

# WASHINGTON STATE Bar News

THE OFFICIAL PUBLICATION OF THE WASHINGTON STATE BAR ASSOCIATION

## When Comfort Enters the Courtroom:

HOW WASHINGTON  
PIONEERED THE USE OF  
COURTHOUSE FACILITY  
DOGS / p. 30

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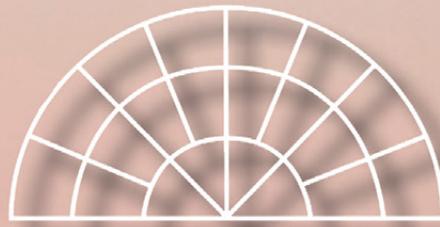
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FEB. 2026  
VOL. 80, NO. 2





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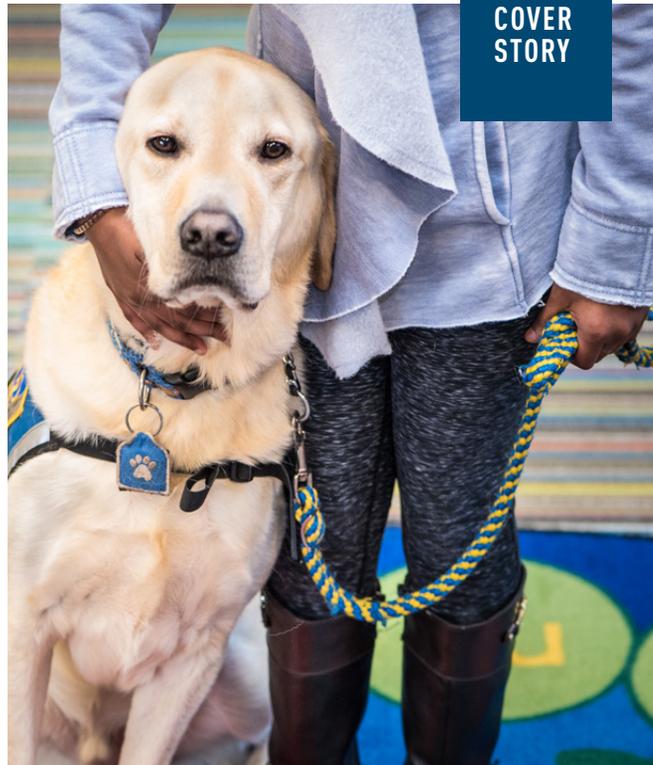
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*Alison DeGregorio*

# Court's Best Friend

Late last year, I read an article in *The Seattle Times* about a dog named Errol retiring from his post at King County Superior Court where, for a decade, he helped children and others testify and appear at legal proceedings. Upon Errol's 12th birthday, the Metropolitan King County Council established Oct. 21, 2025, as Errol the Courthouse Dog Day. The article features photos of Errol, a black lab mix with a graying beard, surrounded by proud, smiling humans.

**Kirsten Lacko** is the editor of *Washington State Bar News* and can be reached at [kirstenl@wsba.org](mailto:kirstenl@wsba.org).



**ON THE COVER**  
*Facility dog Kerris provides comfort and courage to a teenager in a Kitsap County courtroom.*

Photo by  
Tapani Romppainen

The organization behind the successful introduction of dogs like Errol into high-stress legal environments—Courthouse Dogs Foundation—is the cover story of this issue. Started in 2008, CDF has placed specially trained dogs in courthouses, child advocacy centers, prosecuting attorneys' offices, and elsewhere in Washington cities including Seattle, Spokane, Olympia, and Chelan. Their work is more than just heartwarming—it is life-changing for many young and vulnerable people navigating our courts. Read all about CDF on page 30.

Also in this issue: a deep dive into whole genome sequencing—the type of DNA analysis recently declared admissible in court for the first time in the U.S. during Rex Heuermann's New York criminal trial (page 40); a look at the unique types of personal injury cases that commonly arise in places like the Pacific Northwest where outdoor recreational activities are popular (page 34); an ethics column on protecting client confidentiality when crossing

international borders (page 16); and a Pro Bono Organization of the Month spotlight on Inland Empire Legal Aid (page 28). **BN**

## CORRECTION & APOLOGY

*Bar News* published an incorrect name in the In Remembrance section of the December/January issue. The text listed Anna Bodi as deceased, when it should have listed her mother, F. Lorraine "Lorri" Bodi, as deceased. Both Lorri Bodi and Anna Bodi have been WSBA members. Anna Bodi is very much extant and continues to be an active WSBA member. *Bar News* apologizes for this error. A corrected obituary can be found on page 52 and online at <https://wabarnews.org/in-remembrance/>. 

The WSBA's Official Members' Magazine

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

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WASHINGTON STATE BAR NEWS ONLINE **www.wabarnews.org**

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

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Ms. Bual is a member of the firm's Business Litigation practice group, Mr. Reingold practices in Family Law, and Ms. Whitely is a member of the Estate Planning, Probate and Private Wealth Services practice group.



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# BarNews

## Washington State Bar News Submission Guidelines

Washington State Bar News relies on submissions from WSBA members and members of the public that are of interest to readers. Articles should not have been submitted to any other publications and become the property of the WSBA. Articles typically run 1,000–2,500 words. Citations should be incorporated into the body of the article and be minimal. Please include a brief author's biography, with contact info, at the end of the article. High-resolution graphics and photographs (preferably 1 MB in size) are requested. Authors should provide a high-resolution digital photo of themselves with their submission. Send articles to [wabarnews@wsba.org](mailto: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](mailto:wabarnews@wsba.org).

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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 and grammatical accuracy.

## Cheers For Community

Kudos to the December/January issue of Bar News for reinforcing our need for community. And, most importantly, encouraging us to reach out and become involved, for our own well-being, in addition to benefiting others. Aside from combatting loneliness, the rewards of connecting with people to collaborate, commiserate, provide help, share activities, joy, frustration, ideas, and even fears—can't be understated. Our executive director, Terra Nevitt, does it brilliantly by referencing her own experience at a Whatcom Women Lawyers lunch, when



transitioning from Bangkok to Bellingham, as a young mom and attorney.

Tyler Goldberg-Hoss performed a mitzvah (good deed) when he connected two of his clients whose little boys both independently suffered profound brain injuries during labor and delivery. It took guts, but his gut told him that no

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one could understand or help them better than a peer who was going through the same nightmare of an experience at that time. When he confided that he's only got two voicemails saved on his phone, one from his dad, and the other from one of those clients, I confess I grabbed a tissue.

And while us oldsters may roll our eyes or be quick to judge, Rachel Hay taught me that through TikTok law, students and young lawyers are cultivating peer-based communities and forging relationships with the general public by expertly melding legal material with “lifestyle” content. Yes, they are creating communities and networks that assist them in myriad areas of their lives.

And I'm kicking myself for missing the September Law Rocks gathering at Seattle's The Crocodile. What a wonderful way to connect with fellow lawyers, as human beings, with music and dance as the glue. Another example of an opportunity to bond with others in an upbeat recreational setting. With the right nudge I might have even jumped on stage to recreate my a capella doo wop days with a one-off cameo.

So, thanks Terra and *Bar News* authors for that kick in our derriere to be intentional, reach out, and get involved with our community. Beats listening to the old Bobby Vinton tune “Mr. Lonely” (which of course I'm playing in the background as I write this for inspiration). Happy New Year indeed.

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# NW Sidebar

THE VOICES OF WASHINGTON'S LEGAL COMMUNITY



## Navigating the Ethical Use of AI in Law Practice



BY SANDRA SCHILLING

Artificial intelligence is reshaping the legal field, prompting the need for lawyers to address ethical considerations outlined in Advisory Opinion 202505. Key duties include competence, diligence, confidentiality, communication, candor, supervision, and reasonable billing. [...]

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## Court of Appeals Finds Receiver Controls Corporation's Attorney-Client Privilege



BY MARK J. FUCILE

The Washington Court of Appeals recently ruled on attorney-client privilege in receivership cases, affirming that a receiver can control a corporation's privilege. In the *Matter of Elcon Corporation*, the court held the receiver can compel the production of privileged emails from Elcon, consistent [...]

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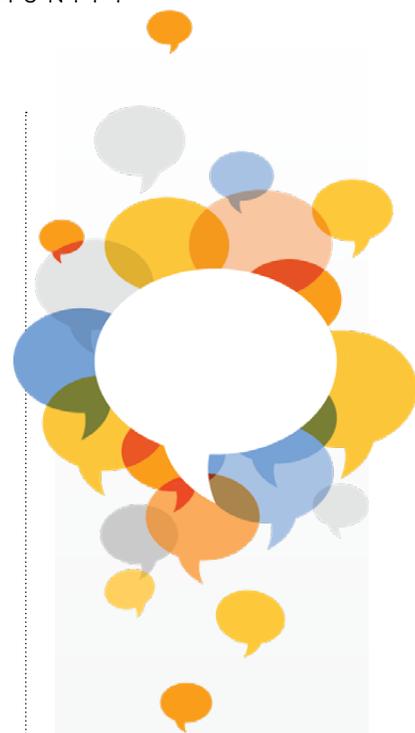
## Federal Court Discusses Standard of Care for LPO Malpractice Claims



BY MARK J. FUCILE

A federal district court in Seattle examined malpractice claims against Limited Practice Officers (LPOs) under Washington law. In *Sadr v. Oney*, the court ruled that while the LPO used approved forms, it was not subject to attorney standards of care, differentiating it from past cases. This [...]

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## The Bar in Brief

This month, I am pleased to share my column space with Rajeev Majumdar, chair of the WSBA's newly chartered Oath Review and Drafting Task Force. The task force's work represents what could be a historic process more than a century in the making, considering the phrasing of our current Oath of Attorney stretches back to Washington's territorial days. We are embarking on the oath-review process with curiosity and collaboration with members and the public as our guiding priorities; we want to hear from you: Does the current oath encapsulate the duties and responsibilities of a modern legal professional? Does it inspire you? Should it? Please be on the lookout in the weeks ahead for more information and for an email survey. Make the time to give your input. The oath is the promise that we all take to obtain our legal license, and I think it is well worth the effort to make sure those words are meaningful and relevant. I hope you do, too.

— Terra Nevitt, WSBA Executive Director

GUEST COLUMN

# To Bind Our Profession: The Nature of our Oath

On Law Day 2025, hundreds of legal professionals came together at courthouses throughout the state to retake their professional oath, demonstrating their commitment to the U.S. Constitution and justice for all Washingtonians. It was a powerful and inspirational movement, most agreed, with one exception: *the oath itself*. The phrasing of the current Oath of Attorney traces back to Washington's territorial days.<sup>1</sup> Some have observed that the oath is overlong and dated, while others attribute its length and complexity to the thought and deliberation that went into its creation.

Oaths have and should have meaning, but to be meaningful they should be understood and embraced. Our current oaths are not conducive to either easy understanding or embracement by many in that regard.<sup>2</sup> I have been chagrined repeatedly over the years to see experienced judges and attorneys stumble over the oath. As an example of the lack of easy understanding, in our current oath rests the promise: “**I will abstain from all offensive personalities ...**” I recently learned that this phrase—owing to shifts in our comprehension of the meaning of words over time—is frequently misconstrued today but would have been perfectly understood by persons in the 18th and 19th centuries well versed in the parliamentary procedures of England. This line is not about staying away from emotionally toxic people; it is about oath takers

themselves avoiding “**personality**” in their conduct—that is, to refrain from attacking an opponent's personal character or speaking disrespectfully of others in debate. Is that what you took from that sentence when taking the oath? I certainly did not.

After that 2025 Law Day event, I did a survey of the oaths of a number of other states and found many of them to be short, understandable, meaningful, and to the point.<sup>3</sup> I see no reason that we as an association cannot achieve the same in our state by making reasonable recommendations that we could persuade the Washington Supreme Court to adopt.

Apparently, many others had the same thought, as the WSBA received a great deal of feedback in the wake of Law Day from both the judiciary and practitioners regarding their dissatisfaction with the current oath. Much has changed since the 1800s, including the work and duties of a modern legal professional. The WSBA Board of Governors heard and agreed with these sentiments and charted the WSBA's Oath Review and Drafting Task Force<sup>4</sup> in response.

In the coming months, the task force will determine whether the oath ought to be updated and, *if so*, we will draft corresponding language and rule changes for consideration by the Washington Supreme Court. In having the honor of chairing the task force, I draw upon my experiences both as a practitioner and as a former WSBA president—and one thing I have learned from those experiences and from interacting with members near and far is that each of you has a vital role in making our profession and our society a better one. Your input will be invaluable in making our findings, and each and every licensed WSBA member will be receiving an email survey to solicit your input and feedback as to whether our professional oaths should be changed, what is important about it, and if necessary, what changes should be made. It is my goal for every member to have an opportunity to provide feedback to the committee, in addition to our charge to “obtain advisory perspectives from stakeholder groups with an interest in the content of the oath, including new and young lawyers; senior lawyers; the access-to-justice community; the judiciary; law schools and law students; Inns of Court; WSBA Sections; and county,



**Rajeev D. Majumdar**

Rajeev D. Majumdar is the managing partner of Whatcom Law Group. He served as the 2019-2020 WSBA president. He can be reached at [rajeev@whatcomlaw.com](mailto:rajeev@whatcomlaw.com).



## PROVIDE YOUR INPUT

Find the survey link, the text of all three oaths for legal professionals (attorney, LLLT, and LPO), and updated information about the Oath Review and Drafting Task Force at [www.wsba.org/oath](http://www.wsba.org/oath).

affinity, and specialty bar associations.”

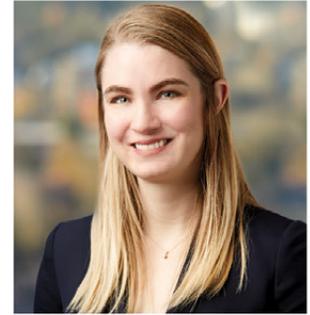
The oath is the gateway to our profession; it is the promise we solemnly undertake as a condition of receiving a legal license. We need to make sure that any potential changes to the oath reflect our collective beliefs about the core responsibilities and duties of a modern legal professional. And it is my belief that if there is a desire on the part of the membership, then we can surpass that baseline and create an oath that is truly inspirational for our profession and those we serve.

Please be on the lookout in the weeks ahead for more information and for the survey landing in your inboxes. You can track our progress throughout the process online at [www.wsba.org/oath](http://www.wsba.org/oath). If you love legal history, you will also want to look at the WSBA’s “Summary of the History of Washington State’s Oaths” available on that webpage as well. [BN](#)

### NOTES

1. “Washington’s Territorial Legislature first enacted a statute defining the duties of an attorney in 1862; much of the language was drawn from a then-influential New York state statutory initiative known as the 1848 Field Code.” WSBA’s “Summary of the History of Washington State’s Oaths” available at [www.wsba.org/oath](http://www.wsba.org/oath).
2. Washington state did not have an official Oath of Attorney until 1909. The Supreme Court adopted an Oath for Limited Practice Officers in 1987 and an Oath for Limited License Legal Technicians in 2012.
3. *Contra* the Oath of Attorney of Kentucky which includes in part the following promise: “I, being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.”
4. [https://wsba.org/docs/default-source/oath-review-and-drafting-task-force/charter-for-oath-review-and-drafting-task-force.pdf?sfvrsn=2cf51af1\\_1](https://wsba.org/docs/default-source/oath-review-and-drafting-task-force/charter-for-oath-review-and-drafting-task-force.pdf?sfvrsn=2cf51af1_1).

# McKinley Irvin Welcomes New Partners



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# Scoping the Justice Gap Challenge

*Addressing the unmet legal needs of low-income Washingtonians*

**“Justice consists not in being neutral between right and wrong, but in finding out the right and upholding it, wherever found, against the wrong.”**

— Theodore Roosevelt

**W**hen Benito (last name withheld) first walked into the makeshift food bank I used as an office to consult with civil legal aid clients in Spokane Valley, I had no idea he would have a profound influence on me. At the time, I was running a limited legal clinic that merely helped fill out paperwork for welfare recipients and write wills and letters for those who came through the door. I helped identify civil legal needs issues for folks and then made referrals to Washington Law Help.

Benito is well known in the community as a hardworking refugee from Cuba. He repairs cars for others and works as a day laborer pouring concrete for a living. He has been through a lot, but you wouldn't know it by his infectious optimism. His phone is constantly ringing; a single mother needs help to jumpstart her car, voila! He's there. Another person needs Benito's help moving to a new apartment; he's there. Benito epitomizes the consummate American described in Tocqueville's *Democracy in America*, published in 1835, “Among a democratic people, where there is no hereditary wealth, every man works to earn a living. ... Labor is held in honor; the prejudice is not against but in its favor.” Benito is a successful American today with a street named after him in Spokane, but he struggled to access justice throughout his adult life. He helps others but could not find help to address his own legal needs. He barely makes enough money to provide for his family and as such cannot afford to hire a lawyer. He cares about his community, but the legal system is very frequently not there for him. Benito is among the 74 percent of low-income Americans that experience one or more civil legal needs each year.

The Legal Services Corporation (LSC) defines the justice gap as the difference between the civil legal needs of low-income Americans and the resources available to meet those needs. In its 2022 Justice Gap Study,<sup>1</sup> LSC estimated that about 50 million Americans have household incomes below 125 percent of the poverty threshold—including more than 15 million children and nearly 8 million seniors. Civil legal needs typically involve securing

and protecting basic needs such as housing, education, health care, income, and safety. Single parent households are disparately impacted. About 55 percent of low-income Americans who personally experience a problem say these civil legal needs substantially impacted their lives, with the consequences affecting their finances, mental health, physical health, safety, and relationships.

