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WASHINGTON STATE
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THE OFFICIAL PUBLICATION OF THE WASHINGTON STATE BAR ASSOCIATION

Trust Account Mistakes: Your Questions Asked and Answered

Q&A with the WSBA's practice management advisor / **p. 22**



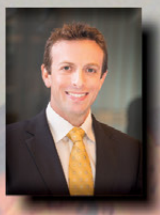
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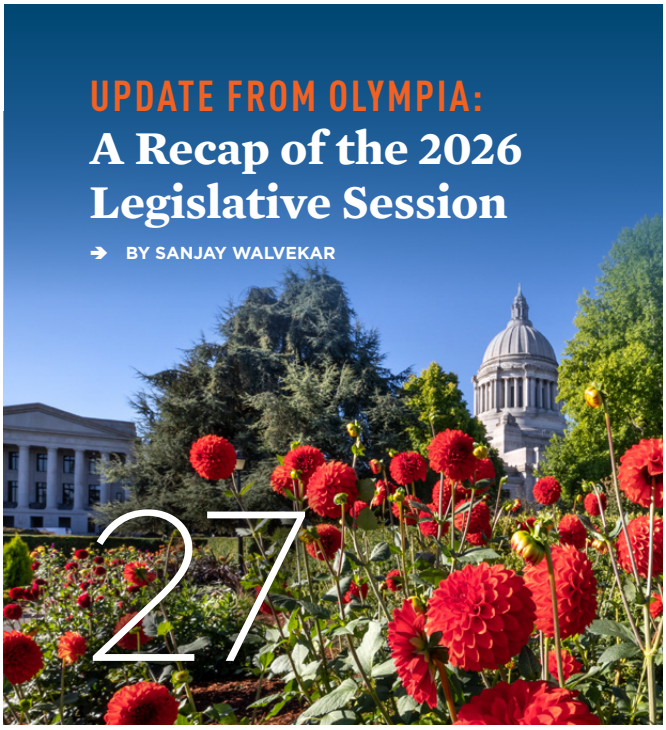
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CALLOUT TO READERS

Answer Our Q&A

If you'd like to see yourself on the last page of an issue of *Bar News*, let us know! We would love to send you a questionnaire. **wabarnews@wsba.org**.

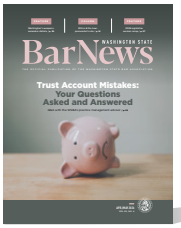
Editor's Note

Tips to Prevent IOLTA Mistakes

Each year, the WSBA publishes details about its discipline system and discipline statistics from the prior year (see next month's magazine for the 2025 report). In 2024, about 10 percent of cited ethics rule violations involved IOLTA account overdrafts or other issues related to account record keeping and safeguarding client property. This month, the WSBA's practice management advisor, Margeaux Green, offers some practical tips to help legal professionals avoid common pitfalls associated with IOLTA account management. Green asks a series of questions, including, "What do I do if I have funds in my account that I can't identify?" "Do I have to keep a 'check register' even if I don't write checks?" "Am I allowed to accept credit card deposits into my trust account?" Find the answers to these questions, along with scenarios in which lawyers regularly run into problems, on page 22.

Also in this issue, a recap of the 2026 Washington legislative session (page 27); clarification around the state's weapons-surrender statute (page 30); a look at Judges for Justice, a group of retired local judges who help overturn wrongful convictions (page 36); a spotlight on longtime WSBA volunteer Ann Guinn (page 40); an ethics column on RPC 3.8 and the special responsibilities of prosecutors (page 14); and a Q&A with MAMA Seattle President Darcel Lobo (page 20). BN

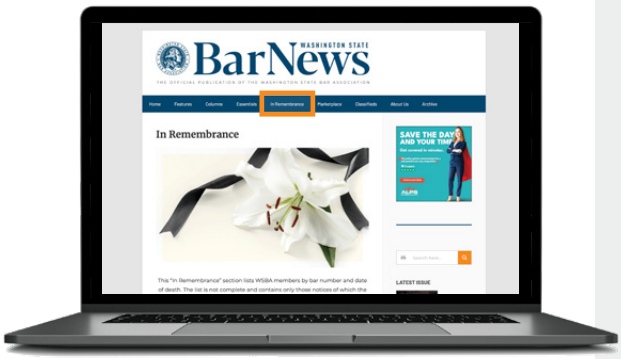
Kirsten Lacko is the editor of *Washington State Bar News* and can be reached at kirstenl@wsba.org.



ON THE COVER
Photo illustration © Getty/marchmeena29

EXPANDED IN REMEMBRANCE SECTION ONLINE

Longer obituaries for recently deceased WSBA members are now available online at **wabarnews.org/in-remembrance/**.



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

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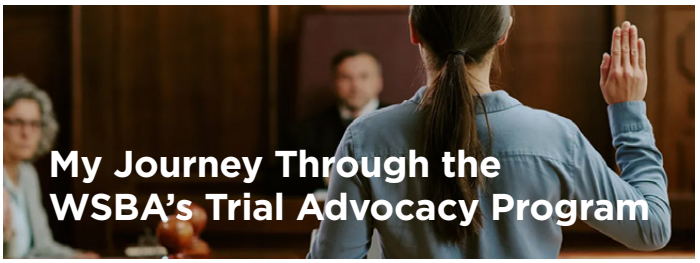
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There's More on the Blog

NW Sidebar

THE VOICES OF WASHINGTON'S LEGAL COMMUNITY



My Journey Through the WSBA's Trial Advocacy Program



BY FABIOLA JIMENEZ

A few years ago, I was burning out in my legal career. Picking myself up from burnout meant that there was nowhere to go but up. My recovery led me to realign and repurpose—a last ditch Hail Mary to stop me from leaving a [...]

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How Should Lawyers Handle Disputed Trust Account Funds?



BY SANDRA SCHILLING



Disputes over trust account funds can be a challenge for lawyers, requiring careful navigation of ethical and legal obligations. What happens when a parent pays for a child's [...]

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New Oregon State Bar Opinion on Using AI Agents for Client Intake



BY MARK J. FUCILE



In February, the Oregon State Bar issued Formal Opinion 2026-208, allowing law firms to use autonomous AI for client intake with qualifications. Lawyers must understand [...]

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A NOTE FROM THE WSBA EXECUTIVE DIRECTOR

Take the Pledge to Connect With Schools on Law Day 2026

To borrow from my 14-year-old's vernacular, Law Day 2025 was epic. Help us make Law Day 2026 epic-er(?) by making a pledge to connect with your local schools and students, and we will help you with all the logistics.

Law Day is held annually on May 1 in the United States, stretching back to its establishment in 1958 by President Dwight Eisenhower to honor the rule of law based on principles of liberty, justice, and equality. In that spirit, the WSBA launched its Rule of Law Ambassador Program last Law Day, with almost 2,000 legal professionals across the state—from Bellingham to Vancouver, Kelso to Colville, and everywhere in between—who stood in courtrooms and on courthouse steps, raising their hands and recommitting to their professional oath. In so doing, we sent a message to all Washingtonians: While Americans are feeling more divided than ever, the legal community is united around the rule of law and continually striving toward its promise—that the same laws apply to everyone, that everyone is treated equally under the law, and that human rights are guaranteed to all.

It was a powerful day, one that made me proud to be a lawyer. And since then, *you* have made the Rule of Law Ambassador Program a responsive and resourceful initiative. *You* have told us what you needed to build trust and spread accurate information about the legal system in your community; and *you* have shown up to learn and gather more tools to be a legal ambassador.

Here is a snapshot of what we have done so far. We have:

- **Created** a series of CLEs to help legal ambassadors understand and be community resources about hot topics in the law, including constitutional powers and immigration enforcement;
- **Launched** a statewide tour (13 stops and counting!) in partnership with county bar associations—called Speak Up for Justice Washington!—to equip legal professionals with tools to support judges, who are sounding the alarm about unprecedented violence and attacks on the independence of their courts;
- **Teamed** with the University of Washington's Center for an Informed Public (CIP) to develop a research cohort to map and understand sources of mis- and disinformation about the legal system; and
- **Partnered** with the Administrative Office of the Courts (AOC) to establish the Lawyers in the Classroom program, complete with ready-to-go civics lessons for legal professionals to use in classrooms.



Terra Nevitt

WSBA Executive Director

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

It's that last effort we are going to focus on for Law Day 2026—our future legal and civic leaders. As we have traveled across the state, we've discovered a ubiquitous pair of beliefs among legal colleagues. First, no matter what our political association or geographic location, we are deeply concerned about the epidemic of civic cynicism[1] and declining trust in courts[2] because, as our rules of professional ethics remind us, "legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority;"[3]—that is, when we stop trusting in and deferring to the rule of law as a society, it simply ... goes away. Second, we have heard, again and again, that one of the most direct, joyful, and effective things an individual legal professional can do to change this trend is to get into a classroom and connect with students.

As U.S. District Judge John Coughenour tells colleagues on our Speak Up for Justice Washington! tour, there are two things in life that he never refuses: A grandchild's request to buy something in a bookstore ... and a teacher's request to come speak to students.

It's tempting to get stuck in a morass of anxiety watching the news and thinking about the growing chasms of disregard for U.S. institutions and basic human compassion. Then I consider my children and their friends, and it provides hope, meaning, and motivation as I remember that it's the next generation who is going to carry our nation forward to a better future—if we prepare them. We all know the ancient proverb about what it takes to raise a child, and we need entire villages, now more than ever, to wrap around our young people.

So this Law Day, we are launching an initiative as part of our ambassador program

As we approach Constitution Day next September, we want to start an annual tradition of partnership between local schools and the legal community.

LEARN MORE

The WSBA is launching a 2026 Law Day (May 1) initiative with an emphasis on connecting legal professionals and local schools to help the next generation of leaders understand and build upon the Constitution's promise. Learn more, access the tool kit, and sign up to be a Rule of Law Ambassador at **www.wsba.org/ambassadors**.

that will make it easy for legal practitioners to show up and help local students learn about the Constitution—to understand their civic power and to dream about what this nation will look like under their leadership. We will celebrate our nation's 250th anniversary in July, and we need our children to be invested in and ready to chart the next 250 years of history. As we approach Constitution Day next September, we want to start an annual tradition of partnership between local schools and the legal community; it's one of a lawyer's most basic professional responsibilities to uphold and support our nation's founding document, and there is no better way to do that than to instill knowledge and passion into the next generation of leaders.

Just as importantly, we know that seeds are planted when school children meet and engage with legal professionals. They begin to think, "*They look like me, they care about me—maybe I can do what they do when I grow up.*" Those seeds take root and grow, moving us toward our access-to-justice goal of expanding the legal profession until it represents all the people it's trusted with serving.

Are you interested? It's easy, I promise. Just take the pledge on Law Day and we will help you with the rest. Sign up for more information via ambassadors@wsba.org and log on to **www.wsba.org/ambassadors** on May 1. BN

NOTES

1. www.norc.org/content/dam/norc-org/pdf2024/lsu-report.pdf.
2. https://news.gallup.com/poll/653897/americans-pass-judgment-courts.aspx.
3. www.courts.wa.gov/court_rules/pdf/RPC/GA_RPC_PREAMBLEANDSCOPE.pdf.





Federal Congressional Funding for the Justice System and Protecting Our Impartial Courts

"If one really wishes to know how justice is administered in a country, one does not question the policemen, the lawyers, the judges, or the protected members of the middle class. One goes to the unprotected—those, precisely, who need the law's protection most!—and listens to their testimony."
—James Baldwin, *No Name in the Street*

One of the principal tasks of state bar presidents all over the country is to go to Congress annually to advocate for funding for legal aid and the justice system. This year's ABA Day (from March 24-26) was well attended, and my unscientific poll of bar leaders showed that, for most, the highest concern is for protecting our impartial courts and funding for the Legal Services Corporation. I want to thank our Washington state congressional delegation, from both sides of the aisle, for receiving us and listening to our advocacy on behalf of those who need the law's protection most. This year, I had the opportunity to walk through the halls of Congress and meet with state congressional leaders and their staff. Senators Patty Murray and Maria Cantwell were most gracious. They not only received us, but they also listened to our impassioned plea on behalf of their constituents who need legal protection. We also met with the staff of representatives including Pramila Jayapal, Marilyn Strickland, Emily Randall, Marie Gluesenkamp Perez, Adam Smith, and Kim Schrier.

The highlight of this year's congressional outreach was the reception in honor of Washington's retiring congressional leader, Rep. Dan Newhouse. Rep. Newhouse told us he has not always been a supporter of civil legal aid. We all have past WSBA President Bill Pickett to thank for making him a believer in this good cause. Below is a short report on our efforts in Washington, D.C., including extracts from the ABA Governmental Affairs Office outreach materials.



Francis A. Adewale
WSBA President

Francis A. Adewale is the 2025-2026 WSBA president. He can be reached at francisadewalebog@gmail.com.

BACKGROUND

A cornerstone principle of our U.S. Constitution is a fair and impartial judiciary where judges can issue decisions based on the facts of the case without fear of reprisal or physical harm. This principle is applicable to both federal and state courts. State court judicial officers, together with court staff, handle cases concerning complicated problems ranging from child custody disputes, mental health, loss of housing, and denial of financial aid. I served as public defender at our Spokane Regional Mental Health Court and saw the challenges families go through to keep their family members experiencing mental health issues on the straight-and-narrow path to health and wellness. I have also served as public defender at our Spokane Municipal Community Court for more than 15 years. In these two therapeutic courts, I have never seen anyone make a threat of violence or harm toward the judiciary or staff of courts even though the majority of the participants in these courts deal with mental health issues. They just don't do it. They are more focused on their health and well-being than anything else.

Threats of violence to judges and court staff often come from within our toxic political environment. Most who come before the court understand the judicial process and will either agree with a judge's ruling or seek appellate review. However, in an increasing number of cases in recent times, disgruntled litigants threaten and even try to physically harm judges and their family members, as well as court staff. I believe that these sentiments arise from those who have found comfort in hearing from political leaders who stoke divisions and hatred.

In an increasing number of cases ... disgruntled litigants threaten and even try to physically harm judges and their family members, as well as court staff.

VOICES OF THE HEROES OF JUSTICE

WITH 2025-26 PRESIDENT ADEWALE

LISTEN ONLINE

Join President Francis Adewale in his new podcast series, *Voices of the Heroes of Justice*, as he explores leadership, service, and community impact through candid conversations with heroes of justice from all over Washington.

Discover from podcast guests what influenced their views on the rule of law and legal practice and how they are helping to shape our profession, lifting others up, and continuing to move us toward a more just and inclusive legal system. Learn more at **www.wsba.org/heroes**.

THE PROBLEM

You have heard me and other state bar leaders say that increased threats and violence against state and federal judges are on the rise all over the country. These threats of violence against judges are reported by court officers and relayed to the public through national and local media outlets, but there is no national database to collect, quantify, and assess the threats. Our outreach to our state congressional delegation this year is to establish and fund one for the United States. If we want to monitor and check these threats of violence, we need to get to their roots.

WHY IT MATTERS

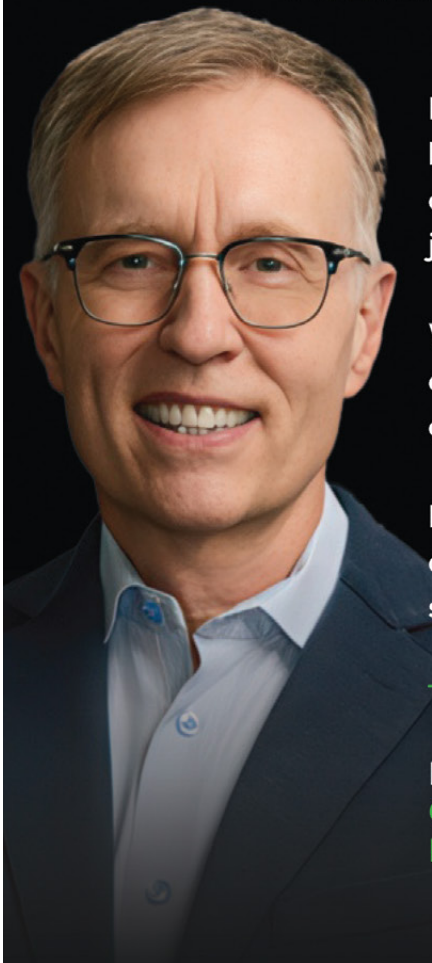
According to the ABA Governmental Affairs Office, a State Judicial Threat

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and Intelligence Resource Center should provide:

- Safety education and training for judicial officers, courts, and local law enforcement.
- Physical security assessments for courts, homes, and other facilities where judicial business is conducted.
- Monitoring of threats to state judges and court staff.
- Standardized incident reporting practices.
- A national database for reporting, tracking, and sharing information, best practices, and analysis of threats.

PENDING LEGISLATION

We are grateful to our two Washington senators for pushing to help pass the Countering Threats and Attacks on our Judges Act by unanimous consent. This bipartisan legislation to create a national database for state judicial threat information to help improve judicial security and the quality of justice in all our state and local courts is before the House of Representatives (HR 4602). It is incumbent upon legal professionals to continue advocating for improved judicial security.

FUNDING THE LEGAL SERVICES CORPORATION

We should all applaud the long-standing support from Congress for the Legal Services Corporation (LSC) and legislators' decision to provide LSC with $540 million for fiscal year 2026, which was a modest 3.6 percent cut from FY 2024 and FY 2025 when it received $560 million. As the ABA Governmental Affairs Office noted, we should all be grateful that "proposals for more significant cuts were not adopted by Congress. It is however in our best interest to urge robust LSC funding in FY 2027 to help Northwest Justice Project meet the growing civil legal needs of low-income Washingtonians."

