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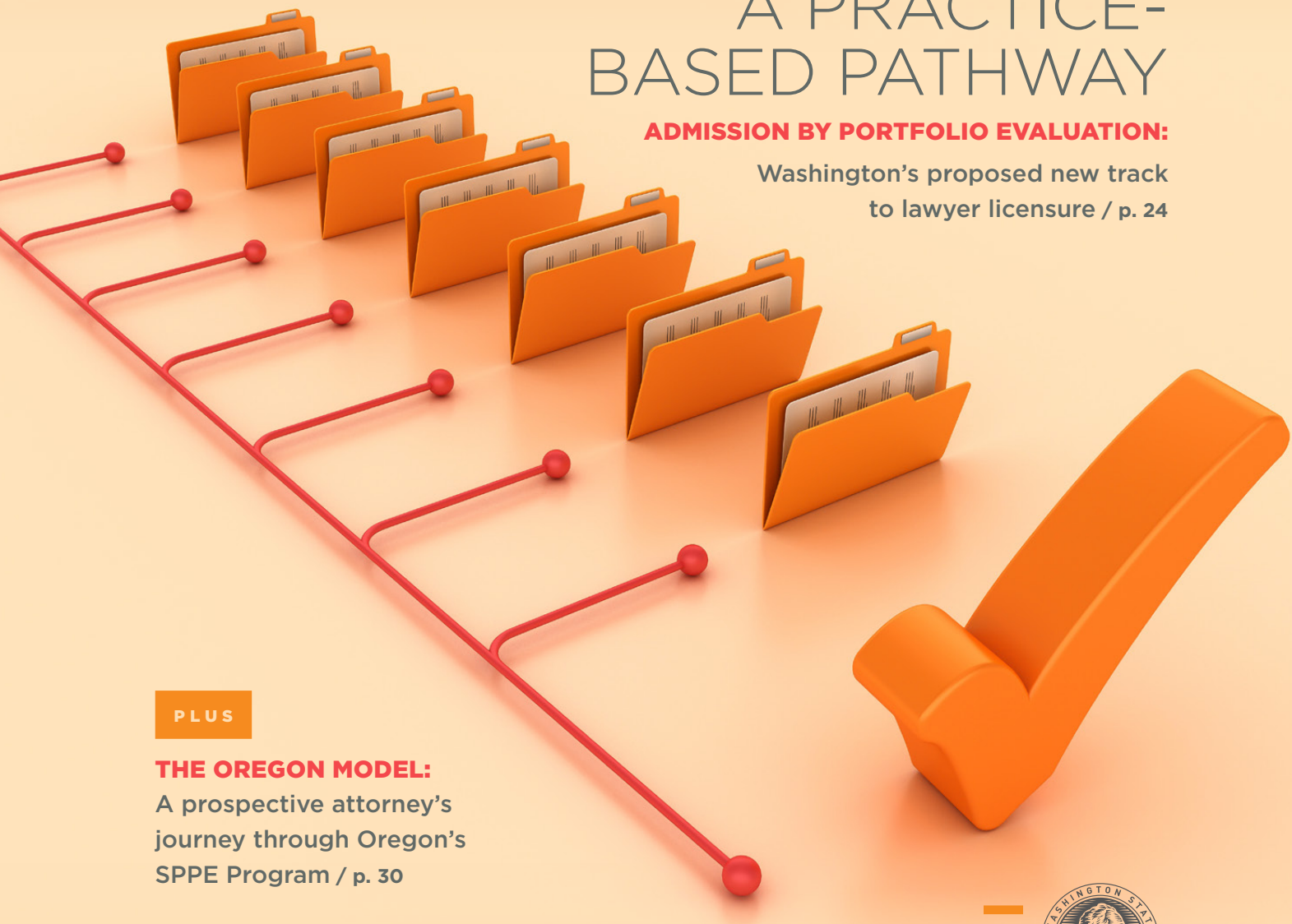
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WASHINGTON STATE
BarNews

THE OFFICIAL PUBLICATION OF THE WASHINGTON STATE BAR ASSOCIATION



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CALLOUT TO READERS

Answer Our Q&A

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

Editor's Note

A New Pathway Unfolds

In early April, the WSBA submitted its Report and Recommendations for Admission by Portfolio Evaluation, a proposal to create an experiential pathway to the legal profession. Called the "portfolio evaluation," the new pathway would allow prospective lawyers to earn their licenses by completing specific work product and practice hours, rather than by passing the bar exam.