I have been involved in dialogue seeking to address this hydra-headed problem since I joined the Access to Justice (ATJ) Board. Others like ada shen-jaffe and Jim Bamberger have actually spent more time on this issue; at least since they joined efforts to open the doors of Columbia Legal Services and Evergreen Legal Services in our state. When I served as chair of the ATJ Board, our primary focus was on how to narrow the justice gap. It still remains the number one priority of the ATJ Board strategic plan. Washington state has always led these efforts and in recent years, we have made tremendous progress in some areas such as the right to an attorney in eviction proceedings. But the gap remains wide and gets wider as more people fall into poverty due to the affordability challenges we face as a state and country.

Last year, the WSBA Board of Governors approved the Equity and Justice Plan, which emphasized the importance of enhancing access to justice and removing barriers in the legal system. This plan helped inform the Board of Governors' new three-year strategic plan, which includes a goal on closing the justice gap. Along with setting these priorities, the WSBA is also committed to identifying how it can best address the unmet legal needs not only of low-income people but also of middle-income people who do not qualify for free legal aid but cannot afford market legal rates.

I strongly believe that the current convergence of these strategic priorities presents a unique opportunity to bring



**Francis A. Adewale**

*WSBA President*

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**Your involvement and participation is greatly encouraged and highly appreciated. What are your experiences dealing with this challenge?**

together a Justice Gap Solutions Scoping Work Group with members drawn from the WSBA and the ATJ Board. The group will help delve deeper into identifying the needs related to the justice gap and exploring potential solutions that both the Board of Governors and the Access to Justice Board could pursue. The group will also help address the needs of moderate-income folks following the sunset of the Moderate Means Program. The WSBA's collaboration with the ATJ Board and other agencies and commissions is intentional as the task force will not be limited to civil legal needs only. It is intended that the work group will conduct a literature review, examine roles and responsibilities, identify impacted parties, and establish initial steps toward addressing the justice gap in Washington state.

In furtherance of this goal, the WSBA executive director and I have met with the leadership of the ATJ Board and other agencies to find alignment and common purpose. By consolidating the expertise and strategic interests of both the WSBA, the ATJ Board, and other agencies, we can generate significant momentum in addressing these critical issues. The challenges of accessing justice in rural communities and inner cities in Washington will be front and center in this work.

As someone committed to community advocacy, I firmly believe that the success of this effort will be totally dependent on community input. A community-informed lens will enable the work group to ensure that the perspectives and experiences of people who are most impacted by the legal system are placed at the center of this challenge.

The work group's charter envisions broad outreach to other legal community members that could be impacted in various capacities or who hold unique knowledge of the legal environment. This is where you, the readers of the *Bar News*, come in. Your involvement and participation is greatly encouraged and highly appreciated. What are your experiences dealing with this challenge? As sole practitioners in rural communities or inner cities, what do you see? As pro bono volunteers with Qualified Legal Services Providers, what can we do?

## GUEST COLUMN

# Heroes of Justice

In each issue of *Bar News*, WSBA President Adewale will ask one Washington legal professional, one "Hero of Justice," to share how they came to practice law.



**Steve Horst**

**Spokane County Public Defender**

**M**y journey to becoming an attorney is an adventure the word count won't facilitate, so I'll cut to the quick: I left a meeting with my academic advisor as I was working on my master's in history at Western Washington University and saw a series of posters on the wall. Each poster had a different answer to the posited question of what to do with a history degree. I was already employed in the quintessential liberal arts job—working in a restaurant. Knowing that wasn't a long-term option for me, I focused on the poster that suggested law school. My goal in attending law school was to practice environmental law; I even managed a concentration in said area. Circumstances steered me elsewhere, however, and I have spent my legal career practicing criminal law.

I started my employment in the legal profession as an intern with the Spokane City Prosecutor's Office, moved on to the Whatcom County Public Defender's Office after graduation, and finally landed with the Spokane County Public Defender's Office. I have been with that office since 2002. Through the years, I have handled misdemeanors, adult felonies, juvenile delinquencies, and even a few dependency cases.

I have long been involved with veterans court (going on 15 years now), and not too long ago, was afforded the opportunity to work in the other misdemeanor therapeutic courts (DUI and mental health). These courts present a unique opportunity to effectuate change—to allow participants a chance to demonstrate they aren't just some statistic or construct of their criminal history. The journey is rarely a straight line for participants, and ample situations arise requiring presentations on case law, court rules, and therapeutic court best practices. After all these years, it still feels good to support and argue on my client's behalf. **BN**

We anticipate that the work group will grow and develop outreach to impacted groups continually throughout the process to ensure all voices are heard. The work group's impact will be measured in part by its relationships with affected groups. Success will be gauged against our existing strategic plans and goals, particularly those outlined in the WSBA Equity and Justice

Plan, the ATJ Board's strategic plan, and the WSBA Board of Governors' strategic plan. The voice of the underserved communities in our state will be amplified through this effort.

Bend the Arc! **BN**

#### NOTE

1. <https://justicegap.lsc.gov/the-report/>.



# CROSSING OVER:

## Confidentiality at International Borders

BY MARK J. FUCILE

**L**awyers have been crossing international borders for a long time. John Adams, for example, sailed from Boston to France in 1778 to negotiate a treaty with the French during the Revolutionary War (only to learn that Benjamin Franklin had already done the deal).<sup>1</sup> What has changed over

time, however, is the form and volume of client confidential material lawyers have with them when crossing international borders. Since the days of John Adams until fairly recently, paper was a lawyer's stock-in-trade. As such, a traveling lawyer might have a paper file or two when crossing a border related to the matters involving the business trip. By contrast, most law firm

files today are electronic. Further, our electronic devices—whether laptops, tablets, or phones—often either carry or have access to all of our client files. Today's technology becomes a sensitive point at international borders because inspections of electronic devices do not necessarily include the same legal protections as when operating within a country. This puts a premium on carefully planning what we carry across international borders to protect client confidentiality.

In this column, we'll look at two aspects of lawyer confidentiality when crossing international borders.

First, we'll survey how our duty of confidentiality interfaces with the legal and regulatory mix governing electronic device inspections across borders. In doing so, we'll focus on return travel into the United States. That obviously leaves out the other 192 countries that are members of the United Nations.<sup>2</sup> Although the regulatory environment in those other countries varies, the general considerations we'll discuss apply with equal measure when entering another country. Further, part of a lawyer's trip preparation should include reviewing both the regulations governing entry inspections and how those regulations may be applied. Canada, the United Kingdom, and the European Union, for example, have readily available online descriptions of what travelers

can expect.<sup>3</sup> Although admittedly a rough gauge, the State Department's travel advisory website is at least a starting point for assessing a particular country's likely adherence to its stated border inspection policies.<sup>4</sup>

Second, we'll then turn to practical precautions lawyers can take to protect client confidentiality. Although these steps involve technology, we'll aim not to be too technical. Further, although the focus is on the border, lawyers also need to take reasonable steps to protect confidentiality when carrying and using electronic devices in a foreign country just as they would here.<sup>5</sup>

### CONFIDENTIALITY AT THE BORDER

Under RPC 1.6(c), "[a] lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client."<sup>6</sup> Comments 18 and 19 to RPC 1.6 underscore that our duty of confidentiality is also part of our duty of competent representation under RPC 1.1—with the title to those two comments neatly blending those duties: "Acting Competently to Preserve Confidentiality." Comments 18 and 19 explain that we need to take reasonable steps to protect confidential information when using electronic tools that are consistent with the sensitivity of the information involved.<sup>7</sup>

One of the leading bar opinions nationally on this topic—New York City Bar Formal Opinion 2017-5 (2017)—summarizes these twin duties<sup>8</sup> when carrying electron-

## Part of a lawyer's trip preparation should include reviewing both the regulations governing entry inspections and how those regulations may be applied.

ic devices with client information across a border:

Rules 1.1 and 1.6(c) require attorneys to make reasonable efforts prior to crossing the ... border to avoid or minimize the risk that government agents will review or seize confidences that are carried on, or accessible on, electronic devices that attorneys carry across the border. Except in the unlikely event that an attorney has each affected client's consent to disclose confidential information during a border search, such disclosure would be "unauthorized" under Rule 1.6(c) and the attorney would be obliged to make "reasonable efforts" to prevent such disclosure from occurring ...

The necessary degree of precaution depends on the circumstances, including the sensitivity of the confidential information that is at risk ... "Reasonableness" by its nature depends on the multiple facts and circumstances of a given situation and does not lend itself to categorical bright-line rules."<sup>9</sup>

In addition to understanding the law practice technology that a lawyer is using, lawyers crossing the border with client confidential information also need to appreciate the basics of search and seizure law and government inspection policies—neither of which is static.

On the former, although searches of cell phones and similar electronic devices within the country generally require a warrant,<sup>10</sup> decisional law currently suggests that cell phones and laptop computers are not immune from at least manual inspection under the "border exception" that allows searches without reasonable suspicion when entering the United States.<sup>11</sup> Pending definitive guidance from the United States Supreme Court, considerable nuance remains among the federal circuits that have spoken to the issue on the degree of suspicion (if any) required under the border exception for searches of electronic devices—especially those involving forensic examinations of the contents.<sup>12</sup>

On the latter, U.S. Customs and Border Protection has published its current guidance on its website.<sup>13</sup> CBP distinguishes between "basic" and "advanced" searches.<sup>14</sup> As updated earlier this year, CBP describes a "basic" search as an inspection that is primarily (but not exclusively) manual "in which an officer conducts a review or analysis of information residing in electronic or digital form on the device."<sup>15</sup> CBP defines an "advanced" search as involving the use of external equipment to review and analyze the contents of a device.<sup>16</sup> Under current CBP policy, an "advanced" search ordinarily requires reasonable suspicion of illegal activity.<sup>17</sup> Even with a "basic" search, however, CBP may "request" that a device be opened if password protected—with possible "detention" of the device if the traveler does not cooperate.<sup>18</sup> Although CBP policy includes a mechanism for segregating material otherwise protected by the attorney-client privilege or the work product rule,<sup>19</sup> it is important to remember that policies can change or simply be ignored.<sup>20</sup> Assessing both current CBP policy and how its stated policy is being applied in actual practice should ordinarily be part of a careful lawyer's "reasonable efforts" to protect client confidentiality under RPC 1.6(c).<sup>21</sup>

In light of this legal and regulatory uncertainty, the practical solutions discussed next, while not foolproof, offer a degree of personal control that simple reliance on the vagaries of the legal and regulatory environment does not.

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CONTINUED >

### PRACTICAL PRECAUTIONS

Sources of practical guidance in this area are many and varied. Some address privacy concerns generally.<sup>22</sup> Others are tailored specifically to lawyers.<sup>23</sup> Although the available guidance varies in its technological granularity, three simple themes predominate.

First, when planning a trip, just bring what you need. Clearly, in an age of electronic airplane boarding passes, a phone is a practical necessity. If it is a vacation trip, however, a laptop computer stuffed with your work files may not be.

Second, remove confidential files from the devices you bring with you and access them remotely during the trip.<sup>24</sup> In some instances, a tablet may be a more convenient way to access necessary files remotely without deleting files from a work laptop before travel. In others, lawyers may consider using a separate “travel only” laptop that has the electronic features necessary for work (including remote access) but doesn’t have the lawyer’s files stored on the device itself.

Third, before crossing the border, sign-out of email apps, disconnect from remote access file storage, and turn off Wi-Fi and cell connections (or switch to “airplane mode”) so that emails and remotely stored files will not appear on the device if inspected manually at the border. Under current CBP policy, inspectors are not supposed to use the device to access files stored remotely.<sup>25</sup>

If, nonetheless, you have inadvertently left a sensitive client document on your electronic device, politely let the CBP officer know you are a lawyer (and be prepared to present confirming identification<sup>26</sup>), let the officer know that you have documents covered by the attorney-client privilege or the work product rule on the device in an effort to dissuade the officer from reviewing them, and, if necessary, ask to speak to the officer’s supervisor so that the confidential information can be segregated from the review.<sup>27</sup> Simply imagining this scenario at the end of a long trip may be enough to encourage most lawyers to leave confidential files behind. **BN**

#### NOTES

1. [www.nps.gov/adam/john-adams-biography.htm?&\\$NMW\\_TRANS\\$=ext](http://www.nps.gov/adam/john-adams-biography.htm?&$NMW_TRANS$=ext).
2. [www.un.org/en/about-us](http://www.un.org/en/about-us).

3. See, e.g., [www.cbsa-asfc.gc.ca/travel-voyage/edd-ean-eng.html](http://www.cbsa-asfc.gc.ca/travel-voyage/edd-ean-eng.html) (Canada), [www.gov.uk/uk-border-control](http://www.gov.uk/uk-border-control) (UK), [https://european-union.europa.eu/live-work-study/travelling-eu\\_en](https://european-union.europa.eu/live-work-study/travelling-eu_en) (EU).
4. See <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories.html/>.
5. See generally ABA Formal Ops. 99-413 (1999) (email security), 477R (data transmission), 483 (cybersecurity); WSBA Advisory Op. 2215 (cloud computing); see also ABA, *Cybersecurity Handbook* (3d ed. 2022) (surveying a wide variety of cybersecurity risks to lawyers and law firms and how to protect against them).
6. RPC 1.6 focuses on current clients. RPC 1.9(c), in turn, outlines the continuing duty of confidentiality to former clients.
7. See also RPC 1.1, cmt. 8 (addressing the responsibility to stay current on the technology we use in law practice).
8. The New York and Washington RPC are both drawn from their ABA Model Rule counterparts and largely mirror each other on the points discussed here.
9. New York City Bar Formal Op. 2017-5 (2017) at 5. The New York City Bar opinion focuses on re-entry into the United States. Other comparatively recent bar resources on this topic include New Hampshire Bar Advisory Op. 2018-19/1 (2018), Candace M. Groth, “Crossing the Border: Tips for Attorneys,” 78 No. 7 *Bench & Bar of Minnesota* 12 (Aug. 2019), and Wade v. Davis, “Taking Client Confidences on the Road,” 57 *Tenn. B.J.* 46 (Mar./Apr. 2021). See generally ABA, *Annotated Model Rules of Professional Conduct* 155-56 (10th ed. 2023) (summarizing authorities nationally addressing confidentiality issues for portable electronic devices in the border search context).
10. See generally *Riley v. California*, 573 U.S. 373, 134 S. Ct. 2473, 189 L. Ed.2d 430 (2014) (discussing cell phone searches).
11. See generally *United States v. Ramsey*, 431 U.S. 606, 620, 97 S. Ct. 1972, 52 L. Ed.2d 617 (1977) (surveying border exception); *United States v. Cano*, 934 F.3d 1002 (9th Cir. 2019) (cell phone searches at the border and requiring reasonable suspicion for a “forensic” examination); *United States v. Cotterman*, 709 F.3d 952 (9th Cir. 2013) (laptop computer searches at the border and requiring reasonable suspicion for “forensic” examination).
12. For surveys of decisional law among the federal circuits—including the degree of suspicion required for detailed examinations of device content, see Philetus Holt, “Cell Phones Are Not Suitcases: Today’s Reasonable Application of the Border Search Exception,” 52 *Fordham Urb. L.J.* 1085 (2025); Rebecca M. Rowland, “Border Searches of Electronic Devices,” 97 *Wash. U. L. Rev.* 545 (2019).
13. See [www.cbp.gov/document/directives/cbp-directive-no-3340-049b-border-search-electronic-devices](http://www.cbp.gov/document/directives/cbp-directive-no-3340-049b-border-search-electronic-devices). The CBP website also includes its most recent policy memo on the subject, CBP Directive No. 3340-049B (Jan. 28, 2026) (CBP Directive).
14. *Id.*
15. *Id.*
16. *Id.*
17. *Id.*
18. *Id.* Current CBP policy limits inspections to the device itself and not information accessible via the device that is stored remotely. See CBP Directive, *supra*, ¶ 5.1.2.
19. *Id.* In 2025, the ABA Center for Professional Responsibility updated its “Electronic Device Information” paper (ABA Paper) for attendees of the ABA annual meeting that year in Toronto. It is available on the ABA website. The ABA Paper discusses CBP policies, including those applicable to privileged documents on electronic devices. See also John Robert Schleppebach, “With Summer Travel Season Approaching, Attorneys Should Take Precautions to Protect the Attorney Client Privilege,” ABA Criminal Justice Section Newsletter, May 20, 2025 (available on the ABA website) (discussing the CBP policies noted in the context of electronic devices holding privileged material).
20. See generally Anjali Raval, “Stricter US Border Controls Prompt Business Travel Rethink,” *Financial Times*, May 18, 2025, available at [www.ft.com](http://www.ft.com) (surveying business travel planning in the wake of increased border searches of electronic devices).
21. The remedial protections for a search that violates stated CBP policy is a nuanced legal question beyond the scope of this column.
22. See, e.g., Brian X. Chen, “Fearing Border Searches on Your Phone? You Have Options,” *N.Y. Times*, May 13, 2025, at B4, available at [www.nytimes.com](http://www.nytimes.com); Heather Kelly, “How to Lock Down Your Phone If You’re Traveling to the U.S.,” *Washington Post*, Mar. 27, 2025, available at [www.washingtonpost.com](http://www.washingtonpost.com); Sophia Cope, Amul Kalia, Seth Schoen, and Adam Schwartz, *Digital Privacy at the U.S. Border* (Dec. 2017), available on the Electronic Frontier Foundation website at [www.eff.org](http://www.eff.org); Lily Hay Newman and Matt Burgess, “How to Protect Yourself from Phone Searches at the US Border,” *Wired*, June 16, 2025, available at [www.wired.com](http://www.wired.com).
23. See, e.g., ABA Paper, *supra*; New York City Bar Formal Op. 2017-5, *supra*; Eva Novick, “Crossing International Borders,” 85 *Or. St. B. Bull.* 24 (July 2025).
24. As collected in note 5, *supra*, the ABA and the WSBA have a variety of resources available discussing protecting confidential information when accessing email and files remotely.
25. See CBP Directive, *supra*, ¶ 5.1.2.
26. The WSBA now offers a membership card with a personal photo. For more information, see [www.wsba.org/for-legal-professionals/license-renewal/membership-records-and-services](http://www.wsba.org/for-legal-professionals/license-renewal/membership-records-and-services).
27. *Id.*, ¶ 5.2 (addressing CBP review and handling of privileged material).