Your Washington State Bar Association is committed to protecting our judicial system from threats and violence against judicial officers, members of the bar, and court staff. We promise to continue to advocate for justice for all.

Bend the Arc! BN

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.



Justin Bingham
Spokane city prosecutor

My fascination with the law began early. As a child, I devoured anything related to history, government, or legal systems, even when my classmates found those interests a little odd. Still, I felt at home in that world of dense history books and legal treatises. By the fifth grade, I had already announced that I would become a lawyer, and from that moment forward I pursued that goal with unwavering focus. Looking back, that determination served me well. While science and mathematics never came naturally to me, communication did, and that strength ultimately carried me into the profession I had dreamed of for so long.

Despite how straightforward my path may appear, it was anything but simple. I grew up in rural Tennessee, a place where racism, discrimination, and poverty were woven into daily life. For much of my childhood, I was naïve to the realities faced by people of color and those living in deep poverty. That changed shortly after my high school graduation, when a single, unexpected encounter reshaped my understanding of fairness, opportunity, and justice. It was my "aha moment," the realization that not everyone begins life with the same advantages, and that my own achievements were shaped, in part, by circumstances I had once taken for granted.

That shift in perspective profoundly influences how I see the world and how I practice law. Fairness and empathy are not abstract ideals to me; they are essential components of meaningful advocacy. Lawyers hold tremendous power to shape outcomes that affect people's lives. Approaching each case with kindness, humility, and an appreciation for every client's story is, in my view, fundamental to ensuring justice is truly served. The world is rarely black and white. Lawyers help illuminate the nuance, context, and humanity that exist in every situation, ensuring that every person has the opportunity to be heard.

In many ways, I am still that curious kid who loved history and found inspiration in the law. Becoming a lawyer remains one of the greatest honors of my life, and I am grateful that the determined fifth-grader from rural Tennessee never let go of his dream! BN

Fairness and empathy are not abstract ideals to me; they are essential components of meaningful advocacy.



Osborn Machler & Neff welcomes

Roger Rogoff

We are pleased to welcome Roger Rogoff to Osborn Machler & Neff as of counsel. Roger brings decades of trial experience, including service as a King County Superior Court judge and as a prosecutor in both the U.S. Attorney's Office and the King County Prosecuting Attorney's Office. His courtroom insight and seasoned judgment strengthen our ability to advocate for clients at the highest level.

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Ken Brewe reviews and prepares marital agreements and has served as an expert witness involving prenuptial agreements in litigation. He speaks regularly on the subject and authored the *Washington Practice* chapter on prenuptials. We can help draft, review or critique your prenuptial or postnuptial agreements.

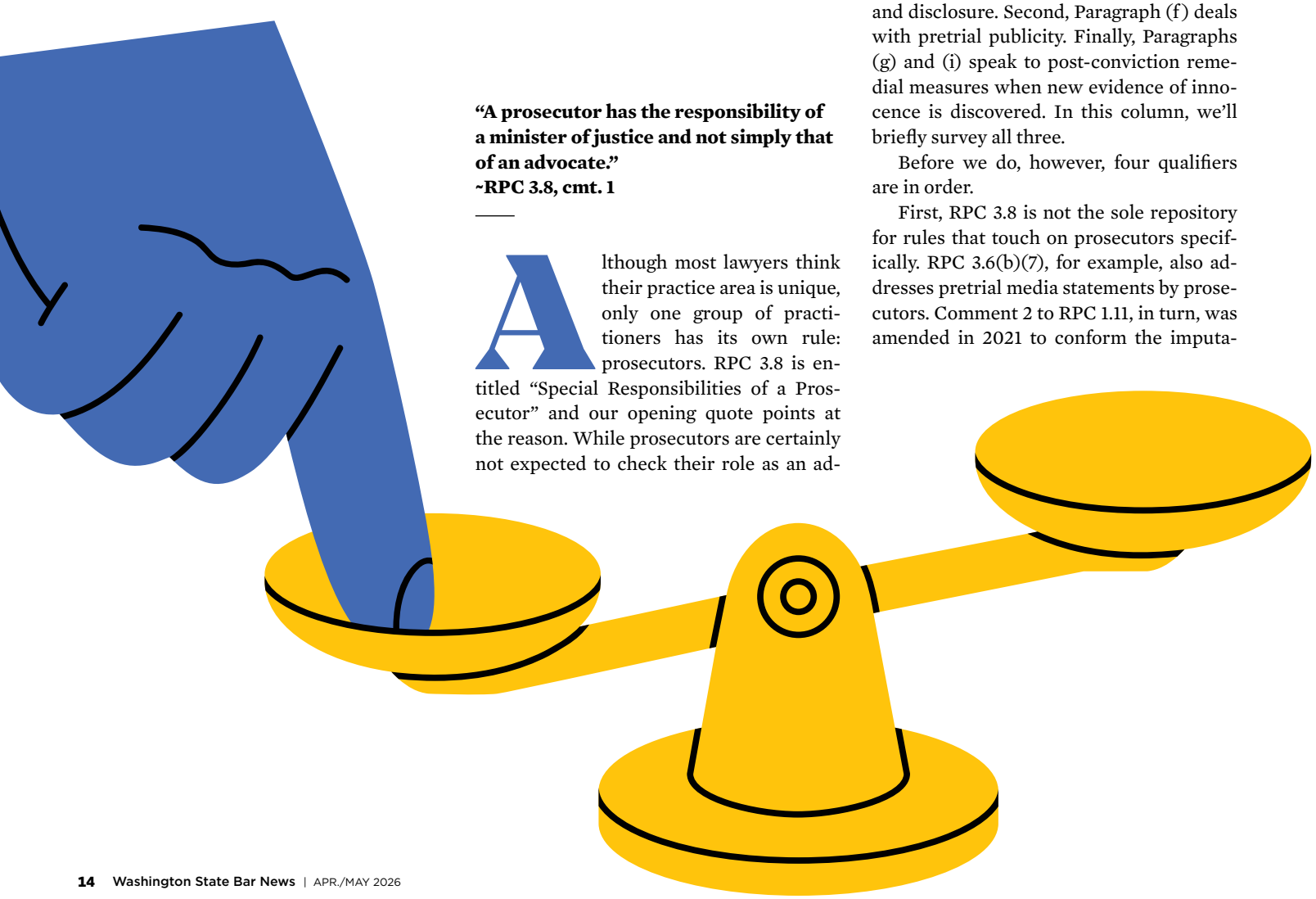
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DOING JUSTICE:

RPC 3.8 and the Special Responsibilities of Prosecutors

BY MARK J. FUCILE



"A prosecutor has the responsibility of a minister of justice and not simply that of an advocate."
~RPC 3.8, cmt. 1

Although most lawyers think their practice area is unique, only one group of practitioners has its own rule: prosecutors. RPC 3.8 is entitled "Special Responsibilities of a Prosecutor" and our opening quote points at the reason. While prosecutors are certainly not expected to check their role as an advocate at the courtroom door,[1] Comment 1 to RPC 3.8 elaborates on the central role of prosecutors in our system of justice: "This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence."[2] Washington is by no means unique in this regard.

The Washington rule is patterned on its ABA Model Rule counterpart and traces its lineage to Canon 5 in the original ABA Canons of Professional Ethics adopted in 1908.[3] The rule also echoes longstanding guidance from the courts, with, for example, the United States Supreme Court noting that a prosecutor "is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer."[4]

Put broadly, RPC 3.8 breaks down into three primary areas. First, Paragraphs (a) through (e) address charging, investigation, and disclosure. Second, Paragraph (f) deals with pretrial publicity. Finally, Paragraphs (g) and (i) speak to post-conviction remedial measures when new evidence of innocence is discovered. In this column, we'll briefly survey all three.

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

First, RPC 3.8 is not the sole repository for rules that touch on prosecutors specifically. RPC 3.6(b)(7), for example, also addresses pretrial media statements by prosecutors. Comment 2 to RPC 1.11, in turn, was amended in 2021 to conform the imputa-

tion of an elected prosecutor's former client conflicts under that rule to the Washington Supreme Court's decision in *State v. Nickels*, 195 Wn.2d 132, 456 P.3d 795 (2020).[5] Today, however, we'll focus on RPC 3.8.[6]

Second, prosecutors work for the government and other rules apply to government lawyers generally—such as newly adopted RPC 1.7(c) that addresses conflicts when a governmental legal department is required by statute or other law to represent agencies within a governmental entity that may be adverse.[7] Here, we'll focus on the role of prosecutors under RPC 3.8 rather than broader considerations applicable to government lawyers generally.[8]

Third, "prosecutor" is a defined term under RCW Chapter 36.27. Under RCW 36.27.020, the duties of a prosecuting attorney in Washington include (among other things) both criminal and civil litigation. Because RPC 3.8 is focused on criminal prosecution, we'll take that same approach here.

Finally, while RPC 3.8 is specific to prosecutors, the other RPCs also apply.[9] Again, today we'll focus on RPC 3.8.

CHARGING, INVESTIGATION, AND DISCLOSURE

RPC 3.8(a) through (e) address pretrial areas that broadly reflect procedural rights protected by constitutional law, court decisions, and court rules.[10] Although the rights highlighted by RPC 3.8(a)-(e) are central to the criminal justice system, these provisions do not claim to reflect all procedural rights afforded criminal defendants.[11] Similarly, because these elements of RPC 3.8 mirror underlying procedural rights, those rights are typically enforced directly rather than through either citation to RPC 3.8 or through the disciplinary system.[12] In other words, if an accused isn't informed of their right to counsel and an incriminating statement results, the admissibility of the statement will likely be litigated in the criminal proceeding as a motion to suppress under *Miranda*[13] rather than as an asserted violation of RPC 3.8(b). That said, the "special responsibilities" of prosecutors included in RPC 3.8 reflect the unique—and uniquely powerful—role prosecutors play in our system.

RPC 3.8(a) requires that a prosecutor "refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause[.]"[14] RPC 3.8(b) and (c), address, respectively, a prosecutor's duties to assure that an accused has been advised of the right to counsel and to not seek waiver of important pretrial rights from an unrepresented accused.[15] RPC 3.8(d) broadly reflects the obligation under *Brady* to disclose known evidence that "tends to negate the guilt of the accused or mitigates the offense[.]"[16] RPC 3.8(e) generally prohibits a prosecutor subpoenaing a lawyer "to present evidence about a past or present client" unless the prosecutor "reasonably believes" that the information is not protected by privilege, is essential to an ongoing investigation or prosecution, and cannot be obtained in any other way.[17]

The 'special responsibilities' of prosecutors included in RPC 3.8 reflect the unique—and uniquely powerful—role prosecutors play in our system.

PRETRIAL PUBLICITY

RPC 3.8(f) generally prohibits a prosecutor from "making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused[.]" Under that same provision, prosecutors must also "exercise reasonable care" to prevent investigators and other law enforcement personnel "assisting or associated with the prosecutor in a criminal case" from making such statements. Comment 5 to RPC 3.8 explains that "[p]aragraph (f) supplements Rule 3.6, which prohibits extrajudicial statements that have a substantial likelihood of prejudicing an adjudicatory proceeding."[18] Comment 6 to RPC 3.8, in turn, underscores that prosecutors have a duty under RPC 5.1 and 5.3 to supervise, respectively, public statements by lawyers and non-lawyer staff working with them.[19] Comment 6 tempers this somewhat in practical recognition that law enforcement personnel often do not work directly for a prosecutor by noting that "[o]rdinarily, the reasonable care standard will be satisfied if the prosecutor issues the appropriate cautions to law enforcement personnel and other relevant individuals."

POST-CONVICTION REMEDIAL MEASURES

Reflecting the increased availability of DNA testing and other sophisticated scientific techniques that in some circumstances either raised substantial questions about convictions or exonerated defendants outright following convictions, the ABA in 2008 adopted a pair of amendments to Model Rule 3.8 addressing those circumstances.[20] ABA Model Rule 3.8(g) articulates a duty on the part of prosecutors to disclose newly discovered material evidence "creating a reasonable likelihood that a convicted defendant did not commit an offense of which the defendant was convicted[.]"[21] ABA Model Rule 3.8(h), in turn, requires prosecutors who become of aware of "clear and convincing evidence establishing that a defendant in the prosecutor's jurisdiction was convicted of an offense that the defendant did not commit, the prosecutor shall seek to remedy the conviction."[22]

In 2010, the WSBA proposed adoption of Washington versions closely paralleling their ABA Model Rule counterparts, together with a "safe harbor"—RPC 3.8(i)—that a

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Mark J. Fucile of Fucile & Reising LLP handles professional responsibility and risk management for lawyers, law firms, and legal departments throughout the Northwest. He has chaired the WSBA Committee on Professional Ethics and has served on the Oregon State Bar Legal Ethics Committee. He is also the editor-in-chief of the WSBA *Legal Ethics Deskbook*. He can be reached at 503-860-2163 and mark@frllp.com.

Illustration © Getty/Iryna Pasichnyk

prosecutor's independent judgment made in good faith excused a violation of the new provisions even if that judgment was later found to be wrong.[23] The Supreme Court adopted RPC 3.8(g) and (i) but not (h)—leaving the latter listed as "Reserved."[24]

SUMMING UP

Lawyers in private practice routinely handle cases that are of great personal and economic import to the clients involved. Prosecutors, however, operate in a different arena than private litigants. Professor Brooks Holland neatly summarized this difference—and the reason for a special rule—in his chapter on criminal practice in the WSBA *Legal Ethics Deskbook*:

> The cost of ... [a prosecutor's] judgment when exercised wrongly can be the imposition of unjust punishment, including conviction of an innocent person. Nevertheless, the law often defers to a prosecutor's internal judgments in defining and pursuing the People's objectives, with the political process acting as the chief control on this judgment. But, ... Washington [RPC 3.8] ... externally reinforce[s] the People's objectives with ethics rules to ensure that "justice" is uniformly defined and pursued.[25] BN

NOTES

1. *See* State v. Orozco, 144 Wn. App. 17, 20, 186 P.3d 1078 (2008) ("[A] prosecutor has no duty of impartiality under RPC 3.8.").
2. Citing the predecessors to RPC 3.8 and parallel Washington case law, the Court of Appeals in State v. Finnegan, 6 Wn. App. 612, 619 n.6, 495 P.2d 674 (1972), observed: "It has long been established prosecuting attorneys of this state are quasi-judicial officers and have the duty to see that one accused of a crime is given a fair trial." *See also* State v. Gibson, 75 Wn.2d 174, 176, 449 P.2d 692 (1969) (describing the role of a prosecutor in similar terms).
3. *See generally* State v. Finnegan, *supra*, 6 Wn. App. at 619 n.6 (citing the Washington versions of Canon 5 and CPR DR 7-103). ABA Canon 5 framed the duty of a prosecutor as "to see that justice is done." *See also* ABA Formal Op. 150 at 2 (1936) (discussing ABA Canon 5). ABA Code of Professional Responsibility DR 7-103 replaced Canon 5 in 1970. ABA Model Rule 3.8, in turn, replaced DR 7-103 in 1983. *See generally* ABA, *A Legislative History: The Development of the ABA Model Rules of Professional Conduct, 1982-2013* at 525, 529 (2013) (ABA Legislative History). Washington adopted RPC 3.8 in 1985. *See generally* Robert H. Aronson, "An Overview of the Law of Professional Responsibility: The Rules of Professional Conduct Annotated and Analyzed," 61 *Wash. L. Rev.* 823, 874-75 (1986) (discussing the adoption of, in relevant part, Washington RPC 3.8). The Washington rule and associated comments were amended in 2006 to conform to earlier amendments to the corresponding ABA Model Rule. *See* Washington Supreme Court Order 25700-A-851, July 10, 2006 (adopting amendments); WSBA, Reporter's Explanatory Memorandum to the Ethics 2003 Committee's Proposed Rules of Professional Conduct at 49-50 (2004) (explaining amendments). The Washington rule was further amended in 2011. Comment 10 to Washington RPC 3.8 was added in 2015 as a part of a package of amendments addressing practice by limited license legal technicians. *See* Washington Supreme Court Order 25700-A-1096, March 23, 2015.
4. Berger v. United States, 295 U.S. 78, 88, 55 S. Ct. 629, 79 L. Ed. 1314 (1935).
5. *See* Washington Supreme Court Order 25700-A-1337, April 7, 2021). The Supreme Court in *Nickels* held that an elected prosecutor's former client conflicts are generally imputed to the prosecutor's office as a whole.
6. As Comment 1 to RPC 3.8 notes, RPC 3.8 has also been influenced by the ABA Standards Relating to the Prosecution Function. *See generally* Thomas R. Andrews, *The Law of Lawyering in Washington* at 8-33 (2012) (Andrews) (discussing the interplay between Washington RPC 3.8 and the ABA Standards noted).
7. *See* Washington Supreme Court Order 25700-A-1649, July 2, 2025. This order also includes companion amendments to RPCs 1.0B, 1.10, and 1.13.
8. *Cf. Restatement (Third) of the Law Governing Lawyers* § 97 (2000) (addressing governmental lawyers generally). *See also* RPC 1.13, cmt. 9 (addressing role of lawyers representing government agencies).
9. *See, e.g.,* State v. Bland, 90 Wn. App. 677, 953 P.2d 126 (1998) (analyzing the application of the then-current version of the "lawyer-witness" rule, RPC 3.7, to prosecutors' offices).
10. *See generally* Andrews, *supra,* at 8-33 through 8-35 (discussing the underpinnings of Washington RPC 3.8); Bruce A. Green, "Prosecutorial Ethics in Retrospect," 30 *Geo. J. Legal Ethics* 461, 467-74 (2017) (Green) (addressing the development of ABA Model Rule 3.8).
11. *Id.*
12. Andrews, *supra*, at 8-35; Green, *supra*, at 478-79. Running "3.8" through the disciplinary notice search engine on the WSBA website will, as of this writing, produce two results—one from 2000 and one from 2018. The former involved a stipulated suspension for failing to disclose material evidence and the latter involved a stipulated admonition for improper pretrial statements. *See* www.mywsba.org/PersonifyEbusiness/Default.aspx?TabID=1540.
13. Miranda v. Arizona, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed.2d 694 (1966).
14. *See generally* State v. Cameron, 30 Wn. App. 229, 231, 633 P.2d 901 (1981) ("A prosecutor's information must be based on his belief there is good ground to support the allegation.").
15. Agreements under which a prosecutor seeks a release of civil claims arising out of an arrest in conjunction with the dismissal of the charges involved are generally not considered to violate RPC 3.8. *See* WSBA Advisory Op. 1135 (1987) (addressing "release-dismissal" agreements in Washington); ABA, *Annotated Model Rules of Professional Conduct* 475-76 (10th ed. 2023) (ABA Annotated Model Rules) (surveying "release-dismissal" agreements from a national perspective). Further, Comment 2 to RPC 3.8 notes that the prohibition in the rule does not "forbid the lawful questioning of an uncharged suspect who has knowingly waived the rights to counsel and silence."
16. Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1164, 10 L. Ed.2d 215 (1963); *see also* State v. Davila, 184 Wn.2d 55, 357 P.3d 636 (2015) (discussing *Brady*). RPC 3.8(d), like its ABA Model Rule counterpart, also addresses mitigating evidence on sentencing. ABA Formal Opinion 09-454 (2009) points out that Model Rule 3.8(d) is not simply a codification of *Brady* and notes that *Brady* includes a threshold requirement that the evidence involved be "material" while the rule does not.
17. Washington adopted RPC 3.8(e) in 2006. Andrews, *supra*, at 8-35. By that point, the ABA Model Rule provision on which it is based had been amended to eliminate a judicial approval requirement for an applicable subpoena. *Id.*
18. RPC 3.6 was surveyed in this space in the July-August 2025 issue.
19. For a discussion of a prosecutor's supervisory responsibilities generally, *see* ABA Formal Op. 467 (2014).
20. *See generally* ABA Legislative History, *supra*, 535-37 (surveying history of the 2008 amendments); ABA Annotated Model Rules, *supra*, 480 (same).
21. *Id.*
22. *Id.*
23. Andrews, *supra*, 8-37 to 8-39; *see also* GR 9 Cover Sheet to Proposed RPC 3.8(g)-(h) (available on the Washington Courts' rules site at: www.courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplayArchive&ruleId=251).
24. *Id.*
25. Brooks Holland, WSBA *Legal Ethics Deskbook* at 21-3 (2d ed. 2020).