The portfolio evaluation is designed to provide flexibility and practical experience, two things the bar exam notoriously does not offer. Take a candidate like Oregon lawyer Bayley Rea (see feature on page 30). Rea studied for the bar exam while pregnant with her first child and helping her father through cancer treatment. She found out she didn't pass two weeks after her father died and six weeks before she gave birth. Retaking the bar exam wasn't an option.

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



ON THE COVER
Illustration © Getty/porcorex

"It's a huge financial strain, and now I have a baby to provide for, it just didn't work for my family. ... It's months that you have to take off from your life," she said. Oregon's Supervised Practice Portfolio Examination (SPPE), which is similar to Washington's proposed program, allowed Rea to work full-time, earn income, gain on-the-job experience, and eventually earn her law license. After completing the SPPE, Rea was offered a permanent position with her mentor law firm.

Programs like these are rigorous; they are not an easy way to bypass the bar exam. As Rea's mentor attorney, Molly Tucker, said, "I honestly think the SPPE program is probably more difficult in some respects, because you're truly being graded on your ability to be an attorney, and not your ability to memorize answers. ..."

The bar exam will continue to be the pathway that the majority of prospective lawyers choose. Washington's proposed portfolio evaluation, however, could offer some candidates a more realistic path to the profession. Read more about the proposal, currently under consideration by the Washington Supreme Court, on page 24. BN

EXPANDED IN REMEMBRANCE SECTION ONLINE

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



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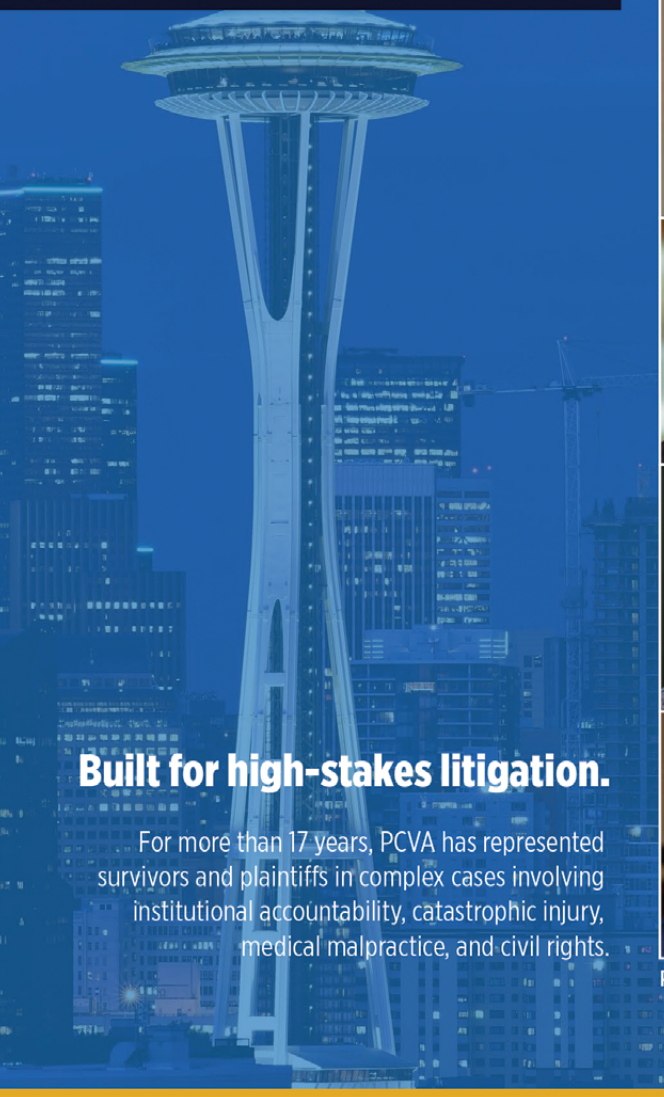
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NW Sidebar