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# Tips for Writing Effective Discovery Requests

BY DARCY COVERT

**W**ritten discovery is often a lawyer's least favorite part of a case. It can feel rote, especially because discovery in similar cases often seeks similar information. As a result, many lawyers send out stock initial discovery requests, do not look closely at what they receive in return, and do not seek additional rounds of discovery.

The problem with this approach is that you often do not receive complete answers to your discovery request if the language in the request isn't clear, simple, and specific enough to your case. Additionally, if you wait until the discovery deadline is approaching to review the other party's responses and productions, you may realize too late how little substance—and how many vagueness objections—you have received.

Of course, there are some objections, like those based on undue burden, that are fairly subjective and that you may not be able to avoid without overly constraining your discovery requests. But you can obviate many objections with discovery requests that are simple, that use specific terminology, and that are broad without being vague. This approach, moreover, is likely to get you the answers you are seeking, rather than under-disclosure and later excuses

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## Write to Counsel

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that opposing counsel did not understand what you were looking for. What follows are a few approaches to writing effective discovery requests that will save you time and get you valuable information.

### AVOID COMPLEX AND COMPOUND QUESTIONS

In a deposition or at trial, asking complex and compound questions will likely catch an objection. In written discovery, things may be muddier. You may receive incomplete responses that make it difficult to identify whether you have received everything you requested.

This interrogatory is a good example:

Do you attribute any loss of income or earning capacity to the incident alleged in your complaint? If so, then provide the following:

- (a) The nature of your work, your job title at the time of the incident, and the date your employment began;
- (b) The date you last worked for compensation before the incident;
- (c) The amount of monthly income at the time of the incident and how the amount was calculated;
- (d) The date you returned to work at each place of employment following the incident;
- (e) The dates you did not work and for which you claim lost income as a result of the incident; and
- (f) The total income you claim to have lost to date as a result of the incident and how the amount was calculated.
- (g) State your income from employment and your income from self-employment for each year beginning three years prior to the incident until the present.

This interrogatory is definitely specific. But it asks for too much information, and the recipient may answer in a way that leaves you unsure of whether you have received a complete response. For example, if the responding party does not provide information about self-employment, are they representing that they have no income from self-employment, or did they just overlook the *second half of the seventh subpart* of your interrogatory?



**ASK US >** *If you have a question about legal writing that you'd like to see addressed in a future "Write to Counsel" column by UW Law writing faculty, please submit it to [wabarnews@wsba.org](mailto:wabarnews@wsba.org), with the subject line "Write to Counsel."*

Specificity is important, but you should also make sure that your written discovery requests are simple and straightforward. If you are requesting more than three items of information within one interrogatory, assess whether you can break it up into two or more interrogatories. (Sometimes that will not be possible, and sometimes the type of information you are requesting is digestible enough that breaking the interrogatory up is not necessary.) Generally speaking, you will only benefit from shorter, simpler requests. This will not affect how close you are to any limit on interrogatories, as courts typically count each subpart of an interrogatory as its own interrogatory anyway.

The previous interrogatory would have

**Specificity is important, but you should also make sure that your written discovery requests are simple and straightforward.**

been more effective had it broken out the requests for date information, the requests for information about the person's income at the time of the incident, and the requests for information about lost income.

Avoiding complex and compound questions in written discovery will help you minimize the need for CR 26(i) conferences to clarify your requests and make easier the subsequent tracking, reviewing, and sending of supplemental discovery requests that follows. It will also minimize ambiguity that may result in intentionally or unintentionally incomplete responses.

### USE THE OPPOSING PARTY'S OWN DOCUMENTS

We have all received responses and objections to discovery that object to almost every word except "the," "that," and "which" as vague or ambiguous. In these types of cases, you are unlikely to be able to come up with words definite enough for opposing counsel to agree to answer your questions. Worse, sometimes opposing counsel will answer with the caveat that they are responding only to the extent that they understand a term at issue, leaving you unsure what else they have that is responsive and how to get it.

One remedy to this problem is to refer opposing counsel back to their client's own documents for terminology. Depending on what you have received from your client and other means of gathering documents authored by the opposing party (e.g., public disclosure requests), this may be difficult to do in initial discovery. But once you receive basic discovery, you have ample fodder for this exercise.

I'll use an example from a civil rights case I worked on where we



regretted not using this strategy, because vague discovery requests ultimately allowed opposing counsel to plausibly deny having violated the discovery rules. In our first discovery, we requested documentation from all “internal affairs” investigations into the police officer who shot our client. In response to a separate request about policies and procedures, we received documents showing that there were two types of internal review processes within this police department: investigations performed by the professional standards unit, and reviews where a board of department higher-ups reviews an already complete external investigation and assesses whether any policy violations occurred. The department responded to our request for internal affairs investigations that no such investigations were conducted in the case. In the CR 30(b)(6) deposition, we learned that the internal board of higher-ups had reviewed an external investigation to look for policy violations. When confronted about what from our perspective were incomplete discovery responses, the department responded that the investigations by the professional standards unit are what they consider to be “internal affairs” investigations, and none was conducted here. They took the position that the internal reviews were not investigations and therefore information about the review of this incident was not responsive to our discovery request.

Once we received the department policies outlining the two types of internal review processes, we should have re-issued the request clarifying that we were requesting documents related to either process, using the nomenclature that the department uses in its policy documents. Had we done so, opposing counsel would have no plausible deniability about their discovery violation.

Make your discovery requests specific by referencing the opposing party’s own documents. It will save you time and avoid misunderstandings.

### BE BROAD WITHOUT BEING VAGUE

Your discovery requests should be specific, but that does not mean they should be narrow. Although it can be a trope, “including but not limited to” is a useful phrase. That is because in many instances you will know

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some, but not all, of the documents you are seeking.

I will use as an example a case I worked on against an insurance company and the subrogation company with which it contracted. I knew there would be a Business Associate Agreement because HIPAA requires one between companies like this. I also knew there would be at least one contract governing the provision of subrogation reimbursement services. But I did not know whether and how many times that agreement had been amended. I also did not know what other contracts existed between the companies. In requesting all contracts between the companies related to subrogation services, I would specify that the request includes, but is not limited to, the Business Associate Agreement, any contracts governing the provision of subrogation reimbursement services, and any amendments to those contracts.

Specifying a broad category of information or documents makes it more likely that you will receive what you are looking for without narrowing your request to only the limited subset of information and documents that you know exist. Review the discovery you receive and look for information that allows you to make your future discovery requests more specific or to follow up on prior discovery requests to ask for the information and documents you now know about but have not yet received.

### THINK ABOUT WHAT OBJECTIONS YOU WOULD MAKE

Before you send out discovery, read your draft from opposing counsel’s perspective. If you received these requests, what objections would you make? You can probably improve your draft by anticipating and accounting for likely objections. You can save yourself the time and hassle of conferencing (and arguing) about interrogatories and requests for production, potentially re-issuing them, and tracking this process by carefully crafting what you issue in the first instance. **BN**

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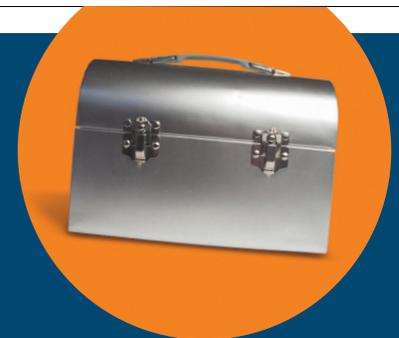
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# LET'S WORK TOGETHER TO EMBRACE THE DIGITAL AGE

BY JORDAN L. COUCH AND ARIEL LYNN COOK

## I. An All Too Familiar Horror Story

It's a little after 3 o'clock on a sunny Monday afternoon, and you're plodding your way down the hill toward the soon-to-close filing window of your local courthouse. Seattle's too-ephemeral August sunshine mocks you; sweat soaks the shoulder of

your once-pressed dress shirt under the strap of your heavy briefcase. It's weighed down by not two, but three thick paper copies of your very thorough filing, neatly sorted into manila envelopes. When you optimistically scheduled this task for the very same day the filing was due, you could have sworn that the task of printing a finished set of motions and declarations would be a quick hour's work. Instead, it ate your en-

tire day, not to mention a frantic sprint to the nearest office supply store when your abused printer sputtered and choked.

When you finally reach the filing window with minutes to spare, the clerk graciously accepts your copies with a look that suspiciously resembles pity. As he methodically begins to stamp each page with the heavy thud, you wait patiently, listening to your own heartbeat pounding in the court's ee-

rie, echoing hallway. When he finally hands your copies back to you, you set about the task of personally serving opposing counsel with your freshly stamped stack of warm paper. In the days that follow, you anxiously haunt your mailbox for some indication that your filing was rejected, and ultimately, as the days pass quietly, you allow yourself to begin to breathe in a sense of cool relief that you made it under the wire.

Two weeks later, your relief is extinguished when you open your mailbox to that most dreaded sight: your filing, christened now with fresh, blood-red “REJECTED” stamps maiming the orderly “RECEIVED” stamps you watched the clerk bestow weeks earlier. The attached admonition from the clerk reveals the reason, which is nothing more than a simple typo in the Certificate of Service. Your pleading was dead on arrival. You realize with panic and dread that the snail’s pace at which the rejection was carried to your mailbox has now effectively delayed your filing by almost two weeks—and counting. So you clear your schedule, again. You print, again. And you plod your way down the hill, briefcase oppressively tugging your shoulder down to the pavement, again.

When I (Ariel) recently bemoaned this experience to my friend (Jordan), who has been practicing for about a decade, surely it sounded like a ghost story remembered from a decade past. Instead, this misadventure took place only a few months ago—and I hadn’t even been practicing a year, let alone a decade. The story left us both wondering: Why haven’t we excised the ghosts of the past from the legal profession? Seriously, how is this still a thing?

## II. Making Digital the Default

It’s 2025; digital has to be the default now. It’s faster, easier, more equitable, and better for the environment. There is absolutely no reason for the legal industry to remain one of the largest physical publishing industries in the world, and even less reason for lawyers to communicate through faxes and mail instead of email, in all but the most exceptional of circumstances. Now, we have

made progress over the last decade. Even in the last five years we know lawyers who finally stopped having assistants print emails for them to read and dictate a response to. Jack Newton, the founder and CEO of Clio, is a fan of saying his biggest competition is not other practice management software, it’s a pen and a legal pad. That should not be the case.

Printed documents fix your work and your firm to a physical location. Digital is wherever you are, whenever is convenient for you. Of course, there is a learning curve, and adopting new tools and processes can be a challenge (it will never go as smoothly as the sales team told you). But the time to switch to digital was 10 years ago, so you might as well start now.

## While we have to follow court rules, there is plenty of room in the rules for lawyers to collaboratively embrace and promote digital options.

In our experience, many of the workers’ compensation and personal injury clients we work with are blue collar people. Many have no experience with computers. Some are concerned when they find out that our firm is mostly virtual. On rare occasions someone insists on an in-person meeting to talk about their case. But I’ve never had a

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client demand a second in-person meeting. Once they see how easy it is to communicate and conduct business virtually, they usually embrace this new way of doing things. Even our most tech-averse clients (some who still use flip phones and landlines) prefer to communicate with us by email, text, video chat, or phone. Digital is the default for the population we serve.

## III. Why This Matters

It’s not just about making things easier, cheaper, faster, and more accessible for lawyers. All that is great, but many court cases don’t involve lawyers, and outdated processes and procedures are clogging the

system and making things much more complicated than they need to be.

I (Jordan) recently got a parking ticket in a county that will remain nameless. For reasons that aren’t worth getting into, I wanted to dispute the ticket. There was no way to do it online. I had to mail the ticket back with a mark saying I wanted a mitigation hearing and then wait. Weeks later I got a letter in the mail telling me I had a court date. I was assigned a date and time to be at a physical location. The time and drive there would have cost me more than the ticket. What’s more, the date I was given was a date I would be at a work event across the country. Knowing what I know of courts, I reached out about appearing virtually and was told that, yes, that is an option and is what they prefer.

On the hearing day I stepped away from my work meetings and went to my hotel room in Boston to appear virtually. The court had some technical difficulties but

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the whole thing took about 15 minutes. The judge granted my mitigation request and told me I would get an email with payment instructions. Not a terrible experience until you realize that the whole ordeal could have been resolved with a short email and a one-sentence response. We know this because some courts have already adopted accepting deals and confirming decisions via email. We know this because it's obvious. The ticket should have had an option to email the court (or complete a digital form) with your reasons for requesting mitigation and to get the judge's decision via email as well. For an experienced lawyer, the process I went through was easy, but for someone with no legal experience,

and colleagues. Take electronic service agreements, for example. "E-service" has become nearly ubiquitous in most practice areas, eliminating the antiquated paper waste and administrative overhead of snail-mailing pleadings to opposing counsel. Today, local rules may even mandate electronic service.<sup>1</sup> But there was a time when electronic service was a newly emerging concept that courts were reluctant to permit. From 2003 to 2014, Washington courts only authorized electronic service by express agreement of the parties on a case-by-case basis.<sup>2</sup> That electronic service is the fixture that, today, is the product of over a decade of individual acts of cooperation between attorneys, who

example, if attorneys for both parties ask a court or judge to accept filings via email, there's a good chance the answer will be yes (we know from experience). And, seriously, stop sending faxes. In addition, when possible, stop sending correspondence via the mail; any concerns about using email can be solved with read receipts, good inbox hygiene practices, and a little bit of understanding and courtesy for and from your colleagues.

### When you're clicking 'print,' scavenging for your stamps, or—God forbid—preparing to send a fax, ask yourself: Is there a way out of this, together?

this would have been a nightmare or, more likely, not an option at all. We need to think about our systems in terms of access to justice for everyone, not just lawyers. Outdated, non-digital systems clog our courts and delay justice.

#### IV. How We Can Effect Change Easily

Some readers may be wondering why we are telling you this when it's courts and judges who set the rules and lawyers who have to simply abide by them. While we have to follow court rules, there is plenty of room in the rules for lawyers to collaboratively embrace and promote digital options. We are talking about a problem, in part, of culture. As attorneys, we have the collective power to push this culture—and the courts—forward into the digital age.

But how do we change culture as individual attorneys? We can't. But we can change culture through many individual acts of collaboration with our friends

collectively signed so many "GR 30 Agreements" that electronic service became the norm, causing rulemakers to shift to catch up with *our* e-service culture. That culture didn't come from the courts and the judges—*lawyers* made that culture, and the courts and judges followed our lead.

There is still a lot of work to be done. For example, the court rejected a 2016 proposed rule to delete the fax number requirement for digital signatures and strike the words "only by agreement" from the e-service clause.<sup>3</sup> And some courts, like the court that bestowed that vibrant red rejection stamp on my deficient papers via snail-mail, are so far behind that their practices resemble an era of legal practice reanimating the Clinton administration.

Our call-to-action here is something many attorneys do as individuals, but that can and should be done in concert with our colleagues. When you're clicking "print," scavenging for your stamps, or—God forbid—preparing to send a fax, ask yourself: Is there a way out of this, together? Can I work with the person on the other end of this transmission to do this digitally? For

#### V. This Isn't Hard; It's Bare Minimum

The rules of ethics require us to be informed about advances in technology and their impact on the profession.<sup>4</sup> Being a cautious adopter is OK, but refusing to adopt is not. The ethics rules also require us to bill fairly.<sup>5</sup> Think back to the story that opened this article. Had Ariel been billing the client by the hour for that work, the bill would have been titanic compared to the bill for e-filing and e-service (which, Ariel can attest as a former paralegal, would take less than six minutes). That is not fair billing. It's time for us as lawyers to change the culture, to embrace the digital age and push the courts to make our systems better for everyone. Next time you go to mail or fax a document or set an in-person hearing, deposition, or mediation, ask yourself: Is there another way? Is physicality important for this specific event, or is digital a viable option? You might find your life gets a lot easier, and in a few years the legal system might be better for everyone. BN

#### NOTES

1. *E.g.*, King County's LGR 30, Pierce County GR 30.
2. [https://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.proposedRuleDisplay&ruleId=343](https://www.courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=343).
3. [https://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.proposedRuleDisplay&ruleId=541](https://www.courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=541).
4. RPC 1.1(8).
5. RPC 1.5.

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**PRO BONO ORGANIZATION OF THE MONTH**

# In Conversation with Inland Empire Legal Aid

**Q&A WITH CINDY JOHNSON, EXECUTIVE DIRECTOR;  
CHARITY ROTINSKI, PROGRAM COORDINATOR;  
AND TORRANCE MONTGOMERY, PROGRAM ASSISTANT**

**Q. Tell us a bit about the history of your organization. What is your organization’s philosophy? Why do you do what you do?**  
At Inland Empire Legal Aid (formerly Spokane County Bar Volunteer Lawyers Program), we are dedicated to bridging the justice gap by connecting volunteer attorneys, limited license legal technicians (LLLTs), and law students with individuals in need of legal assistance. Our team works tirelessly to support pro bono efforts, organize legal clinics, and provide critical resources to underserved communities. Whether it’s through status conferences, legal clinics, or special events, we empower volunteers to make a real impact, one case at a time.

**located? Do volunteers participate remotely, in person, or both?**  
We are located at 222 W Mission Ave., Ste. 222 Spokane, WA 99201. We have walk-in hours, one-on-one appointments, attorney phone calls, and various legal clinics to offer.