In Memoriam

Lish Whitson

1942-2026

We are deeply saddened by the passing of JAMS Seattle neutral and former civil litigator Lish Whitson on February 11, 2026. Widely respected as a consummate professional who was dedicated to building an ethical legal community, Lish joined JAMS as an arbitrator and mediator in 2023.

Lish's 50-year legal practice included time at the Public Defenders Association, Helsell Fetterman, and his own law firm. He held leadership positions in many legal and non-profit organizations. Lish was honored with the 2025 Lifetime Achievement Award by the American Board of Trial Advocates (ABOTA). He was also named by the King County Bar Association as Outstanding Lawyer of the Year in 2000 for his work representing women seeking insurance coverage for breast cancer treatment.

Lish is survived by his children, Lish Richard and Kimberly, and his sister, Clytie Taylor, as well as his extended family, friends and colleagues.

JAMS was proud to have him on our panel and he will be greatly missed.

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PRO BONO ORGANIZATION OF THE MONTH

In Conversation with Benton Franklin Legal Aid Society (BFLA)

Q&A WITH EXECUTIVE DIRECTOR BARBARA POTTER, HOUSING JUSTICE PROGRAM MANAGER VICTOR BARAJAS, VOLUNTEER ATTORNEY GRANT WRITER MARLA MARVIN, AND VOLUNTEER LLLT MARK VON WEBER

Q. Tell us a bit about the history of your organization. What is your organization's philosophy? Why do you do what you do?
BFLA's mission is to provide legal assistance to qualified low-income individuals who would otherwise be denied access to justice because of their inability to pay for counsel or navigate the legal system. We harness the legal expertise of local attorneys who volunteer their services for free or at a reduced rate. Our philosophy is to advance justice in as many areas of the law as possible.

Our organization is committed to advancing race equity. We recognize racism is systemic and that we have a responsibility to challenge and dismantle it.

We do what we do because we believe in justice for all. We know that competent counsel and a support system can lead to positive outcomes in our complex and challenging legal system. BFLA has strong support from the Benton Franklin County judicial bench, local bar association, and individuals throughout the local legal landscape.

We also like to innovate. When we discovered that many victims of domestic violence were in need of representation in their court hearings, we created the Domestic Violence Attorney Program, or DVAP. We moved from assisting a few clients per year in this practice area to helping about 100 clients per year with a 99 percent success rate in getting long-term protective orders. In addition, BFLA saw a need to prevent evictions and started a pre-eviction Housing Justice Program that works with landlords and tenants to keep people housed. We are now working on creating a Self-Help Center to assist pro se litigants and give new lawyers a chance to volunteer. We are also getting creative in how we might help those facing immigration challenges without gathering in public spaces, which many now fear.

> BFLA has strong support from the Benton Franklin County judicial bench, local bar association, and individuals throughout the local legal landscape.

Q. Where is your organization located? Do volunteers participate remotely, in person, or both?
We are located in Kennewick. Volunteers participate remotely and in person, including meeting clients in off-site locations, law offices, and at the small BFLA office.

Q. Who does your organization serve?
Low-income people and victims of domestic violence regardless of their income level in Benton and Franklin Counties (and occasionally adjacent counties where free legal services are scarce).

Q. What are the biggest barriers your clients face in accessing legal assistance?
Cost, expertise, and availability of counsel are the biggest barriers our clients face. For many of our clients, English is not their first language, so they must overcome language barriers, too.

BFLA works to make our services accessible, including ensuring our clients can find us physically. Our building is

centrally located in the Tri-Cities and is on the bus line. Clients may come to our office any time of the day to pick up or drop off an application in our front door drop box. We also modified our website so it can be read in Spanish to serve the more than 50 percent of our clients who are Hispanic.

Q. What area(s) of law do you provide services in?
BFLA assists our clients with family law, debt relief/bankruptcy, Social Security/disability benefits, wills/powers of attorney, immigration, landlord-tenant disputes, domestic violence protective orders, and adult guardianship.

Q. Does your organization provide training, CLE credit, or other benefits to volunteers?
Yes, BFLA pro bono volunteers are eligible to earn one CLE hour for each hour they volunteer. We also do in-house and online training on various subjects.

Q. Please provide an (anonymous) client story—an example of someone who was helped and how.
This story, written by a BFLA legal technician volunteer, is representative of many we serve at BFLA: Norma is a single mother of a (then) 15-year-old daughter and a 10-year-old son. We first met Norma at our February 2024 Family Law Clinic in Pasco. Norma requested advice on a parenting plan. She and the father of her children had been separated for years, and their son would spend weekends with the father and return to Norma on Sunday night. The father withheld the daughter, allowing Norma to see her for only a couple hours Wednesdays after school, if at all.

The daughter had been living with her aunt and cousin, not her father, for several years. Norma was distraught over missing out on co-parenting, but fearful the father would not let her see her daughter at all if she did anything to upset the status quo. The daughter became more disrespectful toward Norma, misbehaved, began skipping classes, was on her way to dropping out of high school, and needed counseling.

Norma, whose first language is Spanish, was well prepared for the Family Law Clinic, but needed additional documents for a temporary parenting plan. We met twice more before Norma filed her parenting plan. Meanwhile, the relationship between the parties deteriorated to the point where Norma sought an Immediate Temporary Domestic Violence Protection Order (DVPO). BFLA assigned a lawyer from its Domestic Violence Attorney Program (DVAP) who secured a full DVPO for Norma. Once the DVPO was entered, we thought we could turn to the parenting plan. But the aunt filed an Immediate Temporary DVPO on behalf of the daughter against Norma.

Even though Norma seemed insecure and reserved, she insisted on reviewing her pleadings, choosing her words carefully so the court would hear her voice. We prepared our "script" for the DVPO hearing against Norma. As I listened to the hearing via WebEx, I heard a confident *pro se* litigator, speaking in Spanish, with the presence and poise of a mother fighting for the future of her family and children. After a lengthy examination of the parties, the judge denied the DVPO against Norma, which made the now-reconciled mother and daughter cry.

Norma worked out the details of a final parenting plan with the aunt and father prior to the hearing, at which the final documents were approved and entered ahead of the scheduled settlement conference and trial.

I believe in Norma. She worked as a housekeeper as well as an elder assistant, and she fought with a quiet, determined intensity every inch of the way. I helped her with her résumé so she might find better employment and suggested she take an English as a second language class. The daughter is back in school earning top grades again, and Norma is an integral part of her life.

I met with Norma multiple times between February and October 2024, as we prepared for six hearings. BFLA provided legal assistance with positive outcomes in her three cases. Later on, we also learned that Norma had been referred to BFLA in 2021 for an immigration issue and had sought advice from our Housing Justice Program. This is an example of how BFLA successfully provides trusted wraparound services within our community as a one-stop shop.

Q. What does a typical weekly or monthly commitment look like for a volunteer? How many hours? How many clients?
Commitments and number of clients served vary. One

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Barbara Potter has served as the BFLA executive director since 2006. Through her leadership, BFLA has grown from one employee to six, and from a few attorney volunteers to 75-plus.



Victor Barajas is the BFLA Housing Justice Program (HJP) manager. He is bilingual (Spanish) and works closely with our pre-RTC and RTC clients to ensure their housing needs are addressed by our dedicated landlord-tenant lawyers. He is also a certified family law mediator.



Marla Marvin is a retired federal attorney who has volunteered at BFLA since 2024, primarily assisting in grant writing.



Mark Von Weber, LLLT (who wrote Norma's story), is a veteran of the Navy and volunteer with BFLA since 2023.

MORE ONLINE

To learn more about the work done by the Benton Franklin Legal Aid Society (BFLA) and to get involved, visit **https://bflegalaid.org/**.

Illustration © Getty/musalim

In Conversation with Benton Franklin Legal Aid Society (BFLA)

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volunteer legal technician often holds office hours twice a week to meet clients who would otherwise need to wait until the monthly BFLA Family Law Clinic (FLC). A pro bono attorney contributes 5-8 hours per week. Four attorneys volunteer 5-10 hours per week in our family law and domestic violence practice, each assisting 5-10 clients per month. Three attorneys practicing immigration law provide Know Your Rights clinics. A grant-writing attorney volunteers 3-4 hours per week. A retired bankruptcy attorney recently volunteered to provide debtor information clinics to BFLA clients. We have 75-plus volunteers in the local legal community who agree to take individual cases pro bono as needed or support our legal clinics when BFLA's executive director asks, receiving applications for over 3,000 clients a year. In 2025, our DV attorneys provided 283 hours of pro bono work, our LLLT provided over 800 hours, and our regular attorneys with full representation provided over 250 hours.

Q. What do volunteers say they enjoy most about serving clients through your organization or clinic?
Volunteers enjoy the camaraderie and expertise offered by the friendly, knowledgeable, and committed staff of BFLA. They appreciate helping advance justice for clients and their families. They know they are making a difference in their community.

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. We currently have two openings on our board of directors, and we always need attorneys to help with family law, immigration, domestic violence protective orders, and other legal issues. We also use volunteers for fundraising events, outreach, grants, and general support.

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?
Our organization operates to help ensure justice is provided to the economically disadvantaged and otherwise marginalized communities. As the wealth gap widens, those at the bottom of the income bracket need help to assert and affirm their legal rights. We offer legal representation, advice, and support in navigating the system and work to advance racial equity. BN



AFFINITY BAR ASSOCIATION SPOTLIGHT

Mother Attorneys Mentoring Association of Seattle

Q&A with MAMA Seattle President Darcel Lobo

Q. How and when did your bar association get started?
The Mother Attorneys Mentoring Association of Seattle (MAMA Seattle) was founded in 2006 to empower attorney mothers and encourage professional success while celebrating our roles as attorneys and mothers. We are devoted to furthering the interests of mother attorneys in the Seattle area, in Washington, and throughout the nation.

MAMA Seattle is a source of support for attorney mothers—a place where we can network, share experiences, learn from each other, problem solve, and talk about issues we face in a supportive and forward-thinking environment.

Q. What are some of the core goals and/or purposes of your bar association?
The core goal of MAMA Seattle is to support mother attorneys in both their legal careers and their roles as parents. We have thoughtfully designed programming, in which we create opportunities to strengthen professional networks and grow thriving practices. Our offerings include CLEs, networking events (with and without children), leadership development, and meaningful mentorship

connections. We serve mother attorneys across all practice settings—solo practitioners, mid-sized and large-sized firms, in-house counsel, government attorneys, as well as those in non-traditional legal careers.

Q. What need does your bar association fill that is unmet elsewhere?
MAMA Seattle creates a safe space for mother attorneys to share experiences and support each other not just with their careers as attorneys, but also for them as a whole person. There's a lot of juggling that happens as a mother and as an attorney, and we strive to help them excel at both.

We also have our Ladder Down program that we co-sponsor with FDCC (Federation of Defense & Corporate Counsel) which is a year-long business development and leadership training program for select participants. Accepted participants commit to a one-year program in which they will discover their strengths, hone their self-advancement skills, and make important career connections through large and small group sessions and panel presentations led by a combination of experienced coaches/faculty, attorneys, and judges in the Seattle community. The program is open to women from all practice areas and experience levels, including in-house attorneys, government attorneys, and attorneys in private practice. We'll begin accepting applications in the fall, and more can be learned at: **https://mamaseattle.org/programs/ladder-down/**.



Darcel Lobo is the current president of MAMA Seattle. She became a solo attorney in 2016 as a working lawyer mom who was seeking a fulfilling career that would allow her the flexibility she wanted to take care of her family while also continuing to develop her career as an attorney. Since doing so, she has spent a significant amount of time mentoring and coaching other lawyers who are seeking happiness and fulfillment in both their personal and professional lives. She opened her coaching business, DAL Coaching & Consulting, in 2022 to help lawyers build better lives and law firms. She can be reached at darcel@dallawfirm.com.

Q. What are some of the opportunities or benefits that your members receive?
We offer free CLEs for our members, lunch seminars where we focus more on the "mama" side of our lives, networking opportunities, social events for families, and a place where mama attorneys can go to share knowledge and experiences to help support each other.

Q. Does your bar association offer any mentorship or scholarship opportunities?
Yes! It's in our name; we have offered one-on-one mentorship, small groups mentorship opportunities, and are continually expanding to find new ways to approach mentorship in a way that is viable and sustainable for our members.

Q. What is a recent bar association accomplishment, current project, or event that you are excited about?
Since our January annual meeting, our board has been working diligently to bring programming to our members that will best serve them and meet their needs. From virtual events to in-person events, we are ensuring that our members receive significant value and support from our association.

Our Ladder Down committee is hard at work kicking off new events for 2026 to ensure connections with our alum, and to also gear up for an amazing 2027 cohort—make sure to follow us on LinkedIn to stay tuned: **www.linkedin.com/company/mama-seattle/**.

Also, MAMA Seattle was honored in March 2026 for its partnership with Ladder Down and one of our founding members, Rachel Black, received an award for the work she has done for MAMA Seattle and Ladder Down. We're truly grateful to have her as an integral part of our association and the award is well deserved!

Q. How can WSBA members support the work of your affinity bar association?
Our biggest annual event is our Annual Banquet, which will be on Oct. 19, 2026—it's our 20th annual banquet, so save the date now! It's an amazing event where we honor our members, enjoy an amazing lunch, and present our MAMA Seattle's Betty Binns Fletcher Leadership and Justice Award to an individual who has paved the way to success for and has served as an inspiration to other mother attorneys striving to excel in their legal careers while balancing family life and motherhood.

Also, if you are a mama attorney or you know someone who is, please encourage them to join our association. We would love to have them join us!