THE VOICES OF WASHINGTON'S LEGAL COMMUNITY



Five Must-Read Books for Well-Being Week in Law

Imagine a lawyer. Maybe you have a picture in mind—someone hunched over a desk, head buried in legal documents, another late night for a stoic defender of justice. While often accurate, this picture leaves out a lot about what's going on for the lawyer [...]

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Washington Bans Noncompetition Covenants: What Physicians Need to Know



BY LUKE CAMPBELL



On March 9, the Washington State Legislature passed Engrossed Substitute House Bill 1155 (ESHB 1155), which was signed into law on March 23 by Gov. Bob Ferguson and will take [...]

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Legal Practitioners' Well-Being Is Not a Luxury But a Core Professional Skill

"[F]or me as a law professor, I have come to see mental health literacy and mental health skills as being as fundamental to lawyering as writing and research. To me these are nuts and bolts because these skills underlie everything else that you do."
—Lynda Collins, University of Ottawa law professor[1]

Until very recently, neither of my two daughters wanted anything to do with the legal profession. Every attempt I made to help them see the virtue of this profession I love and care about was always rebuffed with this curt response: "Daddy, you are not helping." My wife eventually asked me to back off and leave the girls alone. It pained me to no end, but I had to stop "encouraging" them to become lawyers, just as my own dad had let me find my way. It is therefore a "cause célèbre" when my two daughters recently expressed their desire to read law. One of them is awaiting her LSAT score as I write this.

When I asked my children why they have trepidation toward the legal profession, my oldest daughter's response was direct: "Your work-life balance sucks, Dad!" Throughout my 33 years of legal practice, I know I have achieved countless victories for my clients, myself, and my profession. I don't regret the time I spent preparing for trials that freed clients from incarceration or visiting them in jail to obtain their side of the story. I believe that as a public defender, my job is vitally important to my clients' freedom. But it all comes at a great price: missed drill team practice, ballet recitals, cross-country meets, and many other important events in my kids' journey to adulthood. I know many other lawyers make these kinds of sacrifices, too.

Herein lies the crucible: How do we find work-life balance, be present with our family, and still perform our obligations as legal practitioners? In my experience as a lawyer, I believe this is where many of us struggle. It is a tough question we must answer as a profession. Many have swung the pendulum so wildly that it impacts their mental well-being. Some lose their family or their ability to practice law in the end.

Writing in the *Santa Clara Law Review* in 2019, Professor Deborah Rhode, the late former director of the Center on the Legal Profession at Stanford Law School, reprised a heartbreaking story for readers:

> In the summer of 2017, many in the legal and leadership community read with shock a front-page article in the Sunday *New York Times* business section. The author, Eilene Zimmerman, movingly described the death of her ex-husband, Peter, from an infection related to drug abuse. Peter Zimmerman was a leading partner at a leading Silicon Valley law firm who, for several years, had exhibited signs of serious ill health and substance abuse. It is, of course, no secret that many highly successful lawyers suffer from such problems. But what the article brought home is just how serious and tragic their difficulties may be when others look away or fail to look at all. Eilene Zimmerman writes, "Of all the heartbreaking details of his story, the one that continues to haunt me is this: The history on his cellphone shows the last call he ever made was for work. Peter, vomiting, unable to sit up, slipping in and out of consciousness, had managed, somehow, to dial into a conference call."[2]

I have seen colleagues I love and treasure suffer from severe depression and other serious mental health crises. I talked about this issue when I first ran for the WSBA Board of Governors for District 5. I didn't want us to dance around the issue of well-being in the legal profession. I wanted real solutions, not trifling ones. To my eternal joy, I found kindred spirits in then-WSBA President Kyle Sciuchetti, WSBA Director of Advancement Kevin Plachy, and WSBA Wellness Program Manager Dan Crystal.