**Q. Who does your organization serve?**  
We assist low-income

individuals (200 percent below federal poverty level) that reside in Spokane, Pend Oreille, Ferry, Stevens, and Lincoln counties.

**Q. What are the biggest barriers your clients face in accessing legal assistance?**  
In addition to financial constraints that prevent individuals from hiring an attorney, we have identified fear, transportation challenges,

**Our services are provided free of charge in a welcoming environment, where we strive to alleviate fear and ensure that individuals feel support throughout the process.**

and a lack of advocacy as significant barriers to accessing legal assistance. The absence of a unified court system exacerbates confusion, particularly when language barriers or disabilities are involved, further intensifying feelings of distress and uncertainty.

**Q. What area(s) of law do you provide services in?**  
We assist with family law, consumer protection, and limited wills and estates. While the previously listed areas are our focus, we will regularly reach out to applicants outside of these areas if we have volunteers available.

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

We offer CLE credits, provide volunteers with malpractice insurance, and provide various training opportunities to ensure volunteers feel comfortable and supported in their roles. Most importantly, volunteers can take pride in knowing they have made a lasting impact on individuals who genuinely need assistance and guidance.

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

**CLIENT STORY 1:** A volunteer provided legal assistance at a monthly clinic hosted by a community partner, with an interpreter’s help, to begin a client’s divorce paperwork. The IELA staff arranged for a volunteer interpreter for a follow-up meeting to complete the paperwork. When the client returned to the courthouse to finalize the case, the volunteer stayed on

**Q. Where is your organization**

the phone with an interpreter to guide the client through the process and assist while awaiting the judge's signature. The judicial assistant asked the volunteer to inform the client that the divorce was final. This case highlights the invaluable role of volunteers who consistently support clients, build trust, and provide essential information.

**CLIENT STORY 2:** A senior gentleman attended a wills clinic to receive assistance with drafting a will. He attended the clinic knowing that he had bone cancer and wanted help with estate planning. The client was very concerned that he would not be able to get his personal affairs in order for end-of-life planning. He was on a fixed income and unable to pay for an attorney to assist with this issue. The IELA was able to provide an attorney to assist with drafting a will, durable power of attorney, and health care directive for free.

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

We encourage our volunteers to contribute in a way that aligns with their comfort level and availability. Some volunteers choose to assist with a one-hour phone call each week, others participate in weekly clinics, while some provide support monthly. We are deeply grateful for any amount of time and assistance our volunteers offer.

**Q. What do volunteers say they enjoy most about serving clients through your organization?**  
Volunteers find fulfillment in knowing they are making a

**Cindy Johnson, Ed.D.**, joined our team as executive director in June 2024, bringing experience in education, leadership, and community service. As a former professor at Gonzaga University, she has dedicated her career to mentoring future professionals and advocating for access to justice. With expertise in leadership development, strategic planning, trauma, and advocacy, Johnson leads IELA's efforts to provide pro bono legal assistance. Her commitment to service ensures that both volunteers and clients receive the support they need to navigate the legal system.



**Charity Rotinski** is a limited license legal technician (LLLT) and has been with IELA for five years in various positions. As the IELA coordinator, she plays a critical role in connecting attorneys, LLLTs, and law students with opportunities to serve their community. Rotinski is passionate about ensuring individuals facing legal challenges receive the guidance they need while fostering a strong network of legal professionals committed to making a difference.



**Torrance Montgomery** became the legal program assistant at IELA in July 2024. A recent graduate of the University of San Francisco ('24), she earned her degree in politics with a minor in criminal justice. Passionate about legal advocacy and public service, Montgomery supports IELA's mission by assisting with program coordination and ensuring clients receive the help they need.



meaningful difference in the lives of many individuals. The support IELA provides has a lasting impact on those who are often navigating through panic and stress. We address a critical need in our community during some of the most challenging times in a person's life. Volunteers say that they feel supported and encouraged when they assist, both within their legal area and as they are learning a new area of law.

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

Yes, we are always in need of volunteers willing to assist at our various legal clinics, making client phone calls, and possibly providing limited direct representation. You can reach out at [IELACoordinator@inlandempirelegalaid.org](mailto:IELACoordinator@inlandempirelegalaid.org) if

you have questions or are interested in volunteering.

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

We help bridge a critical gap in the legal system, which is often known for limiting access to justice for the average person and for marginalized communities. Our services are provided free of charge in a welcoming environment, where we strive to alleviate fear and ensure that individuals feel support throughout the process. We assist applicants through a holistic approach that addresses their full range of needs. By providing education, we empower pro se parties to make informed decisions throughout their legal matters. When we are unable to offer direct assistance, we are committed to helping connect

individuals with organizations that can provide the support they need.

**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?**

We want people to know that we are deeply committed to providing a welcoming and supportive environment, where every individual is treated with the utmost dignity and respect. We understand that this may be one of the most challenging times in a person's life, and it is our goal to ensure that you feel heard, valued, and empowered throughout the process. We strive to create an atmosphere that fosters trust and compassion, where you can receive the assistance you need without fear or hesitation. Our team is here to guide you with understanding and care, providing support every step of the way. **BN**



## LEARN MORE

To learn more about the work done by Inland Empire Legal Aid and to get involved, visit [www.inlandempirelegalaid.org](http://www.inlandempirelegalaid.org).





*Facility dog Molly provides support during a court hearing.*

COVER STORY

# When Comfort Enters the Courtroom:

HOW WASHINGTON PIONEERED THE USE OF COURTHOUSE FACILITY DOGS

BY TRACEY FITZGERALD

On a September weekday morning in downtown Seattle, the King County Courthouse bustles with the familiar rhythm of hearings, motions, the rap of a gavel, and hallway conversations. But woven into that movement is something unexpected: a calm, composed dog lying at the feet of a witness or waiting quietly outside a courtroom. No fanfare. No disruption. Just a quiet, grounding presence.

Once unimaginable, this scene is now part of an innovative model that began right here in Washington state. And it started with a dog named Jeeter.

#### A WASHINGTON ORIGINAL: HOW IT ALL BEGAN

In 2003, King County Deputy Prosecutor Ellen O'Neill-Stephens received a service dog named Jeeter to assist her disabled son, Sean. On days when Jeeter couldn't be with Sean, O'Neill-Stephens brought the dog to work with her at the King County Courthouse. Upon seeing the positive reaction to Jeeter from her coworkers and visitors to the courthouse, O'Neill-Stephens began taking Jeeter to juvenile treatment court, and then to accompany children in criminal trials.

Jeeter's effect was immediate and unmistakable. Children who couldn't speak were able to relax and express themselves. Teens in crisis were able to open up and feel a moment of calm by petting the dog. Fear receded just enough for people to find their words.

Recognizing this transformation, the King County Prosecutor's Office acquired its own full-time courthouse facility dog, Ellie, in 2004. Trained by Canine Companions, Ellie was partnered with Senior Deputy Prosecutor Page Ulrey and became the first courthouse facility dog in the nation.

"Ellie was a game changer for all of us," says Ulrey. "The courts are a high-stress environment with heart-wrenching trials involving victims of violence, sexually abused children, and cases where lives are truly at stake. Ellie brought a sense of calm to those involved in the cases and beyond."

The presence of Ellie was recognized as so valuable that when a new victim service center was established at the King County Courthouse in 2018, it was named Ellie's Place. At the opening ceremony, Dan Satter-

berg, King County prosecutor at the time, remarked:

We have found that when a dog is here, and victims of crime come to our office, everybody relaxes a little bit. It's an anti-anxiety therapy to have a dog who understands people and human nature. Ellie proved to us that we cannot do without the presence of a canine companion here in the office.

Years later, Ulrey also welcomed Errol, the 100th courthouse facility dog placed in the U.S. Errol successfully stepped into Ellie's "paw prints," helping the vulnerable and winning the hearts of the legal community. Errol's recent retirement was recognized by the Metropolitan King County Council and King County executive with a special ceremony that proclaimed Oct. 21, 2025, "Errol the Courthouse Dog Day." "For 10 years, Errol has served the people of King County with quiet strength, patience, and an extraordinary gift for bringing calm and comfort to hundreds of vulnerable witnesses: young children, survivors of gender-based violence, and our elders as they navigated the most difficult moments of their lives," King County Prosecuting Attorney Leesa Manion said at the ceremony.

Inspired by Jeeter and Ellie's early success, O'Neill-Stephens joined forces with Celeste Walsen, doctor of veterinary medicine, in 2008 to establish the Courthouse Dogs Foundation (CDF). The nonprofit organization is dedicated to spreading the success of courthouse dogs as an integral part of helping victims, witnesses, and vulnerable people throughout the justice process. The foundation helps justice professionals integrate highly trained facility dogs into courtrooms, child advocacy centers, police departments, and prosecutors' offices.

#### THE SCIENCE BEHIND THE QUIET REVOLUTION

Dogs and humans began co-evolving over 30,000 years ago, which helps to explain the history of this special bond between the species. The idea of integrating dogs into the justice system wasn't merely intuitive; it was grounded in research. Studies show that petting a dog can reduce the physical symptoms of stress, including lowering

## SIDEBAR

# The Mutual Benefits of a Courthouse Dog

### Reducing Anxiety

Courtrooms can amplify trauma. A dog's presence can lower fear and stress, allowing individuals to express themselves more freely and clearly.

### Supporting Clear Testimony

Children, especially, are more willing to recount difficult experiences when a dog is with them. Adults facing domestic violence, sexual assault, or elder abuse often find courage they didn't know they had.

### Enhancing the Judicial Process

When witnesses feel safe enough to testify fully, the court benefits. Judges and attorneys across the state report smoother proceedings and more complete testimony.

### Building Trust

The human-dog bond provides a unique bridge for people who may mistrust systems or fear retaliation.



*Ernie and Faith, two puppies in training with Assistance Dogs Hawaii, an ADI-accredited organization located on Maui with a second location on Bainbridge Island.*

## MORE ONLINE >

Find out more about the Courthouse Dogs Foundation at <https://courthousedogs.org/>.

## When Comfort Enters the Courtroom: How Washington Pioneered the Use of Courthouse Facility Dogs

CONTINUED >

blood pressure, slowing and regulating heart rate, and improving memory recall.<sup>1</sup> Additionally, physical contact with a dog increases oxytocin levels.<sup>2</sup> For witnesses grappling with trauma, these physiological responses can mean the difference between silence and speech.

When asked about the benefits of having a trained facility dog in the courthouse, Pierce County Deputy Prosecuting Attorney Megan A. Winder said:

I have watched children go from frozen in fear to able to speak once a facility dog settled beside them. One of the first times I saw this transformation was during a trial involving two young siblings. The younger child was so distraught he could barely enter the courtroom. But when Astro, our courthouse dog, sat quietly at his feet and the boy clutched the dog's leash, something changed—his body calmed, his voice steadied, and he was able to tell the truth about what happened to him. Without the dog's presence, I am convinced he would not have been able to testify at all. The dog didn't just comfort him; it made his voice possible.

As the Washington state legal community began seeing these effects firsthand, skepticism shifted to possibility. The question was no longer whether dogs belonged in courthouses, but how far their impact could reach. The vision of the Courthouse Dogs Foundation is a future where justice systems worldwide are trauma-informed and professionally trained facility dogs help ensure compassion and fairness for all participants, including legal professionals navigating secondary trauma.

### HOW COURTHOUSE DOGS HELP

The successful prosecution of a criminal case often depends on the victim's ability to report the details and testify in court. This can be very difficult with kids, especially traumatized children. Even if a victim doesn't have to testify at trial because the defendant



*King County Senior Deputy Prosecuting Attorney Page Ulrey and facility dog Errol with the signed "Errol the Courthouse Dog Day" proclamation.*

## CDF helps justice professionals integrate highly trained facility dogs into courtrooms, child advocacy centers, police departments, and prosecutors' offices.

pleads guilty, they may still have to face the defendant (often a relative or parent) at sentencing, which can be highly stressful.

During Errol's time supporting the King County Prosecutor's Office, he helped a young boy named Malachi testify in court after his mother, Lindsay, was killed by an intoxicated driver. The child had witnessed the aftermath of the crash but was too traumatized to speak to prosecutors about the incident. Errol sat beside Malachi during the court proceedings, providing the emotional support that enabled him to testify. The case ultimately ended in a conviction.

### CAN ANY DOG BE A COURTHOUSE FACILITY DOG?

The ideal courthouse facility dogs are professionally and purposely bred and trained by Assistance Dogs International (ADI)-accredited organizations. The dogs are selected for temperament, including calmness and confidence, with golden or Labrador retrievers, or a mix, being common choices.

The full training period for a facility dog is approximately 18 months, including six to nine months with professional service

dog trainers. Training includes rigorous public-access preparation, such as exposing dogs to crowded public spaces, court-like environments, elevators, children of all ages, and other potential distractions so they remain calm and focused in demanding public environments. Once trained, the dogs are paired with legal professionals, such as forensic interviewers, child advocates, detectives, prosecutors, and police officers. Once the professional handler is selected and matched with a dog, they will go through extensive team training at the ADI organization's facility. Dogs and their handlers must pass the ADI Public Access Test (the same standard used for certified service dogs) to demonstrate safe, reliable behavior in public (and courtroom) settings. The teams are recertified regularly to ensure consistent behavior and good canine health.

From the earliest stages of applying for a facility dog through implementation and long-term use, the Courthouse Dogs Foundation supports handler teams with a practical focus on integrating facility dogs into real-world legal settings. The foundation works closely with agencies to ensure teams are prepared to use facility dogs effectively and appropriately during interviews, medical exams, therapy sessions, court proceedings, and other high-stress moments, while reinforcing professional standards, legal integrity, and trauma-informed practice.

According to Felicia Ako, CEO, Courthouse Dogs Foundation, "Facility dogs are bringing compassion to the justice system in a variety of ways. Successfully trained dogs can lie quietly beside a child during a forensic interview, accompany a survivor during a pretrial conference, comfort victims and their families at the scene of a crime or mass event incident, or support a vulnerable witness on the stand while tucked away out of view of jurors. These are just a few of many examples."

**Tracey Fitzgerald** is a strategic communications leader with TMF Communications and a board director for the Courthouse Dogs Foundation. With more than 20 years of experience, she helps mission-driven organizations tell meaningful stories that inform, inspire, and build stronger community connections.



## THE FOUNDATION BEHIND THE MOVEMENT:

# CDF Supports Programs from Start to Finish

Behind every courthouse facility dog team is a complex ecosystem of training, legal standards, program planning, legislation, and ongoing care. The Courthouse Dogs Foundation is the backbone of that system, here in Washington state and around the world. The nonprofit helps ensure agencies have the guidance and support they need to launch their programs using proven best practices, while also providing access to ongoing education and a worldwide community of other dog handlers.

### Helping Agencies Start New Programs

Organizations often come to CDF with the same questions:

- How do we get a courthouse dog?
- Who should serve as the handler?
- How do we navigate court protocol or skepticism?
- What policies must we have in place?

CDF provides:

- Step-by-step program development guidance.
- Sample standards and courtroom protocols.
- Training on how dogs can be used ethically and effectively.
- Education for judges, administrators, and law enforcement.
- Ongoing support for dog handlers through bi-weekly meetings and an annual conference.

### Connecting Handlers With ADI-Accredited Organizations

CDF maintains strong relationships with ADI-accredited assistance dog organizations, which train the dogs and ensure compliance with globally accepted accreditation standards. CDF helps connect the assistance dog organization with legal

professionals. Additionally, they consult and help with:

- Legal professionals applying for a courthouse facility dog.
- Helping the legal organization find a primary and secondary dog handler.
- Educating ADI organization staff and trainers on the legal aspects of a facility dog's responsibilities.
- Preparing handlers for placement through training and sharing best practices.
- Navigating placement timelines and overcoming barriers.
- Finding a few best-fit ADI partners that fit the legal organization's needs.

This matchmaking ensures the safe, reliable placement of dogs who can handle courtroom environments.

### Shaping State and National Policy

CDF has become a trusted voice in legislative and policy efforts, including advising lawmakers on courthouse dog statutes; educating bar associations and judicial communities; contributing to

national conversations that informed the American Bar Association's 2021 resolution<sup>3</sup> supporting facility dogs for victims and witnesses; and advocating for the first state law, Washington RCW 10.52.110, which was certified on July 12, 2024. The new law states that courts with an available courthouse facility dog must allow a witness under 18 or who has a developmental disability to partner with a dog.

Additional recently passed legislation around the country can be found on the CDF website at <https://courthousedogs.org/legal/facility-dog-legislation/>.

### Providing Lifelong Support for Dog-Handler Teams

CDF's involvement doesn't end once a dog is placed. They support teams throughout the dog's working life by providing continuing education, training refresher courses, guidance on challenging cases, courtroom etiquette best practices, mentoring for first-time handlers, and support for retirement planning. With good health, a facility dog usually works for approximately 10 years. After retirement, the handler or primary caretaker will have the first opportunity to "adopt" the dog.

### Building a Global Network Through Justice Facility Dogs U.S.

CDF oversees Justice Facility Dogs U.S., a professional network that connects the nearly 400 dog handlers around the country. Through webinars, case discussions, conferences, and peer

support, handlers can share strategies, learn from experienced peers, access international best practices, troubleshoot tough cases, and build community in what can otherwise be emotionally taxing work. The result is a profession supported by a strong, knowledgeable, interconnected community.

### A Washington Success Story

Today, nearly 18 facility dogs serve communities across Washington (with more expected), including in Chelan, Everett, Lacey, Olympia, Vancouver, and Spokane. The dogs are working in:

- Prosecuting attorneys' offices
- Child advocacy centers
- Law enforcement agencies
- University police
- Victim support organizations

Across the globe, nearly 500 courthouse facility dogs now support this work. In the United States, approximately 380 dogs serve communities in 43 states, with another 120 working in nine countries—including Canada, France, Belgium, Italy, Japan, Australia, New Zealand, Argentina, and the newest location, French Polynesia.