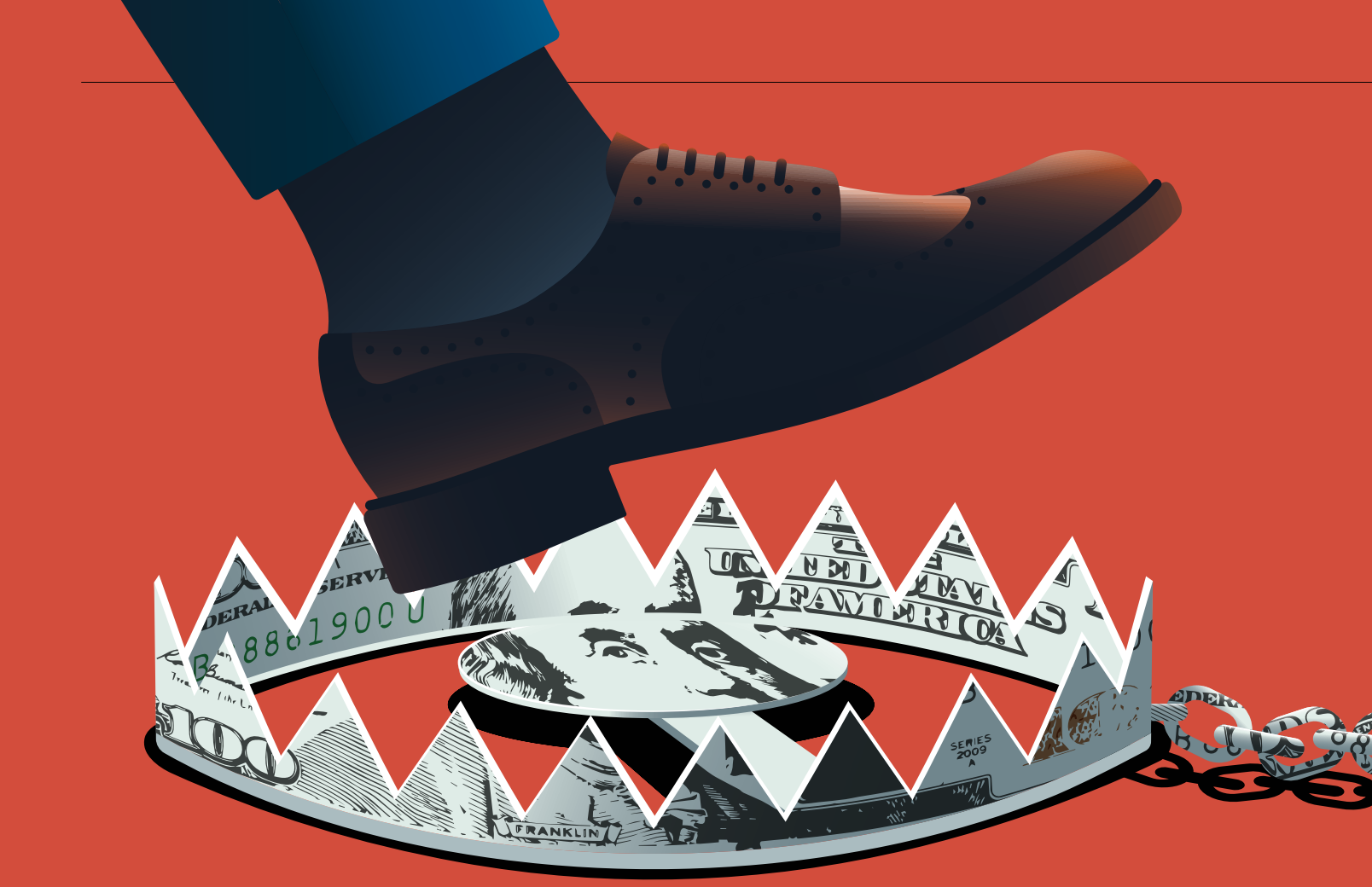
Q. Is there anything else you would like WSBA members to know about your bar association?
On a personal note, I want to share and encourage mama attorneys to join our organization. This is an association for mama attorneys from all career paths, even if you've taken some time off from your career. As a solo, I have found tremendous value in having a safe space to discuss some of the hardships that come with juggling my personal and professional life, and I have met so many amazing mother attorneys who have been supportive and encouraged me in my career.

Also, we will begin accepting applications in the fall for board members to join us in our 2027 year and will also be opening applications for our Ladder Down 2027 cohort this fall as well. If you or someone you know may be interested, please invite them to contact President Darcel Lobo (darcel@dallawfirm.com). BN

There's a lot of juggling that happens as a mother and as an attorney, and MAMA Seattle strives to help them excel at both.

MORE ONLINE

Learn more about Mother Attorneys Mentoring Assoc. of Seattle by visiting **https://mamaseattle.org/.**



COVER STORY

MANAGING CLIENT TRUST ACCOUNTS:

Preventing the Most Common Compliance Failures

BY MARGEAUX GREEN

AI Disclosure: This article was edited with Microsoft Copilot's AI and reviewed for accuracy by Margeaux Green.

For many Washington lawyers, managing a client trust account (IOLTA) is one of the most anxiety-producing aspects of practice. Lawyers regularly describe the responsibility of handling client funds as "heavy," and for good reason. Trust account violations consistently represent a significant portion of disciplinary actions.

According to the 2024 Washington Discipline System Annual Report,[1] trust account overdrafts accounted for approximately 4 percent of grievances filed against attorneys. Violations of Rules of Professional Conduct (RPC) 1.15A and 1.15B, which govern safeguarding client property and required trust account records, together comprised approximately 10 percent of all cited ethics rule violations.

In my role as the Practice Management Advisor at the Washington State Bar Association, in confidential practice management consultations with members and CLE trainings across the state, I see something important: The issue is rarely indifference. Lawyers care deeply about protecting client funds and are highly concerned about complying with the RPCs. But concern alone does not create compliance. Over time, even careful lawyers can fall into practices that do not fully align with the Rules of Professional Conduct, especially when systems are informal, training is inconsistent, and oversight is insufficient.

Certain scenarios arise again and again:

- **Delegation without meaningful oversight.** Trust accounting is assigned to staff or an outside bookkeeper without a regular review process in place. While delegation is permitted, responsibility is not transferable.
- **Procedures exist in theory, not in practice.** Processes may have been created at some point, but they have not been revisited, tested against the RPCs, or consistently followed. Reconciliations are delayed or reviewed casually, if at all.
- **Timing misunderstandings around deposits and disbursements.** Funds are transferred from the trust account to the business operating account immediately after billing. Or advanced fee deposits paid by credit card are deposited into the operating account and then moved to the trust account.
- **Technology without structure.** Software is purchased, but training is minimal, use is optional, and no one is clearly accountable for ensuring that systems are configured to comply with the trust account requirements.

These situations often do not arise from bad intent. Rather, they arise from gaps in documentation, training, supervision, and process. Trust accounting compliance requires repeatable systems, regular review, and clear accountability within a firm.

Lawyers care deeply about protecting client funds and are highly concerned about complying with the RPCs. But concern alone does not create compliance.

MORE ONLINE

To view the full list of IOLTA account FAQs, visit **www.wsba.org/iolta-faq**.

Find all of the WSBA's IOLTA resources at **www.wsba.org/for-legal-professionals/ethics/iolta**.

In February 2026, the Washington State Bar Association added a free trust accounting and billing tool as a member benefit through a partnership with Smokeball. The tool is designed to support lawyers in managing client funds with structured workflows. Training resources are available to assist with implementation and management. More information is available at **www.wsba.org/for-legal-professionals/member-support/smokeball.**

This article draws on frequently asked questions published by the WSBA in 2024, which reflect the same issues I see repeatedly in practice. The questions are organized around the most common trust accounting problem areas: handling unclaimed property, recordkeeping, disbursements, deposits, and reconciliations. The goal is to help you identify where your own processes may need attention before a problem surfaces. Please note, the below list includes only a portion of the FAQs published online. To access the complete list of FAQs, visit **https://www.wsba.org/iolta-faq**.

FAQS

Unidentified Owners and Unclaimed Property

Q. What do I do if I have funds in my account that I can't identify?
Comment 6 to RPC 1.15A[2] states that a lawyer has a duty to take reasonable steps to locate a person for whom they hold funds. If that person cannot be found, then the funds must be handled according to the Uniform Unclaimed Property Act, RCW 63.30,[3] which usually results in the funds being remitted to the Washington Department of Revenue Unclaimed Property Division,[4] even if the owner of the funds cannot be determined.

Q. What do I do when I send checks to someone and they don't cash them?
The RPCs do not address this specifically. However, a good practice would be to establish procedures whereby you review all outstanding checks every

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Illustration © Getty/Moor Studio

six months to see what checks are still outstanding and follow up with those payees to try to determine why the checks were not cashed. This practice would supplement, but not take the place of, monthly trust account reconciliations, which involve accounting for outstanding checks. See RPC 1.15A(h)(6). The state of Washington has determined that funds held by a fiduciary that have not been claimed for three years must be remitted as unclaimed property. (See question 1.)

Q. What do I do when I'm holding funds for someone but cannot locate them?
Comment 6 to RPC 1.15A states that a lawyer has a duty to take reasonable steps to locate a client or third person for whom the lawyer is holding funds. If the lawyer cannot locate the person owed funds by the lawyer, the funds should be treated as unclaimed property and submitted to Washington's Department of Revenue Unclaimed Property Division.[5]

Recordkeeping

Q. Do I have to keep a "check register" even if I don't write checks?
RPC 1.15B(a)(1) defines a "check register" and the required elements of the check register. Although the rule describes this document as a check register, it is really a type of ledger used to record any transactions that occur in the trust account. Even if all transactions occurring in the trust account are electronic in nature, you must still have a "check register" on which you enter those transactions. Each entry must include the client matter, date, check number (if applicable), the name of the person to or from whom the funds are paid or received, and the new balance in the account after each transaction.

Disbursements

Q. Am I allowed to give people my trust account information so they can wire funds to me?
Yes, you are allowed, but proceed with extreme caution. If someone is asking to wire funds to your trust account, you will have to give them your account information. Also, be aware that any time you send a trust account check to anyone, you are giving them your trust account information.

Q. RPC 1.15A(h)(5) states that disbursements have to be made by check payable to a named payee or by electronic transfer. Does an outgoing wire qualify as an electronic transfer? How about ACH transfers, or use of a debit card?
Electronic transfers include wires, ACH transfers, credit card receipts, and debit card expenditures. Of these, debit card purchases are the most problematic. Under no circumstances are lawyers allowed to use a debit or ATM card to remove cash from their trust accounts. However, a debit card may be used to make specific purchases for costs on behalf of a client. Some of the problems with this are that the lawyer may forget to enter the transaction into the check register and client ledgers, the lawyer may fail to obtain a receipt for the purchase, and the card may be lost or stolen more easily. For further guidance, see Advisory Opinion 2210.[6]

Q. I don't want to have to print checks for my trust account. Is it acceptable to transfer funds to my business checking account and then disburse those funds from there?
No. RPC 1.15A(c)(1) states that funds subject to the rules on trust accounts must be deposited and held in a trust account in accordance with RPC 1.15A(h). Depositing client funds into a non-trust account is not allowed.

Q. Am I allowed to state in a fee agreement that I will remove earned fees from a client's trust account funds as soon as I have performed the services

SIDEBAR

MORE RESOURCES TO EXPLORE

1 WSBA *Managing Client Trust Account* Booklet
This booklet provides detailed guidance on recordkeeping obligations, reconciliation procedures, and deposit and disbursement rules.

2 New Member Benefit—Free Trust Accounting and Billing Tool
In February 2026, the WSBA added a free trust accounting and billing tool as a member benefit through a partnership with Smokeball. The tool is designed to support lawyers in managing client funds with structured workflows. Training resources are available to assist with implementation and management. More information is available at **www.wsba.org/for-legal-professionals/member-support/smokeball**.

3 Free Help For Members
Ethics: For IOLTA questions relating to the Rules of Professional Conduct please call our Ethics Line at 206-727-8284. **Account Management:** For questions related to managing your trust account, please set up a free practice management consultation at **www.wsba.org/consult**. The consultation will be scheduled with the author of this article, Margeaux Green, the WSBA's practice management advisor.

4 WSBA Law Firm Practice Guides
Explore these five guides designed to support the business of your law practice: *Hanging Your Own Shingle*, *Disaster Planning, Cybersecurity, Document Retention,* and *Closing Your Practice*. These guides combine narrative guidance with checklists and templates so you can make informed business decisions and build systems that work for your practice. Access the full collection at **www.wsba.org/guides**. For individualized support, schedule a free, confidential consultation at **www.wsba.org/consult**.

for the client? If I bill a client for my legal fees, how long must I wait before paying myself from the trust account?
Under RPC 1.15A(h)(3), a lawyer may remove earned legal fees from the trust account only after reasonable written notice to the client by means of a bill or some other document. It is implicit in this rule that the client will be informed of the amount of services rendered by the lawyer and the amount due before the lawyer is paid. A fee agreement that allows the lawyer to remove any amount for services prior to billing denies the client the opportunity to ask questions about the services provided. The amount of time depends on the circumstances, but generally it should be sufficient for the client to receive the notice, review it, and raise any questions or disputes with the lawyer. Under 1.15A(g), disputed funds must be held in trust.

Q. How long must I wait after making a deposit before I may disburse those funds?
This is a hard question to answer. RPC 1.15A(h)(7) requires that funds deposited into a trust account be collected and clear the banking process prior to being disbursed. It can sometimes be difficult to determine when funds have cleared the banking process. It is not merely a matter of waiting a certain number of days. For a more in-depth look at this issue, please see the article "Money Mysteries—Understanding the crucial difference between deposited funds and collected funds for lawyer trust accounts" in the July/August 2020 issue of *Bar News*.[7]

Deposits

Q. When making a deposit to my trust account, may I split the check by depositing a portion into my trust account and the remainder of the check into my business checking or other account?
RPC 1.15A(h)(4) requires that all receipts are deposited intact. That means you may not take one check and deposit various portions of it into different accounts. If depositing a check that represents funds belonging to both the lawyer and a client, RPC 1.15A(h)(1)(ii) states that the check is to be deposited into the trust account and then after the check has cleared the bank, the portion belonging to the lawyer must be removed.



Margeaux Green is the practice management advisor at the Washington State Bar Association and a licensed Washington attorney. She assists solo and small-firm legal practitioners to run effective and efficient law practices, focusing on business best practices and legal technology. Prior to joining the WSBA, Green practiced family law. The recommendations in this article are based on her personal opinions; they are not the official position of the WSBA and cannot form the basis of a defense in a malpractice claim or disciplinary proceeding.

Q. Am I allowed to accept credit card deposits into my trust account?
Lawyers are allowed to accept funds into their trust accounts that are paid by credit card. However, credit card receipts must be deposited into the appropriate account. If you accept advance fees and deposits, those advance deposits must go directly into your trust account. If you accept credit cards for the payment of earned fees, such as for payment on an invoice or for payment of a flat fee accompanied by a proper fee agreement, those fees must go directly into an operating account and not the trust account. *See* RPC 1.15A, Comment 8.

Under certain circumstances, a lawyer may charge credit card fees to clients. See Advisory Opinion No. 2214.[8]

Q. The bank wants to know the taxpayer ID number to set up my IOLTA account. Where do I find that?
All the pooled IOLTA accounts in Washington have the same Taxpayer ID number: 91-1263533. Sometimes banks require lawyers to fill out a "Request to Establish IOLTA" form. The taxpayer ID number can be found there. The form is available on the Legal Foundation of Washington's website.[9]

Q. How can I determine if my bank is allowed to offer IOLTA accounts? If not currently allowed, how does my bank become qualified to offer IOLTAs?
In order to determine if your bank or credit union offers IOLTA accounts, visit the Legal Foundation of Washington's website (**https://legalfoundation.org/iolta/**) and review the list of authorized financial institutions. You will also find information on this page about how your bank can be put on the list.

Reconciliation

Q. What does it mean under RPC 1.15A(h)(6) to reconcile my trust account?
Reconciling your trust account records is required by RPC 1.15A(h)(6) and is a two-step process. First, you must reconcile your checkbook register to your bank statement. This step confirms that the transactions recorded in your check register have cleared the bank, identifies any outstanding items, and ensures that your adjusted bank balance matches the balance in your check register.

Second, you must reconcile the total of all your trust-account client ledger balances to your reconciled checkbook register balance. When you add up all the client ledger balances on a specific date (the same date as you performed your checkbook reconciliation) they should total the same amount that is in your checkbook register balance for that day, ensuring you know who all the funds in your trust account belong to. A fillable PDF form for performing trust account reconciliations is available in the WSBA Monthly Reconciliation and Review Report.[10] BN

NOTES

1. www.wsba.org/docs/default-source/licensing/discipline/2024-wa-discipline-system-annual-report.pdf?sfvrsn=d3851af1_10.
2. www.courts.wa.gov/court_rules/pdf/RPC/GA_RPC_01_15A_00.pdf.
3. https://app.leg.wa.gov/RCW/default.aspx?cite=63.30.
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7. https://wabarnews.org/wp-content/uploads/2021/10/Bar-News-July-Aug.-2020.pdf.
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9. https://legalfoundation.org/iolta/information-for-legal-professionals/.
10. www.wsba.org/docs/default-source/licensing/iolta/wsbamonthlyreconciliation-reviewreport.pdf?sfvrsn=ac293ff1_6.

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FEATURE

UPDATE FROM OLYMPIA:

A RECAP OF THE 2026 LEGISLATIVE SESSION

BY SANJAY WALVEKAR

The 60-day 2026 legislative session began on Jan. 12 and adjourned sine die on March 12. Legislators passed an $80.2 billion supplemental operating budget[1] with approximately $1.6 billion in new spending for crime victim services, state hospital staffing, and responses to federal policy changes, among other priorities. Legislators also passed an $889 million supplemental capital

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LEARN MORE

To view the text of the bills mentioned in this article, visit **https://leg.wa.gov/** and type in the bill number.



Photo © Washington State Legislative Support Services

budget[2] to fund statewide construction and infrastructure projects, and a $16.6 billion supplemental transportation budget,[3] adding $1.2 billion to fund road preservation, existing ferry fleet support, and transportation safety initiatives statewide.

BAR PRIORITY BILL PASSES LEGISLATURE

One of the WSBA's main priorities[4] during the 2026 legislative session was to study the inefficiencies and inequities created by local court rules, funding, and technology as outlined in the WSBA Proclamation[5] adopted by the Board of Governors in November 2024. With this goal in mind, the Board supported Second Substitute House Bill 1909, which passed both chambers and was signed into law by Gov. Bob Ferguson. SSHB 1909 creates a court unification task force to conduct a comprehensive analysis of the current Washington state court system to identify areas where a unified approach to court operations may improve efficiency in the delivery of court and judicial services. The WSBA will appoint a voting member to the task force, which will convene its first meeting by Oct. 1, 2026 and deliver a final report to the Legislature by June 30, 2028.