With the help of my Member

CONTINUED >



Francis A. Adewale
WSBA President

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

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Engagement Council co-chair, Governor Matthew Dresden, we crafted a charter for the Well-Being Task Force. The response from bar members willing to serve on the task force was massive. We had far more volunteers than we needed. Those who weren't chosen to serve on the task force were asked to provide input as presenters. The task force included Washington Supreme Court Justice Raquel Montoya-Lewis and King County District Court Judge Michael Finkle as judicial members. Justin Bingham, the Spokane city chief prosecutor, was the chair of the task force. Justin and I have spent many years ruminating on this issue while watching our friends and colleagues get consumed by their work. The task force's final report was submitted to the Board of Governors at our May meeting. Please read the final report at **www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/well-being-task-force**.

Looking forward, the task force recommended a shared responsibility for well-being and emphasized the following priorities among others: confidentiality and normalizing help seeking; building community and mentorship opportunities; training and continuing legal education courses; access to well-being resources; and institutional, rule, and policy changes. I urge all *Bar News* readers to take time to read and reflect on these recommendations.

Finally, I would like to acknowledge the tremendous contributions of Immediate Past President Sunitha Anjilvel, President-Elect Kari Petrasek, Treasurer Nam Nguyen, and Governor Allison Widney. Nam and Allison served as Board liaisons to the task force. You can find the names of all of the task force members on page 2 of the final report. Kindly let them know how much we appreciate their commitment to this cause.

Above all, I hope all our members will take the issue of wellness in our profession seriously. It does matter. As Professor Deborah Rhode once wrote, "Lawyer well-being is a critical leadership issue both because the pressures of their position make leaders particularly susceptible to stress and mental health difficulties, and because leaders bear part of the responsibility for workplace conditions that give rise to such difficulties in others and impair organizational performance."[3] As leaders in our firms, small or large, private or public interest, we need to take our responsibility seriously to address the working conditions in our places of employment. It is time to move away from voluntary opportunities for wellness to more incentivized participation. More importantly, seek help from the WSBA Member Wellness Program to learn how you can address mental health issues. It is time to act.

Bend the Arc! BN

GUEST COLUMN

Heroes of Justice

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



Judge Jeffrey R. Smith
Spokane County District Court

I was appointed to the Spokane County District Court bench in 2016 and elected to full terms in 2018 and 2022. Our court comprises eight judges and roughly 80 employees, handling between 40,000 and 50,000 cases annually. I currently serve as presiding judge and also oversee the Mental Health Court and DUI Therapeutic Court dockets.

My path to the bench was unconventional. After earning a B.Sc. from Whitworth University, I attended Yale School of Medicine's Physician Associate Program. Thus began a 16-year career as a physician associate, in both surgery and primary care. In 2001, I made the decision to pivot to law and graduated from Gonzaga University School of Law in 2004.

I am often asked why I left a successful medical career to become a lawyer. The answer is complex, but at its core, I felt the practice of medicine was shifting away from a vocation toward a system increasingly driven by volume and financial pressures. More patients, less time, and diminished quality eroded the sense of purpose that had drawn me to the art and practice of medicine in the first place.

I have come to view the law, like medicine, as a high and noble calling. Both professions place practitioners alongside individuals in moments of distress, requiring not only expertise but empathy, judgment, and steadiness. The opportunity to guide someone through difficult circumstances is a profound responsibility—and a privilege.