The movement that Washington started is now global. **BN**

#### NOTES

1. [www.sciencedirect.com/science/article/abs/pii/S0167876022001787](http://www.sciencedirect.com/science/article/abs/pii/S0167876022001787).
2. *Id.*
3. [www.americanbar.org/groups/government\\_public/resources/public-lawyer/2022-winter/courtroom-dogs-help-ensure-victims-voices-are-heard/](http://www.americanbar.org/groups/government_public/resources/public-lawyer/2022-winter/courtroom-dogs-help-ensure-victims-voices-are-heard/).

Six labs currently in training at Assistance Dogs Hawaii.



FEATURE

# CREATIVE RECREATION:

## Recreational Injury Cases Present Unique Challenges

BY CARSON PHILLIPS-SPOTTS



I'm a city kid—born and raised in Atlanta. Growing up, my idea of “outdoor recreation” was riding bikes through the neighborhood or playing pickup hoops at the park. An “extreme sport” was football practice on a muggy, 90-degree July day.

My understanding of these terms changed when I moved to Seattle. In the Pacific Northwest, I found a community enamored with getting outside. On a hike up Rattlesnake Ridge shortly after moving west, my breath was taken away (literally and figuratively) by the old-growth forest we navigated and the vibrant hue of the lake below. It seems like everyone in the region has a hobby that gets them moving or outside: water skiing on Lake Chelan, bouldering in Index, snowshoeing on Mount Baker, hiking the Pacific Crest Trail—the list goes on.

It is not surprising, then, that my injury practice has evolved to represent folks who have been hurt while engaging in the type of recreational activities that make the Pacific Northwest special. I have found that these cases require creativity, agility, preparation, and grit—the same qualities that a mountaineer may need to scale Mount Rainier or a mountain biker to navigate a black-diamond run. Below I discuss some foundational principles and common issues that arise in these types of cases.



**Unlike practicing in certain, specialized fields ... where legal issues are governed by a single set of rules, recreational injury cases can hinge on myriad legal frameworks and concepts.**

**RECREATIONAL INJURY CASES DO NOT FIT IN A BOX**

Unlike practicing in certain, specialized fields—think labor or securities—where legal issues are governed by a single set of rules, recreational injury cases can hinge on myriad legal frameworks and concepts.

For example, take a case our firm handled recently where a young man was paralyzed after falling from the top of an indoor climbing wall in Pierce County. This case involved not only potential fault on the part of the gym for not having a reliable system in place to ensure all visitors are properly trained on how to use rented equipment, but also potential fault on the part of the manufacturer of the climbing harness,

which turned out to have a design defect. And to complicate matters further, the harness was designed in France and manufactured in Malaysia.

In a single case, we relied on common law principles of negligence against the gym and statutory product liability law against the harness manufacturer.<sup>1</sup> This meant applying different standards (reasonableness for negligence versus strict liability for products) and contending with unique defenses (contributory negligence, product misuse).

We also had to serve French defendants through the Hague Conventions, establish that a Malaysian manufacturer “purposefully availed itself”<sup>2</sup> of doing business in Washington for personal jurisdiction, and grapple with French laws that prohibit French businesses from providing discovery in American courts.

This case illustrates the depth and complexity that may lie beneath seemingly simple recreational injury cases. These are not rinse-and-repeat cases. Who would imagine that an injury in a Tacoma climbing gym would result in a week of depositions in Paris?

CONTINUED >



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## Creative Recreation: Recreational Injury Cases Present Unique Challenges

CONTINUED >

### WHAT ABOUT WAIVERS?

We live in a time when you practically cannot walk down the street without signing a waiver. We sign them in mobile apps, cell phone user agreements, and any time we take our kids to a birthday party at a play center. Surely, waivers preclude most recreational injury cases, right? Not quite.

While it is true that pre-injury releases are required to participate in many recreational activities (think: rock climbing at a gym, skiing, or mountain biking at a managed park), it is important to understand what waivers can and cannot do.

In Washington, pre-injury releases are typically enforceable for recreational activities.<sup>3</sup> Despite this, releases have limits. A pre-injury release may not, for example, absolve liability for grossly negligent or intentional conduct.<sup>4</sup> So, even if there is a signed waiver, a case for gross negligence or for intentional conduct can still proceed.

Moreover, because pre-injury releases are technically contracts, a party challenging the enforceability of a release has available to them defenses that would void an ordinary contract. This includes arguments that the release was procedurally or substantively unconscionable.<sup>5</sup>

Procedural unconscionability looks at the circumstances surrounding the execution of the release, including whether the injured plaintiff “lacked meaningful choice” in

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signing it.<sup>6</sup> A procedural unconscionability argument could arise, for example, where a plaintiff was required to pay a nonrefundable fee to go white water rafting before she ever saw the release. In that scenario, it could be argued that she lacked any meaningful choice: Whether she signed or not, she still had to pay.

Substantive unconscionability, on the other hand, focuses on the terms of the agreement itself. Courts may find that a contract is substantively unconscionable when it is “overly or monstrously harsh, is overly one-sided, shocks the conscience, or is exceedingly calloused.”<sup>7</sup> Courts have observed that contracts may be substantively unconscionable if they severely limit the remedies available to one side, but not the other.<sup>8</sup> In *Zuver v. Airtouch Communications Inc.*, for example, the court struck down as unconscionable an arbitration agreement that purported to limit the plaintiff—and the plaintiff only—from seeking punitive damages.<sup>9</sup> Familiarity with these principles is important for both plaintiffs’ lawyers and counsel advising companies in the outdoor/recreational space.

For another example, our firm recently represented a woman who was severely injured while participating in a guided recreational activity. We learned through our investigation that she had signed a release. When we saw it, we could hardly believe our eyes: It purported to absolve the operator of responsibility for *any* injuries, including those caused by gross negligence or intentional conduct. The release

contained “no sue” and indemnification provisions that had the effect of precluding our client from any judicial relief; and, if she did sue and win, the release required her to pay back to the operator any judgment she obtained along with the operator’s attorney fees. At the same time, the operator could sue her if she broke a piece of equipment or accidentally damaged property.

Relying on the principles stated earlier, we were able to void these provisions and move our claims forward. And because the “no sue” provision contained an impermissible one-way fee shifting provision, we were able to obtain an award for attorney fees and costs under RCW 4.38.330.

So, while releases in recreational settings are typically viable, both plaintiffs and defense lawyers must know their limits and plan accordingly.

### RISKS AHEAD

Beyond waivers, one of the most interesting and challenging parts of pursuing recreational injury cases is contending with the common belief that if someone decides to participate in an activity that involves some inherent risk (insert outdoor recreational activity here), that person accepts the risk of any injury that may come their way.

This belief system often finds its way into recreational injury cases through an assumption of risk defense. Of the four varieties of assumption of risk, implied primary is the most lethal for plaintiffs: If proven, it serves as a complete bar to the claims.<sup>10</sup> Although we may informally equate engaging in an activity with accepting the risks (e.g., if you drive a car you may get in a crash), more is required for an assumption of risk defense. This distinction is important. To establish that a plaintiff impliedly assumed the risk, the defendant must show that the plaintiff voluntarily assumed a specific, known risk that is inherent in the sport or activity.<sup>11</sup> What’s more, the “risk” assumed cannot be the result of defendant’s negligence that cre-



CAUTION!

CAUTION!

CAUTION!

CAUTION!

CAUTION!

CAUTION!

ated or enhanced risks to the plaintiff.<sup>12</sup>

This means that as lawyers we must dig beyond the simple explanation that a plaintiff's injury was just part of the deal. We must ask: What actually caused the injury? Was it inherent in the sport? Was it enhanced by the defendant? Take a hypothetical zip-line fall caused by old, faulty equipment. Sure, if the plaintiff had not decided to go zip-lining, they would not have gotten hurt. But when we look at what caused the injury, we realize that the plaintiff did not knowingly assume the risk of receiving inadequate equipment, and that such a risk is not inherent in zip-lining (surely, some outfits provide working equipment). By looking beyond the convenient narratives, we better understand the root causes of the injuries and ways we can prevent them. The law supports this notion by requiring a showing that a plaintiff knowingly encountered a risk that is part and parcel to the activity; not simply that he decided to participate.

In sum, recreational injury cases are often complex and draw upon diverse legal principles. Though challenging, these cases are worth it: Outdoor recreation is a calling for many; consequently, it is important to ensure that these activities are accessible and safe for all Washingtonians. [BN](#)

#### NOTES

1. See RCW Chapter 7.72 et seq.
2. *Ford Motor Co. v. Montana Eighth Judicial Dist. Ct.*, 592 U.S. 351, 359 (2021).
3. See *Vodapest v. MacGregor*, 128 Wn.2d 840, 848-49 (1996).
4. *Id.*; see also *Johnson v. Spokane to Sandpoint, LLC*, 176 Wn. App. 453, 460 (2013).
5. See *Hill v. Garda CL Nw., Inc.*, 179 Wn.2d 47, 55 (2013).
6. *Burnett v. Pagliacci Pizza, Inc.*, 196 Wn.2d 38, 56 (2020).
7. *Hill*, 179 Wn.2d at 55 (2013).
8. See e.g., *Zuver v. Airtouch Comms., Inc.*, 153 Wn.2d 293, 318-19 (2004).
9. *Id.*
10. *Gleason v. Cohen*, 192 Wn. App. 788, 794 (2016).
11. See *id.*; *Scott v. Pac W. Mt. Resort*, 119 Wn.2d 484, 497 (1992).
12. *Id.*

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The Lodestar Method for Calculating a Reasonable  
Attorney Fee in Washington, 52 Gonz. L. Rev. 1 (2017)

*Gordon v. Robinhood Financial*, 31 Wn. App. 2d 185, 547 P.3d 945 (2024)  
*Kayshel v. Chae, Inc.*, 17 Wn. App. 2d 563, 486 P.3d 936 (2021)  
*Estate of Hunter* (\$2.8 million fee award in arbitration) (2019)  
*Easterly v. Clark County*, 2 Wn. App. 2d 1066 (2018)  
*Arnold v. City of Seattle*, 185 Wn.2d 510, 374 P.3d 111 (2016)  
*Bright v. Frank Russell Investments*, 191 Wn. App. 73, 361 P.3d 245 (2015)

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2025 WL 2779961 (2025) (Court rejects argument that state  
courts lacked jurisdiction over pension class takings claim)

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4 Wn. App. 2d 1066, 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  
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(court rejects direct vehicle sales)

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3 Wn.3d 793, 556 P.3d 132 (2024) (Court upholds rejection  
of County ordinance expanding commercial activities in  
agricultural/rural zones)

***Hawkins v. ACE American Ins. Co.***,  
32 Wn. App. 2d 900, 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 Wn. App. 2d 1084, 2024 WL 3650244 (2024)  
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***Selim v. Fivos, Inc.***,  
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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)

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30 Wn. App. 2d 1056, 2024 WL 1856692 (2024) (reversing  
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excessive fee sanction award)

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FEATURE

# Approaching Retirement Age? Go Back to Law School— in a Different Country

BY MAGGIE SMITH

This article was originally published in the *ABA Journal* on Sept. 10, 2025.

Maybe you can identify with this. You are at the socially acceptable retirement age. Very few people, especially in your age group, understand why you are still working. “Are you retired yet?” “Oh, I’m sorry.” “You can’t take it with you!” “Before long, it will be gone, gone, gone!”

Why do I still work? I often ask the question. Perhaps I don’t have enough hobbies. Perhaps the alternative pursued by many of my friends of golf and sun is unappealing. Perhaps I just like to work. I must concede that the social pressure to retire got to me a year ago. What if I *did die* at my desk? Would I have missed out? I concluded that taking a year off might be the answer. That way I could test the water. I gradually reduced my workload. Everything was going according to plan.

Then, just as my last case came to an end, panic set in. Was I going to be *bored*? What was I going to do with my time?

I quickly realized that golf, tennis, sun, and beaches were not for me. I thought about my bucket list—the things that I had thought would be interesting to do *if I just had time*. There was the usual travel option, but I wanted something momentous and purposeful, such as learning or volunteering. My mind unavoidably strayed to law.

It has always bothered me that the U.S. often (not always, but often) exhibits a resistance to human rights conventions. If we sign them, we frequently shy away from ratification. I often hear, “It will never work in the USA.” I have heard the many reasons/excuses. But I wondered, how valid are they? How is it that other nations seem to embrace them and we do not? So, I decided to go to Europe to find out.

Within a month of my decision, I was in the Republic of Ireland at University College Cork enrolled in an academic yearlong postgraduate course on child rights and family law. I practice domestic and international family law in Washington, so that was a reasonable choice. But the course on child rights went well beyond family law into criminal and environmental law.

I admit that being the oldest person on campus was, at first, a little intimidating. It was not made easier by the occasional question: “Are you a *student* here?” Nonetheless, I was there and determined, despite dis-

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comfort, to remain!

For anyone thinking about a similar endeavor, I would suggest securing your housing well ahead of time, especially if you are moving to a university town and even more so if it has a general housing shortage, like Cork. My problem was that I only decided to enroll at the last minute.

By that time, all—and I mean *all*—the student housing was taken. I could not find anywhere to lease, even outside the student housing. I spent the first semester essentially homeless, going from very temporary vacation rentals to hotels. I stayed in some bizarre places. In retrospect, I am glad that I have stories to tell folks over a drink, but at the time, it was pretty awful.

After the first semester, I got a lead on a studio apartment in the postgraduate housing that had suddenly become vacant. It was right in the heart of downtown. I grabbed it. Once I had housing sorted out, I loved the experience. Cork is beautiful, and the trail along the River Lee, where I used to run, is one of the loveliest trails I have ever seen.

But I did not go to Cork for the river. I went to learn and learn I did! One of the first things that struck me was my fellow students. I had expected that I would be somewhat unusual, being a person from a foreign country learning at a university in Cork. But I was far from unusual—the students came from all over the world.

The next thing that I noticed was how at ease the other students were about their countries operating under the various conventions. I do not recall a single conversation questioning whether a given convention was unreasonable or unworkable in any country. There were conversations about whether countries lived up to commitments and how they might improve, but that is a different matter. The United Nations Convention on the Rights of the Child featured prominent-

ly. The U.S. has signed but not ratified this convention. For this, as in many areas of human rights conventions, I heard the words “except the United States.” For me, this felt somewhat awkward, but I was there to learn and to take information back home, so I just gritted my teeth and listened.

At first, I was reluctant to study criminal and environmental law as I am a family lawyer. But the study was not only fascinating but has given me a deeper understanding of human rights conventions in general. After all, these conventions do not just affect family law. If one wants to counter the excuses made for U.S. hesitancy, one needs knowledge across practices.

I now think that I have sufficient knowledge to engage in a deep and practical conversation as to the potential effects of human rights conventions on the U.S. That was my goal in going to Ireland. That, I believe, I have achieved.

What I did not anticipate learning was a new critique of our own domestic (as opposed to international) family law in the U.S. Naturally, as the course took place in Ireland, Irish family law was discussed. As this was a postgraduate course, we not only discussed what the law was but *how it might be changed*.

For this, we studied the laws of other countries. This was an eye-opening experience for me. I realized that when one works within a set of laws and practices for a long time, one has the impression that this is the way things should be done; everything new is seen within that familiar bias. But after practicing family law for some 30 years, I now question whether we should make some changes.

I think that my experience has greatly enriched not just my professional life as a lawyer but my life as a world citizen. I have expanded my mind with new knowledge and the ability to see things from new perspectives. That is a good thing at any age. I have also earned a new diploma!

What I did not do was tour Ireland. The reality was that the studies were so intense that there was no time. So, my travel around Ireland will have to wait for another trip—a trip that I shall be taking next year for an international family law conference. I shall visit the law school, too—I have been invited back as a guest speaker! I cannot wait to return. **BN**



FEATURE

# WHOLE GENOME SEQUENCING AT THE LEGAL THRESHOLD

*Perspectives of Dr. Kelley Harris, testifying expert in the case of Rex Heuermann*

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BY LERON VANDBURGER

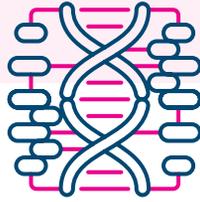
In July 2023, Rex Heuermann, a New York architect, was arrested and charged with seven murders between 1993 and 2010 in the Gilgo Beach serial killing case. Prosecutors' evidence against Heuermann involves phone records, internet activity, and a type of DNA analysis called whole genome sequencing, or WGS, that is new to the courtroom.

Dr. Kelley Harris, an associate professor in the Department of Genome Sciences at the University of Washington and an affiliate faculty member in Computational Biology at the Fred Hutchinson Cancer Center, was recently called to testify as an expert witness for the prosecution in Heuermann's New York Frye hearing, a type of pre-trial proceeding used to determine the admissibility of scientific evidence or expert testimony. At least in part due to Dr. Harris' testimony during the hearing, the judge admitted WGS evidence for confirming the identity of the defendant, a first in the United States.

## Washington's Current Framework

Under Washington law, DNA evidence is admissible if it satisfies the Frye general acceptance test<sup>1</sup> and the ER 702 standards for expert testimony. The Washington Supreme Court has repeatedly emphasized two things: general acceptance among relevant scientists, not necessarily unanimity; and reliability of methodology, as distinct from case-specific questions of chain of custody or laboratory error.

