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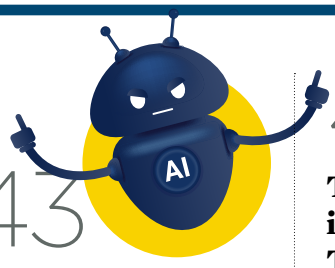
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Editor's Note

Deciding Our Future With AI

AI is everywhere. We can't avoid it. We can't stop it or slow it down. We have no choice but to embrace it. Right? For some industries and some individuals, that may be the case. Generative AI may be changing your world for the better. It may be solving some problems faster and more efficiently. It may be helping you help more people than ever before.

In the legal realm, there are many examples of successful AI implementation and promising ideas for future use. (See Jordan Couch's July 2025 *Bar News* Innovation column, "The Bright Legal Future.") There are also many examples of failure (see page 42 in this issue). But this Editor's Note isn't about the success or failure of AI, exactly.

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



ON THE COVER
Photo © courtesy of Washington Supreme Court

It's about a discussion we're having specific to the *Bar News* magazine. It's about a choice we want to make. This publication is meant to be educational, practical, and hopefully at least a little entertaining—all things that content generated by AI has the potential to be. However, this magazine is also supposed to be a place for legal professionals and others to share their *human* perspective on the legal system, case law, recently passed legislation, and more. And further, those of us who work on the magazine deeply value human creativity, and we share a concern about copyright issues and generative AI (see the many ongoing lawsuits related to the training and use of generative AI models).

With all that in mind, the magazine team and the WSBA Editorial Advisory Committee, which is made up of WSBA member volunteers, are talking about an AI use policy that would govern what is and isn't allowed with regard to researching, editing, and generating content using AI in these pages. If you have thoughts you'd like to share on this front as a *Bar News* reader, please email me at KirstenL@wsba.org. I would love to hear from you. BN

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



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

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

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

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

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Only rarely does this work break into public view. The film *Tow* (starring Oscar-nominated Rose Byrne) tells one such story: a Seattle woman who refused to back down, and an attorney affiliated with Northwest Consumer Law Center who fought for 369 days, through two court orders, to recover her stolen, towed, and illegally sold car, while eliminating a $21,634 bill.

If we have space for lawyer advertising on every corner and bus line, we should also make room to let the public know more about our legal aid organizations, their attorneys, and pro bono services.

Michael B. Goldenkranz
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THE VOICES OF WASHINGTON'S LEGAL COMMUNITY



Idaho Supreme Court Reaffirms Breach of Fiduciary Duty and Consumer Protection Act Claims Against Lawyers



BY MARK J. FUCILE

When we hear the phrase "claim against a lawyer," most of us, understandably, think of negligence-based legal malpractice claims. The Idaho Supreme Court recently provided a reminder that lawyers there are also subject to breach of fiduciary duty and Consumer Protection [...]

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How Inadequate Grievance Documentation Alters the Legal Landscape



BY CRAIG STEINFELDT

In health care litigation, the most consequential evidence is not always found in the medical record. Frequently, the documentation that most significantly shapes a case is administrative — the patient grievance log. While clinical records describe the care provided, grievance logs reveal [...]

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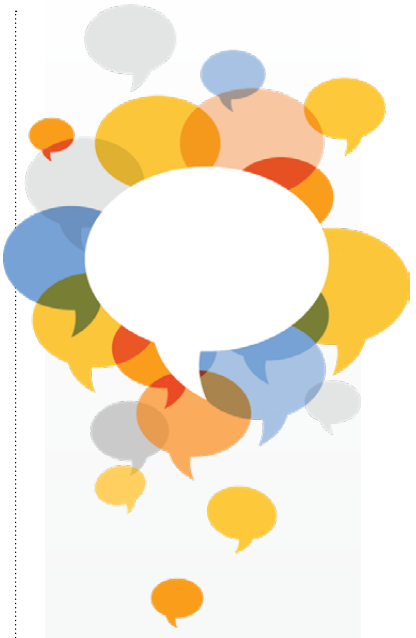
New Alaska Bar Opinion on Handling Confidential Information When Withdrawing



BY MARK J. FUCILE

Court rules vary widely on the mechanics of withdrawal. Some simply allow withdrawal by notice. Others, however, require a motion and court approval. The Alaska Bar in Ethics Opinion 2026-01 recently took up the always-difficult issue of what can be disclosed in public court filings [...]

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A NOTE FROM THE WSBA EXECUTIVE DIRECTOR

The Next 250 Years Start This September. Are You Ready?

On Law Day 2025, the WSBA launched its Rule of Law Ambassador Program and hosted events around the state where almost 2,000 legal professionals retook their professional oath. This year on Law Day, we asked legal professions to commit to connecting with and visiting a classroom this fall, in commemoration of Constitution Day on Sept. 17. Hundreds have responded, but we're hoping for even more. Our audacious goal is to have a lawyer in *every* school across our state, heck, maybe even every classroom!

Why? This year, our nation turned 250. That's not a small thing, and for those of us who have devoted our careers to upholding its founding promise, it is worth pausing on. We became legal professionals because we believed in something: that the law belongs to everyone, that fairness is worth fighting for, that the system—imperfect as it is—is worth defending and improving. School is out, but that belief doesn't clock out for summer.

But here is what keeps me up at night: Fewer than one in four eighth graders are proficient in civics nationally.[1] These are the students who are just years away from casting their first vote, and many of them have never met a lawyer, judge, or anyone who works in the legal system. Civic participation starts with feeling like you belong in the conversation and your voice matters. When a legal professional walks into a classroom in September, they send a message to students that no textbook can: The Constitution belongs to you, too.

The law establishing Constitution Day was modified in 2004, and it mandates that all publicly funded schools provide education programming on the U.S. Constitution on Sept. 17. That's more than 2,200 public K–12 schools in Washington alone—all of them legally required to deliver Constitution Day programming, and many without a plan for how to do it. The result is a need that is almost perfectly shaped for us. Legal professionals are the people best positioned to speak to the ideals and pursuit of liberty, justice, and freedom.

And the need is more acute than the mandate alone suggests. As legal professionals, we don't just understand the Constitution, we are bound by it. Our rules of professional ethics remind us that "legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority."[2] When that participation erodes, so does our institution. We are the ones who understand that best, and we are also the people who can do something about it—one classroom at a time.

Here is what legal professionals who have already visited a classroom will tell you: The students will surprise you. You yourself—with your unique perspective and experience, as a representative of the legal system—are just as important as the lesson. The students begin to think: "They look like me, they care. Maybe I can do what they do to help my community." When legal professionals share their personal journeys, those seeds grow—into future voters, jurors, advocates and hopefully, future lawyers. Students will want to know all about you, your strangest case, how you became interested in the law, what you wear to court, and whether you drive around in a Lincoln brainstorming legal solutions.

If you have been on the fence or haven't contacted a school yet, you still have time—but don't delay. Schools return to session in August, so the window to schedule your Constitution Day visit closes sooner than you think—we are less than 12 weeks out. We have made it as easy as possible to invest in the next generation.

Go to **www.wsba.org/classroom-ambassadors** for a step-by-step guide that walks you through finding a school, choosing a ready-made lesson, and planning your visit. In the coming weeks, we are hosting lunch-and-learn sessions for those who want to hear from lawyers who present in classrooms regularly (and successfully). These sessions will be recorded too, so if you're unable to attend live, you'll be able to access them before September.

If students are to believe that the legal system can be fair and represent them,



Terra Nevitt

WSBA Executive Director

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

Civic participation starts with feeling like you belong in the conversation and your voice matters. When a legal professional walks into a classroom, they send a message to students that no textbook can: The Constitution belongs to you, too.

LEARN MORE & JOIN US!

Hundreds of your colleagues have already committed to be in classrooms throughout the state this fall—and Sept. 17 is just weeks away. If you haven't taken that step yet, or haven't found your school, we have made it easy. The resources and ready-to-use lesson plans are waiting at **www.wsba.org/classroom-ambassadors**.

This summer, we're also hosting lunch-and-learn sessions to help you prepare for your visit (details coming soon). Any day can be Constitution Day, all we need is YOU! Sign up at **https://forms.office.com/g/Da8XKHu2UP**.

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what they need from us are the tools to understand how it works and how to make it better. Walk into a classroom this fall and show students why the Constitution is not a museum relic. Show them why it's their instrument and they will remind you, in the way only this next generation can, why you chose this work in the first place.

They need us in the classroom. But if we're being honest, we need them too.

Please join us. Sign up today: **https://forms.office.com/g/Da8XKHu2UP.** BN

NOTES

1. Nation's Report Card (NAEP), 2022 Civics Assessment, Grade 8. National Assessment Governing Board. *Available at* nationsreportcard.gov.
2. www.courts.wa.gov/court_rules/pdf/RPC/GA_RPC_PREAMBLEANDSCOPE.pdf.

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Speaking Up for Justice: The Banality of Evil and the Call to Uphold the Rule of Law

"The trouble with Eichmann was precisely that so many were like him, and that the many were neither perverted nor sadistic, that they were, and still are, terribly and terrifyingly normal. From the viewpoint of our legal institutions and of our moral standards of judgment, this normality was much more terrifying than all the atrocities put together. ..."[1]
— Hannah Arendt

Robert Penn Warren once remarked that being an American is not "a matter of blood; it is a matter of an idea—and history is the image of that idea."[2] A hefty body of literature focuses on the dichotomy between American ideals and American realities. As we celebrate the 250 years since the Declaration of Independence, we need to remember where we came from, how we got here, and where we are going. The Declaration and the Constitution represent an ideal, not a forlorn hope. They are an attempt by imperfect people to seek an archetype no other nation has ever attained. Nevertheless, we cannot and should never whitewash history. We need to live the reality of the nation's promise to all peoples while keeping in mind our past. Our nation's triumphs include the Declaration of Independence, the women's suffrage movement, the defeat of the Third Reich, and the passage of the Civil Rights Act. And the failures of this nation, to name just a few, include slavery, the genocide of Native Americans, the Civil War, Jim Crow laws, and the torture and abuse at Abu Ghraib prison.

During the last several months, while barnstorming across the state as a Rule of Law Ambassador, I have been frequently asked the same series of questions. First, "What exactly is the rule of law?" Second, "Can laws be enacted and applied to perpetuate evil?" And third, after answering "yes" to the second question, "Why should we abide by the rule of law if it can be perverted for evil?"

To the first question, the rule of law means that the same laws apply to everyone, that even government power is bound by the law, and that civil and human rights are guaranteed to all. To illustrate the second question, I refer to historical records. For example, many of the aforementioned failures in our country have been carried out and enforced under the law. In answering the third question, I bring my audience back to the Declaration of Independence and the United States Constitution. Law on its own cannot sustain democracy. Courage, responsibility, and moral and ethical leadership build a great nation.

The quote at the beginning of this column is a challenging one. Hannah Arendt's book, *Eichmann in Jerusalem: A Report on the Banality of Evil*, is about the trial of Adolf Eichmann, one of the main orchestrators of the Holocaust. During his trial in Jerusalem, which Arendt reported on for *The New Yorker*, Eichmann was quoted to have stated that he was simply following orders, and that he did not *personally* hate Jewish people. His horrific actions were not, Arendt posited, driven by psychopathy or even malice, but rather a mindless dedication to a leader and a system and a failure to think for himself.

Very simply put, this is Arendt's theory of the banality of evil—that some of the worst crimes against humanity are not committed by monsters but by ordinary people whipped into a frenzy by their leaders to hate one another. This is how ordinary people acquiesce to the perversion of the rule of law. Others come to ignore crimes against humanity when the perception is that those crimes are not harming one of their own.

Upholding the rule of law requires earnest participation by all peoples,

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Francis A. Adewale
WSBA President

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President's Corner

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regardless of race, creed, or sexual orientation. There is a lot in Hannah Arendt's book worth considering. I hope it is a call to action and not to cynicism—that although the law itself can be used for corrupt and terrible purposes, humans have a responsibility to one another to continue to work at this ever-evolving project.

What the framers of our Constitution and the Declaration of Independence sought to do with their flowery prose and poetic license was to create a set of ideals and a roadmap that we must preserve and perfect. The framers sought a future where every generation of Americans would build on the ideals that they themselves never attained. My clarion call is for us as legal professionals to see ourselves within this framework. Become personally accountable for this work.

I want to echo Executive Director Terra Nevitt's call to action on page 10 and end this discussion with an opportunity that I hope is easy and joyful to participate in. After launching the Rule of Law Ambassador Program, the WSBA had the great fortune of partnering with the Judges in the Classroom Program, which launched in 1996 as a joint effort of the Washington State Courts and Administrative Office of the Courts. Through the WSBA's partnership, we now also have a Lawyers in the Classroom Program. The goal of both of these programs is to get judges and lawyers into K-12 classrooms to teach about the legal and judicial systems as well as the basic concepts of law and fairness.

Educating the next generation of leaders about the Constitution and the rule of law is one of the most important and urgent duties of a legal ambassador. This is especially true during the nation's 250th anniversary. For Law Day 2026, with the support of Judges and Lawyers in the Classroom, we issued a call to action: We ask every legal professional to take a pledge to be in a classroom engaging with students on Constitution Day, Sept. 17.

Imagine the kind of impact hundreds of lawyers and judges could have in classrooms, talking about what the Constitution looks like in action. I invite you to make this pledge and share the call with your colleagues and other legal professionals you know. We are making it easy for anyone who wants to get involved

Educating the next generation of leaders about the Constitution and the rule of law is one of the most important and urgent duties of a legal ambassador.

by providing logistical information about how to connect with a teacher and specific lessons for different age groups. All you have to do is sign up, and we will support you from there. Visit **www.wsba.org/about-wsba/ambassadors/law-day** to learn more.

Every generation has a defining responsibility. The generation of the founding fathers wrote the Declaration of Independence and secured democracy. Our generation must move forward with that promise and secure justice for all. As attorneys and legal practitioners in Washington, we need to move forward together—rejecting division, cynicism, and despair; embracing unity, hope, and confidence. Let us advance the cause of justice by educating the next generation who will carry the baton forward. For example, our generation has witnessed remarkable progress for the LGBTQ+ community. We may lose all those gains if care is not taken to educate one another. I believe we can do it. We will not shy away from confronting bigotry and injustice. We can't let cynicism triumph over optimism. Let us all commit to building a diverse legal community, united by a common purpose, strengthened by diversity. A Washington state where justice is accessible, liberty is secure, and opportunity is abundant. It is an ideal we can aspire to.

Bend the Arc! BN

NOTES

1. Hannah Arendt, *Eichman in Jerusalem: A Report on the Banality of Evil*. New York: Penguin Books, 1994, pages 22, 25-26, 135, 276-279.
2. John Burt, *Robert Penn Warren and American Idealism*. Yale University Press, 1988, page 260. Accessed 6/17/26 at www.jstor.org/stable/j.ctt1dszw0f.

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.



Alexander R. Reaganson

Staff Attorney, Northwest Justice Project, and FY 26 Chair, Washington New Members Committee

To paraphrase an old mentor, 2007 CNN Hero award winner Larry Gibson, I never wanted to become an attorney, but I had to. If I hadn't, I wouldn't have been able to live with myself.

As a neurodivergent, West Virginia-born, first-generation attorney who comes from a broken home, I know what the statistics say about how the deck is stacked. However, my grandfather, a tow-truck or "wrecker" driver, insisted on instilling a sense of service within his family. His philosophy: If you had the ability and skills to help others, and could make a career therein, then you had a duty to do so as a citizen of your community. After all, as Justice Louis Brandeis said, "[t]he most important ... office is that of the private citizen."

My skills lie in my ability to speak up for others who go unheard and my inability to keep my mouth shut at times. Growing up, this plus my grandfather's maxims led me to frustrate teachers and authority figures alike. However, they also led to a bachelor's in sustainability, two years as a disaster relief compliance specialist, an acute case of chronic law school clinic volunteerism, and now five years as an attorney with Northwest Justice Project.

Today, with so many facing access to justice issues and a growing lack of confidence in our civic institutions, respect for the law and attorneys is waning. The fact that low-income individuals face more threats of housing loss, that domestic violence issues are on the rise, and that long-standing legal protections are being eroded doesn't help that view. My grandfather would say that it's our duty then to step up for those that need it and help reinforce trust in our legal system.

For if we as legal professionals are not willing to do so, then who else will? BN

Today, with so many facing access to justice issues and a growing lack of confidence in our civic institutions, respect for the law and attorneys is waning.



CROSSFIRE:

Subpoenas of Law Firm Files

BY MARK J. FUCILE

For many law firms, one of the most difficult risk-management issues they can face is receipt of a third-party subpoena seeking one of their client files. The ethical issues are nuanced and the procedural elements are not something most lawyers handle routinely. The cases generating subpoenas can vary widely—but typically share the common thread that information contained within the firm's file has allegedly become relevant in another venue where the client is not party.[1] Sometimes the client is available for consultation on the response, but other times not—such as when the client is dead.[2] In this column, we'll first look at the ethical duties involved and then turn to practical approaches to responding.

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

First, although subpoenas in most scenarios are issued under either Washington Superior Court Civil Rule 45 or Federal Rule of Civil Procedure 45,[3] we will do a light touch on both for procedural context and leave detailed discussions to the many fine treatises analyzing them comprehensively.[4]

Second, while law firms can sometimes receive subpoenas seeking their own information, we'll focus today on subpoenas seeking law firm files for current or former clients.