Nowhere is that more evident than in our therapeutic courts. There is nothing quite like the honor of presenting a graduation certificate to a participant who has labored to succeed and completed our program, supported by a dedicated team committed to their success. These moments underscore a powerful truth: It is not where a person begins, but where they finish, that defines their journey. BN

NOTES

1. Deborah L. Rhode, "Preparing Leaders: The Evolution of a Field and the Stresses of Leadership," *Santa Clara Law Review,* July 20, 2019, https://jurivision.ca/en/mental-health-and-law-creating-a-sustainable-well-being-path-for-lawyers/.
2. https://law.stanford.edu/publications/preparing-leaders-the-evolution-of-a-field-and-the-stresses-of-leadership/.
3. Deborah L. Rhode, *Leadership for Lawyers* (Wolters Kluwer, 2020), 82-85.



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DO YOU HAVE A MINUTE?

Supervising and Being Supervised

BY MARK J. FUCILE

I recently ran into a colleague who, in addition to a very successful career as a litigator, has managed both practice groups and offices at large firms. We got to talking about the challenges of managing lawyers in an era of "hybrid offices" and "remote work."[1] Although my colleague and the lawyer's firm had embraced both, my colleague lamented the practical challenges they can present. The lawyer noted that when they started practicing, it was common for associates to approach a notoriously irascible partner at the lawyer's firm early in the morning and ask "do you have a minute?" The lawyer recalled that the "old school" partner would inevitably say "yes" and patiently answer associates' questions about how they should approach a given issue. My colleague observed that while those kinds of interactions still happen in an era of increasingly geographically dispersed lawyers, those moments tend to be less spontaneous than in "the old days" and require a degree of planning by both the partners and associates involved.

In this column, we'll discuss three facets of supervising and being supervised under, respectively, RPC 5.1 and 5.2. First, for context, we'll briefly survey both rules. Second, we'll note how hybrid offices and remote work have altered the practical application of both. Finally, we'll suggest some practical approaches to risk management in this changed environment.

Before we do, three qualifiers are in order.

First, for present purposes, we'll focus on lawyers. That said, supervision of non-lawyers under RPC 5.3, Limited License Legal Technicians under RPC 5.10, and Licensed Legal Interns under APR 9 involve many similar issues and solutions.[2]

Second, we'll focus on risk management and not employment law.[3] Similarly, we won't distinguish between associates who are direct employees of law firms and those who, while integrated into firm operations, may instead be independent contractors.[4] In the same vein, although we'll frame the discussion in terms of law firms, the general principles should apply with equal measure to corporate and governmental legal departments.[5]

Third, as noted, we'll focus on risk management—which, for present purposes,

we'll define as lowering the risk of "bad things" like regulatory discipline, disqualification, and malpractice claims.[6] Good leadership and followership, however, can also translate into effective results for law firms and their clients.

RPC 5.1 and 5.2

RPC 5.1 addresses the responsibility of lawyer-supervisors while RPC 5.2 outlines the corresponding duties of lawyer-subordinates.

Both are based on their ABA Model Rule counterparts. When adopted by the ABA as part of the original set of ABA Model Rules in 1983, the drafters effectively acknowledged that many lawyers practiced in law firms and that those firms typically had a hierarchical structure.[7] Washington followed in 1985 when the RPCs were adopted and replaced the former Code of Professional Responsibility.[8] Although there were some relatively minor modifications in the 2000s, the core elements of both RPC 5.1 and 5.2 have remained essentially unchanged since their initial adoption.[9]

RPC 5.1 weaves together three distinct facets of supervision. RPC 5.1(a) charges lawyers with "managerial authority" at a law firm with the responsibility to "make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct." RPC 5.1(b) requires lawyers with "direct supervisory authority over another lawyer" to "make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct." Finally, RPC 5.1(c) imposes personal responsibility on a supervisor when the lawyer directly orders or ratifies another lawyer's misconduct or if either by virtue of management position or direct supervision fails to take reasonable remedial action at a time "when the consequences can be avoided or mitigated[.]"