The long-established standard for forensic DNA testing in Washington is called short tandem repeat (STR) analysis. STR analysis targets short sequences of DNA, typically two to six base pairs in length, that repeat at specific locations in a person's genome. Because the number of repeats at each location varies greatly between individuals, analyzing a standard panel of 13–20 STR locations produces a DNA profile with a high degree of individuation. STR analysis has been used in forensic casework since the late 20th century, is the basis of the FBI's CODIS (Combined DNA Index System) database, and has been repeatedly upheld as admissible under the Frye standard. Its reliability, reproducibility, and



## STR analysis reads short sequences of DNA that repeat at certain spots in a genome, whereas WGS reads the entire genome.

general acceptance among forensic scientists established it as the benchmark against which newer technologies—such as whole genome sequencing—are currently being judged.

In contrast, WGS reads a person's full DNA sequence—three billion base pairs—to locate genetic variations. To be admissible in Washington courts, as in New York, WGS needs to satisfy the same criteria as STR analysis. The question for Washington courts will be whether the technology has moved far enough from research labs into mainstream scientific practice to be considered “generally accepted.”

## Inside the New York Hearing

According to Dr. Harris, the New York Frye proceedings revolved around two themes: whether WGS techniques have reached the threshold of general acceptance for use as evidence at criminal trials, and more technically, how WGS actually works. Dr. Harris's position is that WGS is routinely used in genetic sciences and has become commoditized, and that it is technologically mature enough to join STR as evidence in courts.

**Leron Vandsburger (LV):** Washington and New York use the Frye standard, where new science is admitted only if it's generally accepted in the relevant community. Do you feel that whole genome sequencing is bleeding edge right now or do you feel like it's accepted?

**Dr. Kelley Harris (KH):** I testified and I believe that whole genome sequencing is no longer bleeding edge... [T]he Human Genome Project<sup>2</sup> was around the year 2000. At that point there had been one human genome, and now there [are] several hundred thousand human genomes that have been sequenced ... I can just send a sample down the hall and get them to produce a whole genome for about \$500. And I think once something is that standard to produce in a core facility, it's hard to call it bleeding edge.

## TESTING THE SCIENCE

At the New York Frye hearing, the defense challenged the lack of forensic lab accreditation for WGS, the reliability of population datasets such as the “1000 Genomes Project,”<sup>3</sup> and the trustworthiness of the software pipelines (a software pipeline can be described as a computer program that, in this case, takes input data and transforms it into a different kind of processed data that is more scientifically interpretable).

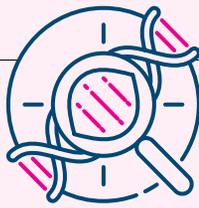
**LV:** During the proceedings, the defense objected on several grounds: whether the lab was authorized to run the tests, whether population datasets like 1000 Genomes were reliable, and whether the software tools could be trusted. Which of those challenges struck you as the most serious?

**KH:** I wasn't asked to address them directly. I could tell the questions were organized around some of these points. I think as far as the accreditation question goes, that was the farthest from my expertise, because I'm not really a forensic scientist. But it seems like accreditation just would not be in play at this point, because a lab is [only] accredited to do stuff that's currently allowed in court ... [T]hat was not this, at least prior to the judge's recent Frye ruling. And so why would they be accredited?

While the wet-lab<sup>4</sup> sequencing steps went largely unchallenged, both sides presented arguments centered on bioinformatics: aligning genome segments derived from degraded samples to the human reference genome, filtering errors, and calculating likelihood ratios.

**LV:** Could you walk us through the workflow of a forensic whole genome sequencing

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## Whole Genome Sequencing at the Legal Threshold

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case—from testing a rootless hair, as was done in New York, all the way to generating a report? And where are the weak points that tend to draw courtroom challenges?

**KH:** So a rootless hair is, you know, a thing that was once alive and is now dead. The thing that makes that challenging is once cells die, they don't have their nice machinery to repair damage to DNA. For our cells that are alive, a lot of what they do, what their metabolic energy is devoted to, is maintaining the DNA, making sure it isn't broken, repairing it if it gets broken, checking for the sort of damage that could cause dysfunction or cancer. And so, all of that is going on in living cells. If you want to sequence living cells, you have what's called high molecular weight DNA, meaning long, intact chromosomes. That's what a cell needs to be alive and [what makes it] easy to sequence. But a rootless hair is not living cells anymore, and the longer it's been sitting somewhere and the harsher conditions it's been in, the more the DNA gets broken up into pieces.

### FROM PIXELS TO PICTURES

As noted earlier, STR analysis reads short sequences of DNA that repeat at certain spots in a genome, whereas WGS reads the entire genome. Dr. Harris likened STR profiles to grainy surveillance photos, while WGS provides a high-resolution picture—albeit one that may be blotchy if samples are degraded.

**LV:** What unique value would you say whole genome sequencing brings to casework or the courtroom? And where do you see its limitations in practice?

**KH:** Well, I think to see the value it brings, imagine trying to recognize the face of a suspect. ... STRs are a little bit more like if you had an extremely pixelated image, [whereas WGS is like] if you had two high-resolution photos. Most of us can compare [two] photos and feel really confident saying this is definitely the same person or this is definitely not. ... [A] whole genome has, give or take, 3 billion base pairs of information, 6 billion if you count the copy from mom and

## SIDEBAR

### Why It Matters for Washington

Washington and New York both use the Frye test, so the New York case is an instructive preview. Three issues stand out for Washington courts and lawyers:

- 1 Expert qualifications.** Courts will need to decide whether expertise must lie in wet-lab genetics, or whether computational biologists—those trained in bioinformatics and statistical genetics—are the more relevant experts for interpreting WGS evidence.
- 2 Data retention.** Washington requires long-term preservation of DNA evidence in serious cases. With WGS, this means storing not only a genetic profile but raw sequencing files—potentially gigabytes per case. Dr. Harris noted that academic labs sometimes delete data rather than pay for cloud storage, raising practical and legal challenges.
- 3 Privacy concerns.** Whole genomes contain medically sensitive information, far beyond identification. Dr. Harris suggested that forensic labs might redact disease-related regions, preserving discriminatory power while protecting privacy. One risk, however, is that as science progresses, additional disease-related regions may be revealed in DNA data that has already been published or stored.

the copy from dad. And STRs ... are just a lot fewer pixels to work with. So you're not going to be as confident.

**LV:** Could you explain what the two high-resolution photos are here? Are you describing the human reference genome?

**KH:** The human reference genome is the first human genome that got sequenced in the year 2000, or an updated variant, an updated version of that. The two "photos" are the samples that are tested to assess probability of a match. One sample could be taken from a crime scene and the other could be taken from a suspect in custody. For example, in the New York case, one sample was from the defendant and another was from rootless hairs collected from one of the bodies. The reference genome is used as a template for assessing the probability of a match between the two samples.

As long as the fragments you have are ... sufficiently long, you can scan through the whole human genome and say, "OK, this spot on chromosome 16 ... is the most similar to this fragment of DNA, and this is ... the place in the puzzle where it goes." [This is done with a] very standard software program called [Burrows-Wheeler Aligner or] BWA.

You take all the fragments from your samples [and] you figure out where they go with respect to the reference human genome. And, of course, these fragments aren't going to match exactly, but they usually will overlap with one another. The better quality your sample is, the more of what's called "coverage" you have. So, when you're getting a genome from a living person and you want it to be high quality, usually you'll go for what's called 30x coverage, meaning every position in the reference genome is covered by an average of 30 different short fragments.

**LV:** Because ... once you're confident where these pieces of DNA go in the genome, you want to know, how are they different from the reference human?

**KH:** Two people who are different are usually different in about one out of every thousand base pairs, give or take. What you're trying to identify is which one in a thousand base pairs differ between the samples you have.

If you have a highly degraded, low input sample, you probably won't have the luxury of 30x coverage. Instead, you'll have a bit of DNA here and there and it'll have some differences from the reference sample ... [But] you won't be able to tell just by law of

large numbers which genetic differences look real and which ones look fake. So then you need to use other principles down the line to sort out the errors from the true variants. And that's one of the trickier aspects of [analyzing whole genome sequencing data from a degraded sample] compared to whole genome sequencing of living cells or other high-quality samples.

**LV:** So it sounds to me that, in the case of a rootless hair or some other degraded sample, you're somewhere in between—in terms of the quality of your data that you can use in court—the pixelated security camera and the high-resolution image.

**KH:** The pixelation [with WGS] is different. With STR, you only get to look at specific places on the genome, which is like picking specific pixels in the face, in advance, without knowing if that place in your sample will be degraded or not or will have rare genetic variants or not. What you have with a degraded sample in WGS is like starting with a high-quality photograph that shows everything [except for] random bits of white or red or other colors ... that will make your photo look a little funny, but you'll still have a lot of information left over. [P]robably more information than if you just sort of said, "OK, I'm picking 20 pixels and I'm going to get them really well."

#### WGS IN ACTION

**LV:** Once you have the WGS data, how is it used to identify an individual?

**KH:** ... [First, you] identify in each of your sequencing reads where it matches ... the sample collected directly, such as from a defendant, and where it doesn't. The next step involves a more bespoke program called [Identity-By-Descent GEM or] IB-DGEM, which was scrutinized in the Frye hearing in New York. This takes a panel of high-quality human genome sequences that should be randomly drawn from a large representative population. This panel is used to identify places in the genome where people tend to be variable.

**LV:** How does the panel help?

**KH:** If you and I compare our DNA ... we're going to probably be different in one out of 1,000 positions, but [does] that indicate how

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## Whole Genome Sequencing at the Legal Threshold

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a third person might differ from each of us? Basically, [yes,] the third person is much more likely to differ at positions where we've already found a difference between you and I. And the reason for that is mutations that happened a long time ago in some human population [and] that reached a high frequency are now carried by large parts of the [the modern-day] human population. Say for example, the mutation that caused variation between blue and brown eyes. That's a high-frequency variant where a bunch of people have one thing and a bunch of people have another thing. Those differences occur in consistent locations on the genome.

**LV:** Can you help me understand why this is important for identifying a person?

**KH:** So if you see that the reference genome has the brown-eyed variant and then we found a read in our sample that has the blue-eyed variant, that's a variant we've seen a lot and we can recognize it. We're more likely to believe that's real versus a variant that we've never seen before in a large panel of people. It still could be real, but it's a lot more likely to be error. What the panel lets us do is focus on all the sites where we know real variation exists and decide based on those more trustworthy sites. It's like we're focusing on informative parts of a human face, like the shapes of eyes and noses that are useful for identification, rather than other parts, like a random patch on the forehead that looks more or less the same in all people. The advantage of this [WGS] approach is that it allows high-quality regions of the genome to be used for identification, rather than choosing regions in advance before knowing if the data will be usable [as in STR analysis]. ... [N]ot to mention that the number of high-quality regions [with WGS] isn't limited in advance, like in STR panels, to a few specific places.

## DETERMINING KINSHIP

**LV:** At least part of the DNA evidence in the New York trial concerned identifying the wife or daughter of the defendant. How effective is WGS at identifying kinship?

**KH:** It's very, very well established to be

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**Dr. Kelley Harris** is an associate professor in the Department of Genome Sciences at the University of Washington and an affiliate faculty member in Computational Biology at the Fred Hutchinson Cancer Center. Trained as a population geneticist, her research focuses on mutation processes in human genomes and the computational methods used to analyze large-scale sequencing data. Dr. Harris can be reached with specific questions about WGS or other genetic science topics at her official contact, [Harriske@uw.edu](mailto:Harriske@uw.edu).



**Leron Vandsburger** is an associate IP counsel at ThermoFisher Scientific. In his role, he focuses on bridging scientific, technical, and organizational needs to best protect innovations in the field of charged particle microscopy. His work includes enabling responsible use of AI tools in a regulated environment. Vandsburger has previously served on the board of the Washington Lawyers for the Arts, an organization that provides legal help to artists state-wide. He is currently on the WSBA Editorial Advisory Committee. He can be reached at [Leron.Vandsburger@cojk.com](mailto:Leron.Vandsburger@cojk.com)



able to say, take two high-quality DNA sequences and be able to tell if they are parent and child or siblings or first or second cousins or even, I mean, beyond second cousin.

With STRs, it's much harder to get accurate kinship estimation. ... [T]his was something that made a big impression on me when I was in grad school. A lab mate of mine, who did more forensic work, was talking about this law in California, at least at the time, called familial search, which said that, if based on STR evidence, you think that a sample at a crime scene is likely to be a relative of someone who's in the CODIS database, you can then investigate the family of the person in the CODIS database. And what my lab mate was doing was showing that with STRs, there is a high chance of saying that you think these two people are brothers or cousins, when that's not true.

**LV:** So there's a higher risk of a false positive with STR than there is with whole genome sequencing?

**KH:** Yes. When it comes to deciding whether two people are a certain type of close relative, definitely.<sup>5</sup>

**LV:** Is there a consensus that whole genome sequencing is good for the courtroom? Is it courtroom ready or is there still division amongst the research community or even the forensic community that you're aware of?

**KH:** I mean, I think good for the courtroom isn't just a scientific question, it's a societal question. So I think scientists would say things like ... it's much better for telling if people are close relatives and much, much better for telling what ethnicity they are. You can get more certainty about if two samples are the same person or not.

### WHY IT MATTERS FOR WASHINGTON

**LV:** Washington law requires long-term preservation of DNA evidence in serious cases. With whole genome sequencing, that means not just a profile, but raw sequence data and metadata. How should labs and prosecutors handle that responsibility?

**KH:** That's a great question because there's a practical dimension. A whole genome sequence, depending exactly how you store the information, takes megabytes to gigabytes of storage. ... So, I know academic labs that will say, oh, it's cheaper in the long run to delete some data and possibly have to sequence it again later because the sequencing has gotten so cheap that it's cheaper than cloud storage. I personally have mixed feelings about whether genome data should be stored in a publicly searchable database, like what law enforcement would use, at least because privacy would be difficult to maintain.

**LV:** Why would you have mixed feelings?

**KH:** There definitely are some cases where it could cause harm. Things like the BRCA gene, which, if you have a specific variant, it says something about your lifetime cancer risk. You could sequence someone's genome for forensic identification purposes and figure out that they have this high lifetime cancer risk. And, you know, maybe telling them about that is a favor. Maybe ... that is something they consciously didn't want to know.

I think there are ways you could deal with this. You could do whole genome sequencing and then mask out regions that you know to be sensitive. So, for instance,

only 2 percent of the genome is [made up of] genes that code for protein, which is where most of the disease risk information has been identified to date. For most genes, we don't know if their variation has anything to do with disease. If you wanted to be really conservative and mask out all of the protein-coding genome, you would still have 98 percent left over for identification, which would be just as good for forensic purposes.

## Conclusion

The New York Frye ruling signals that whole genome sequencing is reaching the general acceptance threshold. As Dr. Harris put it, the move from STRs to WGS is like moving from a pixelated image to a high-resolution photograph. Whether Washington courts will agree that the picture is clear enough for juries remains to be seen. **BN**

### NOTES

1. The Frye general acceptance standard governs the admissibility of scientific expert evidence by requiring that the underlying method or principle be generally accepted as reliable within the relevant scientific community. It originates from the 1923 case *Frye v. United States*, in which a court excluded early lie-detector evidence because the technique lacked such acceptance. Frye became the dominant U.S. standard for decades and remains in use in some states today, particularly for assessing novel scientific evidence, being replaced in some jurisdictions by the Daubert standard that originated in *Daubert v. Merrell Dow Pharmaceuticals, Inc.* (1993).
2. The Human Genome Project was a large international collaboration that produced the first human genome sequence, bringing WGS to bear on human genetics for the first time.
3. The 1000 Genome Project was an international collaboration that published about 2,500 whole genome sequences between 2010 and 2015, creating a reference panel of genetic diversity from several European, African, East Asian, South Asian, and Amerindian populations.
4. "Wet-lab" is a colloquial name for experimental science involving laboratory chemicals. In contrast, "dry lab" denotes computational data analysis. Both wet lab and computation/dry lab are required for forensic genetics—wet lab is the first step and dry lab analysis is the second step.
5. Rori v. Rohlf, Erin Murphy, et. al, "The Influence of Relatives on the Efficiency and Error Rate of Familial Searching," *PLoS One*, Aug. 14, 2013, available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0070495>.

# On Board

NEWS FROM THE BOARD OF GOVERNORS & THE WSBA

JAN. 16, 2026

## 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 Focus on Access to Justice.** The Access to Justice (ATJ) Board gathered with the Board of Governors to build relationships, learn, and—most importantly—brainstorm and focus on strategies to close the justice gap in Washington. The justice gap refers to the disparity between the need for legal assistance and the availability or accessibility of that assistance, particularly for low-income and marginalized communities. The ATJ Board leaders talked about their efforts to authentically engage and include people with unmet legal needs across the state, which has led to dedicated leadership seats for community members with these types of lived experiences. Following that conversation, the Board of Governors co-created, with the Access to Justice Board, a Justice Gap Scoping Work Group to conduct a comprehensive analysis of ongoing and proposed solutions to close the justice gap; to identify interested parties; and, as its final product, to provide a prioritized list of solutions for the WSBA and ATJ Board to pursue.

### MORE ONLINE

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

**2 We Need YOUR Input About the Professional Oath.**

The WSBA Oath Review and Drafting Task Force has a survey open to collect data that will be the foundation for its decisions about if and how to move forward in redrafting Washington's professional legal oaths; please take the survey that corresponds to your license type:

- **Attorney:** [www.surveymonkey.com/r/AttorneyOath](http://www.surveymonkey.com/r/AttorneyOath)
- **LLLT:** [www.surveymonkey.com/r/LLLT0ath](http://www.surveymonkey.com/r/LLLT0ath)
- **LPO:** [www.surveymonkey.com/r/LPO0ath](http://www.surveymonkey.com/r/LPO0ath)

Find more information at [www.wsba.org/oath](http://www.wsba.org/oath).

**3 Help Us Honor Legal Luminaries.**

The annual APEX (Acknowledging Professional Excellence) Awards nominations are open through Feb. 27. Nominate a legal luminary so we can celebrate their excellence and impact statewide! Visit [www.wsba.org/apex](http://www.wsba.org/apex).