Third, we'll assume that the law firm recipient has or had an attorney-client relationship with the client involved[5] and that the file

contains information generated as legal counsel for the client rather than some other capacity.[6]

Finally, subpoenas sometimes also seek substantive testimony from firm lawyers beyond simply authenticating a file as a records custodian. Although testimonial subpoenas share many common issues with subpoenas seeking documents alone, we'll save that more difficult topic for another day.[7]

ETHICAL DUTIES

Lawyers have significant duties of confidentiality to current and former clients under, respectively, RPC 1.6(a) and 1.9(c). Both oblige lawyers to protect "information relating to the representation of a client." These rules cloak both attorney-client privilege and work product within the overarching regulatory duty of confidentiality.[8] Comment 21 to RPC 1.6 speaks to the broad sweep of the phrase "information relating to the representation of a client":

> The phrase "information relating to the representation" should be interpreted broadly. The "information" protected by this Rule includes, but is not necessarily limited to, confidences and secrets. "Confidence" refers to information protected by the attorney client privilege under applicable law, and "secret" refers to other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client.

RPC 1.6(c) requires lawyers to make 'reasonable efforts to prevent the ... unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.'

Under RPC 1.9(c), the duty of confidentiality continues beyond the end of an attorney-client relationship. In fact, both the Washington and United States Supreme Courts have held that the attorney-client privilege survives even the death of a client in, respectively, *Martin v. Shaen*, 22 Wn.2d 505, 511, 156 P.2d 681 (1945), and *Swidler & Berlin v. United States*, 524 U.S. 399, 403-11, 118 S.Ct. 2081, 141 L. Ed.2d 379 (1998). The United States Supreme Court in *Upjohn Co. v. United States*, 449 U.S. 383, 397-402, 101 S. Ct. 677, 66 L. Ed.2d 584 (1981), also found that work product—particularly an attorney's mental impressions—is accorded very broad protection in the face of a third-party subpoena and transcends the particular matter for which the work product was generated. WSBA Advisory Opinion 175, originally issued in 1982 and updated in 2009, reaches the same conclusion on the broader duty of confidentiality under RPC 1.6 that embraces both the attorney-client privilege and work product.

These duties, moreover, involve more than simply "remaining silent." RPC 1.6(c) also requires lawyers to make "reasonable efforts to prevent the ... unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client."[9] Although the subpoena itself will likely state the specific categories of information sought, it is important to remember that the term "file" today encompasses both paper and electronically stored information (including emails).[10]

RESPONDING

The ABA issued an ethics opinion over 30 years ago that memorably characterized the role of a lawyer receiving a subpoena seeking a client's file: "the lawyer should [not] be a passive bystander to attempts by a governmental agency—or any other person or entity for that matter—to examine her files or records."[11] Although the older ABA opinion has since been supplemented by a newer one to reflect changes in the confidentiality rule, the newer opinion does not alter that basic approach. While there is no comparable advisory opinion in Washington, our RPCs largely reflect the same principles.

For both current and former clients, the newer ABA opinion—Formal Opinion 473—counsels that the recipient law firm "must notify—or attempt to notify—the client" regarding the subpoena.[12] The opinion notes that a firm's reasonable efforts to contact a former client are gauged by the circumstances and recommends that those efforts be documented in writing.[13] Formal Opinion 473 draws a distinction between clients who the law firm can consult with about the subpoena and those who it cannot. We'll take that same tack here.

If a client is available for consultation, the firm will ordinarily look to the client to make the decision on how to respond. With current clients, the logistics of consultation are usually straightforward—with either the subpoenaed firm or separately retained counsel taking the lead. Formal Opinion 473 recognizes, however, that former clients may have or wish to retain new counsel to respond. If the former, the subpoenaed law firm would typically coordinate the response with the client's current law firm. If the latter, Formal Opinion 473 advises that the subpoenaed firm "should take reasonable steps to protect the client's interest during the client's search for other counsel."[14]

RPC 1.6(a) and RPC 1.9(c)(2) allow confidential information to be disclosed with, respectively, a current or former client's informed consent. Although consent in this scenario does not technically need to be confirmed in writing, prudent practice suggests carefully documenting client consent. To ensure that a client's consent is "informed," Formal Opinion 473 advises that the law firm discuss the nature of the information sought, the reasonably available options, and the potential consequences of any disclosure:

> The content of the consultation will depend on the circumstances. It should include, at a minimum, (i) a description of the protections afforded by Rule 1.6(a) and (b), (ii) whether and to what extent the attorney-client privilege or work product doctrine or other protections or immunities apply, and (iii) any other relevant matter. Other relevant matters include, for example, "to the extent that the disclosure of confidential client information in a civil proceeding may raise potential criminal liability for the client, the consequences should be explained to the client during

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the consultation process." The lawyer also may need to discuss whether the subpoena or other demand is valid and whether the requested document contains self-incriminatory information that might form the basis of a Fifth Amendment privilege claim against disclosure.[15]

If the client is not available for consultation and the subpoena seeks client confidential information, Formal Opinion 473 draws on Comment 15 to ABA Model Rule 1.6 (which is echoed in the corresponding Washington comment) and counsels that "the lawyer '*should* assert on behalf of the client all non-frivolous claims that … the information sought is protected against disclosure by the attorney-client privilege or other applicable law.'"[16]

In either scenario, the procedural tools to oppose or narrow a subpoena typically include (a) serving a written objection on the issuer and then responding to a motion to compel if the issuer moves forward or (b) filing a motion to quash or for a protective order with the court concerned to block or limit the subpoena.[17] Each path is often accompanied by negotiations with the issuer over the scope and related questions of timing and form. If the dispute proceeds into litigation, the court concerned may direct that the file materials over which the responder asserts confidentiality be submitted for *in camera* review—which, in and of itself, does not waive privilege.[18] Under RPC 1.6(b)(6), a lawyer is permitted to reveal confidential information in response to a court order.[19] Although Comment 15 to RPC 1.6 advises that a lawyer must consult with the client (if available) regarding an appeal in the event of an adverse ruling, the comment does not require an appeal. As a practical matter, interlocutory appeals in this context are discretionary with the appellate court concerned and are granted sparingly.[20]

When producing information, lawyers are also subject to the qualifier in RPC 1.6(b) that any confidential information disclosed should be limited to what the lawyer reasonably believes is necessary. ABA Formal Opinion 473, therefore, counsels that a lawyer producing information "should seek appropriate protective orders and similar arrangements 'to the fullest extent practicable'" so that any disclosure is limited to the specific proceeding involved.[21]

Given the substantive and procedural complexity typically in play, law firms on the receiving end of a subpoena may wish to consider retaining outside counsel to interface with the issuer and handle any court proceedings.[22] Some malpractice carriers provide counsel to their insureds to help navigate these difficult issues regardless of whether they are related to a potential claim or not—sometimes as part of basic coverage and others through supplemental riders.[23] An early stop in the process, therefore, is often to contact your firm's carrier to determine whether help is available. BN



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NOTES

1. If the client is a party, then the most typical procedural path to obtaining the information involved (subject to objections depending on its content and relevance) is a document production request under, respectively, Washington Civil Rule 34 or Federal Rule of Civil Procedure 34. *See, e.g.,* In re Subpoena to Records Custodian for Rossi Cox Vucinovich Flaskamp PC, No. C09-0773RAJ, 2009 WL 10676364 at *2 (W.D. Wash. June 19, 2009). (unpublished) (noting that information sought could have been requested directly from client as a document production request).
2. If a former client is deceased but their estate is still open, typically the personal representative controls assertion or waiver of the decedent's privilege. *See generally* Mark J. Fucile, "Memorial Day: Duties to Deceased Clients," 78, No. 4 *Washington St. B. News* 24 (Apr./May 2024).
3. Subpoenas or the functional equivalent can also involve law firms in criminal practice or other regulatory contexts. *See, e.g.,* In re Grand Jury Subpoena, 127 F.4th 139 (9th Cir. 2025) (grand jury subpoena to law firm seeking information about law firm client); United States v. Blackman, 72 F.3d 1418 (9th Cir. 1995) (IRS summons to law firm seeking identities of clients who had paid law firm in cash transactions over $10,000). Although not necessarily involving subpoenas, requests by prosecutors to criminal defense counsel for their files in response to ineffective assistance claims by former clients present many similar issues. *See generally* ABA Formal Op. 10-456 (2010).
4. *See, e.g.,* Elizabeth A. Turner, 4 Wash. Prac. Rules Practice CR 45 (rev. 7th ed. 2025).
5. *See generally* Bohn v. Cody, 119 Wn.2d 357, 363, 832 P.2d 71 (1992) (outlining standard for attorney-client relationship).
6. *See generally* Robert H. Aronson, Maureen A. Howard, and Jennifer Marie Aronson, *The Law of Evidence in Washington* at 9-18 (rev. 5th ed. 2024) ("The attorney-client privilege prohibits unauthorized attorney testimony only when the attorney is consulted in a capacity as a legal advisor. Consultations with an attorney who is functioning as a business advisor, banker, negotiator, accountant, or friend are not protected."). *See, e.g.,* Cedell v. Farmers Ins. Co., 176 Wn.2d 686, 700, 295 P.3d 239 (2013) (addressing privilege in the context of attorney-claims adjusters).
7. RPC 3.8(e) addresses grand jury subpoenas to criminal defense counsel seeking testimony about current or former clients of the lawyer. In a similar vein, we'll focus today on subpoenas issued during discovery rather than those compelling attendance at trial.
8. *See generally* RPC 1.6, cmt. 3.
9. As noted, RPC 1.6 addresses duties to current clients. RPC 1.9(c)(2), however, effectively incorporates the nub of RPC 1.6 by only permitting information about former clients to be revealed as "these Rules would permit or require with respect to a client." *See also* RPC 1.6, cmt. 20 ("The duty of confidentiality continues after the client-lawyer relationship has terminated. See Rule 1.9(c)(2).").
10. *See generally* WSBA Advisory Ops. 181 (rev. 2009) and 202401 (2024) (both addressing what constitutes a lawyer's "file").
11. ABA Formal Op. 94-385 at 2 (1994). The newer opinion includes that point from its predecessor. *See* ABA Formal Op. 473 at 2 (2016).
12. ABA Formal Op. 473, *supra*, at 4.
13. *Id.* If the firm has been replaced by another firm in the same matter for the former client concerned, the contact should be channeled through the client's new lawyer in keeping with RPC 4.2 (the "no contact" rule).
14. *Id.* at 5 (footnote omitted). *See also* ABA Formal Op. 520 (2026) (working with successor counsel). If a firm is responding to a subpoena seeking a former client's file, the firm may conceivably treat the response as a firm risk management matter, a limited reopening of the earlier matter, or a new matter.
15. ABA Formal Op. 473, *supra*, at 5 (citation omitted). For an extended discussion of Fifth Amendment considerations in the discovery context, *see* Douglas J. Ende, 15A Wash. Prac.

Handbook on Civil Procedure § 53.4 (rev. ed. 2025).

16. *Id.* at 6 (emphasis added by ABA Formal Op. 473 to ABA Model Rule 1.6, cmt. 15).

17. *See, e.g.,* Washinton Sup. Ct. Civ. R. 45(c); Fed. R. Civ. P. 45(d).

18. *See generally* Magney v. Truc Pham, 195 Wn.2d 795, 815-16, 466 P.3d 1077 (2020) (discussing *in camera* review of privileged material); United States v. Zolin, 491 U.S. 554, 565-74, 109 S. Ct. 2619, 105 L. Ed. 2d 469 (1989) (same); *see, e.g.,* Grassmueck v. Ogden Murphy Wallace, P.L.L.C., 213 F.R.D. 567 (W.D. Wash. 2003) (*in camera* review of privileged material). *See also* Taylor v. Ebenger, 34 Wn. App. 2d 497, 569 P.3d 340 (2025) (addressing non-party right to appear in an action to assert privilege and related issues surrounding a trial court's discretion to grant or deny a request for *in camera* review).

19. Washington did not adopt the portion of the ABA Model Rule exception also allowing disclosure under "other law." *See* ABA Model Rule 1.6(b)(6); WSBA Advisory Op. 194 (rev. 2009) (explaining that Washington did not adopt "other law" exception). This distinction might become relevant if, for example, a law firm was simply served with a regulatory request citing "other law" rather than a court order. On a related point, although subpoenas are issued in court proceedings, they are not "court orders" themselves. *See generally* WSBA Advisory Op. 2022 (2003) (noting that subpoenas are issued in the context of court proceedings); Douglas J. Ende, 15A Wash. Prac. Handbook Civil Procedure, *supra*, CR 45, App. (subpoena form).

20. *See generally* Dana v. Piper, 173 Wn. App. 761, 295 P.3d 305 (2013) (discussing discretionary review of trial court orders requiring production of privileged information); Mohawk Industries, Inc. v. Carpenter, 558 U.S. 100, 130 S. Ct. 509, 175 L. Ed.2d 458 (2009) (same in the context of mandamus).

21. ABA Formal Op. 473, *supra*, at 8 (citation omitted). *See also* WSBA Advisory Op. 1754 (1997) (discussing the "reasonably believes necessary" predicate to disclosure under RPC 1.6).

22. ABA Formal Opinion 473 also addresses the often-delicate issue of who pays for a subpoena response. It notes that in some circumstances, the response may be within the scope of an existing fee arrangement while in others it may constitute a new matter. Regardless, the opinion also concludes that the lack of a fee agreement does not excuse a lawyer's duty to take reasonable steps to protect client confidentiality. *Id.* at 5-6.

23. *See generally* Nik Chourey and Pam Stendahl, "Client Information Subpoenas," 85 *Or. St. B. Bull.* 9, 11-12 (Jan. 2025) (discussing counsel provided by insurance carriers to assist with subpoena responses); Suzanne Lever, "You've Been Served," 15 No. 1 *N.C. State B. J.* 37 (March 2010) (same).





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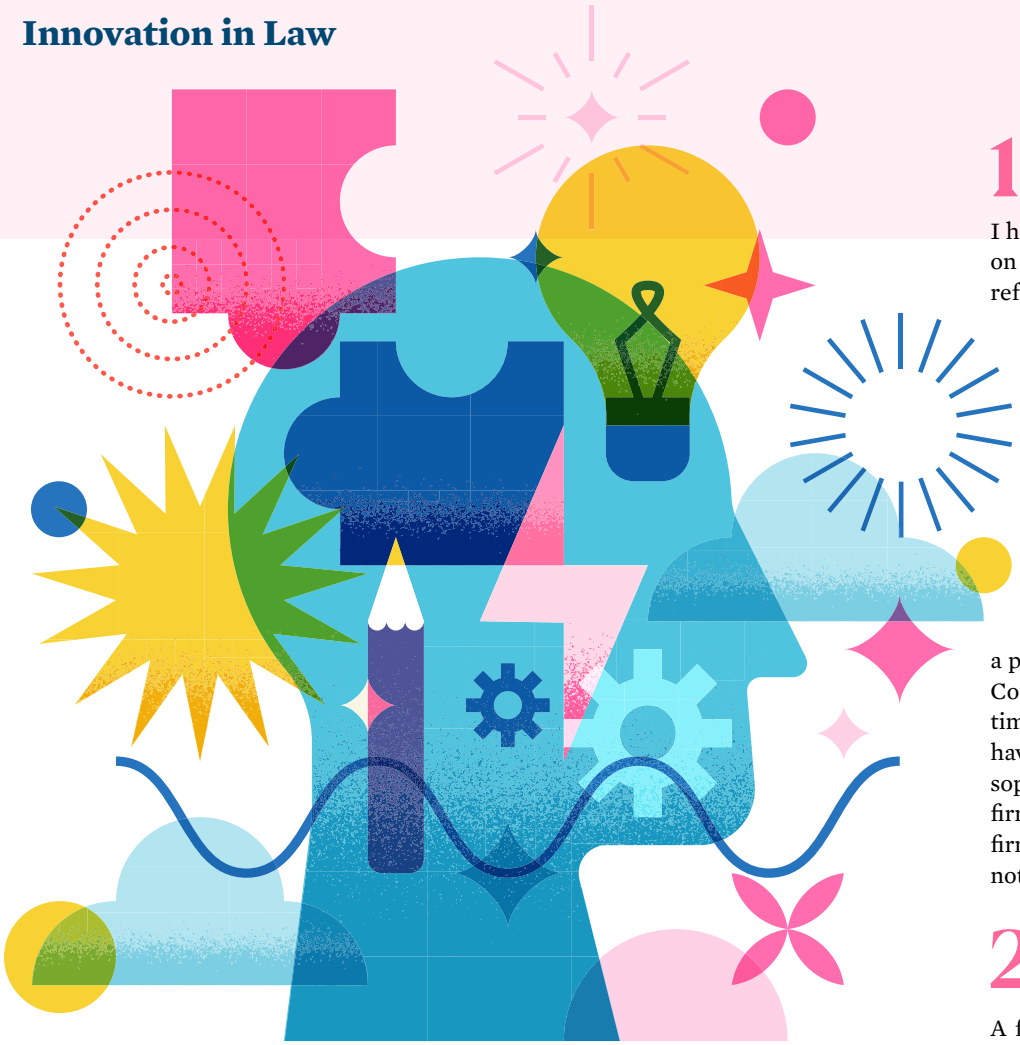
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LESSONS FROM A DECADE OF INNOVATION

BY JORDAN L. COUCH

I recently celebrated my 10th year practicing law. Ten years of experimenting, failing, arguing, and winning occasionally. Most importantly, I have watched the legal profession slowly, fitfully, and sometimes reluctantly change. All of this has left me with more lessons than I can fit in a single article. What follows is my best attempt to distill them.