RPC 5.2, in turn, blends two concepts for subordinate lawyers. RPC 5.2(a) underscores that "[a] subordinate lawyer is bound by the Rules of Professional Conduct notwithstanding that the lawyer acted at the direction of another person." RPC 5.2(b) tempers the former in recognition of a subordinate lawyer's position: "A subordinate lawyer does not violate the Rules of Professional Conduct if that lawyer acts in accordance with a supervisory lawyer's reasonable resolution of an arguable question of professional duty."

Both rules recognize that "not one size fits all" and that the roles of supervisor and supervised will vary depending on firm size, practice, and experience. Comment 3 to RPC 5.1 neatly summarizes this notion:

> In a small firm of experienced lawyers, informal supervision and periodic review of compliance with the required systems will ordinarily suffice. In a large firm, or in practice situations in which difficult ethical problems frequently arise, more elaborate measures may be necessary.

Changing Practice Settings

Although RPC 5.1 and 5.2 have remained essentially unchanged since their adoption in Washington in 1985, law practice has not. When these rules were adopted, firms were smaller, practices with multiple offices were comparatively rare, and most business was conducted in person. A Court of Appeals decision of roughly the same vintage as when these rules were adopted, for example, recounts how most of the partners of Washington's largest law firm fit into a single conference room at the Olympic Hotel in Seattle.[10] By contrast, recent advisory opinions from both the ABA and the WSBA have grappled with the challenges of supervising lawyers in hybrid offices that blend working in a traditional office and from home, working altogether remotely, and working regardless of location with sophisticated electronic tools ranging from cloud computing to artificial intelligence.[11] Although electronic tools allow lawyers today to practice relatively seamlessly without regard to geography, that more ephemeral reality has sharpened the challenges for supervisors and the supervised alike, regardless how they are tethered to their law firms.

When RPC 5.1 and 5.2 were adopted, firms were smaller, practices with multiple offices were comparatively rare, and most business was conducted in person.



A recent case from Colorado offers a telling example of the problems that can occur when supervision is absent and the supervised are afraid to ask for help.[12] A second-year associate described in news reports as "burned out" and "nervous" was told to prepare a motion to set aside a judgment for a cost-conscious client.[13] The partner assigning the work apparently didn't offer much in the way of guidance because the associate, who had never prepared a motion of that kind, rifled through the firm's word processing system looking for a template.[14] Rather than go back to the partner, the associate turned instead to the "free" version of a consumer artificial intelligence tool to prepare the motion.[15] Assuming the legal citations the tool generated were accurate, the associate filed the brief without checking them through a more conventional process.[16] Unfortunately, the tool had made up the citations—which the judge soon discovered.[17] When questioned by the judge, the lawyer didn't seek counsel from the firm and also didn't immediately fess up.[18] When he finally did, the judge struck the brief, denied the motion, and reported the associate to the Colorado disciplinary authorities.[19] The law firm fired the associate,[20] who was also later suspended.[21]

The accent in the Colorado case was on the misuse of the AI tool rather than on office geography. The underlying failings of training, supervision, and trust, however, stand in stark relief regardless of whether the partner and the associate were across the hall or across the state.[22] Those

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issues can be amplified with more dispersed lawyer geography unless the firms involved—partners and associates alike—don't connect in person, electronically, or through some meaningful combination.

Practical Approaches

The *Wall Street Journal* recently observed that "[r]emote and hybrid work have become defining features of the postpandemic economy."[23] Coincidentally, that same day the *Financial Times* noted that law firms globally have joined in this fundamental shift.[24]

As qualified at the outset, we'll leave general management considerations to *The Wall Street Journal* and the *Financial Times*. Those general business publications, however, underscore both that these trends aren't unique to law practice and aren't going away. From the law firm risk management perspective, therefore, it is important to acknowledge that what worked for supervision before this fundamental shift likely needs adjustment now that everyone isn't necessarily in the same office at precisely the same time. Approaches will vary by firm size, practice, and culture. On the risk management side, however, we'll offer two suggestions—one for supervisors and one for those supervised.