**4 Section Viability Review Process.**

The WSBA Bylaws trigger a viability review of any section when it drops below 75 members for two consecutive years. Currently, the Legal Assistance to Military Personnel (LAMP) Section and Liquor, Cannabis, and Psychedelics Law Section are below that threshold. Because Board members have never conducted a sections viability review before, they approved a

### A CALL FOR RULE OF LAW Statement on Federal Immigration Enforcement in Minneapolis

In response to recent events in Minneapolis surrounding federal immigration enforcement, WSBA President Francis Adewale and WSBA Executive Director Terra Nevitt issued a statement calling all legal professionals to uphold the legal system and defend the rule of law.

*"... [A]s legal professionals in Washington, we should be united and clear, no matter our political views: The rule of law means that the same laws apply to everyone, that even government power is bound by the law, and that civil and human rights are guaranteed to all."*

Read the full statement at [www.wsba.org/about-wsba/ambassadors/a-call-for-rule-of-law](http://www.wsba.org/about-wsba/ambassadors/a-call-for-rule-of-law).

collaborative process that considers factors such as section leadership input, overall activity and functionality, and fiscal viability. While the review process is triggered purely by membership numbers, the review process will be a holistic evaluation designed to determine if the Sections are able to offer value to their members, Board members said. The review of the LAMP and Liquor, Cannabis, and Psychedelics sections should be completed by this July.

The next regular meeting is March 6-7 in the Olympia area. To subscribe to the Board Meeting Notification list, email [barleaders@wsba.org](mailto:barleaders@wsba.org).



*On Friday, Jan. 16, the WSBA hosted an annual gathering with affinity bar association leaders to build relationships and discuss mutual goals, challenges, and opportunities. WSBA President Francis Adewale welcomed the crowd at the Northwest African American Museum in Seattle. WSBA Past President and Washington Leadership Institute founder Ron Ward gave the keynote address.*

**THE BOARD ALSO:**

- **Maintained** the LLLT and LPO license fees for 2027 (no change from 2026). The Supreme Court will now review the recommendation for reasonableness. The Board expressed interest in developing a philosophy for reviewing LPO and LLLT license fees in the future.
- **Approved** an updated Board Conflict of Interest Policy and related WSBA Bylaw amendment. The Supreme Court will review the bylaw recommendation for implementation.
- **Reviewed** a second read of a proposed bylaw amendment related to the personal political activities of Board members. The Board returned the proposal to the Governance Committee for consideration of the additional comments received.
- **Approved** a proposal to submit suggested amendments to APR 12(b)(3) to the Supreme Court that would

allow the WSBA to provide payments to volunteers of the Limited Practice Board when engaged in exam writing and grading to align with the practice of providing payments to members of the Board of Bar Examiners when grading the attorney bar exam.

- **Approved** revisions to Appendix B of the WSBA Indigent Defense Standards proposed by the Council on Public Defense. Appendix B lists Washington crimes and their corollary case types for

purposes of public defense qualifications and case weighting. The revisions were anticipated when the standards were originally drafted, based on legislative changes to criminal statutes and receipt of new data on the actual time spent on specific case types. In addition, the revisions better reflect the actual practice habits of Washington public defenders and respond to formatting requests from local public defenders and administrators. [BN](#)



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As discussed with 60 Minutes, Mark successfully represented victim families in the two Boeing 737 Max 8 crashes and currently represents victims in the Alaska Airlines door plug blowout on a Max 9.

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# Need to Know

NEWS & INFORMATION OF INTEREST TO WSBA MEMBERS



## WSBA NEWS

### 2026 License Renewal

*Deadline was Feb. 2, 2026.*

If you have not completed all mandatory portions of your license renewal you are delinquent and your license is at risk of administrative suspension. Depending on your license status, mandatory requirements include MCLE certification, trust account declaration, and disclosing professional liability insurance or financial responsibility. Licensing requirements, including MCLE certification, must be completed online at <https://licensing.wsba.org>. Visit [www.wsba.org/licensing](http://www.wsba.org/licensing) to learn more.

### Speak Up for Justice Washington!

The WSBA has kicked off a statewide tour of a free CLE called Speak Up for Justice Washington! The Snohomish County Bar Association and Benton Franklin Counties Bar Association hosted the first two tour stops in early December. This CLE features a distinguished panel of local judges who are sounding the alarm about increasing levels of violence and threats of violence against themselves and their courts. The panel is followed by a brief training from the WSBA's Rule of Law Ambassador Program to empower all legal professionals to speak up for the rule of law and independence of the judiciary. Check [www.wsba.org/about-wsba/ambassadors/speak-up](http://www.wsba.org/about-wsba/ambassadors/speak-up) for updates about local dates in 2026. If your county bar association would like to host this free, in-person CLE, please reach out to [ambassadors@wsba.org](mailto:ambassadors@wsba.org).



## THE BAR BUZZ

### 2026 APEX Award Nominations Open

You can now send in your nominations for the 2026 WSBA APEX (Acknowledging Professional Excellence) Awards. These awards, spread across 12 categories, honor exemplary members of the legal community, including legal professionals, judges, and members of the public. *Nominations are due Feb. 27.*

**LEARN MORE >**  
[www.wsba.org/news-events/apex-awards](http://www.wsba.org/news-events/apex-awards)



### AOC Launches Self-Help Washington

The Administrative Office of the Courts' (AOC) Equity and Access Program has recently launched Self-Help Washington (SHW) to provide accessible resources to help people without lawyers navigate Washington courts. The project began in 2019 through a Superior Court Judges' Association (SCJA) work group, which made a recommendation to create an online portal for self-represented litigants. Learn more at [www.courts.wa.gov/self-help/](http://www.courts.wa.gov/self-help/), or contact Self-Help Washington Lead Kelsey Jandoc, [Kelsey.Jandoc@courts.wa.gov](mailto:Kelsey.Jandoc@courts.wa.gov).

### Entity Regulation Pilot Project Now Accepting Applications

After years of research, planning, and logistics, the application portal for the Entity Regulation Pilot Project is open. This is a time-bound, data-driven, carefully supervised process authorized by the Washington Supreme Court to determine whether changes to certain regulatory rules can meaningfully expand access to legal services for Washingtonians. The pilot project allows businesses and nonprofits (not just individually licensed lawyers/LLLTs/LPOs) to seek authorization to offer legal services for the first time in state history. Learn more at [www.wsba.org/about-wsba/entity-regulation-pilot](http://www.wsba.org/about-wsba/entity-regulation-pilot).

### 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 ([www.wsba.org/licensing](http://www.wsba.org/licensing)) 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](http://www.wsba.org) for more information.

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## Need to Know

CONTINUED >



### 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. Visit [www.wsba.org/ambassadors](http://www.wsba.org/ambassadors) to learn more and volunteer.



### RESOURCES

#### New Public Case Records Portal re:SearchWA

re:SearchWA, the new public case records portal for Courts of Limited Jurisdiction Case Management System (CLJ-CMS) courts, is now officially live. If you already have an eFileWA account, you can use those same credentials when using re:SearchWA. If not, new users will need to click "Register" on the top tool bar on re:SearchWA to create a new free account. Once logged in, you can begin searching for cases right away. Visit <https://researchwa.tylerhost.net/> for more information. Visit <https://bit.ly/3LTpOiq> to find a user guide for attorneys.

#### Watch the Legal Directory Tutorial Video

Learn more about the WSBA Legal Directory. Watch our new, 90-second video tutorial about how to use the Legal Directory to find a legal professional. The WSBA offers a Legal Directory as a convenience to find contact information, license information, and public discipline, for licensed legal

professionals in Washington state, including lawyers, limited practice officers, and limited license legal technicians. Make sure your profile information is current. Watch the video at <https://app.vyond.com/videos/350ef472-b2ad-4b7d-9644-2b49479e0814>. For information on former members who do not appear in the Legal Directory, please see our Public Records page at [www.wsba.org/about-wsba/contact-us/public-records](http://www.wsba.org/about-wsba/contact-us/public-records).

#### New Ways to Access Deskbooks

WSBA Deskbooks are trusted, practice-ready legal guides written by Washington lawyers for Washington lawyers. For nearly 50 years, they've delivered clear analysis, practical insights, forms, and checklists across every major practice area—and have been cited in more than 250 appellate decisions. Members can purchase or subscribe to Deskbooks—and now they

can also explore the entire catalogue online for free through Washington's law libraries, making it easier than ever to put authoritative Washington law at your fingertips! Visit [www.wsba.org/deskbooks](http://www.wsba.org/deskbooks) to learn more.

#### Have You Reviewed Your Group Health Options?

The group health insurance landscape is evolving. If you haven't assessed your plan in a while, you might not know what you're missing out on. WSBA members have access to licensed benefits experts who can help you find out—at no cost. It's a courtesy consultation, and it's included with your membership. Make sure your company isn't overlooking or overpaying. Visit <https://wsba.memberbenefits.com/employer-group-solutions/> to start your no-obligation market analysis and group health quote today on the WSBA Insurance Marketplace.

#### Explore the WSBA Lending Library

Looking for your next favorite book? 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](http://www.wsba.org/for-legal-professionals/member-support/lending-library) to explore the catalogue.

#### 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](http://www.wsba.org/connect-serve/committees-boards-other-groups/public-defense).

#### 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](http://www.wsba.org/for-legal-professionals/member-support/wellness/group-sessions).

#### IOLTA FAQs

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



ENGAGE IN YOUR LEGAL COMMUNITY

## Grow in Your Practice; Join a Section

Section members become part of active professional communities and gain access to an array of exclusive section-member benefits. Over 10,000 WSBA members currently belong to one or more of the WSBA's 29 sections. Joining a section provides access to a range of benefits like list serve communities; newsletters, reports, Deskbooks, and sourcebooks; free and discounted CLEs; and opportunities to engage in the Washington state legislative process. The section membership year began on Jan. 1. Visit [www.wsba.org/legal-community/sections/about-sections](http://www.wsba.org/legal-community/sections/about-sections) to learn more about sections and sign up today!





## 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, see [www.WALAL.org](http://www.WALAL.org) or email [info@walal.org](mailto:info@walal.org).

## Zen Meditation for Lawyers: A Path to Clarity, Focus, and Well-Being

Start the new year right by joining Zen Reverend Soko Mackay for a weekly meditation session designed for busy legal professionals. Discover how Zen practices can help you reduce stress, enhance focus, and improve productivity in your high-pressure environment. Take the time to invest in your mental health and experience the profound benefits of Zen meditation both in and out of the courtroom. The group meets Thursdays from 12-12:30 p.m. Sign up at [www.wsba.org/meditation](http://www.wsba.org/meditation).

## Free Confidential Clinical Consult With Licensed Provider

The Member Wellness Program offers free HIPAA-protected video consultations using the telehealth portal [Doxy.me](http://Doxy.me). Visit [www.wsba.org/for-legal-professionals/member-support/wellness](http://www.wsba.org/for-legal-professionals/member-support/wellness) and click "Book Your Initial Consultation" to schedule time with our licensed providers.



DISCOUNTS AVAILABLE

## Software & Services for Your Practice

As a member of the WSBA, you have access to the Practice Management Discount Network, a collection of discounts on products and services to help you improve your law practice.

### We offer discounts on:

- conflict-checking
- credit-card processing
- encryption
- cybersecurity
- document editing
- document management
- e-discovery
- marketing support
- office supplies
- practice management software
- remote receptionists
- retirement planning

Learn more and access your discounts today at [www.wsba.org/for-legal-professionals/member-support/practice-management-discount-network](http://www.wsba.org/for-legal-professionals/member-support/practice-management-discount-network).



## Health Benefits Available

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](http://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](mailto: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](http://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](http://www.wsba.org/for-legal-professionals/ethics/about-advisory-opinions). For assistance, call the Ethics Line at 206-727-8284.



WSBA COMMUNITY NETWORKING

## New Members List Serve

This list serve is a discussion platform for new lawyers of the WSBA. To join, email [newmembers@wsba.org](mailto: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](http://www.wsba.org/connect-serve/mentorship/find-your-mentor), or email [mentorlink@wsba.org](mailto:mentorlink@wsba.org).



## QUICK REFERENCE Feb. 2026 Usury

The usury rate for February 2026 is 12.00%. The auction yield of the Jan. 5, 2026, auction of the six month Treasury Bill was 3.586%. The interest rate required by RCW 4.56.110(3) (a) and 4.56.115 for February 2026 is 5.586%. The interest rate required by RCW 4.56.110(3)(b) and 4.56.111 for February 2026 is 8.75%. [BN](#)

## DO YOU HAVE SOMETHING NEWSWORTHY TO SHARE?

Email [wabarnews@wsba.org](mailto:wabarnews@wsba.org) if you have an item you would like to place in *Need to Know*.



# In Remembrance

This “In Remembrance” section lists WSBA members by bar number and date of death. The list is not complete and contains only those notices of which the WSBA has learned through correspondence from members.

Please email notices to [wabarnews@wsba.org](mailto:wabarnews@wsba.org).

**Thomas Paul Frank,**  
#2262, 11/9/2025

**David Freese,**  
#5629, 12/12/2025

**Patricia Simon,**  
#35145, 10/31/2025

**Kirsten Ann Schultz,**  
#25957, 11/30/2025

**Heather L. Winslow,**  
#26151, 4/3/2025

## MORE ONLINE

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

[wabarnews.org](http://wabarnews.org) 

### F. Lorraine ‘Lorri’ Bodi

#9153, 4/17/2025

#### F. Lorraine “Lorri”

**Bodi** was born on Nov. 5, 1951, in Newport, Rhode Island. She grew up with her five siblings in the Philadelphia area. Bodi earned a B.A. in literature and a master’s degree in teaching from the University of Pennsylvania and then a J.D. from George Washington University Law School. In 1970, Bodi met Peter Eglick, also a student at UPenn. They became a couple in 1971 and remained so until the end of Bodi’s life. Bodi started her legal career with the EPA in Washington, D.C. She then went to work for the National Oceanic and Atmospheric Administration in Seattle, where she advocated for the protection of salmon. Bodi eventually took a break from government service to co-found the Northwest Office of American Rivers, a conservation organization. She then returned to a government role as the Bonneville Power Administration’s vice president for fish, wildlife, and the environment. There, she continued advocating for the protection of salmon. After retiring, Bodi ran for a seat on the Lake Forest Park City Council. She won, and was later elected deputy mayor. She died on April 17, 2025, after being diagnosed with an aggressive form of cancer just three weeks earlier. She is survived by her husband, Peter; their children, Ben and Anna; her brothers, John, Steven, and Peter; her sister, Kathi; and many nieces, nephews, and other family members. After her death, Bodi’s family and Washington Water Trust, where Bodi served on the board of directors, created the Lorri Bodi Water Leadership Program to inspire and develop future water and conservation leaders in Washington state and beyond.



### Emily Ann De La Cruz

#47299, 11/20/2025

#### Emily Ann De La

**Cruz** was born on April 14, 1987. She attended high school in Mesa, Arizona. She earned her undergraduate degree in government and psychology from Georgetown University and her law degree from Seattle University School of Law. De La Cruz was a respected attorney in the practice areas of mortuary law and insurance defense litigation. She was a member of the WSBA’s Washington Young Lawyers Committee (now the Washington New Members Committee) from 2017 to 2022. She served as chair of the committee from 2021 to 2022. De La Cruz also served as general counsel for the Washington State Funeral Directors Association, and she wrote for several publications including *Bar News*. She is described as someone who lived with curiosity, intelligence, grit, and unapologetic individuality. De La Cruz died peacefully at her home in Los Angeles, California, on Nov. 20, 2025, of cancer. She is survived by her parents, Michael Foss and Barbara Crawford; her sisters, Sara Mendoza, Felisha Matthews, and Hanna Crawford; her six nephews; her best friends, Lindsay Kirsh, Monica Torres, Darci Bernard, Ian Longstreet, Mike Dorsey, and Kristin Whitford; her beloved dog, Ted Jones; and many other family members and friends.



## Carolyn R. Dimmick

#5508, 12/24/2025

### Carolyn R.

**Dimmick** was born on Oct. 24, 1929, to parents Maurice and Margaret Reaber. Dimmick grew up in Seattle and during her teenage years, worked for the *Seattle Post-Intelligencer* and performed as a professional water skier. Dimmick attended the University of Washington and then the UW School of Law. She started her legal career with the Washington Attorney General's Office in Olympia and the King County Prosecutor's Office and later worked in private practice from 1955 to 1965. She was appointed to the King County District Court, serving as a judge until 1975 when Gov. Dan Evans appointed her to the King County Superior Court. In 1981, Dimmick became the first woman to serve on the Washington Supreme Court when she was appointed by Gov. Dixy Lee Ray. She held the position until 1985, when President Ronald Reagan appointed her to the U.S. District Court for the Western District of Washington. She remained there for the rest of her judicial career, serving as chief judge from 1994-1997 and assuming senior status in 1997. Dimmick is described as someone who truly listened, treated everyone with respect, and had an eye for beautiful art and design. She had a significant role in the design of the U.S. District Courthouse in downtown Seattle. Dimmick died on Dec. 24, 2025, at age 96. She was preceded in death by her parents; her brother, Raymond; and her husband, Cyrus. She is survived by her children, Taylor and Dana; her grandchildren, Christina, Nichole, Madeline, and Spencer; her great-grandchildren, Cyrus, Kennedy, Charlie, Maggie, Eli, and Carl; and her golden retriever, Rumble.