I want to be clear about what this is and is not. This is not a victory lap. Some of the things I believed most confidently a decade ago turned out to be wrong. Some of the arguments I made boldly in print came back to humble me. And some of the changes I expected to see by now still haven't arrived. It's been nothing if not a learning experience and I wanted to share some of those lessons with all of you—so here, in no particular order, are my lessons learned from a decade of innovation.

1 The Little Things Matter Most

I have written a lot of words in this column on big ideas: access to justice, regulatory reform, technological advances, the transformation of the legal profession. All of that matters for success in legal practice. But when I look back at what has actually moved the needle at my firm, Palace Law, it's usually something mundane. Did we call the client back the same day? Did we explain the outcome in plain language and not legalese? Did we set a clear expectation and then meet it?

Client service is not a philosophy; it is a practice, and the practice is mostly small. Communicating clearly. Communicating on time. Doing what you said you would do. I have seen firms with brilliant lawyers and sophisticated technology lose clients to firms with neither, simply because those firms were better at the basics. If you take nothing else from this column, take that.

2 Just Because It Seems Obvious Doesn't Mean It Is

A few years ago, I led a roundtable at the ABA TechShow. It was one of those sessions where the audience does most of the talking, and the question I led with was "What is something you love to do in your practice that you assume everyone is doing?" One practitioner said he has a business card holder outside his door so potential clients can grab his info even when the office is closed. Another attorney shared how he has a second monitor set up vertically to make the view better for reading and writing documents. For every "obvious" idea, the majority of the people at the table had never thought of it before.

I had a similar experience writing an article on the rules of evidence recently. I hesitated for a long time before writing it because the rules of evidence have been written and edited by people who have thought a lot more about them than I have. Any idea I had has already been thought of, right? But I had opinions, I wrote them down, and the feedback was overwhelmingly positive.

Say the thing you think everyone already knows. Someone in the room doesn't know

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Illustration © Getty/Volodymyr Kryshtal

it. And the act of saying it clearly, in your own words, often reveals that what you thought was obvious is actually more complicated than you realized.

3 People, Then Process, Then Technology

I have written about process before technology previously in this column. I still believe it. But a decade of watching firms try and fail at innovation has taught me to add a step before process: people.

The wrong people won't follow your process no matter how well designed it is. And the right people will do more than follow your process, they will help you build it, improve it, and tell you when it's broken. Some of my best process improvements at Palace Law came from staff members who had every reason to resist change and instead became its strongest advocates. I once took my most tech-averse paralegal and made her a lead partner on our new client communication software rollout. She found problems I never would have found. She also became its biggest champion and having her as the champion brought the whole team along easily.

The other thing I've learned about this hierarchy: it loops. People, then process, then technology, then back to people again. As your firm changes, the people need to grow with you. Technology embedded in a process is useful. Technology that shapes the process from the beginning is better. Technology that was designed around the actual needs of the people using it is best. You don't reach that last stage by deploying software. You reach it by bringing people along. And if people cannot grow with your firm they will have to grow out of your firm.

4 Embrace Failure Carefully

Not for your clients. Let me be direct about that. The bar we hold ourselves to in our legal work is excellence, and experimentation at the expense of client outcomes is not innovation—it's negligence.

But in your systems, your processes, your service delivery? Fail early and often. The firms that have advanced the fastest in this decade are not the ones that got everything right. They're the ones that tried small experiments quickly, paid attention to what happened, and adjusted. I've found it helps to enlist your clients in this when you can—not to make them guinea pigs, but to make them partners. Explain what you're trying and ask for their participation and feedback. Most clients are more forgiving of imperfection than lawyers assume, as long as you're being transparent and working in good faith.

I'll also say this: experimentation and failure can be embraced in your legal work as well, as long as you do it in a way that cannot adversely affect your client. Be willing to make the argument you're not sure you'll win. I've lost four out of five creative jury-instruction arguments in recent years. I've had a case go to the Washington Supreme Court on a theory my colleagues thought was a long shot. The loss record doesn't bother me. You only need to win some of the time, and you'll never win the argument you don't make.

5 Be Open to Being Wrong

I have been wrong in print—publicly, in this publication, with my name on it.

There was a regulatory reform proposal I believed in, argued for, and watched fail, not because reformers lost, but because something different (and I would argue better) emerged. My version wasn't the version that passed, and the version that passed has done real good for access to justice. I've also taken positions on the bar exam that generated pushback from people and entities I'll leave nameless, and I had to sit with the discomfort of not knowing whether the pushback was right. Sometimes it was.

None of this has made me quieter. If anything, it has made me more willing to speak, because I've learned the difference between speaking boldly and speaking with certainty. You can do the former without claiming the latter. Say what you think. Mean it. Update when you're wrong. That combination—confident enough to speak, humble enough to revise—is what intellectual honesty looks like in practice.

6 It's Easier Than You Think to Become the Expert

Obviously, I am not the best workers compensation attorney in the state of Washington, but on a more honest level I do probably know more about using clerical and other errors to evade res judicata than at least 95 percent of workers compensation attorneys in the state. That is a very narrow lane. It is also genuinely useful, and it took me years of showing up, writing, arguing, researching, and attending the meetings that felt optional to develop it.

The barrier to becoming a recognized voice on something is lower than most lawyers believe. You cannot be the expert on everything, but you can absolutely be the expert on something. Pick a lane narrow enough to be achievable. Show up consistently in that lane. Say something specific and honest. The expertise compounds over time, and the opportunities follow.

I'VE LEARNED THE DIFFERENCE BETWEEN SPEAKING BOLDLY AND SPEAKING WITH CERTAINTY. YOU CAN DO THE FORMER WITHOUT CLAIMING THE LATTER.

7 Being Early Is Both an Advantage and a Tax

I have been a big social media guy in my legal career. I was on TikTok before most lawyers knew what it was. Growing a following there was genuinely easy for a while—the algorithm rewarded early movers. Twitter was the opposite: a late start, years of grinding, relationship-building, showing up in conversations with no immediate payoff. And Clubhouse? I invested real time into



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Clubhouse. Now Clubhouse is gone.

This pattern repeats across every cutting-edge idea in the legal profession, not just technology. Being early creates opportunities that aren't available to later arrivals. It also means you will sometimes be wrong about which things matter, and you'll absorb the cost of finding out. That's not a reason to stop being early. It's just part of the deal, and you should know it going in.

One thing I've learned to look for: the impact of early work is often invisible until it isn't. I have received messages from lawyers I've never met, from law students, from a few people who have shaped real policy telling me that something I wrote years ago changed how they thought about a problem. I had no idea at the time. The work went out, and I moved on, and somewhere downstream it landed. You often won't see the impact. That doesn't mean it isn't happening.

8 You Are Not Alone

The work I'm most proud of in my legal career and volunteer work—the big cases, the jury victories, the regulatory reforms, the access-to-justice arguments, the column you're reading right now—none of it happened alone. None of my work would have amounted to as much without my business partner, Patrick Palace. I've collaborated on this column with great friends like Theresa Mattich and Ariel Cook, and my WSBA service has relied on more people than I could possibly name. Innovative lawyers are everywhere and the more we work together the better our work becomes.

Sometimes lawyers mistakenly see other lawyers as competition. But legal services are not zero-sum. The majority of people who need a lawyer don't know they need one, haven't thought to look for one, and won't hire one unless someone in this profession makes it possible for them to do so. The pie is not fixed. A rising tide raises all ships, and the tide rises when we collaborate, share what we know, and resist the instinct to protect our corner of a profession that should be much larger and much more accessible than it currently is.

Ten years ago I started writing this column hoping to contribute something useful to a profession I love and believe in. I'm still doing that. I hope some of what I've learned along the way is useful to you too. BN







PRO BONO ORGANIZATION OF THE MONTH

In Conversation With Chelan Douglas County Volunteer Attorney Services

Q&A WITH CDCVAS CO-DIRECTORS ELOISE BARSHES AND MIREYA SANCHEZ

Q. Tell us a bit about the history of your organization. What is your organization's philosophy? Why do you do what you do?
Chelan Douglas County Volunteer Attorney Services (CDCVAS) was founded in 2002 by members of the local bar who saw a growing need for civil legal help in our community. What started as a small, volunteer-driven effort has grown into a trusted legal aid organization serving hundreds of individuals and families each year across Chelan and Douglas counties.

Over time, we've evolved to meet the changing needs of our community. Demand for services continues to grow, and so has our approach. We've expanded clinics, built strong partnerships, increased bilingual access, and recently established a permanent legal aid home in the heart of Wenatchee. Along the way, we've stayed rooted in the same core idea that brought us here in the first place: When people have access to legal help, they have a better chance at stability, safety, and opportunity.

At our core, we are a community-driven organization. We rely on volunteer attorneys, partnerships, and the voices of those most impacted by legal barriers to guide our work. We do this because access to justice should not depend on income, and because a stronger, more stable community benefits us all.

Q. Where is your organization located? Do volunteers participate remotely, in person, or both?
CDCVAS is based in Wenatchee and serves both Chelan and Douglas counties. In 2025, we opened our permanent legal aid home at 900 Ferry St., a central and accessible location that allows us to better connect with the community and expand services. Our service area is large and mostly rural, which can make it difficult for people to travel long distances to access legal help.

Volunteers participate in both in-person and remote opportunities. Our walk-in and other legal clinics are primarily offered at our office, where volunteers meet in person with clients and work alongside staff and interpreters. At the same time, we build in flexibility by offering call backs, Zoom consultations, and other remote options so clients can access help in ways that work for them and volunteers can engage in ways that fit their schedules.

Q. Who does your organization serve?
CDCVAS serves individuals and families with low incomes in Chelan and Douglas counties, generally those at or below 200 percent of the Federal Poverty Level. These are community members who would not otherwise be able to afford legal help and often have nowhere else to turn.

Many of the people we serve are facing urgent situations such as eviction, custody disputes, or overwhelming debt.

Our community is largely English- and Spanish-speaking, and we prioritize bilingual access to ensure people can get help in the language they are most comfortable using.

Q. What are the biggest barriers your clients face in accessing legal assistance?
The biggest barriers are cost, geography, and complexity. Our clients cannot afford an attorney, and in a large rural area like ours, getting to legal help is not always easy.

Language and trust can also be barriers, especially for Spanish-speaking community members or those who have had difficult experiences with the legal system.

On top of that, legal processes are often confusing and overwhelming. Without guidance, people do not know where to start.

There is also a gap in available services. Demand is high, and there are limited places to turn for civil legal help, especially a place where someone can walk in and get direction.

Q. What area(s) of law do you provide services in?
We help with a wide range of civil legal issues. Our capacity is largely based on our



Eloise Barshes joined CDCVAS in 2015 as the executive director, helping grow a trusted, community-based legal aid program focused on accessible civil legal services. In 2026 the organization adopted a co-directorship model.



Mireya Sanchez joined CDCVAS in 2025 as the deputy director and in 2026 transitioned to co-director, bringing bilingual leadership and a strong commitment to community outreach, equity, and expanding access to justice.

volunteers' capacity and skills. Legal issues include:

- Family law, such as custody, divorce, and guardianship.
- Housing issues including eviction, landlord-tenant matters, and housing stability.
- Consumer and debt issues including collections, contracts, and bankruptcy.
- Wills and estates, including planning and end-of-life documents, and probate.
- Employment issues such as wage claims and workplace rights.
- Reentry and individual rights, including vacating records and civil rights matters.
- Public benefits and income support-direction and referrals.
- Other civil legal issues as they arise.

If we are not able to help, we do our best to provide referrals or connect people with other available resources.

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

Yes. We offer training and support to help volunteers feel prepared, along with opportunities for CLE credit when available.

We also believe recognition and connection matter. We regularly share volunteer hours served, celebrate contributions, and create opportunities for attorneys to connect with each other. CDCVAS is a neutral, welcoming space to collaborate, learn, and build relationships across the legal community.

Q. Please provide some examples of clients who were helped and how.

- A homeowner came to a walk-in clinic facing a sheriff's sale over a small debt that had grown significantly with fees. A volunteer attorney stepped in, negotiated a reduced settlement, stopped the sale, and helped the client keep their home.
- A client was able to vacate their record with legal help. They can now move forward, apply for the police academy, and give back to their community.
- A client came in needing help with a vehicle title and repossession issue. With support from multiple volunteer attorneys, they secured ownership of their vehicles and resolved the matter before the end of the year.
- Residents in a manufactured home community faced a sharp rent increase that threatened their ability to stay in their homes. Through legal support, advocacy, and partnership with statewide organizations, the increase was reduced and improper charges were stopped, helping the residents remain housed.

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

Volunteer commitments are flexible and based on each attorney's availability. Most volunteers participate for 1–4 hours at a time, anywhere from 1–12 times a year.

During a clinic, attorneys typically meet with clients for about an hour each and may see two to four clients per session. Each consultation is part of a larger strategy to help move the client forward.

Our legal case manager plays a key role, especially in family law cases, which make up about 45 percent of our work, by helping coordinate next steps and keep cases moving. Volunteers may step in to assist with specific parts of a case, and many clients work with multiple attorneys over time.

In non-family law matters, one or two consultations with the same attorney may be all that is needed. In areas like eviction or bankruptcy, a single attorney may take a case through to completion. Some matters are resolved in one consultation, while others take months or longer, depending on the situation, attorney availability, and client need.

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

We strive to make the experience efficient, rewarding, productive, professional, and meaningful for both the volunteer and the clients. Many of our volunteers have shared that volunteering at CDCVAS is the most rewarding experience of their legal career because they are making a difference and serving with heart!

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?

People deserve help and dignity. The legal issues we see are everyday challenges that can quickly become crises without support. The people we serve are working, caring for their families, and doing their best, but cannot afford an attorney.

Access to justice keeps people housed, working, and stable. It strengthens families and entire communities.

We all have a role to play. Whether through volunteering, supporting, or simply paying attention, there is an opportunity for each of us to be part of the solution and make sure no one has to face these challenges alone. BN

LEARN MORE

We always need volunteers and work with all interested professionals to determine their goals, our needs, and best fit. Folks interested should visit the volunteer tab on our website at **www.cdcvas.org**.

BRIDGING THE JUSTICE GAP
CDCVAS

Illustration © Getty/musalim



COVER STORY

ACTS OF SERVICE

Talking the law, faith, and family with the new Washington Supreme Court justice

AN INTERVIEW WITH JUSTICE THEO ANGELIS

BY COLIN RIGLEY

On his first date with the woman who would eventually become his wife, when she asked him about his dream job, Theo Angelis replied "I want to be a judge."

Justice Angelis with his family at his swearing-in ceremony on May 18.

Angelis began his career clerking for the U.S. Court of Appeals for the D.C. Circuit. A family tragedy prompted him to leave Washington, D.C., and return home to Seattle, but his passion for expanding justice, along with the inspiration provided by his service-minded coworkers, kept him in private practice. However, he was only delayed in fulfilling the dream he told his wife about when they first started dating.

Now the newest addition to the Washington Supreme Court, Justice Angelis was appointed by Gov. Bob Ferguson and began

serving in the role on April 4. He is filling the seat vacated by Justice Barbara Madsen when she retired.

When you talk to Justice Angelis, two things become immediately apparent: He has a voracious appetite for knowledge and a desire to constantly improve himself and the administration of justice, and he has what's best referred to as "golden retriever energy."

"I read opinions all the time even if they have nothing to do with what I'm working on. ...," Angelis said. "I'm always dorking it up as much as possible because I love it."

Consider Angelis' system to root out his own implicit biases. For each case, he not only writes out the potential biases that might come into play, but he also writes out all of his emotional responses to the briefs, stores them on a hard drive, and distributes that to his clerks to keep him accountable.

"I do that with every case; I think it drives my clerks crazy," Angelis said, chuckling to himself.

Before joining the Washington Supreme Court, Angelis was "an award-winning appellate and intellectual property litigator, an advocate who appeared in courts throughout Washington and the United States, a leader in the Bar and the community, and an author and editor of a leading treatise on Washington law."[1]

After leaving D.C., Angelis took a job at K&L Gates LLP, where he worked for 26 years leading the firm's appellate and intellectual property practices. Angelis also served as a trustee for the King County Bar Association (KCBA) and led its Fair Campaign Practices Committee, as president of the M. Margaret McKeown Federal Bar Association and the Middle Eastern Legal Association of Washington (MELAW), and as a board member of the Foundation for Washington State Courts.

He has received numerous awards, including the Kids in Need of Defense (KIND) Founders Award, the ACLU's Humanitarian Award, Citizen of the Year by St. Demetrios Greek Orthodox Church, Mentor of the Year by the KCBA, the Northwest Immigrant Rights Project (NWIRP) Amicus Award, and more. Angelis graduated *summa cum laude* from Claremont McKenna College, has two master's degrees from Oxford University and the London School of Economics, and graduated from Yale Law School, where he was articles editor of the *Yale Law Journal* and managing editor of the *Yale Law & Policy Review*.

In this interview, we talk to Angelis about his evolving perspective between public and private service in the law, his family, his faith, his work ethic, and more.