WSBA BOARD SUPPORTS COURT PROPOSALS

In addition to supporting Bar-priority legislation, the WSBA endorses non-Bar request bills that seek to create and promote access to justice for all Washington residents. The WSBA Board of Governors voted to support several bills this session originating from the Administrative Office of the Courts, including:

SENATE BILL 5868

Adding an additional superior court judge in Skagit County and in Yakima County.

This bill increases the number of superior court judges in Skagit County from four to five and increases the number of superior court judges in Yakima County from eight to nine. The bill passed the Legislature and has been signed into law by the governor.



Sanjay Walvekar is the WSBA legislative affairs manager. He joined the WSBA staff in 2017, after several years working in local and statewide politics. He earned his B.A. and J.D. from the University of Washington. He can be reached at sanjayw@wsba.org.

SUBSTITUTE HOUSE BILL 2178

Concerning court rules and procedures.

This bill reconciles the monetary damage limit in two statutes concerning malicious mischief in the second degree; aligns statutory provisions with court rules on the subject of civil infractions; repeals the requirement for the Administrative Office of the Courts to distribute to county clerks appropriated funds as grants for the collection of legal financial obligations; and directs the state treasurer to administer to county clerks appropriated funds as grants for the collection of legal financial obligations. The bill passed the Legislature and has been signed into law by the governor.

ENGROSSED SUBSTITUTE SENATE BILL 6086

Strengthening security for Washington state judicial officers and court personnel.

This bill authorizes security personnel of the Administrative Office of the Courts to conduct threat assessments on behalf of judicial officers and to receive criminal history record information that includes non-conviction data to investigate any such threat. The bill also authorizes bailiffs of the Supreme Court to conduct threat assessments on behalf of Supreme Court judicial officers rather than only for justices. The bill passed the Senate but did not reach the House floor for a vote. This issue will likely be reconsidered next year.

WSBA BILLS OF INTEREST

Each year, the WSBA Legislative Affairs team monitors legislative proposals that are significant to the practice of law and administration of justice. Key bills this year include:

ENGROSSED SUBSTITUTE SENATE BILL 5837

Concerning guardianship, conservatorship, and other protective arrangements for adults.

This bill makes various revisions throughout the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act, including revisions addressing court visitors, appointment of an attorney for a respondent, orders of appointment of a guardian for an adult or a conservator, and supported decision-making agreements. The bill was monitored by the Family Law, Elder Law, and Low Bono Sections and and has been signed into law by the governor.

ENGROSSED HOUSE BILL 2445

Ending probates for profits.

This bill creates additional standards and requirements for personal representatives appointed to administer an estate under suitable person provisions; creates requirements for the validity of an agreement between a transferee for value and a beneficiary for the purchase of the beneficiary's interest in an estate; and creates safeguards for heir finder services subject to court oversight. The bill was monitored by the Probate & Trust Council of the Real Property, Probate & Trust Section and and has been signed into law by the governor.

SUBSTITUTE SENATE BILL 5720

Enacting the Uniform Consumer Debt Default Judgments Act.

This bill adopts the Uniform Consumer Debt Default Judgments Act to create rules a plaintiff must follow in order to obtain a default judgment in a lawsuit seeking collection of a consumer debt. It also establishes requirements for the contents of a complaint or amended complaint, contents of a required notice to the consumer, and penalties for violating these requirements. The bill was monitored by the Creditor Debtor Rights Section and was signed into law by the governor.

HOUSE BILL 2255

Concerning litigation financing.
This bill imposes requirements on, and prohibits certain acts by, third-party litigation funders as part of litigation financing agreements; declares violations of third-party litigation financing requirements to be a violation of the Washington Consumer Protection Act (CPA) and enables enforcement and recovery under the CPA; and authorizes statutory damages and other remedies to enforce the requirements on third-party litigation financing. This legislation did not reach final passage this session.

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6239

Establishing a process for adjudicating tort claims against the state of Washington and its political subdivisions.
The latest version of this bill creates an administrative process for adjudicating tort claims against the state and its political subdivisions through a claims commission within the Office of Administrative Hearings. The bill was monitored by the Dispute Resolution Section and did not reach final passage this session.

The next legislative session will begin in January 2027 and is scheduled for 105 days, marking the first half of the 2027-2028 biennium. During the interim and the upcoming session, the WSBA will continue to monitor and act on legislation significant to the practice of law and administration of justice. BN

NOTES

1. https://fiscal.wa.gov/statebudgets/2026proposals/Documents/co/oprConfSummary.pdf.
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FEATURE

CONSTITUTIONAL CONFUSION:

Washington's Weapons-Surrender Statute

BY KARLA CARLISLE AND BENJAMIN GOULD[1]

Abusers who have firearms are dangerous not only to current or former partners, but also to the public at large.[2] This danger may peak when a partner seeks legal redress, such as a restraining order.[3]

Since 2014, the Washington Legislature has become a national leader in addressing the problem of armed abusers. It has enacted, and then repeatedly strengthened, a weapons-surrender statute. Under this statute, courts that issue certain kinds of restraining orders must also order the restrained party to surrender firearms and dangerous weapons.[4]

The last few years, however, have witnessed much confusion in the trial courts about whether the weapons-surrender statute is constitutional. Our purpose here is to explain how this confusion unfolded and why some of it may have been unnecessary, and to give lawyers who do not practice in this area a sense of where things currently stand.

THE LEGISLATURE'S RESPONSE TO THE PROBLEM OF ARMED ABUSERS

In 2014, the Washington Legislature began requiring courts that issued certain restraining orders to order the surrender of weapons as well.[5] The Legislature also made it a felony for a person bound by such a restraining order to possess a firearm.[6]

In 2019, the Legislature amended the law to try to ensure compliance with an order to surrender weapons.[7] Washington courts were to "develop procedures to verify timely and complete compliance," including by requiring sworn proof of surrender or testimony under oath.[8] It was also made a felony for persons to possess a firearm if they were subject to an order to surrender weapons.[9]

THE FIFTH AMENDMENT ISSUE

Together, these provisions created a constitutional problem. Once ordered to surrender weapons, a party commits a crime by possessing them. To comply with the order to surrender, moreover, this same party must also submit satisfactory proof of surrender. But you can only surrender weapons if you first possess them. Providing satisfactory proof of surrender thus confesses to the crime of having possessed weapons, for however short a time, after an order to surrender the weapons has issued. Under this legal framework, compliance with an order to surrender weapons would seem to require self-incrimination, in violation of the Fifth Amendment.

Crucially, however, the Legislature itself recognized this problem early on. In 2021 and 2022, it revised the law to try to provide some immunity from prosecution for those who complied with orders to surrender weapons.[10]

When private citizens are ordered to gather and surrender their weapons, do they become state actors? *Flannery* neither posed nor answered this question.

THE *FLANNERY* DECISION

While the Legislature was trying to address the Fifth Amendment problem, Division II of the Court of Appeals decided a consequential case, *State v. Flannery,* that dealt with the same problem.[11]

In *Flannery,* assault charges were filed against Dwayne Flannery, after which the trial court entered a restraining order against him.[12] That order made it a felony for him to possess firearms. The court then entered a weapons-surrender order, and when Flannery didn't comply, the prosecution filed another criminal charge for noncompliance. Flannery then argued, and the trial court ruled, that by requiring him to produce firearms that would amount to proof of a felony, the weapons-surrender statute violated the Fifth Amendment. The court also ruled that the statute violated the Fourth Amendment and Article I, Section 7 of the Washington Constitution, which like the Fourth Amendment regulates governmental searches and seizures.

When the government appealed, Division II affirmed the trial court. Two characteristics of the decision would have lasting consequences.

First, the Court of Appeals determined that the version of the weapons-surrender statute that applied to Flannery was the *former* version of the statute—the version that preceded recent legislative attempts to provide immunity to the subject of a weapons-surrender order.[13] Any decision on statutory immunity would have to wait for another day.

Second, the trial court in *Flannery* had ruled that the weapons-surrender statute violated the Fourth Amendment and Article I, Section 7 of the Washington Constitution because the statute *also* violated the Fifth Amendment.[14] This ruling was never really challenged on appeal. That's because the state advanced only one appellate argument about the Fourth Amendment and Article I, Section 7. A violation of those constitutional provisions, the state argued, occurs not at the time of search, but only "when the fruits of the illegal search are used against a defendant."[15] This argument assumed that the weapons-surrender statute involved a violation of the Fourth Amendment and Article I, Section 7, and disputed only the violation's timing. The Court of Appeals rejected this argument about timing, but more important than that rejection was the assumption that nobody seemed to challenge: the assumption that the weapons-surrender statute involved a constitutionally relevant search or seizure.

While this assumption would have lasting consequences, it skipped over a serious threshold issue. To implicate the Fourth Amendment or Article I, Section 7 of the Washington Constitution, a search or seizure must be conducted by a "state actor"—an agent, *de jure* or *de facto,* of the

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Photo illustration © Getty/Just_Super



Karla Carlisle is an attorney with the Northwest Justice Project, practicing in Benton, Franklin, Walla Walla, and Columbia Counties.



Benjamin Gould is a partner at Keller Rohrback L.L.P. in Seattle, practicing in the firm's complex litigation group.

government.[16] But when private citizens are ordered to gather and surrender their weapons, do they become state actors? *Flannery* neither posed nor answered this question.

FLANNERY'S AFTERSHOCKS IN THE JUDICIARY AND LEGISLATURE

In February 2023, the Administrative Office of the Courts' Trial Court Legal Services team issued two memoranda on *Flannery*. The memos addressed what was then the most recent version of Washington's weapons-surrender statute. As amended in 2022, that statute stated that "voluntarily surrendering weapons, or providing testimony related to the surrender, ... may not be used" in certain criminal prosecutions against the person surrendering weapons.[17]

The memos concluded that, in light of *Flannery,* this immunity provision violated the Fourth and Fifth Amendments. In analyzing the Fourth Amendment, however, the memos—like *Flannery* itself—did not ask whether weapons-surrender orders implicated state action. They simply assumed they did.

The AOC memos' analysis of the Fifth Amendment, meanwhile, was soon mooted by the Legislature, which in April 2023 revised the weapons-surrender statute yet again. It added a comprehensive immunity provision that went into effect in July 2023. This provision, modeled in part on a federal immunity statute that the Supreme Court upheld in 1972 against a Fifth Amendment challenge, appeared capable of conferring constitutionally sufficient immunity against any criminal prosecution.[18]

Still, the two memos were widely distributed among trial court judges, and though they came with a disclaimer that they were not legal advice and judges were free to disregard them, they were given weight. After the memos were distributed, courts in Benton, Franklin, Cowlitz, Lewis, Yakima, Pierce, and Clark counties ceased ordering the surrender of firearms, ruling that their hands were tied by *Flannery*. Courts in King, Spokane, and Walla Walla Counties, on the other hand, continued ordering the surrender of firearms when issuing a civil protection order.

THE SECOND AMENDMENT ENTERS THE PICTURE

All this legal flux in Washington was complicated by uncertainty at the federal level. Federal law criminalizes the possession of firearms by anyone restrained from harassing, stalking, or threatening an intimate partner and found to be a credible threat to that partner's physical safety.[19] This law, the Fifth Circuit determined in its March 2023 decision in *United States v. Rahimi,* violated the Second Amendment.[20] The Supreme Court granted certiorari a few months later,[21] and the next year reversed the Fifth Circuit in an 8-1 decision.[22]

In the meantime, some Washington trial courts that had already stopped requiring people to surrender their firearms began to cite the Fifth Circuit's *Rahimi* decision as another reason they could not require the surrender of firearms. Since these courts are not bound by the Fifth Circuit,[23] they must have found its decision in *Rahimi* highly persuasive.

Courts in Benton, Franklin, Cowlitz, Lewis, Yakima, Pierce, and Clark counties ceased ordering the surrender of firearms, ruling that their hands were tied by *Flannery*.

THE PRICE OF UNCERTAINTY

The legal uncertainty in Washington came at a price: some lost people their lives.

Amber Rodriguez was a paraeducator in Benton County. She asked the court to require her ex-husband to surrender his handgun at her protection order return hearing on Feb. 22, 2024. The court, citing *Flannery,* declined to do so. Two months later, Rodriguez was shot and murdered by her ex-husband with his handgun in front of their 9-year-old son at the school where she worked.

Carissa Larkin, a mother of three, petitioned for protection in Clark County and asked for an order that her abuser surrender his weapons. However, the court only prohibited him from possessing weapons. It did not make him surrender them. On July 25, 2024, while Larkin was holding her four-year-old child, her ex-fiancé shot and killed her and then turned the gun on himself.

THE AMENDED WEAPONS-SURRENDER STATUTE IS ULTIMATELY UPHELD

This uncertain state of affairs lasted from 2023 well into 2025—in our view, considerably longer than it should have.

Recall that in 2023, the Legislature included a comprehensive immunity provision in the weapons-surrender statute. This provision expressed an important policy: The main purpose of the weapons-surrender statute is the incapacitation, not the punishment, of armed abusers.

Yet even after this new immunity pro-

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vision went into effect in July 2023, and even after the U.S. Supreme Court eliminated the Second Amendment issue with its June 2024 decision in *Rahimi,* some trial courts in our state declined to issue weapons-surrender orders, citing *Flannery. Flannery,* however, was applying a version of the weapons-surrender statute that lacked any immunity provision, so its Fifth Amendment analysis could not apply to the revised statute. And *Flannery's* ruling on the Fourth Amendment and Article I, Section 7 assumed, without deciding, that a weapons-surrender order implicated state action. If that assumption is challenged, *Flannery* cannot bind.[24] And the assumption can certainly be challenged. If the reluctant subjects of weapons-surrender orders become state actors when compelled to gather and turn over their weapons, state action would seem to lack any logical stopping point. Anyone following a governmental directive merely to avoid liability would become a state actor. This category would expand to include the many civil litigants who are routinely compelled over their objections to turn over documents to an opposing party.[25]

In any event, the uncertainty finally began to dissipate in June 2025, when Division I issued *In re Montesi*. There, the Court of Appeals had little trouble upholding the amended weapons-surrender statute's immunity provision against a challenge under the Fifth Amendment, the Fourth Amendment, and Article I, Section 7 of the Washington Constitution, and the Second Amendment.[26]

Three months after *Montesi,* Division III issued an unpublished decision, *In re Hernandez*.[27] In *Hernandez,* Ilana Hernandez had asked the Benton County Superior Court for a civil-protection order, as well as an order requiring her husband to surrender his 23 handguns, 15 semi-automatic rifles, and many unassembled firearms. A Benton County trial court, citing *Flannery,* had ruled that an order to surrender would violate the Fourth Amendment. Division III reversed, agreeing with *Montesi* that the immunity provision of the weapons-surrender statute was constitutional. This decision dealt with a vital question, and it had independent precedential value, since one Division of the Court of Appeals is not bound by another.[28] Yet when Ilana Hernandez asked Division III to publish its decision and help to dispel the confusion among trial courts, the court declined to do so.

WHERE THINGS STAND NOW

Following the *Montesi* opinion, courts that had previously declined to issue orders to surrender began to do so when issuing protection orders. But ordering the surrender of firearms is just the first step in ensuring victims' safety. The court is also required to ensure timely and complete compliance with its order to surrender.[29]

A recent decision illustrates the importance of ensuring compliance. In *Dela Llana v. Holiwell,* the trial court ordered Darrion Holiwell to surrender his weapons along with an order of protection for the petitioner, Grenadinah Dela Llana.[30] After Holiwell claimed he had no firearms, the King County domestic violence firearms unit produced a report to the court listing 70 firearms registered to Holiwell. Holiwell then claimed that he had sold or transferred the firearms in private transactions, but produced no receipts or transfer documents. The trial court imposed a contempt sanction of $100,000, due in 30 days, which would be purged if Mr. Holiwell complied, but did not set any additional compliance hearings. The Court of Appeals held that this process had failed to ensure compliance with the surrender order, as required by statute. As this case shows, even the ablest courts are still refining their procedures to meet the standard required by the weapons-surrender statute. BN

NOTES

1. This article discusses cases in which the authors appeared as counsel. Carlisle represented Ilana Hernandez in *In re Hernandez,* and Gould represented Jessica Montesi in *In re Montesi.*
2. Jacquelyn Campbell et al., "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," 93 *Am. J. Pub. Health* 1089, 1092 (2003); Lisa B. Geller et al., "The Role of Domestic Violence in Fatal Mass Shootings in the United States, 2014-2019," 8 *Injury Epidemiology* 38 (2021).
3. Natalie Nanasi, "Disarming Domestic Abusers," 14 *Harv. L. & Pol'y Rev.* 559, 578 (2020).
4. We use the term "restraining order" to mean any civil protection order.
5. Laws of 2014, ch. 111, § 2(3) (codified at RCW 9.41.800(3)).
6. *Id.,* § 1(2)(a)(ii) (codified at RCW 9.41.040(2)(a)(ii)).
7. Laws of 2019, ch. 245, § 2(1) (codified at RCW 9.41.801(1)).
8. *Id.* § 2(6) (codified at RCW 9.41.801(6)).
9. *Id.* § 3(2)(a)(iii)(C)(II) (codified at RCW 9.41.040(2)(a)(iii)(C)(II)).
10. Laws of 2021, ch. 215, § 75(9)(a); Laws of 2022, ch. 268, § 30(9)(a).
11. 24 Wn. App. 2d 466, 520 P.3d 517 (2022).
12. *Id.* at 475.
13. *Id.* at 472.
14. *Id.* at 477–78.
15. *Id.* at 484.
16. *See, e.g.,* City of Pasco v. Shaw, 161 Wn.2d 450, 459, 166 P.3d 1157 (2007).
17. Laws of 2022, ch. 268, § 30(9)(a).
18. *See* Laws of 2023, ch. 462, § 403(9) (codified at RCW 9.41.801(9)). For the relevant Supreme Court decision, see Kastigar v. United States, 406 U.S. 441 (1972), which upheld 18 U.S.C. § 6002.
19. 18 U.S.C. § 922(g)(8).
20. 61 F.4th 443 (5th Cir. 2023).
21. United States v. Rahimi, 143 S. Ct. 2688 (2023).
22. United States v. Rahimi, 602 U.S. 680 (2024).
23. *See* City of Seattle v. Long, 198 Wn.2d 136, 166, 493 P.3d 94 (2021).
24. *See* Berschauer/Phillips Constr. Co. v. Seattle Sch. Dist. No. 1, 124 Wn.2d 816, 824, 881 P.2d 986 (1994) ("In cases where a legal theory is not discussed in the opinion, that case is not controlling on a future case where the legal theory is properly raised.").
25. *See* CR 37.
26. 34 Wn. App. 2d 777, 572 P.3d 459 (2025).
27. No. 40749-7-III, 2025 WL 2779176 (Sept. 30, 2025).
28. In re Arnold, 190 Wn.2d 136, 148–54, 410 P.3d 1133 (2018); see also RAP 12.3(d).
29. RCW 9.41.801(6)(a).
30. 35 Wn. App. 2d 771, 582 P.3d 883 (2025).