## Joel T. Salmi

#5808, 10/30/2025

**Joel T. Salmi** was born on May 1, 1948.

He was a graduate of San Jose State University and the University of Washington School of Law (class of 1974). Known for his keen intellect, Salmi served on the WSBA's Board of Bar Examiners for 17 years, from 1980 to 1997. Salmi was driven by a deep commitment to social justice. His career began at the Seattle Human Rights Department. He then went into private practice, and in 2001 founded his own law firm. Known to be reasonable and impartial, in later years he was a sought-after mediator and arbitrator. Salmi loved the outdoors, particularly hiking and fishing in the high Sierras and Cascades. He was very athletic, playing basketball for SJSU and later on a team with fellow attorneys. He developed lifelong friends playing for the Seattle Human Rights Department softball team. He supported his children and grandchildren playing soccer, football, and wrestling. Salmi was also an accomplished cook and loved travel and music, especially jazz. A master of the pun, he could find humor in the toughest situations. He possessed a rare gift for connection and his genuine interest in people created a rich community of friends. He was a wonderful parent to his four children, eventually expanding to each of their spouses and his beloved 11 grandchildren. As muscular dystrophy robbed him of movement, Salmi's wife, Greta, maintained their home as a hub of activity amidst sounds of jazz and smells of great food. Salmi died on Oct. 30, 2025, after a long battle with muscular dystrophy. He is survived by Greta, his loving and devoted wife of 37 years; their four children; 11 grandchildren; and his siblings.



## Patricia Clawson Williams

#6084, 11/21/2025

**Patricia Clawson Williams** was born

on Sept. 8, 1948, in Bethany, Missouri, to parents Willmina and Charlie Clawson.



She graduated from Park College in Kansas City in 1969, and the same year married Timothy N. Williams. She earned her J.D. from Gonzaga University School of Law in 1974 and started her legal career with the City of Spokane. In 1977, she moved to a role at Winston & Cashatt. Williams is described as funny, wise, and unflappable. In 1981, she was named the first female partner at a large law firm in Spokane, where she worked in bankruptcy and commercial transactions. Williams was a founding member and the first president of the Spokane Chapter of Washington Women Lawyers. She was also the first woman president of the Spokane County Bar Association, serving from 1985 to 1986. From 1994 to 1997, Williams served on the WSBA Board of Governors. In July 1997, Williams was appointed the first female bankruptcy judge in the Eastern District of Washington. She served as chief judge from 2001 to 2006 and retired in 2013. Williams was also a dedicated parishioner at the Cathedral of St. John the Evangelist. She volunteered extensively and loved spending time with her family, doing traditional needlework, and sailing. She was also an accomplished dressage rider. Williams spent her last 15-plus winters in Palm Springs, hosting family and friends. She died on Nov. 21, 2025, of ALS. She was preceded in death by her husband, Timothy. She is survived by her sister-in-law, Michelle D. Williams; her son, David C. Williams; her granddaughter, Mariah N. Cornwall; and her great-grandchildren, Kaia, Ezra, and Judah. **BN**

# Notices

DISCIPLINE & OTHER REGULATORY NOTICES

**THESE NOTICES INCLUDE INFORMATION ABOUT THE IMPOSITION OF DISCIPLINARY SANCTIONS AND ACTIONS** involving lawyers, limited practice officers (LPOs), and limited license legal technicians (LLLTs). Active links to directory listings, which provide additional information and documents related to the disciplinary matter, and other linked information can be found by viewing the online version of *Washington State Bar News* at [www.wabarnews.org](http://www.wabarnews.org) or by looking up the respondent in the Discipline Notice Directory at <https://www.mywsba.org/PersonifyEbusiness/DisciplineNoticeDirectory>.

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

## Disbarred

**Stephen Wray Jackson** (WSBA No. 49023, admitted 2015) of Bellingham, was disbarred, effective 9/11/2025, by order of the Washington Supreme Court. Thea Jennings acted as disciplinary counsel. Stephen Wray Jackson represented themselves.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.15A (Safeguarding Property), 8.4(b) (Criminal Act), and 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation).

Jackson stipulated to disbarment for converting client funds for respondent's own use without entitlement to the funds.

Decision documents: Disciplinary Board Order Approving Stipulation to Disbarment; Stipulation to Disbarment; and Washington Supreme Court Order.

**Charles Douglas Young** (WSBA No. 22818 admitted 1993) of Portland, OR, was disbarred, effective 10/30/2025, 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/2025/YOUNGCharlesD23-188.pdf](https://www.osbar.org/_docs/dbreport/2025/YOUNGCharlesD23-188.pdf). Henry Cruz acted as disciplinary counsel. Charles Douglas Young represented themselves.

Decision document: The Washington Supreme Court Order.

## Resigned in Lieu of Discipline

**Donald Robert Buehler** (WSBA No. 14284, admitted 1984) of Spokane Valley, resigned in lieu of discipline, effective 11/12/2025. The lawyer agrees that they are aware of the alleged misconduct in disciplinary counsel's Statement of Alleged Misconduct and rather than defend against the allegations, they wish to permanently resign from membership in the Association. Henry Cruz acted as disciplinary counsel. Donald Robert Buehler represented themselves.

The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 3.1 (Meritorious Claims and Contentions), 3.4 (Fairness to Opposing Party and Counsel), 4.4 (Respect for Rights of Third Person), 8.4(d) (Prejudicial to the Admin of Justice), and 8.4(j) (Violate a Court Order).

Buehler's alleged misconduct includes:

1) repeatedly making criminal and/or other accusations against one or more individuals that had no basis in law or fact and/or were not relevant to the underlying matter; 2) filing motions and appeals that had no basis in law or fact and/or by asserting issues that previously had been found frivolous by the Washington Supreme Court and/or previously had been rejected in a prior interlocutory appeal; 3) failing to pay the court-ordered attorney fees and costs and/or the damages awarded by judgment.

Decision document: Resignation Form of Donald Robert Buehler ELC 9.3(b).

**Terence Kain Wong** (WSBA No. 24502, admitted 1994) of Newcastle, resigned in lieu of discipline, effective 11/26/2025. The lawyer agrees that they are aware of the alleged misconduct in disciplinary counsel's Statement of Alleged Misconduct and rather than defend against the allegations, they wish to permanently resign from membership in the Association. Francisco Rodriguez acted as disciplinary counsel. Terence Kain Wong represented themselves.

The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.15A (Safeguarding Property), 3.2 (Expediting Litigation), 8.1 (Bar Admission and Disciplinary Matters), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), and 8.4(d) (Prejudicial to the Admin of Justice).

Wong's alleged misconduct includes: 1) failing to exercise reasonable diligence and make reasonable efforts to expedite litigation in a property line dispute; 2) failing to keep the client reasonably informed about the status of the matter, promptly comply with the client's reasonable requests for information, and adequately explain issues to permit informed decision-making; 3) failing to deposit advance fee payments into a trust account; 4) making false and misleading statements to the client; 5) making false statements to the Office of Disciplinary

### MORE ONLINE

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

[www.wabarnews.org](http://www.wabarnews.org)

Counsel; and 6) failing to provide the client with a written accounting upon request.

Decision document: Resignation Form of Terence Kain Wong ELC 9.3(b).

## Suspended

**D. Michael Hatch** (WSBA No. 40410, admitted 2008) of Port Angeles, was suspended for 12 months, effective 11/27/2025, by order of the Washington Supreme Court. Amanda Lee and Nate Blanchard acted as disciplinary counsel. D. Michael Hatch represented themselves. Pilar L. Tirado Murray was the settlement hearing officer. Timothy J. O'Connell was the hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.2 (Scope of Representation and Allocation of Authority Between Client and Lawyer) and 8.4(j) (Violate a Court Order).

Hatch stipulated to suspension for: 1) purporting to act as a lawyer for a former client after the representation had ended, knowing that the person was prohibited by court order from appointing someone to act on their behalf and/or that the respondent had not petitioned the court for appointment; 2) filing pleadings and notices of appeal after issuance of a court order prohibiting any representation of the former client without court authority and failing to obtain that authority.

Decision documents: Disciplinary Board Order Approving Stipulation; Stipulation to Suspension; and Washington Supreme Court Order.

**Roger Edwin Hawkes** (WSBA No. 5173, admitted 1973) of Sultan, was suspended for 30 months, effective 12/18/2025, by order of the Washington Supreme Court. Sachia Stonefeld Powell acted as disciplinary counsel. Roger Edwin Hawkes represented

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Whistleblowers	Insurance Bad Faith

# APPEALS

AND EMBEDDED APPELLATE COUNSEL

Jason W. Anderson	James E. Lobsenz
Ashley D. Burman	Gregory M. Miller
Nicholas A. Carlson	Isaac C. Prevost
Linda B. Clapham	Sidney C. Tribe
Rory D. Cosgrove	

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themselves. Pilar L. Tirado Murray was the hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.15A (Safeguarding Property) and 1.3 (Diligence).

The hearing officer recommended, and the court ordered, that Hawkes be suspended from the practice of law in Washington state for 30 months, with reinstatement conditioned on the payment of a restitution.

Roger Edwin Hawkes was found to have violated the Rules of Professional Conduct by: (1) holding a client's former partner's funds in trust for over two years in connection with a matter involving the distribution of assets from a committed intimate relationship, without providing a written annual accounting of those funds; (2) failing to deposit the funds into a separate interest-bearing trust account or a pooled interest-bearing trust account with appropriate sub-accounting; and (3) failing to promptly pay or deliver the funds to which the person was entitled for.

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

**Jeffery Aaron Rank** (WSBA No. 58098 admitted 2021) of Enumclaw, was suspended for 30 months, effective 12/05/2022, with the entire suspension stayed based on their successful completion of the two-year and six-month term of probation in Texas, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Texas.

For more information, see [https://www.texasbar.com/AM/Template.cfm?Section=Find\\_A\\_Lawyer&template=/Customsource/MemberDirectory/Sanction.cfm&JWID=6154521](https://www.texasbar.com/AM/Template.cfm?Section=Find_A_Lawyer&template=/Customsource/MemberDirectory/Sanction.cfm&JWID=6154521). Henry Cruz acted as disciplinary counsel. Jeffery Aaron Rank represented themselves.

Decision document: The Washington Supreme Court Order.

**James E. Shadduck** (WSBA No. 22366 admitted 1992) of Portland, OR, was suspended for 60 days, effective 12/18/2025, by order of the Washington Supreme Court

### Petition For Reinstatement

A petition for reinstatement after disbarment has been filed by **Paul S. Ritchie** (WSBA No. 17894), who was admitted in 1988 and disbarred in 1994. A hearing on Ritchie's petition is scheduled to be conducted before the Character and Fitness Board on Friday, March 20, 2026. Anyone wishing to do so may file with the Character and Fitness Board a written statement for or against reinstatement, setting forth factual matters to demonstrate that the petition does or does not meet the requirements of Washington Supreme Court Admission and Practice Rule (APR) 25.5(a). Except by the Character and Fitness Board's leave, no person other than the petitioner or petitioner's counsel shall be heard orally by the Board. Communications to the Character and Fitness Board should be sent to Counsel to the Character and Fitness Board, Washington State Bar Association, at [OGC@wsba.org](mailto:OGC@wsba.org) on or prior to the date of the hearing pursuant to APR 25.4(b). This notice is published pursuant to APR 25.4(a).

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/2025/SHADDUCKJamesE24-02and24-57.pdf](https://www.osbar.org/_docs/dbreport/2025/SHADDUCKJamesE24-02and24-57.pdf). Henry Cruz acted as disciplinary counsel. James E. Shadduck represented themselves.

Decision document: The Washington Supreme Court Order.

### Reprimanded

**Karan Veer Phambota** (WSBA No. 55628, admitted 2019) of Mukilteo, was reprimanded, effective 11/03/2025, by order of the chief hearing officer. Claire Carden acted as disciplinary counsel. Karan Veer Phambota represented themselves.

The lawyer's conduct violated the following Rules of Professional Conduct: 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), 8.4(d) (Prejudicial to the Admin of Justice), and 8.4(e) (Improperly Influence Govt Agency/Official).

Phambota stipulated to reprimand for falsely claiming to be a Snohomish County prosecuting attorney to law enforcement officers.

Decision documents: Order Approving Stipulation to Reprimand; Stipulation to

Reprimand; and Notice of Reprimand.

**Rory Brian Riley** (WSBA No. 53300 admitted 2018) of Scottsdale, AZ, was reprimanded, effective 12/01/2025, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Arizona.

For more information, see <https://www.azcourts.gov/Portals/0/101/2025/RILEY%20PDJ%202025-9031%20bar%20no%20032933.pdf?ver=lryE7UWowJlsaJETNXXRWiQ%3D%3D>. Henry Cruz acted as disciplinary counsel. Rory Brian Riley represented themselves.

Decision document: The Washington Supreme Court Order.

### Transfer to Disability Inactive Status

**Linda Beryl Lee** (WSBA No. 10762, admitted 1980) of Lakewood, was transferred to disability inactive status, effective 8/12/2025. A hearing officer recommended, and the Disciplinary Board ordered, that Linda Beryl Lee be transferred to disability inactive status following a hearing. **This is not a disciplinary action.** 

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# ANTOINE SMITH

*Georgetown University Law Center,  
Juris Doctor (2020)*

Associate

Schwabe welcomes associate Antoine Smith to its Seattle office as part of the Healthcare and Life Sciences industry group. Antoine is a litigator specializing in commercial tax, insurance coverage and casualty-related matters within the healthcare sector. He also represents clients in regulatory and licensure matters before state and federal boards and agencies. With his Master of Laws in Taxation, Antoine also assists with a wide array of tax-related disputes.

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LAWYER ANNOUNCEMENT



# MATT WOJCIK

*Northwestern School of Law of Lewis &  
Clark College, Juris Doctor*

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Schwabe welcomes Shareholder Matt Wojcik to the Seattle office as part of the Healthcare and Life Sciences industry group. With over 25 years of experience and a strong medical background, Matt is a seasoned litigator with expertise in handling complex, high-stakes cases that demand strategic defense and informed risk assessment. He guides cases from inception to resolution, providing clients with practical, effective solutions in state, federal, and tribal courts across the Pacific Northwest.

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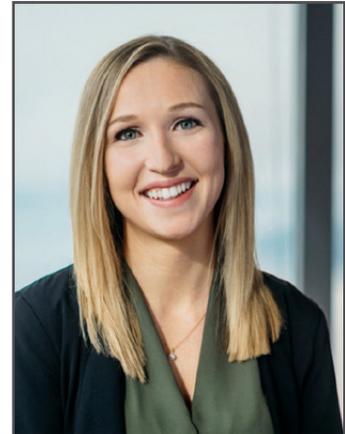
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MONTGOMERY PURDUE PLLC is pleased to announce that **Kaitlyn K. Perez** has been named a Partner.

Kaitlyn K. Perez has been named a Partner at Montgomery Purdue PLLC, a downtown Seattle law firm. Kaity's practice focuses on estate planning, estate administration, and tax planning. She also assists with related real estate transactions, entity formations, and business planning matters. Kaity is a remarkable attorney who is deeply committed to helping clients craft plans that align with their goals, while consistently delivering excellence in her legal work.



**Congratulations, Kaity, on this well-earned accomplishment!**

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**Keller Rohrback is thrilled to announce that Natida Sribhibhadh has been promoted to partner**

A leader in the firm's nationally recognized Complex Litigation Group, she fiercely advocates for those harmed by corporate wrongdoing and represents thousands of survivors of utility-caused wildfires nationwide. Congratulations, Natida!

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# Alison DeGregorio

BAR NUMBER: 50085

I am a transactional attorney, with a focus on intellectual property, technology transactions, marketing, and general commercial engagements. I started my career in law firms in New York City and moved west for an in-house counsel position. I have been self-employed for many years, working for large corporations.

### Did you end up practicing in the area of law you expected? If not, where did you end up and why?

No. I thought I would be a litigator, but I quickly fell into being a transactional lawyer. My father was a successful creative director at large ad agencies in New York City. When I graduated from law school, he connected me with his attorney, a senior partner at an advertising law firm, to help me network. Within a couple of months, this lawyer passed my résumé onto a colleague at a firm that specializes in advertising law. I interviewed, got the job, and thus went my career.

### What is the biggest regret of your career?

I would have loved to work as a federal prosecutor, but my career went in the direction of transactional work early on.

### What is your biggest success?

My biggest success is that I have been self-employed as a solo practitioner for 13 years, which has given me the flexibility to be present for my three children. I have been actively engaged as a professional while being a role model for my children on how to balance having a career and family (albeit if that balance occasionally teeters precariously).

### Have you had a pro bono or other volunteer experience that resonated with you? If so, please describe.

When I was at Latham & Watkins in New York, I did pro bono work under the Violence Against Women Act (VAWA) to help women who were the victims of domestic violence apply to be lawful permanent residents of the United States. We had one client, from Poland, who had been separated from her daughter since her daughter was about three. After years of working on this client's application, she and her daughter were finally reunited when the client became a lawful permanent resident. She emailed me to thank me and sent me pictures of her hugging her daughter. It is one of the most memorable moments of my career.

### How would you be earning a living if you weren't a lawyer?

I would be a writer or an English professor, or an actress. **BN**

If you had to give a 10-minute presentation on one topic other than the law, what would it be and why? I would present on spiritual practices and the interconnectedness of religion, positive thinking, magic, and manifestation.

What is one thing from your childhood that you would bring back if you could? Life without cell phones. The internet is great, but having a portable laptop in your pocket is too distracting.

What is the most unusual job you've ever had? When I was 13, I worked in a butcher shop in Brooklyn. I cut up a lot of chicken.

Who is your favorite writer? Toni Morrison or Charles Baxter.

What's your go-to karaoke song? "Heartache Tonight" by The Eagles.

What's the best place you've ever traveled to? Italy.

What is the best movie you've ever seen? Probably *The Wizard of Oz*. Over 80 years later, it still holds up—the acting, the special effects, the music, and ... the scariness of Margaret Hamilton!

What is one thing your colleagues may not know about you? I'm a published clue submitter for the *New York Times* Spelling Bee.



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