Even in a time when law practice has become very electronic, partners should not underestimate the power of personal example. Just as associates learn by watching a partner conduct a skillful cross-examination, they also learn by observing a partner navigate a difficult issue of professional responsibility. In an era of hybrid offices and remote work, the opportunities for observation may require a bit more forethought, but ideally they should happen as readily as in the days when partners and associates roamed the same office halls at the same time.



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Even in a time when law practice has become very electronic, partners should not underestimate the power of personal example.

Associates, in turn, need to trust themselves—and their firm's partners—enough not to be afraid to ask a question about professional conduct. Far from being annoyed by an interruption, the best partners—like the one in our opening example—will be giving of their time and sage in their advice. Again, hybrid offices and remote work may require a bit more planning, but a willingness to seek out advice proactively can avoid professional disasters like the unfortunate example of the Colorado associate discussed above. BN

NOTES

1. The term "hybrid office" usually connotes working arrangements that blend time in traditional space with working from home. "Remote work," by contrast, typically involves working outside traditional office space altogether. WSBA Advisory Opinion 201601 (rev. 2022), for example, takes that approach with those terms.
2. *See generally* ABA Formal Op. 506 (2023) (addressing non-lawyer assistants under ABA Model Rule 5.3).
3. *See generally* Weiss v. Lonnquist, 153 Wn. App. 502, 224 P.3d 787 (2009) (discussing the distinctions between employment law and the RPC as regulators of the relationship between law firms and associates); *see also* Seattle Truck Law, PLLC v. Banks, 2023 WL 7130561 (Wn. App. Oct. 30, 2023) (unpublished), *rev. denied*, 2 Wn.3d 1035 (2024) (discussing compensation for fees under an associate's employment agreement with a law firm); *see also* WSBA Advisory Ops. 202504 (2025) (parsing *Seattle Truck*) and 2119 (2006) (addressing non-competes in lawyer employment contracts). Albeit in the context of in-house counsel, Karstetter v. King County Corr. Guild, 193 Wn.2d 672, 444 P.3d 1185 (2019), and Chism v. Tri-State Constr., Inc., 193 Wn. App. 818, 374 P.3d 193 (2016), also wrestle with the interface between ethics rules and employment law. *See also* RPC 1.16, cmt. 4 (addressing *Karstetter* in the context of withdrawal).
4. *See generally* ABA Formal Ops. 88-356 (1988) (discussing a variety of topics involving contract lawyers), 00-420 (2000) (billing for contract lawyers), 08-451 (2008) (outsourced services). *See also* Washington RPC 1.0(c) (defining the term "law firm" broadly).
5. *See generally* WSBA Advisory Op. 2219 (2012) (discussing supervisory duties in the context of in-house corporate legal department); ABA Formal Op. 467 (2014) (supervision in prosecutors' offices).
6. *See generally* ABA, *Annotated Model Rules of Professional Conduct* 545-50, 552-54 (10th ed. 2023) (ABA Annotated Model Rules) (compiling disciplinary cases nationally under state variants of ABA Model Rules 5.1 and 5.2); Atlantic Specialty Ins. Co. v. Premera Blue Cross, 2016 WL 1615430 at *14 (W.D. Wash. Apr. 22, 2016) (unpublished) (discussing RPC 5.1 in the course of disqualifying a law firm); Sherry v. Diercks, 29 Wn. App. 433, 434, 628 P.2d 1336 (1981) (legal malpractice case framed around asserted conduct of law firm associate).
7. *See generally* Geoffrey C. Hazard, Jr., W. William Hodes, and Peter R. Jarvis, *The Law of Lawyering* § 44.01 (rev. 4th ed. 2021) (discussing the origins of ABA Model Rules 5.1 and 5.2); ABA, *A Legislative History: The Development of the ABA Model Rules of Professional Conduct, 1982-2013* (ABA Legislative History) at 585-89, 595-97 (213) (same).
8. *See generally* Robert H. Aronson, "An Overview of the Law of Professional Responsibility: The Rules of Professional Conduct Annotated and Analyzed," 61 *Wash. L. Rev.* 823, 878-79 (1986) (discussing Washington's adoption of, among others, RPC 5.1 and 5.2).
9. *See generally* ABA Legislative History, *supra*, at 590-93, 595 (discussing amendments adopted on the recommendation of the ABA Ethics 2000 Commission in 1982); WSBA, *Reporter's Explanatory Memorandum to the Ethics 2003 Committee's Proposed Rules of Professional Conduct* at 190-91 (2004) (recommending parallel amendments to the Washington RPC); Washington Supreme Court Order 25700-1-851 (July 10, 2006) (adopting amendments to, among others, RPC 5.1 and 5.2—including official recognition of the accompanying comments). Comment 1 to RPC 5.1 was also amended slightly in 2015 as a part of a package of amendments addressing limited license legal technician practice. *See* Washington Supreme Court Order 25700-A-1096 at 58 (Mar. 23, 2015) (adjusting the citation to the terminology rule, RPC 1.0A).