FEATURE

SECOND CHANCES

How Judges for Justice turns wrongful convictions into exonerations

BY COLIN RIGLEY

Karl Willis was just 19 years old when he was arrested in connection with the murder of a 13-year-old boy in Ohio. The problem is that he was innocent, but after getting caught in a spurious investigation based on flimsy evidence, he was ultimately convicted and spent 23 years in prison as he waited to be released.

"I always had faith and belief that one day this case would be overturned," Willis said. "I know I wasn't guilty of the charges that they had imprisoned me for."

But Willis also knew that his innocence wasn't enough to ensure his release from wrongful imprisonment—he needed help from as many places as were willing to offer it.

"It takes more than just your family; it takes the will of God, first you gotta believe that the Lord can do it," he said.

Who can say for sure if divine intervention played a role, but the way Willis' 23-year nightmare ended has a miraculous connotation. A small team of out-of-state judges turned advocates for the wrongfully imprisoned could see that Ohio law enforcement had the wrong man. In 2021, the Washington-based nonprofit Judges for Justice got involved.

"No one person, or organization, ever gets someone out of prison alone," said Judges for Justice Founder Mike Heavey, "it takes a bucket brigade."

To understand why and what that means, you first need to know what it means for Judges for Justice to get involved in a case.

"We say we are supporting the justice system because nothing undermines it more than a wrongful conviction," Heavey said.

Heavey is a retired King County judge. He also served on the Washington State Legislature from 1987 to 2000, in both the House and Senate, and was later appointed King County Superior Court judge in 2000 by Gov. Gary Locke. He retired from the bench in 2013 and co-founded Judges for Justice with Judge Peter Deegan (ret.) of Michigan.[1]

The thing that put Heavey on a path from impartial judge to legal advocate was, in fact, one of the most infamous cases of wrongful conviction: Amanda Knox. Heavey referred to Knox as "a neighbor girl," someone he knew through his daughter, who had carpooled with Knox for several years. As news of the Knox case saturated U.S. media, Heavey asked his daughter about her friend.

"She said, 'Amanda is the most genuinely kind person I know, she does not have a mean bone in her body'" Heavey recalls. "And that was so contra to what I'd been hearing in the press and everything else."

Members of the Judges for Justice "Bucket Brigade," at the Maleng Regional Justice Center in Kent. From left to right: retired King County Superior Court Judges Deborah Fleck, Michael Heavey, Carol Schapira, and Jay White.

Courtesy photo

From there, Heavey got in contact with Knox's parents and friends in the hopes of finding a way to get her free: "We had to turn around the supertanker of misinformation and lies about Amanda Knox."

That experience served as the first blueprint for what would eventually become Judges for Justice.

"That, I think, created a switch," said Carol Schapira, another retired King County judge who joined Judges for Justice. "It didn't turn it on, it created a switch so that when he retired, he felt like, 'This is what I'm going to do.' … Thank goodness he has because it has opened up many people's eyes to quite a number of things."

After the Knox case, Heavey caught the bug to exonerate wrongly imprisoned individuals. Then, in 2012, Heavey saw a story on *Dateline* about Christopher Tapp in Idaho Falls, Idaho. Tapp was convicted in 1998 of rape and murder despite the fact that his DNA didn't match DNA at the crime scene. In 2017, Judges for Justice's work helped get Tapp out of prison. Two years later, according to Heavey, investigative genetic genealogy identified the real killer, who pleaded guilty and received 20 years to life. All it took was a cursory glance at Tapp's case and Heavey said to himself, "Hmm, that looks like a wrongful conviction."

"In that case Chris Tapp had nine interrogations, and in the ninth interrogation he said he stabbed [the victim] and that's what led to conviction," Heavey said. But Heavey only had to watch one of the polygraph videos to figure out what had really happened. Over about 3 ½ weeks, Heavey said, Tapp was interrogated nine times, but also underwent seven polygraphs, which hadn't yet been scrutinized, and after which Tapp's story would change. In those polygraphs, the examiner convinced Tapp that the machine could tell exactly what he was thinking, Heavey said. "The rest is jaw-dropping; literally brainwashing happened with this poor kid. They really messed with his mind in these polygraphs. Essentially, [Tapp] comes to believe that the polygraph is an all-knowing scientific instrument that can read his mind."

In other words, according to Heavey, Tapp was bamboozled into confessing to something he didn't do because after enough time with overly zealous interrogators, he began to distrust himself and place his trust in his accusers. This scenario is a common one with the cases Judges for Justice takes on.

Heavey said that in "every wrongful conviction we've been involved with, behind the scenes" is often a law enforcement officer engaging in "noble-cause corruption." In other words, there is someone who is bound and determined to convict someone despite the evidence pointing elsewhere.

False confessions like the one in Tapp's case are unfortunately not uncommon. A 2025 report from the National Registry of Exonerations states that 22 (15 percent) of the 147 exonerations in the U.S. in 2024 involved a false confession.[2] The reasons for such confessions can be complex, but much of the data points to interrogation tactics, as Heavey alludes to.[3] Recent reform in this area includes mandatory audiovisual recording, replacing more aggressive interrogation tactics with information gathering, and putting restrictions on other strategies like deception. But as Heavey and others know, these reforms have not halted false confessions altogether. One recent study suggests that even in legally acceptable interrogations, false confessions may occur in about 1 percent of cases.[4]

The types of cases in which Judges for Justice involves itself often involve grisly murders that shake a community to its core—which is also how innocent people get dragged into the mess.

"That generates fear in the community, because their security instinct is being threatened," Heavey explained. "And then the press reports that the police aren't making any headway. That puts pressure on the police and prosecutors, and that, often in these horrific cases, creates what's called tunnel vision. The cops [feel] pressure, they focus too early on one suspect, and that has … a perverse byproduct: 'noble cause corruption.'"[5]

In Tapp's case, once Heavey recognized that police had extracted a false confession, he started pulling at more strings to see if the conviction would continue to unravel. He contacted Tapp's mother and explained he was a retired judge who was in the beginnings of a project called Judges for Justice. Then he met with the public defender in the case, pored over case files, and watched all the police interrogations of Tapp.

"You only learn the reasons [why someone was wrongly convicted] when you do a deep dive—and not the trial transcripts because that's the dog and pony show, what they want you to see," he said.

> The thing that put Heavey on a path from impartial judge to legal advocate was, in fact, one of the most infamous cases of wrongful conviction: Amanda Knox.

In interviews with *Bar News*, Heavey and Schapira spoke to the way that a high-profile murder can create a sort of feeding frenzy. People in the community are both scared and screaming for justice. Police become caught up in the frenzy to make an arrest. From that wobbly start, when prosecutors take the baton, it can turn a false confession into a lifetime of false imprisonment.

"If a killing is sensational … it does cause a sense of panic among the police and prosecutors that 'We've got to solve this problem,'" Schapira said.

False confessions extracted from aggressive interrogations are a running theme for Judges for Justice, which to date has helped exonerate four people in three states.

"Make sure that the investigation from the arrest all the way to the interrogation and all the proceedings and documentation

CONTINUED >

is handled correctly," Willis said. "Do not settle a case because you feel the person is a candidate [for a plea deal] and there won't be too much of a struggle because you want to shut the case. A lot of cases that are shut are not properly shut, and they know they're not properly shut."

When I spoke with Heavey and Schapira, I had a recurring question: How the hell does this work? Judges for Justice isn't filing appeals, it has little actual power, but it has found power in the court of public opinion. The mini documentaries it posts to YouTube are Judges for Justice's bread and butter. The videos themselves are hardly viral—for the most part, gathering a few hundred to a few thousand views apiece—but they still work. In combination with the other tactics Judges for Justice has developed, a group of determined out-of-state judges can have a huge impact. In the case of Patricia Rorrer in Pennsylvania, Judges for Justice sent out 596 letters and asked judges in the area to watch the Rorrer videos. Rorrer is currently serving two life sentences after being convicted of the murder of Joann Katrinak and her infant son, Alex. One of the bases of her multiple appeals has been what she claims is inaccurate DNA evidence, including rootless hairs found at the scene, and additional DNA evidence that remains untested.

"It was interesting, we sent that letter Nov. 3, and the appellate court on Dec. 22 ruled against Patty Rorrer but on a whole new reason," Heavey said. "I think that the letter we sent to every judge in Pennsylvania and justice on the Supreme Court, it basically queued them to go watch [our documentaries]."[6]

If you're wondering whether retired judges who descend on a community and call into question the actions of the local police, prosecutors, and courts might ruffle a few feathers, it does. In one case, after creating a series of videos and other materials, Judges for Justice received a letter to their P.O. Box that contained one of their postcards and a sticky note saying, "stay on the West Coast; go f*** yourself," Heavey said.



From left to right: Karl Willis, Judge Michael Heavey (Ret.), Wayne Braddy Jr., and Judge Deborah Fleck (Ret.) outside the Lucas County Jail in Toledo, Ohio, in 2023. Judges for Justice was able to help these two innocent men gain their freedom after over 23 years in Ohio prisons.

The letter was anonymous, but the handwriting looked familiar. Heavey hired a handwriting expert who analyzed the note in comparison to similar writing in the case documents and determined that it was likely a match to the handwriting of one of the detectives.

"I wrote him a letter and said, 'Hey, I know you wrote this,'" Heavey recalled. "He never responded."

If you're a judge presiding over a murder case, it seems natural to be resistant when a group of judges from another state start casting doubt about the very case you're presiding over. But for Judges for Justice, the point isn't to criticize the local courts and law enforcement.

When Judges for Justice takes on a case, there's typically a three-phase rollout:

1. Spend time, sometimes upward of two years, doing a deep dive into the particular case and confirming that the available evidence points to innocence.
2. Start picking apart where the investigation went wrong. Most of these types of cases come down to a rogue person or persons in law enforcement, Heavey said. The concept is called noble cause corruption—cops are on a noble cause to get the bad guy locked up and make the community safe, and then when they are so convinced in their noble cause they end up resorting to overly aggressive interrogation tactics. In the early days, Judges for Justice would create a lengthy report. Soon, its founders transitioned to mini documentaries trickled out as a series of YouTube videos, which proved better at grabbing attention in the community.
3. Make sure people watch the videos. In the final push to change the court of public opinion, Judges for Justice might unleash a number of promotional tools in the community where the crime took place, including newspaper ads, billboards, postcards, and ads on social media. "Once people see the documentary and then they start telling their friends and family in the community, you get this critical mass … and each case is a little bit different in how the person gets out of prison," Heavey said.

At the time of our interview, Heavey said Judges for Justice was currently in Phase 3 with Patricia Rorrer's case in Pennsylvania. There, the group purchased five billboards in various parts of the county, which for about three months would display a simple message: "Is Patty Rorrer innocent? You decide," with a link to the latest episode of their documentary series on Rorrer.

"Our documentaries don't do any good in the community unless people watch them," Heavey said. "We cannot tap into that force unless we can get people to watch our documentary."

With Judges for Justice, these retired judges are on the outside looking in. So has this type of advocacy work caused them to reflect differently on their time behind the bench?

"It's always good to have things that keep your mind open to your own fallibility to weaknesses in the system to listening carefully to overcome your own assumptions and biases—and that's true long after a case has left a courtroom," Schapira said.

"People have written to me and they've told me this and that, and it's not as though I've realized I was completely wrong, but



Colin Rigley is a communications specialist with the WSBA. He has nearly two decades of experience in journalism and communications. He can be reached at colinr@wsba.org.

I certainly have been able—I believed in this before—to recognize that people can change," Schapira said.

The momentum of a high-profile case can influence the behavior of not just police and prosecutors, but judges, too, Heavey said. Such a case builds up a perception that's difficult to reverse—"Surrounding a wrongful conviction in that community is ice a mile thick that the person is guilty," Heavey said. "And we have to start chipping away at that ice."

Think of Judges for Justice's process like a small kickstart to begin a process of self-examination in a community that was previously convinced of someone's guilt.

"When we leave there's suddenly a realization that the person is innocent; once they've got an innocent person in their midst the public won't tolerate it," Heavey said.

He added, "When we go into every single case we've gone into ... the prevailing mindset for people who've paid attention is the defendant is a cold-blooded killer, lucky they didn't get the death penalty. When we leave, the public opinion is changed to, 'Oh my God, he's an innocent person that was wrongfully convicted.' And when you get that public mindset to change you set in motion what Victor Hugo said: 'No power on earth can stop an idea whose time has come.' And that's been our experience. People will not tolerate a wrongful conviction in their midst; they just need to be educated about it." BN

NOTES

1. www.judgesforjustice.org/about/.
2. *2024 Annual Report*, The National Registry of Exonerations, *available at* https://exonerationregistry.org/sites/exonerationregistry.org/files/documents/2024_Annual_Report.pdf.
3. Scott M. Mourtgos and Ian T. Adams, "Recalibrating the risk of false confession wrongful convictions: Interrogation tactics and inverse probability," *Journal of Criminal Justice* 103 (March-April 2026), *available at* www.sciencedirect.com/science/article/pii/S0047235226000073.
4. *Id.*
5. Judges for Justice even has a video focusing on such issues, "Episode 3 "Noble Cause Corruption" - IS PATTY RORRER INNOCENT?" www.youtube.com/watch?v=J9p57vYlbZs.
6. "Episode 6: Constitutional Rights - Due Process and the Writ of Habeas Corpus." https://www.youtube.com/watch?v=GtFMvj70TJw.

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Q&A with Ann Guinn

Guinn is a law firm practice management consultant and has been a WSBA volunteer for more than 30 years, in various roles including member of the Solo & Small Practice Section Executive Committee and CLE faculty.

Q: Tell us a bit about your career as a legal practice consultant.
A: I began my career as a legal secretary in San Francisco. Following a move to Los Angeles, and more secretarial work, I took a management position at a large firm. These jobs taught me how a law firm works. That background, and a goodly share of common sense, has allowed me to teach attorneys what they didn't learn in law school about running a law practice for the past three-plus decades (having started when I was in kindergarten!).

Q: You have focused particularly on helping solo and small firm lawyers. What made you choose that path?
A: At some point, I realized that small firms have the same problems as large firms—marketing, hiring, getting paid, client management, etc.—but the attorneys are frequently handling everything themselves, with no management training. I saw attorneys who were working really hard, but not feeling confident about their management skills. They needed guidance, and I could provide that.

Q: Why did you initially start volunteering with the WSBA, and how long have you been a WSBA volunteer?
A: I served on the Executive Committee

SIDEBAR

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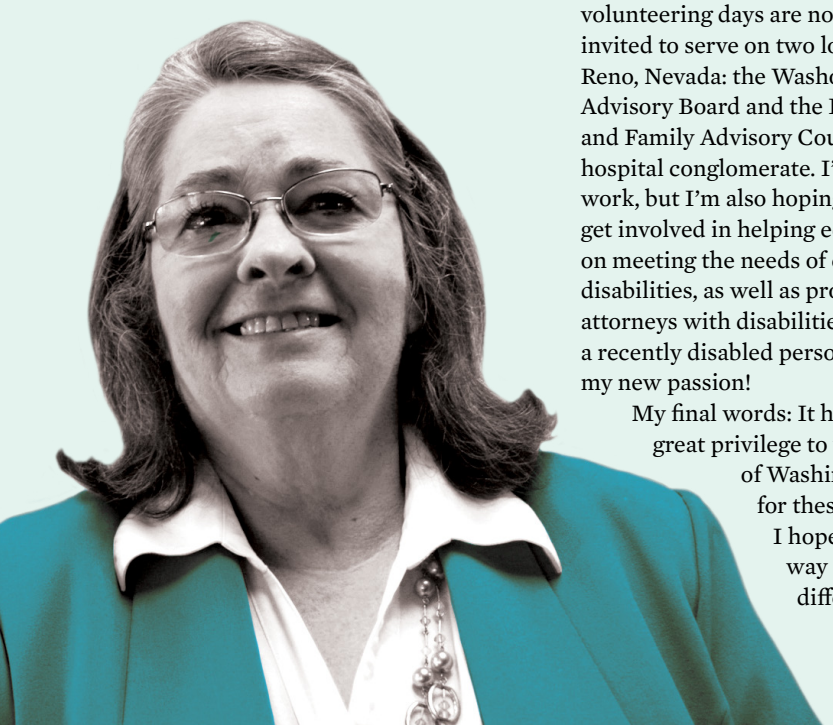
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of a Section of the State Bar of California for five years before moving to Seattle. I missed that work, so I phoned the WSBA and asked if anyone could use my help. I was immediately introduced to the Law Practice Management Section (now the Solo & Small Practice Section), and I just retired after serving 32 years on that Executive Committee.