'Before joining the Supreme Court, I appeared before, and clerked for, appellate courts for over 25 years.'

Q: How has the learning curve been thus far as you finish your first two months on the Supreme Court?

A: In many ways, the transition has been smooth. Before joining the Supreme Court, I appeared before, and clerked for, appellate courts for over 25 years. I have extensive experience with complex constitutional and statutory disputes. For example, I have litigated thorny privacy, free speech, search and seizure, and technology questions throughout my career, and my broad practice prepared me well to address those same issues on the Supreme Court.

In other areas, the learning curve has been real. For example, the court is deciding this term how to apply a recent U.S. Supreme Court case that elaborates upon the facts a judge can consider during sentencing. Our court, the U.S. Supreme Court, and state courts around the country have ruled hundreds of times on these

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Justice Angelis at his swearing-in ceremony with Gov. Bob Ferguson. Pictured rear are Justice Sheryl Gordon McCloud, Justice Charles W. Johnson, Chief Justice Debra L. Stephens, and Justice Steven C. González.

Photos courtesy of Washington Supreme Court

issues, and the question before us is whether many of these cases need to be overruled. Because several of the issues raised were new to me, I compensated through hard work and deep study. I spent weeks carefully analyzing each issue raised. Thankfully, our court is collegial and has been extremely welcoming, so I was able to work collaboratively with my colleagues to ensure I was fully up to speed.

Q: You went from the D.C. circuit court to practicing with a private law firm for most of your career, and now you're back on the public side. What drove you to make those transitions? What lessons about public law did you bring to private law, and vice versa?

A: While in law school, I had to decide whether to return home to Seattle or stay in Washington, D.C., and build a practice focused on appeals before the U.S. Supreme Court and appellate courts around the country. In my final year of law school, my sister and her two young sons died in a fire, and our family home was severely damaged. Our church community and the Seattle legal community stepped up to support my family and help us rebuild both physically and emotionally. That love and support confirmed for me that I was meant to return home and build my legal career here.

My time in Washington, D.C., provided a strong foundation for my private practice in two ways. First, I gained a deep knowledge of administrative law. That background helped immensely as I represented individuals, cities, and counties who were challenging U.S. government actions. For example, I challenged and defended rulings from the Army Corps of Engineers, the Interior Department, the Bureau of Immigration Appeals, and the U.S. Patent and Trademark Office. My public law background was critical to success. Second, my work for the court gave me confidence that careful, meticulous legal work would genuinely change minds. One example is especially memorable for me. While clerking, I performed a 100-year historical analysis of a statute at the heart of a dispute about sovereign immunity. Judge Merrick Garland stopped me at a reception and congratulated me on the analysis and explained that it had convinced him. In another case, I spotted an issue that changed a dissent into the majority opinion. I was touched and gratified that my work could help the judges decide important cases. That experience convinced me that I could handle any case, no matter how difficult.

My transition back to public law—and my service on the Supreme Court—is the result of relentless pursuit of my dream. My wife reminds me that, on our first date in January 2008, I told her that my dream job was to become a judge. I spent the past 10 years working toward that goal, and I am humbled and grateful to have the opportunity to serve. My broad private practice, and my management experience, has already been a tremendous help to my work for the court.



Justice Angelis at the announcement of his appointment to the Supreme Court on March 9. Also pictured are Justices G. Helen Whitener and Debra L. Stephens.

'Our church community and the Seattle legal community stepped up to support my family and help us rebuild both physically and emotionally. That love and support confirmed for me that I was meant to return home and build my legal career here.'

Q: What do you enjoy most about your new role on the Washington Supreme Court? What about the job makes you nerd out?

A: I absolutely love the concrete steps the court is taking to improve access to justice. I am deeply committed to removing barriers that prevent Washingtonians from participating in the justice system and using it to protect and vindicate their rights. I also want to hasten and expand the innovations that our court has pioneered, which are designed to

allow more Washingtonians to receive the legal services they need. We are exploring, for example, innovative models for delivering legal services, alternative structures for licensing legal professionals, and initiatives to expand the pipeline of legal professionals, especially those from underrepresented communities.

My first love, however, and the way I completely nerd out, is by spending long hours poring over our court's opinions so that I can fully and truly understand all of our precedent on important topics. I love working in chambers late at night, sometimes with dusty books open to old opinions, and following every fork in the research trail. For a recent case, the Supreme Court needed to interpret Article II, Section 1, of the Washington Constitution, and each of the justices read more than 100 years of rulings interpreting that provision. That process—exhaustively researching important issues before the court and carefully discussing them—is what makes our court fantastic and, to be honest, a bit nerdy.

Q: What do you believe are the biggest challenges the public faces when it comes to Washington's court system, and how do you want to address those challenges in your role as a supreme court justice?

A: I believe that the biggest challenge the public faces is the inability to afford legal representation. For most middle-class and working-class Washingtonians, legal representation is a financial impossibility. Rights are only meaningful if there is a remedy for violating them, and too many Washingtonians have no hope of vindicating their rights. Throughout my career, I have fought for more legal aid, for legal clinics, and for robust pro bono programs to make justice a reality. The sad fact is that those efforts could only scratch the surface of the need. Now that I am on the court, there are new opportunities for me to help in designing new programs, reexamining and removing barriers, authorizing new systems for delivering legal services, and pioneering new initiatives to help close the gap

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Photo courtesy of Washington Supreme Court



between the need and the resources available. My goal is to focus on a few practical improvements. I want to start by ensuring that court fees are not locking Washingtonians out of the courtroom and that we minimize financial burdens on jurors and witnesses. I also want to support new delivery models that allow relatively simple legal services to be provided in innovative ways, and through alternative staffing models, so that important legal services are available to those who need them. This requires thoughtful use of technology to reduce barriers and improve efficiency without sacrificing fairness or protection of those seeking legal help.

Courts can feel intimidating, expensive, and inaccessible for many communities. Language barriers, procedural complexity, and lack of trust in institutions also prevent meaningful participation. Through dedication and creativity, we can move closer to the goal of a justice system that is accessible, understandable, fair, and worthy of public trust.

Q: How does your faith and community affect how you approach being a lawyer and a judge?

A: My faith and community are fundamental to how I approach being a lawyer and judge. As the son of a Greek Orthodox priest and a Presvytera [the wife of a priest], I was raised to value service, humility, and caring for others. I was taught that justice and mercy must walk hand in hand, and our greatest responsibility is to help those in need. These were not abstract lessons. My family regularly invited refugees, those experiencing homelessness, and those in dire financial need to live with us for months at a time. I developed a deep appreciation for the legal and financial challenges that can destroy livelihoods and the steps needed to rebuild them.

I learned, from those our family helped, that hard work and intelligence were no guarantee of success, and difficult times can befall anyone. I saw how compassion and support can bring out the best in us and allow each of us to thrive. I learned, firsthand, that every person is worthy of dignity and respect. I also learned that by listening carefully, and with love, that I could understand and appreciate opinions and perspectives that diverged significantly from my own. I also recognized, from a young age, the real-world impact that legal and governmental decisions can have on families and communities.

My faith informs my values, and it spurs me to service, but it never points me toward a particular outcome. As a judge, my responsibility is to apply the Constitution and the law fairly and impartially in every case. I have tried to implement the core values of integrity, empathy, discipline, and public service throughout my legal career.

My faith and community also led me to devote a significant part of my career to helping those most in need. I represented immigrants, refugees, veterans, and children pro bono as they struggled to overcome terrible experiences and unfair government treatment. When I started my

'I love working in chambers late at night, sometimes with dusty books open to old opinions, and following every fork in the research trail.'

QUICK BIO



Justice Theo Angelis began serving on the Washington Supreme Court on April 4 after his appointment by Gov. Bob Ferguson.

- Before joining the Supreme Court, he was in private practice for 26 years, at K&L Gates LLP. He led the firm's appellate practice and, more recently, served as global leader of its intellectual property practice. Justice Angelis served as a trustee for the King County Bar Association and led its Fair Campaign Practices Committee for nearly a decade.
- He was also president of the M. Margaret McKeown Bar Association and the Middle Eastern Legal Association of Washington. He is extremely active in the Greek Orthodox Church, having served as a Sunday School teacher, a member of the Parish Council and Diocesan Council, and as outside counsel.
- Justice Angelis has two master's degrees—from Oxford University and the London School of Economics—and a law degree from Yale Law School.
- Justice Angelis splits his time between Olympia and Seattle, and his first love is spending time with his wife and his two children.

practice, I promised myself that I would be a voice for those in need, and my faith and community strongly motivated me to continue that work even when doing so required around-the-clock work. On the Supreme Court, I remain equally motivated to ensure that all people in Washington who need our courts feel heard, respected, and confident they will be treated fairly regardless of background or resources. I will continue to approach my work with humility and with a deep commitment to fairness and equal justice under the law.

Q: In what ways do you feel you can advocate for change as a judge and where do you think the line is between being a legal advocate versus an impartial steward of the justice system?

A: When we hear cases, we put aside all policy and political preferences. Our role is to apply the law fairly, independently, neutrally, and consistently to the facts as presented to us. We advocate within our court, for the result we believe is correct, but we are guided by the law as we understand it.

But in our role supervising the justice system in Washington, we can and do advocate for change. We are certainly stewards of our courts, and we must be sure we do nothing that undercuts their impartiality. We can, however, advocate for meaningful change that will ensure constitutional protections and genuine remedies to those whose rights have been violated. We do that work primarily through our Supreme Court commissions and committees, including through our court rules. In those roles, we strongly advocate for change aimed at improving fairness, transparency, and accessibility. When doing that work, it is critical that we demonstrate independence, restraint, transparency, and broad participation in the process. By doing so, we can strengthen our courts and build public trust while simultaneously improving access to justice.

Q: How do you root out your own biases?

A: Every person has biases that come from their life experiences and beliefs.

'As a judge, my responsibility is to apply the Constitution and the law fairly and impartially in every case. I have tried to implement the core values of integrity, empathy, discipline, and public service throughout my legal career.'



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

Social science teaches us that when we explicitly identify our potential biases, we can minimize their impact on our decision making. For each case, I therefore create a written list of my potential biases. I begin by writing down my emotional reaction to the facts of the case and the briefs submitted. I then list every experience from my past, and every belief and opinion that I have, that is related to the case. I consult the list regularly while working on the case, and I have found that doing so helps me ensure that my decisions are grounded solely in the law and the factual record.

More generally, I remind myself every day to approach each case with humility and an open mind. I also—before argument and before we conference—remind myself that it is far more important to listen carefully than to express my own viewpoints. I strive to truly understand what features of the case each justice finds important, and I focus most intently on the perspectives that differ from my own.

Our court has written opinions that strongly seek to protect against both explicit and implicit bias. That work is critical to self-reflection and ensuring genuine access to justice. As part of that work, it is critical that I engage in the self-reflection, and personal education, needed to minimize my own biases. We must continually work to ensure that every person who comes before the court receives fair, impartial, and respectful treatment.

Q: What's one thing about you, which has nothing to do with the law, that others might be surprised to learn about you?

A: I love Greek dancing, and I used to dance competitively. I'm nowhere near as flexible or agile as I used to be, but whenever there is a wedding or celebration, I'm one of the first on the dance floor, and I still have some impressive moves. BN

NOTE

1. www.courts.wa.gov/appellate_trial_courts/supreme/bios/?fa=scbios.display_file&fileID=angelis.

Photo courtesy of Washington Supreme Court

FEATURE



On May 1, the 79th class of the YMCA Youth Legislature visited the Temple of Justice and heard from WSBA President Francis Adewale, Chief Justice Debra Stephens, and others about the importance of the rule of law.

Washington Lawyers Step Up for Democracy — From Courtrooms to Classrooms

BY COLIN RIGLEY

On a brilliantly sunny May 1 in Olympia, lawyers, judges, legislators, and educators gathered to talk to the next generation of young leaders about the importance of the rule of law.

In the cavernous and more than century-old Washington Supreme Court Temple of Justice, WSBA President Francis Adewale spoke to the visiting students from the 79th class of the YMCA Youth Legislature.

"This is a moment for you, as young people, to look upon the opportunity that this country offers, to help us build it, to ensure that that promise of our founding fathers is not lost," Adewale said.

The event was held in commemoration of Law Day, and to launch a statewide campaign for legal professionals to pledge to connect with and visit a Washington classroom to teach experiential civics lessons on or around Constitution Day, Sept. 17.

Washington Supreme Court Chief Justice Debra L. Stephens led legal professionals in attendance in the pledge that day. The pledge states:

> I, as a legal professional in Washington state, reaffirm the responsibilities I assumed upon admission to the bar, not only to my clients in the courts, but as a public citizen with a special obligation to the quality of justice in my community. In the spirit of my oath and the rules of professional conduct and to help bridge the gap between the law and the people it exists to protect. I further pledge to connect with and visit a Washington K–12 classroom on or around Constitution Day, Sept 17, 2026, to engage with students about our constitutional values.

This pledge comes one year after the WSBA launched the Rule of Law Ambassador Program last Law Day, in which nearly 2,000 legal professionals recommitted to their oaths at courthouses, law schools, and Tribal lands throughout Washington.

"Last year in this room, we were filled to standing room only with lawyers who retook their oath pledging their commitment to the rule of law and our democracy, and today we're going to take a pledge to recommit to that civic engagement ...," Stephens said. "We have to acknowledge, we have to pledge to keep moving forward. But the promise of the Constitution, and on this 250th anniversary of our Declaration of Independence, is that we together can move it forward, And so, looking at the students, ... you're not just the future, you're the present."

One of the legal professionals in the audience was Rania Elbasiony, judicial clerk for Washington Supreme Court Justice Theodore Angelis. Elbasiony said she came to take the pledge because she saw it as an opportunity to connect with her community and to bring her knowledge of the law to help engage future generations.

"Oftentimes, the moment you can make the most impact on people is when they are younger," Elbasiony said. "... I want, if a student sees me, to be like, 'Oh, she's an attorney? I can be one, too!'"

Speaking to the students, Thurston County Bar Association President Marie Docter posed the question to them: Why does the depiction of Lady Justice hold a sword as well as the iconic scales?

"If somebody's holding a sword and you're standing in front of them, you probably feel a little threatened. But if somebody's holding a sword and you're standing behind them, don't you feel protected?" Docter said. "So that tells you that the law has two sides—it both protects you and punishes you depending on which side of the law you are on. And what we need to do as lawyers is to help you find your voice. [To] help you speak out, because you guys have innovation and you have inspiration and you have new ideas and thoughts that we may not have had."

Hundreds of your colleagues across Washington have already taken the pledge and the list is growing. What you bring—your story, your career, your presence—is exactly what a student in your community needs to see. For many of them, you may be the first legal professional they've ever met. The Lawyers in the Classroom program provides everything you need to make that first connection and show up prepared. Sept. 17 is the goal, but the truth is: any day a legal professional walks into a classroom is Constitution Day.

Take the pledge now. BN



TAKE THE PLEDGE

Legal professionals who want to connect with and visit a classroom are encouraged to take the pledge between now and Constitution Day (Sept. 17). The WSBA and the Lawyers in the Classroom program — a joint effort of the Washington Courts and the Washington State Bar Association — will support each volunteer as they connect with a teacher and prepare an age-appropriate, experiential civics lesson. **www.wsba.org/about-wsba/ambassadors/law-day**



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

What follows on the next pages are just a few examples of how Washington legal professionals are engaging with students—in classrooms and in mock trial courtrooms. Washington Supreme Court Justice Salvador Mungia details his years of volunteering at Sheridan Elementary School in Tacoma. WSBA Governor Christopher Bhang shares his experience as a judge at this year's Mock Trial State Championship. And Judge Cecily Hazelrigg talks about the impact of Judges in the Classroom.

WSBA photos

FEATURE

Law Firm–Classroom Partnership: It Doesn't Take Much

BY JUSTICE SALVADOR A. MUNGIA

When my kids were growing up, they got everything—well, maybe not everything, but they got a lot. In contrast, there are so many kids who don't get nearly what they need. It doesn't take much to help those kids.

The Beginning

I have heard it said that the biggest regrets you will have in life are not the things you did, but the things you didn't do. True enough. In 2009, when I was WSBA president, I had hoped to start a program to get lawyers into schools. Other matters kept that from happening. Such is life, right? Eight years later I wanted to remove this idea from the regrets column.

I didn't know if my law firm, Gordon Thomas Honeywell in Tacoma, would even go along with my idea, but I thought I'd better see if there was a school receptive to my plan. The school had to be relatively close to our firm with an under-resourced student population. I found Sheridan Elementary on the east side of Tacoma. It was 10 minutes away, with a student population that was 80 percent kids of color, 80 percent kids eligible for free or reduced school lunches, 10 percent kids from unhoused families. I called the principal, Anna Marie Griebel, set up a meeting, and went to the school.

"Half-baked." That pretty much summed up my plan. I explained to Ms. Griebel that my intention was to get members of my firm to go to Sheridan two times a month for an hour to help the teachers. I wanted to start with the first-grade class and have our firm follow that class all the way through fifth grade. And then we would start all over with a new first-grade class. I told her that we would do more—I just wasn't sure what that "more" would be yet.

She loved it.

My next task: Get my firm to sign off on the idea. The firm's response: They loved it.

