legal issues by seeking a final order inconsistent with the parties' agreement in a foreign court proceeding, failed to meet her duty of candor to the tribunal by not notifying the United States District Court for the Western District of Washington of the parties' settlement agreement that resolved the issues before the court, failed to meet her duty of competence by not acquainting herself with the applicable rules and procedures, and engaged in conduct prejudicial to the



administration of justice in her advocacy before the court.

Decision documents: Review Committee Order and Admonition.

Reprimanded

Daniel Robert Reitman (WSBA No. 26165, admitted 1996) of Portland, OR, was reprimanded, effective 11/22/2024, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. For more information, see https://www.osbar.org/_docs/dbreport/dbr38.pdf. Henry Cruz acted as disciplinary counsel. Daniel Robert Reitman represented themselves.

Decision document: The Washington Supreme Court Order.

Transfer to Disability Inactive Status

Sandra L Ferguson (WSBA No. 27472, admitted 1997) of Seattle, was by stipulation transferred to disability inactive status, effective 6/10/2025. ***This is not a disciplinary action.***

Interim Suspension

Ashley Briana Cuber (WSBA No. 59370, admitted 2022) of Lakewood, CO, is suspended from the practice of law in the state of Washington pending the outcome of disciplinary proceedings, effective 6/26/2025, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.***

Shakespear N Feyissa (WSBA No. 33747, admitted 2003) of Seattle, is suspended from the practice of law in the state of Washington pending the outcome of disciplinary proceedings, effective 7/07/2025, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.***

Nichole Danelle Fisher (WSBA No. 54253, admitted 2018) of Lakewood, is suspended from the practice of law in the state of Washington pending the outcome of disciplinary proceedings, effective 6/25/2025, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.*** BN

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Mei Shih

BAR NUMBER: 53924

Growing up as a “language broker” for my non-English speaking parents naturally led me to law. Practicing in multiple jurisdictions, including in California starting in 2010, I settled in Washington in 2018, focusing on family law, guardianship, and estate planning.

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

The most interesting case I handled was one of my first minor guardianship cases under the new 2021 law. It was fascinating because I got to argue a novel statute with no case precedent in Washington. I drew on my experience as both a former parent’s defense attorney in CPS matters and a family law attorney to approach the case creatively. The challenge of navigating an emerging area of law, while advocating for the best interests of a child, allowed me to think critically and use my diverse background to craft a compelling argument. It was rewarding to be part of shaping the application of this new law and ensuring the child’s well-being was prioritized. I even wrote an article in the September 2023 *Bar News* on this topic, entitled “Issue Spotting: Perspectives on Washington’s Article 2 of the UGCOPAA.”

How is being a lawyer different from the way you thought it would be?

Growing up, I thought being a lawyer meant being an aggressive bulldog. In reality, it is about advocacy with compassion and strength. Court is a last resort—not out of fear, but because it is costly, stressful, and unpredictable. Legal fees reflect the time and effort required to understand every aspect of a case and build the best strategy. Lawyers do not

fight for the sake of fighting; we fight when we believe in our clients and their cause. My goal is always to find solutions that serve my clients’ best interests while minimizing unnecessary conflict.

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

I want to be remembered as a lawyer who generously shared my time and gave back to the community. This means mentoring young attorneys, answering calls from peers, contributing to committees, and passing on the knowledge I’ve gained from great practitioners. It also means volunteering, doing pro bono work, and ensuring my services are accessible to those in need. I have volunteered at legal clinics since college, through law school, and throughout my more than 15 years of practice—it’s an essential part of who I am and the work I do. **BN**



If you had to give a 10-minute presentation on one topic other than the law, what would it be and why? Guide to fermenting (kombucha, ginger bug, vegetables, etc.).

If you could go back in time, where/when would you go? The 1920s because I imagine myself as a rebellious flapper girl.

What did you eat for breakfast this morning? Double shot of espresso (every morning).

What’s your favorite breakfast cereal that you’re slightly embarrassed to buy? Frosted Flakes.

What is one thing your colleagues may not know about you? I’m a crazy plant lady. I have plants in every room of my house.

What is your favorite smell? The smell you experience when walking by a bakery.

What is your favorite podcast? *Modern Love*.

What book have you read more than once? Nowadays, I focus on reading to my kids. We’ve read the book *Wonder* by R.J. Palacio many times.

What is the last thing you watched on television? A rerun of *Gilmore Girls*.

What is your best random fact that you would share with others at a party? My feet grew 1.5 shoe sizes in my late 30s.

What is the worst movie you’ve ever seen? *The Human Centipede*.

What did you think was cool when you were younger that makes you cringe to think about now? Super low-rise jeans in the 90s.

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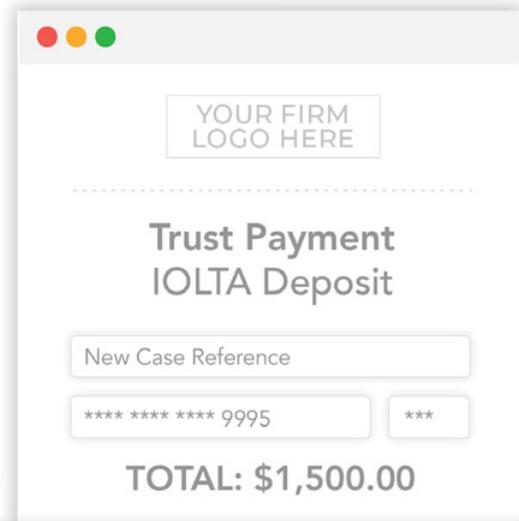
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Chemnick Moen Greenstreet came into being in 1984. Paul Chemnick and Pat Greenstreet have retired, but the future is bright as Gene Moen continues in the practice with his current partners, Tyler Goldberg-Hoss and Carl-Erich Kruse, as well as attorneys Catherine Moen and Matt Weber, under the firm name CMG Law.



We look forward to continuing to help people who suffer catastrophic injury due to negligent medical care. As our tagline says, "it's all we do."

Medical Malpractice. *It's All We Do.*



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