Q: What do you find most meaningful or rewarding about volunteering with the WSBA?
A: My whole purpose in life is to help attorneys, and my work with the WSBA has allowed me to do that on so many levels—presenting CLEs, writing articles, planning conferences, serving on task forces and committees, and more. Besides the joy of lending a hand or word of encouragement here and there, the friendships I've formed have been the greatest reward of all.

Q: What advice would you give to others who are thinking about volunteering with the WSBA?
A: Do it! It's fun, educational, and life-enriching (not kidding!). There are literally dozens of different volunteer opportunities with the WSBA—and the best part is that you will be working with the amazing staff at the WSBA. And encourage your staff to volunteer, too. I'm not an attorney, yet the WSBA has given me countless ways in which to serve, so all types of experience and skills are welcome.



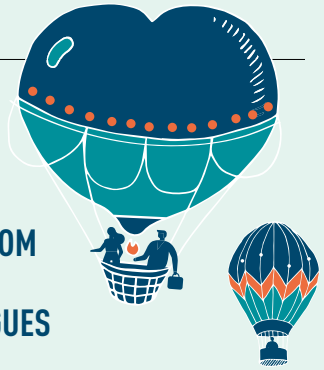
Q: Did anything surprise you about being a WSBA volunteer?
A: I was surprised at how readily I was accepted as a volunteer, and how much my meager efforts contributed to the overall goals of the WSBA in supporting its members.

Q: In your experience, are there any misconceptions legal professionals have about the role of a WSBA volunteer?
A: Perhaps some may think that WSBA volunteers are just nameless minions doing things WSBA staff can't do. Wrong! As a volunteer, you are an appreciated and honored member of the bigger team, your help is critical, and you will be sincerely thanked every time you turn around! It's like *Cheers*—everybody knows your name!

Q: Has volunteering with the WSBA led to any new connections?
A: Over the years, I've met hundreds of attorneys, and besides being great fun, that has allowed me to become an excellent resource for friends and clients who need to find an attorney in a particular practice area. My "matchmaking" success rate is 100 percent!

Q: Now that you are retiring and stepping away from volunteering with the WSBA, what are your plans for the future?
A: I haven't fully retired as I'm still working with existing clients, and my volunteering days are not over. I have been invited to serve on two local boards here in Reno, Nevada: the Washoe County Senior Advisory Board and the Renown Patient and Family Advisory Council for our local hospital conglomerate. I'm loving this new work, but I'm also hoping to find a way to get involved in helping educate attorneys on meeting the needs of clients/staff with disabilities, as well as providing support to attorneys with disabilities of their own. As a recently disabled person myself, that is my new passion!

My final words: It has been my great privilege to work on behalf of Washington attorneys for these many years. I hope in some small way I have made a difference. BN



HEAR FROM GUINN'S COLLEAGUES

Many years ago, I had the privilege of serving as the staff liaison to the Solo & Small Practice Section, where I had the opportunity to work with Ann. From the very beginning, Ann distinguished herself as an exceptional partner—warm, innovative, steady, and unwavering in her commitment to the Section year after year. Her dedication has had a lasting impact, not only on the Section's success but on everyone fortunate enough to work alongside her.

As the WSBA and its sections have evolved over time, Ann consistently offered a clear, grounded voice that kept our work focused on what mattered most: delivering meaningful value to section members. Her leadership, passion, and follow through set a standard that continues to inspire.

I often think of Ann as the kind of volunteer we all aspire to be—generous with her time, wise in her counsel, and wholeheartedly committed to strengthening the WSBA community. Her contributions have been extraordinary, and the respect and gratitude we feel for her are profound.

*— **Paris Eriksen**, WSBA manager of volunteer engagement*

By my calculations, when Ann Guinn attended her final Solo & Small Practice Section Executive Committee Retreat this year as an advisor, she had completed 32 years as a member of the EC—and had probably contributed an unmatched amount of time as a non-attorney volunteer in support of the Section and the WSBA that included speaking at CLE programs and serving on planning committees for the annual WSBA Solo and Small Firm Conference. She was well-deserving of the WSBA APEX Lifetime Service Award in 2019. Now that she has retired from her involvement with the Section, her institutional knowledge regarding the Section—not to mention her "eagle eye" attention to details when reviewing draft EC meeting minutes—will be missed. Best wishes to Ann in retirement!

*— **John Redenbaugh**, Advisor to the EC and retired WSBA employee*

FEATURE



THANKS to Our WSBA Volunteers

The WSBA is honored to partner and collaborate with many dedicated legal professionals and members of the public to help further our mission to serve the public and members of the Bar, to ensure the integrity of the legal system, and to champion justice.

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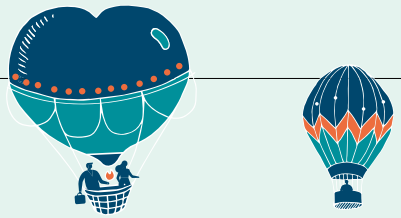
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James M. Richardson III
Amy Riedel
Damien Riehl
James Riehl
Julia Mercedes Riggs
John M. Riley III
Alexa Ritchie
Abraham Ritter
Norma Rivera
Zaida Rivera
Rachel Roberson
Jessica Roberts
Katherine Robertson
Lucretia Robertson
Rebecca Robertson
Frederic Rocafort
Aaron Rocke
Paul Rodgers
Blanca Rodriguez
Melissa Roeder
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Leo Roinila
Luis Romero
Matthew Rommelmann
Duffy Romnor
Pardies Roohani
Stephen Roos
Emily Rose
Seth Rosenberg
Case Rosenblum
Jacob Rosenblum
Antonio Rosendo
Teanini Roth
Gabriel Rothstein
Carl Rubenstein
David Rubenstein
Carl Rubinstein
Adely Ruiz
Claudette Rushing
Daniel Russ
Cheryll Russell
Daniel Ruttenberg
Erika Rutter
Terrance Ryan
Jennifer Rydberg

S

Conrad Saam
Sharon Sakamoto
Joe Salas
Miranda Salmeri
Jocelyn Samuels
Michael Sanchez
Christopher Sanders
Destinee Sanders
Carrie Sanford
Animat Sanussi
Robert Sargeant
Vonda Sargent
Mallory L.B. Satre
Ronald Satterthwaite
Joshua Saunders
Michael Savage
Serena Sayani
William Schabas
Jacqueline Schafer
Lisa Schaures
Andrea Scheele
Tenaya Scheinman
Jennifer Schell
Michael Scheuler
Aleksander Schilbach
Sandra Schilling
Kirsten Schimpff
Thomas Schlosser
Andrea Schmitt
Nathan Schmutz
Elizabeth Schubert
Michael Schueler
Taylor Schulte
Scott Schumacher
Fallon Schumsky
William Schwartz
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Laurin Schweet
Steven Scindler
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Michael Scott
Nate Scott
Nicole Searing
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Paul Sewell
Courtland Shafer
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Murugeshwari Subramanian
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Landon Sullivan
Molly Sullivan
Stephanie Sundier
Owen Sutanto
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Raymond Swenson
Dawn Sydney
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Luisa Taddeo
Brendon Taga
Megan Tahl
Hao Tan
Steven Tapia
Julien-Marie Tarraf
Karissa Taylor
Stephanie Taylor
Nicole Tedrow
Bryan Telegin
Erica Temple
Michael Terasaki
Jerry Thomas
Ryan C. Thomas
Christa Thompson
Leighanne Thompson
Courtney Throgmorton
Saul Tilden
Alan Tindell
Jennifer Tininenko
John Tirpak
Maya Titova
Thomas Tobin
Christy Tobin-Presser
Brian Tollefson
Jeffrey Tolman
Zachary Tomlinson
Rolf Gardner Toren
Mirisa Torres
J. Todd Tracy
Athan E. Tramountanas
Hong Tran
Jaymi Trimble
William Trippett
Mark Trivett
Sonia Rodriguez True
Cassie Trueblood
David Trujillo
Jennifer Truong
Rodney Tullett
Bruce Turcott
Devon Tussing-Adkinson
Emily Tyson-Shu

U

Page Ulrey
Nicholas Ulrich
Carrie Umland
Laurie Ummel
Dayna Underhill
Liberty Upton
Norma Linda Ureña

V

Yohana Valdez
Favian Valencia
Rose Valera
Joanna Valeri
Veronica Van Heel
Andrew Van Winkle
Arik Van Zandt
James Vana
Aaron Vanderpol
Leron Vandsburger
Bebe Vanek
Douglas Vanscoy
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Lola Velazquez
Leslie Veloz
Shashi Vijay
Alain Villeneuve
Shona Voelckers
Mark Vohr
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W

James Wade
Joe Wagner
Raina Wagner
Jacob Walker
Jada Walker
Jason Walker

Mindy Walker
Ruthanna Walker
Brad Walvatne
Connie Wan
Katie Wan
Andy Wang
Arthur Wang
Janice Wang
Larry Ward
Alison Warden
Kathleen Wareham
Frank Washko
Anne Watanabe
Elyse Waters
Lindsay Watkins
Eric Watness
Lauren Parris Watts
M. John Way
Laurel Webb
Deborah Wechselblatt
David Weeks
Martha Wehling
Kenneth Weil
Stephen Weisbrod
Annemarie Weiss
Reba Weiss
Joshua Weissman
Cecilia Welch
Brandon West
Logan Westerman
Lindi Westwood
Jennifer Wheeler
Brett White
Lish Whitson
Lindsey Whyte
Sean Wickens
Geoffrey Wickes
Allison Widney
Carolina Sun Widrow
Stephanie Dib Wietstruck
Robert Wilke
Tiffany Wilke
Douglas Williams
Jesse Williams
Karl Williams
Kinnon Williams
Noah Williams
Thomas Williams
Amanda Williamson
Brent Williams-Ruth
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Erin Wilson
Karen Denise Wilson
Kristine R. Wilson
Julie Wilson-McNerney
Tyson Winarksi
Adrian U. Winder
Suzanne Thompson Wininger
Augustus Winkes
Randall Winn
Sarah Wixson
John Wolfe
Carmen Wong
Denny F. Wong
Jeremy Wood
Kyle Wood
Troy Wood
Alena Wooldridge
Mick Woynarowski
Gregory Wrenn
Brian Wright
Harold Wright
Bruce Wu
Chajin Wu
Bee Wuethrich
Roger Wynne

X

Shainna Xi
Xuan Xiao

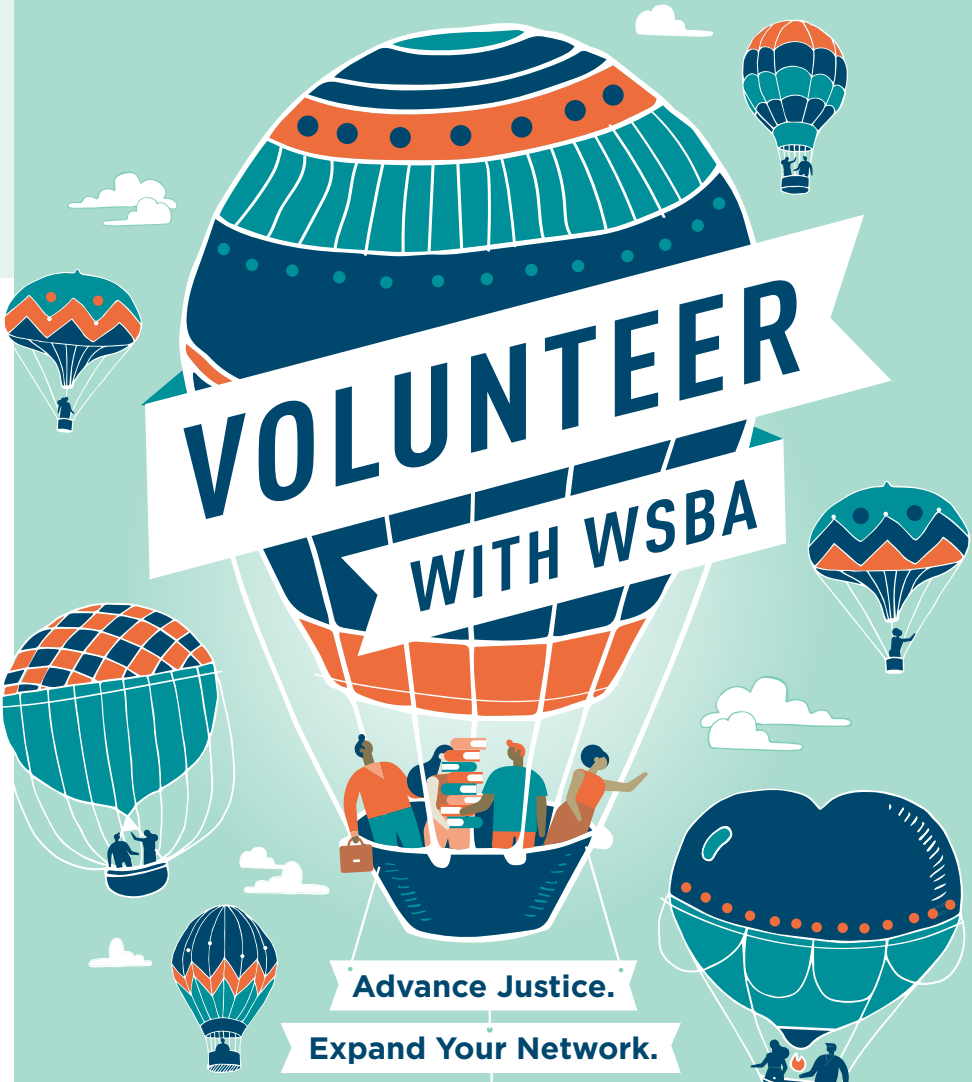
Y

Masaki James Yamada
James Yand
George Yeannakis
Laura Yelish
Stephan Yhann
Andrew Yi
Jesse Yoder
Ranae York
Emily Yoshiwara
Kris Yoshizawa
Christopher Young
Emma Young
Lei Young
William A. Young
Mary Yu
Kathy Yue

Z

Katrina Zafiro
Anthony Zanol
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Lynda Zeis
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SCAN THE QR CODE TO ACCESS THE FORM >

wsba.org/volunteer

On Board

NEWS FROM THE BOARD OF GOVERNORS & THE WSBA

MARCH 6, 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 **Local Hero**. The WSBA recognized Trevor Zandell, an honor bestowed by the WSBA president in partnership with county bar associations to recognize colleagues who make noteworthy contributions to their communities. Trevor was nominated by the Thurston County Bar Association for his unwavering commitment to service, whether as a board president for United Way of Thurston County, as a youth sports coach, or as a leader with the Thurston County Bar.

2 **Celebration of Law Clerks.** The WSBA held its second annual celebration for graduating APR 6 law clerks. The Law Clerk Program is an alternative to law school, a four-year course of study designed to provide educational and practical experience through a combination of work and study with an experienced lawyer or judge. This year's ceremony featured keynote speaker King County District Court Judge Fa'amomoi Masaniai, the first law clerk graduate to join a judicial bench.

3 **Annual Meeting with the Washington Supreme Court.** The Board traditionally meets with the Supreme Court in March to talk about mutual interests. This year's topics included updates on the Entity Regulation Pilot Project, the new experiential pathway to licensure, Equity and Justice Action Plan, Justice Gap Scoping Work Group, and Rule of Law Ambassador Program.

4 **Pledge to Preserve the Independence of the Profession.** In line with values and commitments made as part of the Rule of Law Ambassador Program, the Board as an entity agreed to sign the National Conference of Bar Presidents' (NCBP) *Pledge to Preserve the Independence of the Legal Profession and the Judicial System* and approved sponsoring a related ABA House of Delegates resolution. Patrick Palace, NCBP president and former WSBA president, told the Board he drafted the pledge in response to growing concerns about threats to judicial independence and the rule of law and to unite bar leaders across the nation in support of democratic governance. Board members remarked that these principles underlie the Speak Up for Justice Washington! tour, a partnership between the ambassador program and county bars. The WSBA will sponsor a related resolution before the ABA House of Delegates at the ABA annual meeting in August. Read the full pledge at **https://ncbp.org/page/NCBPPledge**.

5 **Lunch and Learn Events: Immigration Enforcement**. The Rule of Law Ambassador Program was a prominent topic throughout the March meeting, with Board and court leaders emphasizing the need for legal professionals to be present in their communities to uphold the rule of law—as sources of good information, to build



On March 6, the WSBA held its annual celebration for graduating APR 6 law clerks. From left: WSBA President Francis Adewale, Law Clerk Program graduate Erika Bellamy, WSBA Executive Director Terra Nevitt, and Law Clerk Board member John Meyers.

BELOW: King County District Court Judge Fa'amomoi Masaniai keynoted the event.



SAVE THE DATE

The next regular meeting is May 1-2 in Wenatchee. To subscribe to the Board meeting notification list, email barleaders@wsba.org.

relationships, and for civic engagement. Toward that goal, the WSBA is creating an ongoing series of virtual lunch-and-learn events to equip legal professionals to be well-informed resources, answer questions, and dispel misconceptions about the role of the legal community in pressing legal topics. Topics will include federal immigration enforcement, Fourth Amendment rights, First and Second Amendment rights, and jurisdictional conflicts/supremacy. Email ambassadors@wsba.org to receive registration information as well as ongoing ambassador opportunities, events, and resources.