The Middle

We got started by having the first graders, all 84 of them, go to the firm's Tacoma office. (The school didn't have funds for this field trip so the firm paid for two buses to take the kids.) Our offices were on the 21st and 22nd floor. Most, if not all, of these kids had never been in a building taller than two stories. Pacific Lutheran University, my alma mater, donated 100 PLU shirts for the kids and their chaperones. Tacoma's mayor, Marilyn Strickland, greeted the kids. The students met attorneys, paralegals, legal assistants, and other support staff.

We got started by having the first graders, all 84 of them, go to the firm's Tacoma office. ... The half-baked idea was becoming a little more baked.

The half-baked idea was becoming a little more baked.

We did more.

I was serving on the University of Washington Gates Public Service Law Advisory Board at that time and shared what we were doing. A law professor said that we should have a field trip to the UW. I responded, "Great idea—do you have any funds?" They could pay for one bus—GTH would pay for a second. The kids, most of whom had not been out of Tacoma, were ecstatic. The Gates Scholars, a dominant share being women and students of color, were the hosts. They told the kids their stories—which mirrored the kids' lives. We toured the UW campus. The scholars put on a presentation: "Cookie Monster vs. Bert and Ernie." The kids participated. The kids loved it.

We know that if you get a kid to just visit a college campus, they are more likely to go to college. Like I said, it doesn't take much to make a big difference.

The idea, the program, has become fully baked since the start. Each December before winter break, the teachers tell me what each student is interested in. Denise Lowry, a GTH paralegal, takes those lists and gets cash donations or books to meet every kid's interest. She and her team wrap each book with the kid's name on it. When we pass out the books the kids go absolutely bonkers. I'm talking about screaming with joy, showing the book they got to anyone and everyone in the room. Again, it doesn't take much to make a difference.

We keep a community "bookstore" in the front office stocked with books where any kid in the school can take for free. We have had the kids design the firm's holiday card and given prizes to the top three designers. We have donated bikes. We have volunteers going into the classrooms to help the kids learn to read, write, and do math.

Through education policy we know that if a kid is unable to read at grade level by the end of grade three, there is a direct correlation to incarceration as an adult. Reading has been a priority for us. When the kids were in fifth grade one teacher told me, "Sal, this is the first year that all my students were reading at grade level and you all were a part of that success." The rewards are huge.

The End

There is no end. While we took one year off after our initial cohort finished fifth grade, we started back up three years ago with the first-grade class. We are now in the third grade.

I have sat on the floor with kids trying to teach them their "ABCs," or reading to them, or listening to them reading to me and helping them sound out words. I have had kids sneeze on me, cough on me, and wipe their runny noses on my clothes. I've brought home colds more than once.

I've had kids hold my hand as we lined up for recess and say, "Sal, I'm never letting you go" with my replying, "I'm never letting you go either." I regularly have kids tell me that they miss me. And I always respond, "I have missed you so much."

Any day I volunteer at Sheridan I know will be the best day of the week for me. And that will never end. BN



Justice Salvador "Sal" A. Mungia was elected to the Washington Supreme Court in November 2024 and was sworn into office in January 2025. Justice Mungia is the son of immigrants: His father came from Mexico and his mother from Japan. Justice Mungia was born and raised in Tacoma. He graduated from Pacific Lutheran University with honors in 1981 and from the Georgetown University Law Center with honors in 1984. After graduating from law school, he clerked for a Washington Supreme Court justice and then for a federal district court judge before joining the law firm of Gordon Thomas Honeywell where he was the managing partner the last two years of his practice. Justice Mungia believes that the best part of his life are his four children, two daughters-in-law, and one grandson.



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FEATURE



The Marysville YMCA mock trial team.

Mock Trial: Look to the Youth

BY CHRISTOPHER TAKASHI BHANG

It's hard not to use hyperbole to describe my experience getting to know the students of the Marysville YMCA Mock Trial Team, and what it was like to share a room full of young people expressing their unlimited potential. But then, there's a reason why phrases like blown away, peak, and scrumtrelescent exist.

I had the great fortune of being a rater at the final round of this year's Mock Trial State Championship organized by the Washington YMCA Youth and Government Program. More than 1,000 students representing 51 schools and organizations from across the state participated in this year's program. Of the graduating seniors, 35 percent say they will pursue a career in the legal field.

Poise, preparation, wit, and civility were all on full display: Student attorneys and witnesses sparred with equally masterful understandings of the theories of the case and the rules of evidence, crisp recitations of law, and professional level opening statements and closings arguments. I watched a sophomore hold her own in a pretrial colloquy with the presiding judge, Washington Supreme Court Justice Colleen Melody. Coaches beamed, and I regularly checked to make sure my mouth wasn't agape.

I had to tell someone about what I saw. I had to tell more attorneys, like myself, who didn't already know that this happens *every* year, in classrooms and communities across the state.

After contacting the coaches of the championship teams, I was invited to spend an evening with the Marysville YMCA Team. (I had planned to also interview students from the state champions, University Prep, but the timing didn't work out for this issue due to their preparation for the national competition in Des Moines, Iowa, *and* final exams.)

As the students and coaches made their introductions, what struck me was not just their clear exuberance for the law and the courtroom, but their love for the community they created. I felt like I was a guest at a family dinner table, or watching the mock trial season of *Ted Lasso*.

The whole team lit up to relive highlights from past mock trials, like when their award-winning witness evaded impeachment twice in the same cross examination. They cheered for each other on their college acceptances and part-time jobs, and bragged about how the salutatorian among them was actually smarter than their valedictorians. The introductions were peppered with the familiarity and inside jokes native only to beloved communities: the correct pronunciation of "niche," the importance of soda can tabs, and how hilariously loud *some* of them can be.

Their volunteer coaches similarly displayed communal pride and love for what they do and whom they get to work with: a mother-daughter combo (a pre-law alum of the program and senior prosecutor), a superior court judge, a YMCA staff member who definitely knows more about the impeachment dance than I do, and a history teacher—"the man, the legend"—who started the program from scratch just a few years ago.

By the end of my visit, the students and their coaches had left me with a deep sense of satisfaction that our profession is in good hands. And they also gave me a task. When I asked what the WSBA could do to support their program and others like it across the state, the answer was clear: Send more attorneys to the classrooms and mock trial teams to judge, coach, teach, encourage, and inspire. It wasn't money or new deskbooks. It was us. For us to show up.

And I hope we do, WSBA members. I hope we seek meaningful opportunities to directly invest in these programs and young people. And in doing so, I submit we will be reminded—as I was—of the best parts of ourselves and our profession, the parts that knew that *our* possibilities were limitless in a community of professionals bound by the rule of law. BN



Christopher Takashi Bhang is a former high school science teacher and current WSBA Governor At-Large for Diversity Equity and Inclusion. He can be reached at chrisbhangbog@gmail.com.

ONLINE > To learn more about the Washington YMCA Youth and Government Mock Trial Program: **www.seattleymca.org/programs/youthprograms/washington-youth-government.**

FEATURE

Judges in the Classroom: Sharing and Gaining Insight

BY JUDGE CECILY C. HAZELRIGG

Shortly after I was first elected to the Court of Appeals, I was appointed to serve on what was then called the Public Trust and Confidence Committee (now Public Engagement and Education Committee, or PEEC). I was immediately drawn to one of its subcommittees, Judges in the Classroom (JitC) where, as the name implies, judges visit classrooms and talk to students about the law and the courts.

This subcommittee was a natural fit for my background and experience; before becoming a judge, I had worked as an adjunct instructor at Western Washington University for many years and was a frequent classroom volunteer when my children attended public schools. Well before any of that, though, I was a precocious child of a father who was deeply committed to civic participation and always gave very sophisticated and detailed answers to my questions, even when I was very young. There is no doubt that those conversations fueled my lifelong passion for civic engagement and education (and contributed to my eventual decision to run for the Court of Appeals).

> It is telling that I never envisioned myself as a lawyer, much less a judge, until somewhat later in life.

After more than seven years of service with JitC, I have presented to hundreds of students ranging from third grade to community college, and developed a partnership with a local elementary teacher to speak to third through fifth graders each year around Constitution Day in September. As I neared the end of my tenure with PEEC last year, I had the privilege to work with the team that created and launched the WSBA's companion program, Lawyers in the Classroom (LitC).

The primary driving factor for my continued work with JitC is that I just really enjoy talking with children. We can learn so much when we listen to the things that excite them, share what interests us, hear where their curiosity lies, explore the world alongside them, and simply create space to support their growth as valued members of our community. I start each JitC visit by asking the students to tell me what they know about the presentation topic, where they learned it, what they think about it, and encourage them to ask me questions as they arise. I let them direct our session to a large degree (within parameters established by their teachers, of course).

While I might be the one formally presenting on the uniqueness of the Washington Constitution, explaining how our state judiciary works, or sharing about my path to the bench, I always walk away from a JitC presentation feeling like I learned more than I taught. Time spent with students is revitalizing and provides for powerfully bright spots of hope and goodness amidst the high-volume work of the judiciary that usually centers on the resolution of serious conflicts. I often ponder the students' questions or comments days after the classroom visit and seek to improve future presentations based on what I learn each time. In short, JitC is a program that sends goodness in many directions.

As a first-generation attorney who grew up in a small island community, I did not meet a judge until I was in law school. It is important for young learners and dreamers to see people with similar backgrounds and common interests doing jobs they might want to pursue when they are older. It is telling that I never envisioned myself as a lawyer, much less a judge, until somewhat later in life, despite the empowering conversations with my father when I was young.

We all benefit as a society when we invest the time to educate our youth about the rule of law and expressly invite them to imagine themselves in roles they might not otherwise consider, particularly if they come from backgrounds where certain paths may seem closed off to them due to barriers of language, socioeconomic status, or other factors. It can be easy in a busy legal career to lose sight of how much wisdom each of us carries just based on our life experience and what a gift that can be for the generations that come after us; every member of our state judiciary and bar can make a tremendous impact on a child's educational and career trajectory by sharing their time and knowledge through JitC or LitC. So, consider yourself invited to join me in this deeply important and rewarding work. I'll see you in the classroom. BN



Courtesy photo

Judge Cecily C. Hazelrigg joined the Court of Appeals in January of 2019. She currently represents the Court of Appeals on the Board for Judicial Administration's Public Engagement and Education Committee and the statewide Racial Justice Consortium. She is a regular presenter and organizer with the Judges in the Classroom and Legislative Scholars programs offered through the Public Engagement and Education Committee. Judge Hazelrigg received her ATA from Skagit Valley College in Paralegal Studies, B.A. from Western Washington University in American Cultural Studies, and J.D. from Gonzaga University School of Law. She resides in Skagit County with her family.

FEATURE

RULE 6 MENTOR MYTHS:

Why You Might Be More Ready Than You Think

Q&A with three Law Clerk Program tutors

BY CHRISTELL CASEY

Washington's Rule 6 Law Clerk Program offers an apprenticeship-style path to the bar, but for many potential tutors it also surfaces a quiet set of fears about mentorship, teaching, and supervising a student.

What the Rule 6 Program Is

Under Admission and Practice Rule (APR 6), Washington's Law Clerk Program is a four-year alternative to law school in which a law clerk works and studies under the direct supervision of an experienced lawyer or judge. Successful completion of the program satisfies the legal education requirement to sit for the Washington State Bar Exam, putting Rule 6 graduates in the same exam room as ABA law school graduates.

The program relies on an apprenticeship model that blends theoretical study, experiential learning, and clinical-style exposure through actual legal work.

As a nine-year member of the Law Clerk Board, I can tell you from doing outreach that I hear from attorneys all over the state that they like the idea of mentoring a student, but are concerned that they aren't a good enough teacher, are too far removed from their own law school education, or just don't think they have enough time.

Still, hundreds of attorneys take on the challenge each year and find it incredibly rewarding, personally and professionally. I sought out the wisdom of current and former mentors addressing some of these fears, in the hope that it will inspire more well-qualified attorneys (like you!) to take the plunge.

"Can I be an Effective Teacher?"

Many excellent practitioners do not see themselves as natural teachers. The APR 6 framework asks tutors to construct a curriculum comparable to a Washington law school program, deliver regular one-on-one instruction, and critically evaluate complex written work across areas of practice. For a busy practitioner, that can feel like being asked to moonlight as a full-time professor without training or support.

Jodi Hammond: Because I've only ever practiced in the criminal arena, the idea that I would have to teach topics I hadn't thought about for years (property, contracts, civ pro) was very daunting. As we ventured into these areas, what gave me confidence was that I could set the pace of the learning along with my clerk. We chose the book, reviewed the syllabus, but then I could take the time I needed to refamiliarize myself with the topic as we worked through the syllabus together. It was also super helpful as we planned the year to know that I could ask for assistant tutors on any subjects that I felt were *way* outside my realm. Even though I hadn't thought about contracts in a long time, as we delved into the text and worked through it together, I could re-learn along with my clerk. I didn't have to be an expert because the point is to teach them *how* to learn about the law.

By referencing syllabi that have been crafted in the law school classes, some of the work is already laid out: How to break up material, which book to use, how much reading is doable in a week, etc. Our "classes" are very interactive. I let the clerk lead—asking what stuck out to them in the reading and briefing the cases assigned.

Jerry Gray: One step at a time. Figuring out what works and what doesn't. I am in the middle of my second tour as mentor. [My clerk] is a great student, and we have collaborated on how to make the process

CONTINUED >





While the investment is large, the payoff in the future—of having a talented, committed, and trained person who is already a part of our team—outweighs that time cost. It does take work, but some basic administrative functions make it really doable and totally worth it."

— Jodi Hammond, *Chief Criminal Deputy Prosecuting Attorney in Kittitas County.*

Photo illustration © Getty/master1305

work. I ask her for feedback as well.

We may not think of ourselves as teachers, but we do have experiences that can be meaningful to share. Some of your law school years will come back to you, and those stories can be educational. And keep showing up and being a resource for your clerk. They are doing the hard work; you are there to support them and help them along the way. That's a big job, but breaking it up into month-to-month segments makes it doable.

"Has It Been Too Long Since Law School?"

Greg Casey: At the end of 1999, I was thinking about how to mentor under the clerkship program. I had been out of law school for almost 40 years at that time and had primarily practiced in civil litigation. What I did not know then is that when I ventured into each subject it was actually a fun challenge. I enjoyed reviewing what I had learned in my contracts course, criminal law, procedure courses, and constitutional law courses. I found that it gave me a fresh look at the subjects. I also found I had a lot of resources I could go to. I reviewed the course materials used at Gonzaga Law School. I also found I was not doing it alone. There were others who shared with me their materials and thoughts.

I was worried about several subjects I did not have any experience in. I had not handled a probate for over 35 years. When it was time for that course I met with an attorney friend whose practice included probate and estate planning. It so happened that a family member passed away. He did not have a very large estate so we decided my clerk and I would do the probate for him. The two of us reviewed the law, prepared the probate, and walked through the process of closing the estate. It was not only a learning experience but a way of helping someone who could not afford an attorney under the circumstances.

Gray: Regarding the subject matter, I reviewed the materials (sometimes a quick review) and prepared for class. I also leaned on my legal experience to fill in any holes for preparation. I also used my bar exam prep materials. I gave copies to the clerk as needed, and the summaries were helpful with preparation.

DID YOU KNOW?

Per Washington Supreme Court order No. 25700-A-1696, effective Sept. 1, 2026, tutors are now eligible if they have been actively practicing law for eight (instead of 10) of the last 12 years, and are allowed to work with two law clerks at one time.

"Do I have the Time?"

Even for lawyers who are comfortable teaching, time is an ever-present concern. The Rule 6 program presumes a sustained four-year relationship with defined weekly supervision, layered on top of the tutor's own client work and administrative load. Many attorneys, especially in small or solo practices, fear that the mentoring commitment will erode billable time, strain firm resources, or crowd out their own professional development. However, the investment can bring long-term rewards.

Hammond: For me, the decline of talented applicants in the job pool in our community has made it clear to me that the best way to find talent is to invest in our own people through the Law Clerk Program—we are making the talent for the applicant pool that has been lacking. While the investment is large, the payoff in the future—of having a talented, committed, and trained person who is already a part of our team—outweighs that time cost. It does take work, but some basic administrative functions make it really doable and totally worth it.

Plus: The result is an attorney who is already a part of your team when it's a clerk from within your organization. You also get the joy of sharing a passion for justice with others who are on the same path. It's actually quite fulfilling to see the light bulbs go on and have the excitement build.

Casey: At first, I was concerned about the time it would take, but I found it was very rewarding. I was working with my son so there were a lot of benefits to me as a father. However, I believe working with someone in this context, whether it be a family member or any dedicated and hard-working person from your staff, there is something very satisfying in influencing them to be the type of lawyer who would make our society better. It is a tremendous opportunity to impart not just information and experience to someone, but to demonstrate the ethical and cordial relationships that the practice of law demands. This can be taught in a course in law school but is much better learned in the actual practice of the daily stresses we face.

Gray: Fitting in preparation and class can be challenging. It's like most things—finding a good rhythm and being organized, while also being flexible.

The clerk and I would have a standing time on Fridays for class, but the exact time would move around according to schedule. And the class length would change as well, dependent upon the assignment for the week.

"Is It Worth It?"

Casey: I can truly say now looking back over my 55 years as an attorney that it was one of the most satisfying things I did in my practice. I really want to encourage anyone thinking about it to do it.

Despite its demands, the overwhelming feedback I get from attorneys who have served as mentors is that the Rule 6 journey is one of the most deeply rewarding experiences a lawyer can undertake. Guiding a clerk from tentative first research assignment to confident, ethical practitioner invites you to see your own craft with fresh eyes and renewed purpose. The structure of the program forces you to articulate the "why" behind your instincts, sharpen your

own understanding of doctrine and professionalism, and model the kind of judgment you want to see in the next generation.

Yes, it is going to stretch your comfort zone occasionally. But in exchange, you gain a colleague whose development you have personally shaped, who understands your practice at a cellular level, and who carries your lessons into every client meeting and courtroom appearance. At a time when access to justice and the health of the profession are under real strain in the state of Washington, accepting the challenge of Rule 6 is more than mentorship—it is stewardship. And for many attorneys, watching a former clerk step into practice is not just satisfying; it is one of the proudest moments of their careers. BN



Christell Casey graduated from the Law Clerk Program in 2015 and became a member of the Bar in 2015. She has been a member of the Law Clerk Board since 2017 and is the current chair. She completed the Rule 6 Law Clerk Program while also being a mom to five boys! She practices family law in Spokane, loves to play league volleyball, and is the full-time emotional support human for her golden retriever, Taffy.



Jerry Gray was a Rule 6 mentor from 2017-2021 for Erin Kuns, who completed the program and passed the Washington State Bar Exam. He is now in his second tour as a mentor with clerk Emily Lyons. They are currently in the middle of constitutional law—part II. He practices in Olympia at Connolly, Tacon & Meserve.



Jodi Hammond is the chief criminal deputy prosecuting attorney in Kittitas County. She has been a criminal prosecutor for 20 years. She is passionate about her community, justice, great coffee, and naps.



Greg Casey graduated from Gonzaga University School of Law in 1971. He has practiced in the Spokane area for 54-plus years, practicing primarily personal injury and trial work. He has two sons who are also attorneys and has mentored two attorneys through the Rule 6 Law Clerk program.

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FEATURE

WHEN AI LIES TO THE COURT:

What Washington Attorneys Need to Know Now



BY GLORIA DOMINGOS AND DR. DARIA LUNDELL (KOUCHERETS)

In August 2025, U.S. Magistrate Judge Alison Bachus of the District of Arizona sanctioned a Washington attorney for submitting a brief riddled with fabricated, misleading, and unsupported citations.[1] Then she did something unusual. She ordered the court clerk to send the sanctions order directly to the Washington State Bar Association "so that the bar association may take any action it deems appropriate."[2] She also revoked the attorney's pro hac vice status[3] and required her to personally write to three federal judges whose names AI had falsely inserted into invented opinions.[4] Twelve of 19 citations in that brief were fabricated. The judges were real. The cases were not.[5]

After almost a year, Washington still has no binding rule exclusively addressing AI.

That was not the only message to arrive. In Oregon, U.S. Magistrate Judge Mark D. Clarke dismissed a case and imposed a $110,000 penalty against two lawyers after they submitted briefs containing citations and quotations hallucinated by AI.[6] In Colorado, attorney Zachariah Crabill lost his license for 90 days after submitting ChatGPT-fabricated citations.[7] When the judge asked about them at a hearing, Crabill blamed a legal intern. Days later he filed an affidavit admitting he had done it all himself and that "like an idiot" he had not checked. The denial made it worse.

In July 2025, three experienced Butler Snow LLP attorneys—a firm with over 400 lawyers and a written prohibition on unverified AI—were disqualified from a case in the Northern District of Alabama for submitting five fabricated citations.[8] Their seniority was no protection. Judge Anna M. Manasco sent notifications to bar regulators in every state where they held licenses. She was not subtle about why: High status in a firm does not reduce your verification obligation; it increases it.

Then there are the judges themselves. Federal Judge Julien Xavier Neals of New Jersey withdrew his own ruling in *In re CorMedix Inc. Securities Litigation* after a law school intern used ChatGPT to draft the research.[9] Federal Judge Henry T. Wingate of Mississippi vacated an order in a case involving enforcement of a state ban on DEI programs in public schools after his clerk used Perplexity AI—producing fabricated party names, invented precedents, and wrong statements of state law.[10] Wingate called it a "technical mistake" and tried to remove the original from the public docket. Sen. Chuck Grassley (R-IA) opened a formal Senate inquiry and demanded the documents back.[11]

French researcher Damien Charlotin, who tracks AI hallucination cases globally, was logging two incidents per week by spring 2025.[12] As one Illinois court publication put it: "paste in haste, repent at leisure."[13]

Washington's response to all of this? An advisory opinion.



Gloria Domingos is the founding attorney and CEO of Domingos Law Firm in SeaTac.



Daria Lundell (Koucherets), Ph.D., is COO of Domingos Law Firm.

Together they are co-authors of *Lex AI: A Global Legal Language*. The firm serves clients from more than ten language communities across immigration, asylum, and family-based matters.

WE SEE THIS EVERY WEEK

We practice immigration law at Domingos Law Firm in SeaTac. Our clients speak more than 10 languages: Ukrainian, Russian, French, Portuguese, Spanish, Wolof, and several West and Central African dialects. We use AI. The volume demands it.

But AI hallucinations in immigration practice do not look like fabricated federal citations. They look like a misspelled village name in Guinea-Bissau. A nonexistent regional official in Senegal. A government decree in Angola that never existed. Westlaw will not catch these. Westlaw does not index village-level political geography in West Africa.

When an asylum seeker's case turns on whether a specific official held power in a specific region in a specific year, a

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Illustration © Getty/Overearth

hallucinated detail is not a technical error. It can be the difference between protection and deportation.

At our law firm, we implemented internal guidance requiring verification of all materials drafted with the help of AI. Not because Washington requires it, but because our clients cannot afford for us not to.

That needs to change. While implementing rules at individual law firms is important, there should still be general guidance applying to all practitioners in the state.

WHAT YOUR SIGNATURE NOW MEANS

Before we get to what we believe Washington should do, let's look at what the courts have already decided.

In *Johnson v. Dunn*, the fabricated citation was inserted by a practice group leader. Not an intern. Not a paralegal. A senior partner at a national firm. The firm had a written AI policy. He ignored it. The court rejected every excuse offered: that a supervisor made the error, that the hallucinated citation happened to support a correct legal point—"a stroke of pure luck," the court said drily—and that the attorney thought the citation came from prior reliable filings. None of it mattered. Your signature means you are responsible for every word. Full stop.

Three Washington rules already say this. RPC 1.1 requires technological competence, which today means knowing that leading AI legal research tools hallucinate in 17 to 33 percent of queries, per a 2024 Stanford study. If you did not know that, you are already behind. RPC 3.3 prohibits knowingly submitting false statements to a court—and once opposing counsel raises a question about your citations, defending them instead of disclosing the problem is its own violation, as *Mata v. Avianca* (S.D.N.Y. 2023) made clear. RPC 1.6 covers confidentiality—and entering a client's account of persecution into a free AI platform that retains user data for model training may already be a violation, before a single citation is ever filed.

WSBA Advisory Opinion 2025-05 confirmed all three rules apply. Washington attorneys can be disciplined under these rules *if* they skip citation verification *and* consequently include false or misleading information in a court filing. But we argue that these rules don't go far enough. They do not specifically address AI, and they do not state exactly what verification and disclosure require.

NOTE FROM THE WSBA

The WSBA's Committee on Professional Ethics (CPE) has been working jointly with the clerk of the Washington Supreme Court on proposed comments to the Rules of Professional Conduct regarding AI usage. The CPE will bring these proposed comments to the WSBA Board of Governors for discussion and potential approval at its meeting on July 24, 2026. If approved, the comments will be sent to the Washington Supreme Court for review and publication for public comment. In addition, at the July meeting, the Board will discuss policy recommendations from the recent Legal Technology Task Force Final Report. More information and all meeting materials can be found at **www.wsba.org/bog.**

The WSBA's Advisory Opinion 202505, which highlights seven key duties under the RPCs that lawyers should uphold when using AI tools, can be found at **https://ao.wsba.org/print.aspx?ID=1713**.

SCAN TO LEARN MORE >

WASHINGTON LEGAL PROFESSIONALS WANT GUIDANCE

In a survey of WSBA members conducted by the National Business Research Institute in 2024, 77 percent of respondents said they did not believe that Washington's current ethical rules and guidelines adequately covered the use of generative AI.[14] Seventy-two percent of respondents said they supported adding an MCLE requirement for a technology-related CLE. When asked about personal knowledge around generative AI, only 9 percent of respondents rated themselves as "Good" or "Better." Thirty-six percent said their knowledge on the topic was "Fair" and 28 percent said "Poor."

Washington lawyers want additional knowledge and guidance in a rapidly evolving domain.

A PRACTICAL THREE-TIER STANDARD

We propose a binding AI Verification Standard under RPC 1.1 built around actual risk. Not all AI use is the same, and the rules should not treat it that way.

Routine tasks—formatting, grammar, scheduling, administrative work—need basic review before they go out. The same standard as paralegal work under RPC 5.3. Nothing more.

Substantive drafting—motions, briefs, contracts, declarations without case citations—needs real attorney review. Read every factual claim. Check every statement of law. AI writes from training data, not from what the law says today. It will be confident. It will sometimes be wrong.

Legal research and citations need the strictest standard. Every citation, every time, verified against Westlaw, LexisNexis, or official court records before a document goes to a tribunal. No exceptions. And do not ask the AI to check its own work. That is exactly what happened in *Mata v. Avianca*.[15] The attorney asked ChatGPT to confirm the citations. ChatGPT confirmed them. Judge Castel ordered the attorney and his partner to each pay $5,000 in fines.[16]

For immigration work, verification goes further. Country conditions research must be cross-referenced against U.S. Department of State reports, UNHCR documentation, and human rights records—because AI invents officials, decrees, and histories in places most databases have never indexed. The attorneys most likely to face this serve the communities least able to absorb the consequences of an error.

One more thing: disclosure. At Domingos Law Firm we tell our clients when we use AI. Our clients have fled governments that lied to them. They deserve to know how their legal work is produced. Washington should require a simple certification that AI-generated citations have been independently verified before any court submission. Courts already require attorneys to certify accuracy. This is the same obligation, updated for 2026.

THE BOTTOM LINE

A federal judge sent a sanctions order directly to the WSBA. Two attorneys in Oregon had their case dismissed and received massive fines. A senior partner at

a 400-lawyer firm learned that seniority means nothing when your signature is on a hallucinated brief. A Colorado attorney blamed an intern, then admitted it was him. Two federal judges withdrew their own rulings. A United States Senator opened a formal inquiry.

This is not a problem for time-crunched solos or overwhelmed associates. It has reached practice group leaders, law clerks, and the judges themselves.

Washington attorneys are good lawyers. Many of them are asking for guidance. They deserve an answer.

The WSBA has the tools. The courts have delivered the message—by name, directly to this bar association. The response is overdue. BN

NOTES

1. Mavy v. Comm'r of Soc. Sec. Admin., No. CV-25-00689-PHX-KML (ASB) (D. Ariz. Aug. 14, 2025).
2. *Id.* at 24.
3. *Id.* at 19.
4. *Id.* at 23.
5. *Id.* at 9.
6. Couvrette v. Wisnovsky et al., No. 1:21-cv-00157-CL (D. Or. 2026).
7. People v. Crabill, No. 23PDJ011 (Colo. O.P.D.J. Nov. 22, 2023).
8. Johnson v. Dunn, No. 2:21-cv-01701-AMM, 2025 WL 2086116, at *19–20 (N.D. Ala. July 23, 2025).
9. In re CorMedix Inc. Sec. Litig., No. 2:21-cv-14020 (D.N.J. 2025).
10. Jackson Fed'n of Teachers v. State, No. 3:25-cv-00417 (S.D. Miss. July 23, 2025).
11. Letter from Sen. Chuck Grassley, Ranking Member, Senate Judiciary Comm., to John G. Roberts, Jr., Chief Justice of the United States (Oct. 6, 2025), *available at* www.grassley.senate.gov/download/grassley-to-the-honorable-henry-t-wingate_-ai-oversight.
12. www.damiencharlotin.com/hallucinations/.
13. www.illinoiscourts.gov/News/1665/Paste-in-Haste-The-Fallout-of-AI-Hallucinations-in-Court-Filings-and-the-New-ARDCs-Guide-to-Implementing-AI/news-detail/.
14. Find all materials related to the WSBA's Legal Technology Task Force at www.wsba.org/connect-serve/committees-boards-other-groups/legal-technology-task-force.
15. Mata v. Avianca, Inc., 678 F. Supp. 3d 443 (S.D.N.Y. 2023).
16. www.courthousenews.com/sanctions-ordered-for-lawyers-who-relied-on-chatgpt-artificial-intelligence-to-prepare-court-brief/.







FEATURE

TRADEMARK TROUBLE IN AISLE FIVE:

The Smucker's-Trader Joe's Dispute and the Law of Look-Alikes

BY ALLISON FOREMAN, PRIYANKA MENON, AND GREGORY PHILLIPS

A PB&J sandwich is one of America's simplest comfort foods: peanut butter, jelly, two slices of bread, and you are done. In the 1970s, it was the classic school lunch—packed in a metal lunchbox adorned with superheroes, cartoon characters, or celebrity actors or singers. In the mid-1990s, though, someone figured out how to turn that everyday comfort into a freezer-aisle convenience product, and in 1999, the concept went mainstream when Smucker's acquired a small brand that became "Uncrustables." Today, several other vendors sell frozen, crustless PB&J sandwiches (the authors counted at least eight brands online),[1] but Uncrustables is still the one most people can name—thanks to the recognizable branding.

Recently, Smucker's sued Trader Joe's for trademark infringement, false designation of origin, trademark dilution, and related claims. Smucker's says it does not take issue with others selling prepackaged, frozen, thaw-and-eat crustless sandwiches, but it cannot allow others to use its IP to make such sales.[2] The dispute highlights that in industries where product differentiation is subtle, branding choices often carry the greatest risk. Trader Joe's has responded to the complaint with a motion to dismiss Smucker's trademark dilution claim and requested to change the venue from the U.S. District Court for the Northern District of Ohio to Central California.

So what exactly did Trader Joe's do that is different from all those other frozen crustless PB&J sandwich makers? Is Smucker's trying to monopolize the frozen crustless PB&J sandwich market?

MARKET POWER WITHOUT MONOPOLY

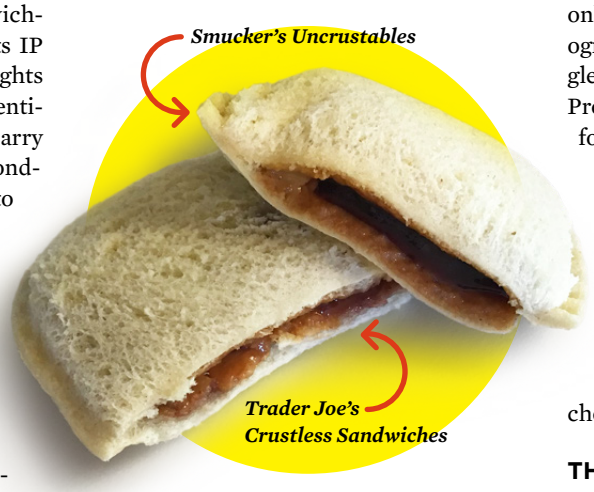
A patent is an IP right that protects an idea or process by temporarily blocking competitors from making or selling the same product. One of Smucker's early patents covering a method for making a crustless, sealed sandwich with crimped edges was invalidated through a third-party challenge, and its later attempts to patent a frozen grilled cheese sandwich and a high protein PB&J didn't succeed either.[3] Smucker's does, however, still hold multiple design patents covering the ornamental appearance of sandwiches like Uncrustables.[4] Instead of aggressively enforcing its design patents, Smucker's has built its competitive advantage through branding: by developing a portfolio of trademarks that protect the Uncrustables name and related identifiers.

THE UNCRUSTABLES SUITE OF TRADEMARKS

Smucker's claims trademark rights to various aspects of both the sandwich itself and its packaging, including (1) product configuration (the three-dimensional round sandwich with crimped edges), (2) packaging (including the image of a whole round sandwich, as well as a round sandwich with a bite taken out), (3) a design mark (a bitten sandwich character with eyes, brows, arms, and legs), and (4) the stylized blue-and-white Uncrustables mark.[5]

Most brands start with the simplest and strongest form of trademark protection: the product name in standard characters. Think Uncrustables as plain text. That trademark registration is not tied to a particular font, style of presentation, or color, so it gives the owner broad latitude to display the mark in different typefaces and designs over time. But, broad does not always mean memorable. To build brand recognition, companies often use stylized versions of their marks, sometimes in distinctive colors, so consumers start to associate a particular "look" with a single source. The brand owner then seeks to register that stylized version. Smucker's representation of the Uncrustables mark in a blue and white, stylized font is a classic example of that strategy.

For brand owners trying to claim even more territory, trademark law offers another tool: trade dress. Trade dress protects the overall visual impression that gives the product an identity—elements such as shape, color schemes, graphics, etc. There are two common forms. Product shape trade dress covers the three-dimensional design of the product itself, and it is protectable only when consumers have learned to recognize that design as emerging from a single source (i.e., acquired distinctiveness).[6] Product packaging trade dress, by contrast, focuses on how the product is packaged for sale and, in some cases, can be protected based on inherent distinctiveness, without the need to show acquired distinctiveness.[7] Either way, an important limit to trade dress is functionality—meaning brand owners cannot obtain trademark rights to features that are essential to how a product works or design choices competitors need to compete.[8]



The dispute highlights that in industries where product differentiation is subtle, branding choices often carry the greatest risk.