THE BOARD ALSO:

- **Approved** comments to CrR 4.2, CrR 4.7, CrRLJ 4.7, and GR 33, as recommended by the WSBA Court Rules and Procedures Committee. This committee is actively reviewing the Criminal Rules for Superior Courts and the Criminal Rules for Courts of Limited Jurisdiction this year. The comments will now be submitted to the Supreme Court for consideration during the public comment period.
- **Heard** an update on the experiential pathway to licensure, as an alternative to the bar exam. (Expect to learn more about recommendations for implementation of the new pathways to licensure in an upcoming issue of *Bar News*.)
- **Appointed** a new trustee to the Washington State Bar Foundation.
- **Approved** changes recommended by the Board's Governance Committee to the WSBA Bylaws regarding political activities by governors and officers. BN

MORE ONLINE

The agenda, materials, and video recording from this Board meeting (held in Seattle) are posted online at **www.wsba.org/bog**.

ATTORNEY FEE SPECIALISTS

We can help with advice, an evaluation, a declaration or testimony on fees. We know the law:

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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YOUR APPEAL SPECIALISTS

Scott/Viglis v. Amazon.com,
___ P.3d ___, 2026 WL 468578 (2026)
(establishing seller liability for dangerous product)

Melody Petlig v. The Estate of Gary Webb,
2026 WL 266875 (2026)
(attorney fee restitution decision affirmed on appeal)

Swanson v. Swanson,
2026 WL 173439 (2026)
(final dissolution orders affirmed on appeal)

James and Tonya Lowe v. Ace Hardware Corp,
2026 WL 266810 (2026)
(summary judgment overturned in personal injury lawsuit)

State v. Luna,
5 Wn.2d 465, 578 P.3d 273 (2025) (vacating second degree murder conviction due to prejudicial evidentiary errors)

Barrett Business Services, Inc. v. Colmenero,
2025 WL 2048985 (2025)
(addressing trade secret violation)

Carter v. C&K Contracting, Inc.,
573 P.3d 914 (2025) (upholding road easement)

Jeffrey Probst v. Dep't of Retirement Systems,
35 Wn. App. 2d 1052 (2025), 2025 WL 2779961 (2025)
(Court rejects argument that state courts lacked jurisdiction over pension class takings claim)

Employers Ins. Co. of Wausau v. Board of Regents of Univ. of Wash.,
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 summary judgment dismissal of construction lawsuit)

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

King Co. v. Friends of Sammamish Valley,
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)

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In Remembrance

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

Please email notices to **wabarnews@wsba.org.**

Lish Whitson

#5400, 2/11/2026



Lish Whitson was born on Oct. 13, 1942, in Washington, D.C. He earned his undergraduate degree from Pennsylvania State University and then joined the Peace Corps. While training for the Peace Corps at the University of Texas, Austin, Whitson met Barbara Sullivan. The pair married after knowing each other for a month, after which they both served in the Peace Corps in Afghanistan for two years. During that time, Whitson taught English and started a pottery cooperative. After the Peace Corps, Whitson relocated to Seattle and earned his J.D. from the University of Washington School of Law in 1973. His 50-year legal career included roles at the Public Defenders Association, Helsell Fetterman, his own law firm, and JAMS. Whitson served as president of the King County Bar Association's (KCBA) Young Lawyers Section, a KCBA trustee, and a member of the WSBA's Board of Governors from 1995 to 1998. At the WSBA, Whitson volunteered on numerous boards, committees, and sections. His roles include chair of the Dispute Resolution Section (and member for over a decade), three-time chair of the Judicial Recommendation Committee, and member of the Hearing Officer Panel for more than 15 years. Whitson received various accolades, including KCBA's Pro Bono Award in 1993, KCBA's Outstanding Lawyer Award in 2000, and KCBA's Distinguished Service Award in 2025. Outside of work, he loved traveling with his wife and children. He was diagnosed with leukemia while on a four-and-a-half-month cruise from Antarctica to Greenland. Whitson died of complications from leukemia on Feb. 11, 2026. He is survived by his wife of 55 years, Barbara; his children, Lish Richard and Kimberly; his sister, Clytie Taylor; and many nieces, nephews, friends, and colleagues. BN

MORE ONLINE

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

Donald Austin II, #35293, 10/22/2025

Rebeccah Briggs, #35990, 3/12/2025

Lyliane Couture, #32308, 10/24/2025

Robert Crick Jr., #26306, 8/16/2025

Philip De Turk, #2860, 2/7/2026

Kaitlynn Donnelly, #49535, 2/17/2026

Wendy Earle, #38921, 1/19/2026

Harold Grover, #38849, 5/10/2025

Chellie Hammack, #31796, 3/4/2026

Bryce Holland Jr., #9290, 5/28/2025

Laura Kim, #59663, 1/26/2025

Omid Mantashi, #32519, 3/27/2025

Richard Oehler, #17267, 6/6/2025

Douglas Prince, #11936, 5/22/2025

D. Roger Reed, #662, 8/2/2025

Randall Stamper, #4663, 8/25/2025

John Strauss, #6968, 6/10/2025

Rosemary Torres, #26717, 3/11/2025

William Tri, #14688, 1/10/2026

Pamela Visco, #26584, 8/17/2025

D. Gordon Willhite, #2302, 9/16/2025

John Ziegler, #5875, 11/26/2025

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Need to Know

NEWS & INFORMATION OF INTEREST TO WSBA MEMBERS

WSBA NEWS

2026 License Renewal and MCLE

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

Notice of LSC Grant Funds Available

The Legal Services Corporation (LSC) recently announced the availability of Basic Field Grants for 2027. Through a competitive bidding process, the grants are awarded to qualified attorneys, legal aid organizations, and entities as a means of improving access to justice for low-income people throughout the U.S. and U.S. territories. For application instructions, deadlines, eligibility, and submission requirements, visit **www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant**.

Rural Day of Service Clinic

Share your time and legal knowledge at the WSBA Small Town and Rural Council (STAR) Rural Day of Service clinic. The clinic, held in partnership with Inland Empire Legal Aid, will take place May 4, from noon to 4 p.m. at the American Legion in Chewelah. The clinic will focus on simple estate planning (drafting of simple wills, power of attorney, and health care directives). Volunteers will be reimbursed for their reasonable travel expenses consistent with the WSBA Fiscal Policy. Visit **https://bit.ly/4tsfBtv** to complete the Volunteer Attorney Sign Up Form by April 17.

THE BAR BUZZ

Nominate an Exceptional Mentor for National Recognition

Have you met someone in your legal career whose guidance and mentorship have made you a better legal professional? Then submit a nomination for What the Best Legal Mentors Do, a Harvard University Press project with the goal of publishing a book profiling approximately 25 exceptional legal mentors. The book will synthesize the strategies these mentors use to motivate, support, and inspire others, offering a range of mentorship models across a wide variety of practice types and generations. Click the image to submit your nomination; learn more at **https://sites.google.com/u.pacific.edu/bestlawmentors/home**.

Save the Date for the 2026 STAR Summit

The 2026 Small Town and Rural (STAR) Summit will take place at Central Washington University in Ellensburg on June 26. In collaboration with the WSBA Access to Justice Board and CWU's Department of Law and Justice, we're bringing together voices from across the region for a day dedicated to rural practice and community empowerment. Join us for a welcome reception the evening before to kick things off. Stay tuned for registration and full details! Learn more at **www.wsba.org/connect-serve/committees-boards-other-groups/small-town-and-rural-council**.

Rural Practice Summer Internship Grants

The Small Town and Rural (STAR) Council will be awarding at least 10 $5,000 grants to law students participating in a summer internship for an organization providing legal services in a nonprofit, government, or private setting located within a rural community. The purpose of this internship grant program is to assist in building a pipeline of rural attorneys who will help narrow the legal services gap in rural communities throughout the state of Washington. The deadline to apply is April 13. Visit **www.wsba.org/connect-serve/committees-boards-other-groups/small-town-and-rural-council** to learn more about eligibility and to apply.

Trust Accounting & Billing Software

Are you looking for support with trust accounting or billing? We have great news for you! The WSBA recently announced a new, exclusive benefit for members: FREE access to Smokeball Bill, the premier trust accounting and billing software for law firms. Visit **https://bit.ly/wabarbill-launch-enews-0226** and sign up for your free subscription today!

Shape the Future of the Professional Oath

The WSBA Oath Review and Drafting Task Force wants your input to better understand Washington legal professionals' views about the current professional oath and to guide the task force in its work. Visit **www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/oath-task-force** and please take the survey that corresponds to your license type: Oath of Attorney, Oath of Limited License Legal Technician, or Oath for Limited Practice Officers.

New CLJ Data and Document Portal

Re:SearchWA, the new public case records portal for Courts of Limited Jurisdiction Case Management System (CLJ-CMS) courts, is 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/CourtRecordsSearch/ui/Home** for more information including user guides and a list of participating courts.

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. Learn more at **www.wsba.org/about-wsba/entity-regulation-pilot**.

Spanish Language Access to the Lawyer Grievance Process

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

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Need to Know

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Please Complete Your Confidential Demographics Form

Did you know that the WSBA regularly publishes a variety of demographic information about the WSBA membership? 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**) to complete the demographics section.

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 8:00-9:30 a.m. via Zoom) is reserved for member comments. All topics are welcome. Visit the events calendar at **www.wsba.org** for more information.

Explore the WSBA Lending Library

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

VOLUNTEER

Legal Clinic Volunteers Needed

A free legal clinic put on by the Latina/o Bar Association of Washington, the King County Bar Association, and El Centro de la Raza is looking for attorney volunteers interested in doing pro bono work. The clinic takes place from 6-8 p.m. on the second Wednesday of every

ENGAGE IN YOUR LEGAL COMMUNITY

Speak Up for Justice, Washington!

Judges throughout Washington and the nation have sounded the alarm: They have become targets of unprecedented levels of violence and threats of violence. Join us at one of many locally hosted in-person, free CLEs that aim to develop leadership skills and empower legal professionals to speak up in their communities to counter misinformation and build relationships in support of their court systems. Speak Up for Justice Washington! is partnering with county bars, which will host events throughout the state eligible for 1.0 to 1.5 CLE credits. Visit **www.wsba.org/about-wsba/ambassadors/speak-up** to see a list of upcoming dates and locations.

month at El Centro de la Raza in Beacon Hill (2524 16th Ave. S, Seattle, 3rd Floor). For more information, email clinics@lbaw.org and clinics2@lbaw.org.

RESOURCES

New Ways to Access Deskbooks

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** to learn more.

Have You Reviewed Your Group Health Options?

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. Visit **https://wsba.memberbenefits.com/employer-group-solutions/** to start your no-obligation market analysis and group health quote.

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**.

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**.

WSBA MEMBER WELLNESS

Washington Lawyers Assisting Lawyers

Washington Lawyers Assisting Lawyers is a nonprofit that offers free and confidential services. WALAL is separate from the WSBA and is not affiliated with any 12-step organization. To learn more about WALAL, to seek assistance, or to volunteer as a peer counselor, see **www.WALAL.org** or email info@walal.org.

Zen Meditation at Your Desk

Zen Meditation at Your Desk will be hosted on Thursdays from 12-12:30 p.m. Each session will include a pearl of wisdom, time to meditate, and then time to connect with each other as a group. Find out more and sign up at **https://bit.ly/4m6m0YO**.

Free Confidential Clinical Consult With Licensed Provider

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

Health Benefits

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

The 'Unbar' Alcoholics Anonymous Group

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

ETHICS

Ethics Line

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

WSBA Advisory Opinions

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

WSBA COMMUNITY NETWORKING

New Members List Serve

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

ALPS Attorney Match

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

QUICK REFERENCE

April 2026 Usury

The usury rate for April 2026 is 12.00%. The auction yield of the March 2, 2026, auction of the six-month Treasury Bill was 3.649%. The interest rate required by RCW 4.56.110(3)(a) and 4.56.115 for April 2026 is 5.649%. The interest rate required by RCW 4.56.110(3)(b) and 4.56.111 for April 2026 is 8.75%. BN

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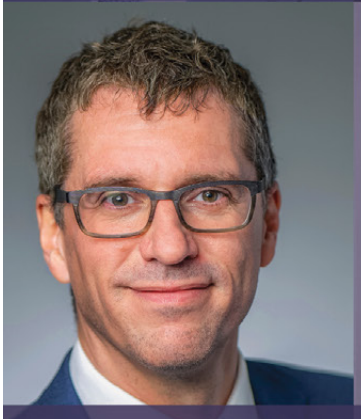
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RESULTS

Paper mill worker who developed mesothelioma — **$16M**

Construction worker exposed to asbestos — **$8M**

Boiler technician exposed to asbestos — **$4M**

Asbestos exposure through family member employed at a refinery — **$3M**

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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** 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.

Resigned in Lieu of Discipline

Hari L Alipuria (WSBA No. 26899, admitted 1997) of Tacoma, resigned in lieu of discipline, effective 2/5/2026. 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. Benjamin Attanasio acted as disciplinary counsel. Hari L Alipuria represented themselves.

The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 1.15A (Safeguarding Property), 1.15B (Required Trust Account Records), 8.1 (Bar Admission and Disciplinary Matters), 8.4(b) (Criminal Act), and 8.4(c) (Dishonesty, Fraud, Deceit, or Misrepresentation).

Alipuria's alleged misconduct includes: 1) providing false testimony in a deposition, 2) using and/or converting client funds for respondent's own purposes, 3) depositing and/or retaining respondent's funds in the trust account, 4) failing to maintain a check register or client ledgers for respondent's trust account, 5) failing to perform trust account reconciliations, and 6) making cash withdrawals from the trust account.

Decision document: Resignation Form of Hari L Alipuria (ELC 9.3(b)).

MORE ONLINE

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

Reprimanded

Alice Bagirova (WSBA No. 49294, admitted 2015) of Bellevue, was reprimanded, effective 1/23/2026, by order of the hearing officer. Claire Carden acted as disciplinary counsel. Jeffrey T Kestle represented respondent. Kenneth B. Gorton was the settlement hearing officer. Michele Moore was the hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 3.2 (Expediting Litigation), 3.4 (Fairness to Opposing Party and Counsel), and 5.3 (Responsibilities Regarding Nonlawyer Assistants).

Bagirova stipulated to reprimand for: 1) failing to produce information responsive to discovery requests and failing to comply with the court's order compelling production of information, 2) failing to adequately supervise a paralegal, 3) failing to respond to discovery requests, failing to respond to a motion to compel and motion to dismiss, and failing to appear at the motion to dismiss hearing, and 4) failing to keep a client informed about the status of the matter.

Decision documents: Order Approving Stipulation; Stipulation to Reprimand; and Notice of Reprimand.

Interim Suspension

Shannon Marie McMinimee (WSBA No. 34471, admitted 2003) of Outlook, is suspended from the practice of law in the state of Washington pending the outcome of disciplinary proceedings, effective 2/25/2026, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.***

Gerald T. Osborn (WSBA No. 13712, admitted 1983) of Anacortes, is suspended from the practice of law in the state of Washington pending the outcome of supplemental proceedings, effective 2/20/2026, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.*** BN

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LIGHTNING ROUND

Cora Whitney

BAR NUMBER: 46480

Cora Whitney is an attorney located in Kennewick and is licensed in both Washington and Idaho, where she primarily practices in business and real estate law at Malek + Malek. She graduated from Gonzaga University School of Law summa cum laude in 2013. She received her undergraduate degree from Washington State University summa cum laude in 2010.

What is the most interesting case you have handled in your career so far and why?
The most interesting representations I've been a part of involve helping a client start a business, develop and run it, and then ultimately sell that business. I love helping people achieve their goals and dreams, financially and professionally. Seeing my clients succeed adds a lot of joy into my practice.

Did you end up practicing in the area of law you expected? If not, where did you end up and why?
No. When I started law school I expected to practice as a criminal prosecutor. I ended up working in corporate and real estate law and absolutely love it. I love proactively solving complex problems for clients, hopefully before those problems become an organizational crisis.

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How do you define success as a lawyer?
Success is leaving the situation better than when I entered the transaction. I want to provide solutions to my clients and a path toward a better future for all parties.

At the end of your career, how would you like to be remembered professionally?
I would like to think I will have made a positive impact on those whom I come in contact with in the profession, especially working parents, through mentorship and support.

What is your best piece of advice for someone who's just entered law school?
Figure out what areas of law you do not like. It gets harder to start over in a new area of law the longer you practice, so figuring out what doesn't fulfill you sooner rather than later is best. Being a lawyer is hard enough; you should enjoy what you do each day. BN

What's your favorite breakfast cereal that you're slightly embarrassed to buy? Reese's Puffs.

What book have you read more than once? *Lean In*, by Sheryl Sandberg.

What is the last thing you watched on television? The *Home Alone* movies with my kids.

What is the worst movie you've ever seen? *The Perfect Storm*. It has a terrible ending.

How do you unwind or recharge after a difficult day?
I turn my focus to my kids. They are the light of my life and permeate joy through constant laughter, chaos, and curiosity. Figuring out the most important thing to a 7- or 2-year-old at any given moment grounds me and reminds me why I work so hard—to provide a better life for them.

What is one thing your colleagues may not know about you? I own several pairs of magenta shoes.

What is the most unusual job you've ever had? My first job, other than babysitting, was handpicking organic produce and running a farm stand in Skagit Valley, Washington. Those were the hardest days' work I've ever experienced. I have deep respect for farmers and field workers.

Who is your favorite writer?
Jodi Picoult, she is a great story teller.

What's the best place you've ever traveled to?
Kona, Hawaii. It's where my husband and I were married. We now get to take our kids back to the beach where we said our vows and it is very special.



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