THE LOOK OF UNCRUSTABLES

Smucker's alleges that it designed its packaging for its frozen crustless PB&J sandwiches to create a recognizable look. Although the overall color of the packaging changes with the jelly flavor used inside the sandwiches, the Uncrustables brand appears in the same blue color, and there is often a picture of a sandwich with a bite taken out tucked into the corner of the box. Overall, the packaging also recognizes Smucker's broader brand identity, incorporating the familiar gingham pattern associated with its jelly jars.

CONTINUED >

WSBA staff photos



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Priyanka Menon is an associate in the Intellectual Property Litigation Group at Knobbe Martens, focusing on intellectual property disputes, including trademark, trade dress, copyright, and unfair competition matters.



Gregory Phillips is the co-chair of the Trademark and Brand Protection Group at Knobbe Martens. He is a trusted advisor to clients on domestic and international trademark matters, providing comprehensive support in trademark clearance searches, registration, enforcement, and licensing.

WHY TRADER JOE'S?

Why might Smucker's have pursued a trademark infringement claim against Trader Joe's, while the other eight vendors selling frozen crustless PB&J sandwiches we found online appear to have escaped a similar fate? Simply put, the other frozen crustless PB&J sandwiches that we found online do not offer a round-looking crimped-edge sandwich and do not feature the color blue in their branding and packaging. A few brands use crimped edges, but their sandwiches are not round. One vendor shows a crimped sandwich alongside the familiar "bite taken out" image, but the sandwich is square and the packaging does not feature blue. Trader Joe's, on the other hand, may have edged closer to what Smucker's considers is the protectable "look and feel" of its Uncrustables sandwich. Like the Smucker's packaging, the Trader Joe's packaging includes a sandwich with a bite taken out. While the text on the Trader Joe's box differs in color, its overall design is dominated by blue, the signature color Smucker's uses for its Uncrustables branding.

In its motion to dismiss, Trader Joe's argues that its sandwiches are not actually round at all. Instead, it says they are "squircles"—squares with rounded corners, akin to the app icons on Apple phones and computers.[9] According to Trader Joe's, that shape is functional because it mirrors the natural shape of a slice of bread without the crust, and Smucker's cannot stop others from making crustless sandwiches just because they have some degree of roundness. And, for good measure, Trader Joe's notes that consumers are unlikely to confuse its vegan sandwiches with Smucker's products, which it claims contain hydrogenated oils and the preservative potassium sorbate.

CONFUSION IN THE TRADER JOE'S AISLE

One could argue that Smucker's claim of consumer confusion against Trader Joe's sandwich is weak because consumers shopping at Trader Joe's stores are less likely to encounter any brand other than Trader Joe's brands, and what propels purchasing decisions is nothing other than Trader Joe's name. In other words, unlike at Walmart or Safeway, where consumers routinely compare the same product across different brands, Trader Joe's typically offers a single house-branded option, which, in theory, should reduce the likelihood of brand-to-brand confusion.

In its complaint, Smucker's argues that Trader Joe's unique business model makes confusion more likely. Specifically, Smucker's alleges that Trader Joe's private-label strategy, avoiding national brands in favor of Trader Joe's-branded products sourced directly from manufacturers, amplifies consumer confusion because it assumes a common source. Put differently: if shoppers know that Trader Joe's sells store-brand versions made by the same companies that manufacture name-brand goods, is it a stretch to think they might assume the round, crimped-edge sandwiches come from the same maker just in different boxes? Smucker's complaint even includes screenshots of social media posts of consumers making that kind of inference. In this context, it is interesting to note that Smucker's does have presumed valid, incontestable, and enforceable trademark registrations on a round sandwich with crimped edges, which it claims consumers have come to associate with its Uncrustables brand.

That said, Trader Joe's jab about Smucker's ingredients is not entirely beside the point. Over the years, Trader Joe's has cultivated a loyal following for products often perceived as cleaner and free from artificial ingredients. While product quality or ingredients are not standalone factors in a confusion analysis, they may matter. When ingredient differences are meaningful to consumers, courts may view the goods as less closely related, which weighs against confusion. Combined with the fact that shoppers in a Trader Joe's store are unlikely to encounter any brand other than Trader Joe's, those ingredient differences might just carry the day.

CONCLUSION

In the food and beverage industry, branding choices often matter more than the product itself. Category-defining innovations (*e.g.*, Amazon, Uber, Netflix) are rare. Most companies are selling variations on products consumers already know well. Washington-based brands like Cinnabon, Talking Rain, and Teavana all entered crowded markets for baked goods, sparkling water, and tea, respectively. Although each company brought its own product distinctions

In a marketplace where products often look and taste alike, branding is not just decoration, it is the differentiator.

to the market, distinctive branding served to reinforce and differentiate those qualities in the minds of consumers.

Through narrative, both visual and verbal, these companies created identities that consumers could recognize, trust, and remember. Packaging, names, logos, and overall presentation may seem insignificant in isolation, but together they form a cohesive story about source and quality. And it is that story, more than the contents of the sandwich, that often drives consumer choice. In a marketplace where products often look and taste alike, branding is not just decoration, it is the differentiator. With respect to the dispute between Smucker's and Trader Joe's, Smucker's carries the burden of proving a likelihood of consumer confusion. Given that consumers already differentiate between several crustless PB&J sandwiches, that they encounter the parties' respective products under differing purchasing conditions, and that the shape of Trader Joe's crustless sandwiches is alleged to be functional, the odds weigh against Smucker's. BN

NOTES

1. Great Value, Clean Eatz Protein Peanut Butter & Jelly, Jamwich, 7-Eleven, Red's, Lunchables, PF3, and Target.
2. ECF No. 1, Compl. ¶ 3, The J.M. Smucker's Co. v. Trader Joe's Co., No. 25CV2181 (N.D. Ohio Oct. 30, 2025).
3. Sealed Crustless Sandwich, U.S. Patent No. 6,004,596 (issued Dec. 21, 1999).
4. Smucker's holds four design patents—D695,994 (issued Dec. 24, 2013); D712,621; D712,622; and D712,623 (last three issued Sept. 9, 2014)—that generally cover a round sandwich with an undulating, crimped edge. In addition, Smucker's owns two design patents for non-circular sandwich designs. Design patent D854,780 (issued July 30, 2019) covers a round sandwich with a hexagonal crimped edge, while design patent D978,480 (issued Feb. 21, 2023) covers a heart-shaped sandwich with a crimped edge.
5. Smucker's asserted registrations include U.S. Trademark Registration Nos. 2,623,577; 2,883,529; 5,941,408, 7,871,982; 7,799,903; 7,443,335.
6. Wal-Mart Stores, Inc. v. Samara Brothers, Inc., 529 U.S. 205 (2000)
7. *Id.*
8. 15 U.S.C. §1052(e)(5).
9. ECF No. 10-1 at 7, Trader Joe's Company's Motion to Dismiss and/or to Transfer Venue, The J.M. Smucker's Co. v. Trader Joe's Co., No. 25CV2181 (N.D. Ohio Oct. 30, 2025).





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Need to Know

NEWS & INFORMATION OF INTEREST TO WSBA MEMBERS

WSBA NEWS

Proposed Rules of Court Published for Comment

The WSBA encourages members to actively monitor and provide feedback when the Washington Supreme Court is considering any amendments to its rules. View all opportunities to comment at **www.courts.wa.gov/court_rules/?fa=court_rules.proposed**.

Portfolio Evaluation: A New Pathway for Admission

The Licensure Pathways Implementation Steering Committee recently filed suggested amendments to the Admission and Practice Rules with the Washington Supreme Court, paving the way for a new admission pathway called "Admission by Portfolio Evaluation." If the court accepts the recommendations, it will cap a more-than-six-year process that began with a rigorous study of the efficacy of the traditional bar exam and resulted in the court's order to adopt the NextGen Bar Exam and to create new admissions pathways to demonstrate competency, other than the bar exam. Learn more at **www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/lawyers/pathways.**

Save the Date for Bench-Bar-Press Committee Luncheon

Save the date for this annual event: Friday, Nov. 6, 2026, from 12-2 p.m. at the Washington Athletic Club at 1325 Sixth Avenue in Seattle. More details about the event will be posted soon. Email **BenchBarPress@courts.wa.gov** with questions.

THE BAR BUZZ

Beware: Scammers Impersonating Washington Attorneys

There has been an increase in the number of scams in which fraudsters impersonate licensed attorneys and legal organizations, including the American Bar Association and federal immigration agencies. These scams are targeting vulnerable individuals, especially members of immigrant communities through WhatsApp, social media, email, and phone calls. To learn more about these types of scams and resources to handle them, visit the WSBA Scam Alert page, **www.wsba.org/for-the-public/public-home/scam-alert**.

Work at the WSBA

The WSBA has new job openings for those interested. We review candidates on a daily basis. If your skills and experience appear to be a good match for a position, and you meet the minimum requirements of the position you are applying for, our HR representative may be in touch with you to discuss next steps. Visit **www.wsba.org/career-center/work-at-the-wsba** to apply.

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.

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.**

CLJ Data and Document Portal

Re:SearchWA is the new public case records portal for Courts of Limited Jurisdiction Case Management System (CLJ-CMS) courts. 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 toolbar 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.

Speak Up for Justice, Washington!

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.

CONTINUED >

Entity Regulation Pilot Project Accepting Applications

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

Explore the WSBA Lending Library

Looking for your next great read? The WSBA Lending Library is a free service to WSBA members offering the short-term loan of books. Visit **www.wsba.org/for-legal-professionals/member-support/lending-library** to explore the catalog.

Please Complete Your Confidential Demographics Form

Did you know that the WSBA regularly publishes a variety of demographic information about the WSBA membership? This information is essential to understanding the makeup of the profession, assessing the services the WSBA provides, and informing policymakers as they contemplate changes related to regulation of the practice of law. Please answer the short survey of demographic questions at **www.wsba.org/licensing**. Individual gender, race/ethnicity, sexual orientation, and disability information is kept strictly confidential, and is used only in the aggregate for demographic analysis. Thank you for your participation.

VOLUNTEER

Take the Pledge for Constitution Day

On May 1, in commemoration of Law Day, Washington Supreme Court Chief Justice Debra L. Stephens and WSBA President Francis A. Adewale gathered together with state leaders, educators, and students at the Temple of Justice in Olympia to ask that legal professionals pledge to visit classrooms to engage with students on (or around) Constitution Day, Sept. 17. To take the pledge, visit **www.wsba.org/about-wsba/ambassadors/law-day**.

New! Nominate a Volunteer to Spotlight

Shine a light on a WSBA volunteer who inspires you—submit your nomination today. Visit **www.wsba.org/connect-serve/volunteer-with-wsba/volunteer-recognition**.

Free 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. The clinic takes place from 6-8 p.m. on the second Wednesday of every month at El Centro de la Raza in Beacon Hill (2524 16th Ave. S, Seattle, 3rd Floor). Volunteers provide general consultations in areas of the law including immigration, family law, personal injury, and more. For more information, email clinics@lbaw.org and clinics2@lbaw.org.

RESOURCES

The State of Lawyer Well-Being

The WSBA Well-Being Task Force has completed and delivered its final report to the Board of Governors. With the findings of this report, WSBA leaders will now create an implementation plan to present to the Board to begin taking action on the recommendations. You can find and read the report at **www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/well-being-task-force**.

Trust Accounting & Billing Software

The WSBA has an 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!

All the Ways to Access Deskbooks

WSBA Deskbooks are trusted, practice-ready legal guides written by Washington lawyers for Washington lawyers. 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?

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

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

LET YOUR VOICE BE HEARD

Engage With WSBA Leaders

The Member Engagement Council, which seeks member input and involvement in decision-making processes, wants to hear from you! The first agenda item of each meeting (the second Wednesday of each month from 8:30-10:00 a.m. via Zoom) is reserved for member comments. All topics are welcome. Visit the events calendar at **www.wsba.org** for more information.

at **www.wsba.org/for-legal-professionals/member-support/wellness/group-sessions**.

IOLTA FAQs

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

WSBA MEMBER WELLNESS

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

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

Washington Lawyers Assisting Lawyers

Washington Lawyers Assisting Lawyers is a new nonprofit that offers free and confidential services. WALAL is separate from the WSBA and is not affiliated with any 12-step organization. WALAL's trained lawyer volunteers serve as peer counselors to lawyers, judges, and law students facing substance use and other mental health challenges. To learn more about WALAL, to seek assistance, or to volunteer as a peer counselor, see **www.WALAL.org** or email info@walal.org.

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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

July 2026 Usury

The usury rate for July 2026 is 12.00%. The auction yield of the June 1, 2026, auction of the six-month Treasury Bill was 3.786%. The interest rate required by RCW 4.56.110(3)(a) and 4.56.115 for July 2026 is 5.786%. The interest rate required by RCW 4.56.110(3)(b) and 4.56.111 for July 2026 is 8.75%. BN

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Notices

DISCIPLINE & OTHER REGULATORY NOTICES

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

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

Disbarred

Mark Ture Elliott (WSBA No. 54007, admitted 2018) of Tacoma, was disbarred, effective 5/14/2026, by order of the Washington Supreme Court. Claire Carden acted as disciplinary counsel. Mark Ture Elliott represented themselves. Randolph O. Petgrave III was the hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.1 (Competence), 1.2 (Scope of Representation and Allocation of Authority Between Client and Lawyer), 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.16 (Declining or Terminating Representation), 3.2 (Expediting Litigation), 3.3 (Candor Toward the Tribunal), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), 8.4(d) (Prejudicial to the Admin of Justice), and 8.4(l) (ELC violation).

The hearing officer recommended, and the court ordered, that Elliott be disbarred from the practice of law in Washington state.

Elliott was found to have violated the Rules of Professional Conduct by 1) failing to diligently represent a client; 2) failing to advise the client that the motion to renew a restraining order had been filed; 3) providing false information to the client; 4) failing to serve the prosecuting attorney a client's motion for revision; 5) failing to respond to the client's reasonable requests for information and/or failing to inform the client about the court's order on reconsideration of the revision; 6) failing to timely file a notice of intent to withdraw in the client's matter; 7) failing to respond to disciplinary counsel's written requests for response to the client's grievance, failing to produce the client file to ODC, and/or failing to appear as commanded at the depositions; 8) failing to communicate the settlement offer to a client; 9) failing to withdraw after being terminated; 10) failing to refund unearned fees to the client after they terminated respondent's representation; 11) failing to respond to disciplinary counsel's written requests for response to the client's grievance; 12) failing to properly draft or serve a motion for contempt and/or failing to properly draft a motion for temporary orders; 13) failing to respond to a client's reasonable requests for information; 14) charging the client for work that was of no benefit to them and failing to refund the unearned portion of the fee; 15) failing to withdraw after being terminated; 16) failing to respond to disciplinary counsel's written requests for a response to the client's grievance; 17) failing to perform work for a client in a probate matter and failing to act with reasonable diligence on a guardianship matter; 18) failing to respond to the client's reasonable requests for information; 19) charging the client $2,000 and performing little or no work on the guardianship matter and charging the client for legal work respondent did not perform in the probate matter; 20) failing to refund unearned fees to the client after they terminated respondent's representation; 21) providing a false statement to the King County Superior Court; 22) failing to respond to disciplinary counsel's written request for a response to the client's grievance; 23) failing to act with reasonable diligence in representing a client; 24) failing to respond to the client's reasonable requests for information; 25) charging the client $1,500 and performing little or no work of benefit to the client; 26) failing to refund any unearned fees to the client after they terminated respondent's representation; 27) failing to respond to disciplinary counsel's written request for a response to the client's grievance; and 28) failing to serve ODC with an affidavit of compliance after respondent's license was interim suspended.

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

Scott Erik Stafne (WSBA No. 6964, admitted 1976) of Arlington, was disbarred, effective 5/14/2026, by order of the Washington Supreme Court. Francisco Rodriguez acted as disciplinary counsel. Scott Erik Stafne represented themselves. Douglas Warren Vanscoy was the hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 3.1 (Meritorious Claims and Contentions), 8.2 (Judicial and Legal Officials), 8.4(d) (Prejudicial to the Admin of Justice), and 8.4(h) (Prejudice or Bias).

The hearing officer recommended, and the court ordered, that Stafne be disbarred from the practice of law in Washington state.

Stafne was found to have violated the Rules of Professional Conduct by 1) bringing and defending several matters without hav-

CONTINUED >

MORE ONLINE

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ing a basis in law and fact for doing so that was not frivolous and asserting and controverting issues in several matters without having a basis in law and fact for doing so that was not frivolous; and 2) alleging that Judge Zilly had age-related cognitive deficits and alleging that Judge Zilly and other senior federal judges in several matters were not Article III judges and were biased and/or corrupt, with reckless disregard for the truth or falsity of such allegations.

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

Petition For Reinstatement

A petition for reinstatement after disbarment has been filed by **Magor Julian Denes** (WSBA No. 37505), who was admitted in 2006 and disbarred in 2013. A hearing on Denes' petition is scheduled to be conducted before the Character and Fitness Board on Friday, Sept. 25, 2026. Anyone wishing to do so may file with the Character and Fitness Board a written statement for or against reinstatement, setting forth factual matters to demonstrate that the petition does or does not meet the requirements of Washington Supreme Court Admission and Practice Rule (APR) 25.5(a). Except by the Character and Fitness Board's leave, no person other than the petitioner or petitioner's counsel shall be heard orally by the Board. Communications to the Character and Fitness Board should be sent to Counsel to the Character and Fitness Board, Washington State Bar Association, at OGC@wsba.org on or prior to the date of the hearing pursuant to APR 25.4(b). This notice is published pursuant to APR 25.4(a).

Resigned in Lieu of Discipline

Alistair Chan (WSBA No. 55568, admitted 2019) of Bainbridge Island, resigned in lieu of discipline, effective 4/27/2026. 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. Francisco Rodriguez acted as disciplinary counsel. Alistair Chan represented themselves.

The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), and 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation).

Chan's alleged misconduct includes 1) failing to act with reasonable diligence in pursuing patent applications on behalf of multiple clients, 2) failing to keep a client reasonably informed about the status of the client's patent application, 3) failing to explain the issues that arose with the application to the extent necessary for the client to make informed decisions regarding the representation, and 4) making false statements to the client.

Decision document: Resignation Form of Alistair Chan (ELC 9.3(b)).

Alexandra Lozano (WSBA No. 40478, admitted 2008) of Tukwila, resigned in lieu of discipline, effective 5/26/2026. 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. Marina Busse and Claire Carden acted as disciplinary counsel. Kevin M. Bank, Angelo J. Calfo, Harold Malkin, and Tyler S. Weaver represented respondent.

The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 1.5 (Fees), 1.7 (Conflict of Interest: Current Clients), 3.1 (Meritorious Claims and Contentions), 5.3 (Responsibilities Regarding Nonlawyer Assistants), 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of Law), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), and 8.4(d) (Prejudicial to the Administration of Justice).

Lozano's alleged misconduct includes: 1) directing staff to utilize a script that contained false and/or misleading information when communicating with prospective clients; 2) filing applications for immigration benefits with USCIS when respondent knew the clients were ineligible for those benefits; 3) utilizing non-lawyers to perform legal functions on behalf of clients, and/or delegating legal functions to non-lawyer staff such as performing client consultations and providing legal advice and/or providing respondent's signature stamp for non-lawyer staff to affix to documents that respondent did not personally review; 4) failing to adequately supervise non-lawyer staff who performed legal functions and affixed respondent's signature to filings; 5) referring clients to Salud Total without disclosing that evaluations were performed by unlicensed individuals; 6) directing staff to submit forms to USCIS bearing signatures that falsely certified that respondent had prepared the forms; 7) charging unreasonable fees for work performed by non-lawyers and for preparation of applications for which the clients were ineligible.

Decision document: Resignation Form of Alexandra Lozano (ELC 9.3(b)).

Suspended

Ashley Briana Cuber (WSBA No. 59370, admitted 2022) of Lakewood, CO, was suspended for one year, effective 5/14/2026, by order of the Washington Supreme Court. Francesca D'Angelo acted as disciplinary counsel. Ashley Briana Cuber represented themselves. Randolph O. Petgrave III was the hearing officer.

The lawyer's conduct violated the following Colorado Rules of Professional Conduct: 1.3 (Diligence) and 1.4(a) and (b) (Communication). The lawyer's conduct violated the following Washington Rules of Professional Conduct: 8.1 (Bar Admission and Disciplinary Matters) and 8.4(l) (ELC violation).

The hearing officer recommended, and the court ordered that Cuber be suspended from the practice of law in Washington state for one year.

Cuber was found to have violated the Colorado and Washington Rules of Professional Conduct by 1) failing to respond to a client's reasonable requests for information, 2) failing to complete two clients' work permit applications, 3) failing to respond to ODC's requests for information, and/or 4) failing to appear at a deposition to which respondent had been subpoenaed.

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

Paul Corbett Hanes (WSBA No. 50127, admitted 2015) of Pullman, was suspended for 30 months, effective 5/20/2026, by order of the Washington Supreme Court. Francisco Rodriguez acted as disciplinary counsel. Nicholas Christopher Larson represented respondent.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 8.1 (Bar Admission and Disciplinary Matters), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), 8.4(d) (Prejudicial to the Administration of Justice), and 8.4(l) (ELC violation).

Hanes stipulated to suspension for: 1) failing to act with reasonable diligence in representing the owners of Cougar Ridge Apartments, including by failing to file a notice of appearance, failing to timely answer the complaint, failing to seek leave of the court to respond to the motion for default, failing to move to set aside the default, and failing to respond to inquiries from opposing counsel about settlement; 2) failing to keep respondent's clients reasonably informed about the status of their matter and failing to respond to their reasonable requests for information about the case; 3) making false and misleading statements to clients and opposing counsel; 4) making false statements to ODC.

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

Karina A. Gomez-Silva (License No. 183LLLT, admitted 2022) of Yakima, was suspended for nine months, effective 5/5/2026, by order of the Washington Supreme Court. Thea Jennings acted as disciplinary counsel. Leland G. Ripley represented respondent.

The LLLT's conduct violated the following Limited License Legal Technician Rules of Professional Conduct (LLLT RPC): LLLT RPC 7.1(a) and (b)(Communications Concerning an LLLT's Services) and LLLT RPC 8.4(d)(Conduct Prejudicial to the Administration of Justice).

Gomez-Silva stipulated to suspension for omitting "LLLT" on pleadings filed in Superior Court and failing to identify as an LLLT during a hearing.

Decision documents: LLLT Board Order, Stipulation, and Washington Supreme Court Order.

Reprimanded

Nathan Brown (WSBA No. 51768, admitted 2017) of Richland, was reprimanded, effective 4/2/2026, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Arizona. For more information, see *https://www.azcourts.gov/Portals/0/BROWN%20PDJ2025-9008%20BAR%20033482.pdf.* Tim Allen acted as special disciplinary counsel. Nathan Brown represented themselves.

Decision document: Washington Supreme Court Order.

Interim Suspension

James Kemp (WSBA No. 60897, admitted 2023) of Vancouver, is suspended from the practice of law in the state of Washington pending the outcome of disciplinary proceedings, effective 4/30/2026, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.***

Transfer to Disability Inactive Status

Dale Ray Cook (WSBA No. 31634, admitted 2001) of Tacoma, was by stipulation transferred to disability inactive status, effective 9/21/2022. ***This is not a disciplinary action.*** BN

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Congratulations to Thom H. Graafstra on his retirement!



Of Counsel Thom H. Graafstra will retire from practice effective September 15, 2026. This decision follows a 50-year distinguished legal career serving municipal and public-sector clients across Washington State. Over his decades of practice, Tom's work has focused on municipal law, land use, open public meetings, public records, and tort and litigation defense, as well as private real estate law. Tom obtained his B.A. and his J.D. from the University of Washington, graduating law school in 1976, and was admitted to practice law in Washington State that same year. Over the years Tom was a president of a local Lions Club, a Hospice Board Member, and served as an examiner for the Washington State Bar Association. Tom is also a ski shop owner and a current Certified Ski Instructor. We are grateful for Tom's many exemplary years of service and his foundational role in our firm. With his 50 years of practice, Tom will retire with Emeritus Status from the Washington State Bar Association. Please join us in congratulating Tom on his retirement and wishing him the best as he continues to pursue his interests in skiing and consulting.

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LAWYER ANNOUNCEMENT

Schwabe

1420 Fifth Ave., Suite 3400, Seattle,WA 98101
www.schwabe.com

Welcomes Shareholder Anusha Pillay



Schwabe is thrilled to welcome **Anusha Pillay** to the firm's Seattle office. Anusha brings a unique blend of complex litigation experience and industry knowledge to her practice, with a deep focus on the maritime and port industry. Over the course of her career, she has represented shipowners and managers, charterers, marine terminal operators, cruise lines, designers, ship-builders, and fishing boat operators. Her maritime practice involves defending against catastrophic incidents, including marine casualties and environmental claims, Longshore Act 905(b) claims, Jones Act claims, product liability and warranty claims, charter disputes, and putative class actions.

Lawyer Announcement

Classifieds

POSITION-AVAILABLE ADS ARE ONLINE

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

TO PLACE A PRINT CLASSIFIED AD

RATES, DEADLINE, AND PAYMENT:

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

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

FOR SALE

1259 – Highly profitable personal injury law firm established over 30 years ago, this Washington firm has provided personal injury legal services to countless clients. The firm generated approximately $5.5M in adjusted sales during the April 2026 trailing 12-month period with over $3.9M of adjusted EBITDA. Importantly, this level of performance is not the result of a single exceptional year. The firm has demonstrated consistent revenue generation and profitability over time, providing buyers with confidence in the sustainability of its earnings. As of June 2026, the firm has approximately 60 active clients. What makes this opportunity particularly compelling is the firm's highly efficient operating model and average revenue per client matter of approximately $80,000. The efficiencies of the team and proven track record illustrate the practice's ability to generate significant revenue and profitability with minimal staffing. Strong earnings, combined with substantial owner and owner-related compensation, provide an attractive financial opportunity for a firm looking to move into the Washington market or for an MSO seeking to scale. The owner is committed to supporting a smooth transition, including assistance with goodwill transfer, business development, and ongoing mentoring to position the new owner for continued success. To learn more, call 253-509-9224 or email info@privatepracticetransitions.com with "1259 – Highly Profitable Personal Injury Law Firm" in the subject line.

SERVICES

Former attorney turned Realtor®. I provide white-glove service for buying and selling in Mason, Pierce, and Thurston counties. Need a trusted agent elsewhere? I offer complimentary, fully vetted referrals across WA, the U.S., and internationally. Call Karen Nadler at John L. Scott Real Estate: 425-312-3263 or email KarenNadler@johnlscott.com.

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Insurance expert witness—Damian J. Arguello, J.D., ARM. Licensed insurance attorney in WA & CO, former adjuster and insurance brokerage E&O claims manager, former insurance law adjunct professor, 30+ years of insurance experience, 8+ years of expert witness work. Crest Insurance Law & Consulting, www.cilc.law, 425-590-9573, damian@cilc.law.

Law practice strategy. The legal market is changing fast—is your firm keeping up? Get weekly, practical insight on operations, workflows, marketing, pricing, and technology—for legal teams who want to work smarter. Search "Agile Attorney Podcast" on Google, YouTube, or your favorite podcast player.

Contact LegalEdge Digital today and get the edge your firm deserves! We provide digital marketing solutions for law firms, including website design and development, web copy, blog posts, white pages, newsletters, e-books, social media management, and SEO help. Licensed attorney with 25 years of experience turned legal marketer. Contact us now: 206-678-5532, dustin@legaledgedigital.com, www.legaledgedigital.com.

To divorce attorneys—UW alumni looking to partner with divorce attorneys in matters separating real estate asset(s). I'm a licensed real estate agent (25014487) at Keller Williams North Seattle (20577) and also a licensed mortgage loan originator (2737749) at Keller Home Loans (1025894). Contact Dan Baral at 206-265-2725 or danbaral@kw.com. For license information, visit: www.nmlsconsumeraccess.org/EntityDetails.aspx/INDIVIDUAL/2737749.

U.S. Title Records—*Lis Pendens,* judgment and foreclosure records. Abstractor services for document retrieval and deed images. Preliminary title reports. Same-day service and results. https://www.ustitlerecords.com/.

DISCOVERY SPECIAL MASTER–TOM HOWE (Licensed WA & OR) Neutral, attorney-led assistance for litigation involving ESI and digital evidence. Services include performing or overseeing e-discovery, digital forensics, and evidence collection from mobile devices, computers, email and cloud accounts, and social media. Available by court order or stipulation in business litigation, employment, probate, trade secret, and family law matters. Nationwide remote services are available. Howe Law Firm: 206-512-0826, howe@howelawfirm.com.

REMOTE CELL PHONE COLLECTION SERVICES– Our forensic experts are also attorneys and can collect and produce ESI from your client's, witness', or opposing party's phone. See our flat fees at www.HoweLawFirm.com. Contact Tom Howe, Howe@HoweLawFirm.com, 206-512-0826.

SPACE AVAILABLE

MORE CONVENIENT THAN DOWNTOWN: Modern office space (approx. 225 SF) available for solo practitioner in Green Lake area. Highly visible corner

building at 4800 Aurora Ave. N. Amenities: private entrance, receptionist for clients, beautiful waiting room, modern conference room with big-screen TV, security system, janitorial services included, common kitchen, notary services, two blocks from Metro Bus line. FREE PARKING. Approx. 7 minutes from King County Courthouse, easy access to I-5. $1,600/mo. & pro rata share of utilities. Contact Theresa or Anne at 206-632-6500.

VACATION RENTALS

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

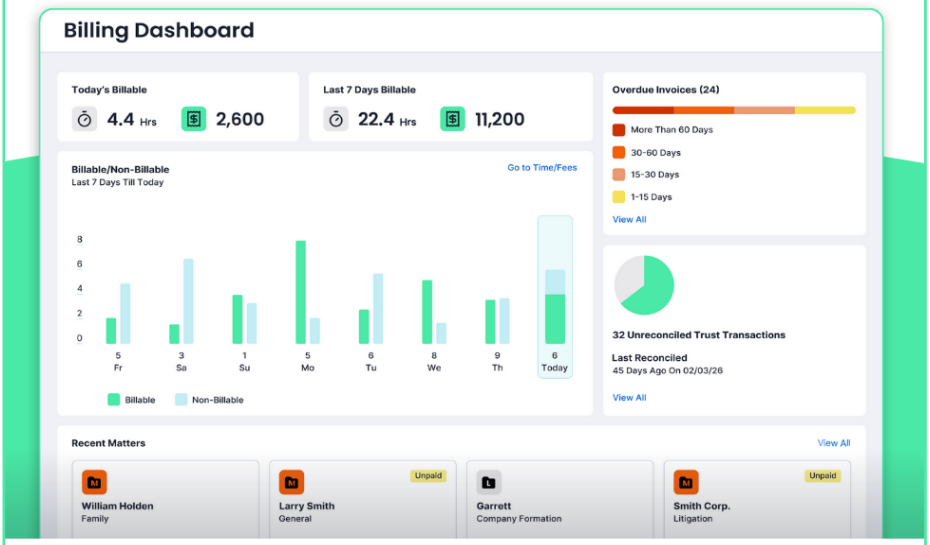
San Diego family home. Steps to boardwalk, beach, and bay. Mission Beach living at its finest! 2-bedrooms, 2.5-baths. Hot tub and grill. Indoor comfort and outdoor patio relaxation. Compact garage, no larger vehicles. Washer/dryer, no smoking. Lively during the day, quiet hours after 10 p.m., mac@mac1law.com.

Côte d'Azur Villa—9-bedroom hillside retreat above Nice, near Saint-Paul-de-Vence. Breathtaking views of the Mediterranean and Italian Alps. Features swimming pool, tennis court, pétanque, gourmet kitchen, and covered terrace with bar, pizza oven, fireplace, and grill. Minutes from Antibes, Cannes, medieval villages, and markets. Ideal for families and groups. Visit www.hautespinets.com to make an inquiry. BN

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LIGHTNING ROUND

Pam Howland

BAR NUMBER: 30615

Pam Howland is the founder of Idaho Employment Lawyers, a boutique management-side employment law firm dedicated to helping employers learn (and stay in) compliance and avoid the courtroom. Howland recently launched Law for Leaders, a training platform aimed at educating business leaders on staying out of the courtroom. She is also the author of *Law for Leaders: The Roadmap Every Leader Needs to Know to Avoid Workplace Claims and Lawsuits*, and hosts a weekly podcast called *Ground Rules*. In March, her firm, IEL, rolled out an interactive card game aimed at helping leaders learn compliance basics called No Judgment Here.

What is the most interesting case you have handled in your career so far and why? About five years ago we handled an ADA disability discrimination case that went to trial in federal court. I learned so much about trial length, jury attitudes, and post-trial motions (the judgment against our client was ultimately set aside). I could never have predicted that case was going to take so many unexpected twists and turns.

If you could change one thing about the legal system, what would you change? Our judicial system feels broken. It is so expensive for an employer to bring a claim (or defend against a claim), due to how long the process takes. The court system is becoming largely unavailable to most business owners.

How is being a lawyer different from the way you thought it would be? I used to love *Law and Order*. I thought that trial work would be as satisfying as it looks on TV. Civil practice is definitely nothing like *Law-and-Order*-style TV!

What is your best piece of advice for someone who's just entered law school? Hang in there. There are lots of options available and if one legal job no longer works, try something new. BN

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

If you had to give a 10-minute presentation on one topic other than the law, what would it be and why? I love entrepreneurship! I am a member of EO Idaho [The Entrepreneurs' Organization] and I love talking to lawyers about starting their own firm.

What did you eat for breakfast this morning? I had a protein drink—boring. But I love eggs, and on an ideal Saturday I go out to breakfast where someone makes me a classic American-style breakfast.

What is your favorite smell? I love the smell of Boise in the springtime when all the trees are flowering.

What book have you read more than once? I am a Harlan Coben fan—I have read a lot of his books.

What is the last thing you watched on television? The most recent season of *The Lincoln Lawyer*.



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VOL. 80 • NO. 6 — JULY/AUG. 2026

Over Forty Years of Helping People!

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



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

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

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