10. *See* Holman v. Coie, 11 Wn. App. 195, 200-01, 522 P.2d 515, *rev. denied*, 84 Wn.2d 1011 (1974), *cert. denied*, 420 U.S. 984 (1975).
11. *See, e.g.,* ABA Formal Ops. 477R (cloud computing), 498 (2021) (virtual practice), 495 (2020) (working remotely), 512 (artificial intelligence); WSBA Advisory Ops. 2215 (2012) (cloud computing), 201601 (rev. 2022) (virtual and hybrid offices, 202505 (artificial intelligence).
12. People v. Crabill, 2023 WL 8111898 (Colo. Nov. 22, 2023) (unpublished).
13. Will Oremus, "These lawyers used ChatGPT to save time. They got fired and fined," *Washington Post*, Nov. 16, 2023, *available at* www.washingtonpost.com; *see also* Michael Karik, "Disciplinary Judge Approves Lawyer's Suspension for Using ChatGPT to Generate Fake Cases," *Colorado Politics*, Dec. 2, 2023, *available at* www.coloradopolitics.com.
14. *Id.*
15. *Id.*
16. *Id.*
17. *Id.*
18. *Id.*
19. *Id.*
20. *Id.*
21. People v. Crabill, *supra*, 2023 WL 8111898 at *1.
22. There is no indication in *Crabill* that the partner was disciplined for the failure to supervise. Disciplinary prosecutions under RPC 5.1 are rare, but not nonexistent. *See* ABA Annotated Model Rules, *supra*, 546-48 (compiling cases nationally). The duty for both firm management under RPC 5.1(a) and direct supervisors under RPC 5.1(b) is to make "reasonable efforts" to, respectively, have systems in place and to take appropriate steps to ensure that subordinate lawyer conduct is in keeping with the RPC. Comment 2 to RPC 5.1 counsels that establishing clear firm policies is usually a central element in this regard. At the same time, even firm policies will not necessarily prevent problems if an associate does not follow them. *See, e.g.,* Green Bldg. Initiative, Inc. v. Peacock, 350 F.R.D. 289 (D. Or. 2025) (order to show cause on potential sanctions for AI-generated false citations); 2025 WL 3198411 (D. Or. Nov. 12, 2025) (unpublished) (resolving the previous order on showing that associate had not followed firm polices and in light of other remedial actions taken by law firm following discovery of the citations involved).
23. Peter Cappelli and Ranya Nehmeh, "The Things We Lose with Remote Work—and How to Minimize the Damage," *Wall Street J.,* Dec. 1, 2025, at R14. While "remote" work typically involves working outside traditional office space altogether, "hybrid" work usually blends time in traditional space with working from home.
24. Suzi Ring, "Law Firms Move from Pay to Perks," *Financial Times*, Dec. 1, 2025, at 12.

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36 Wn. App. 2d 1043, 2026 WL 266810 (2026)
(summary judgment overturned in personal injury lawsuit)

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

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

Carter v. C&K Contracting, Inc.,
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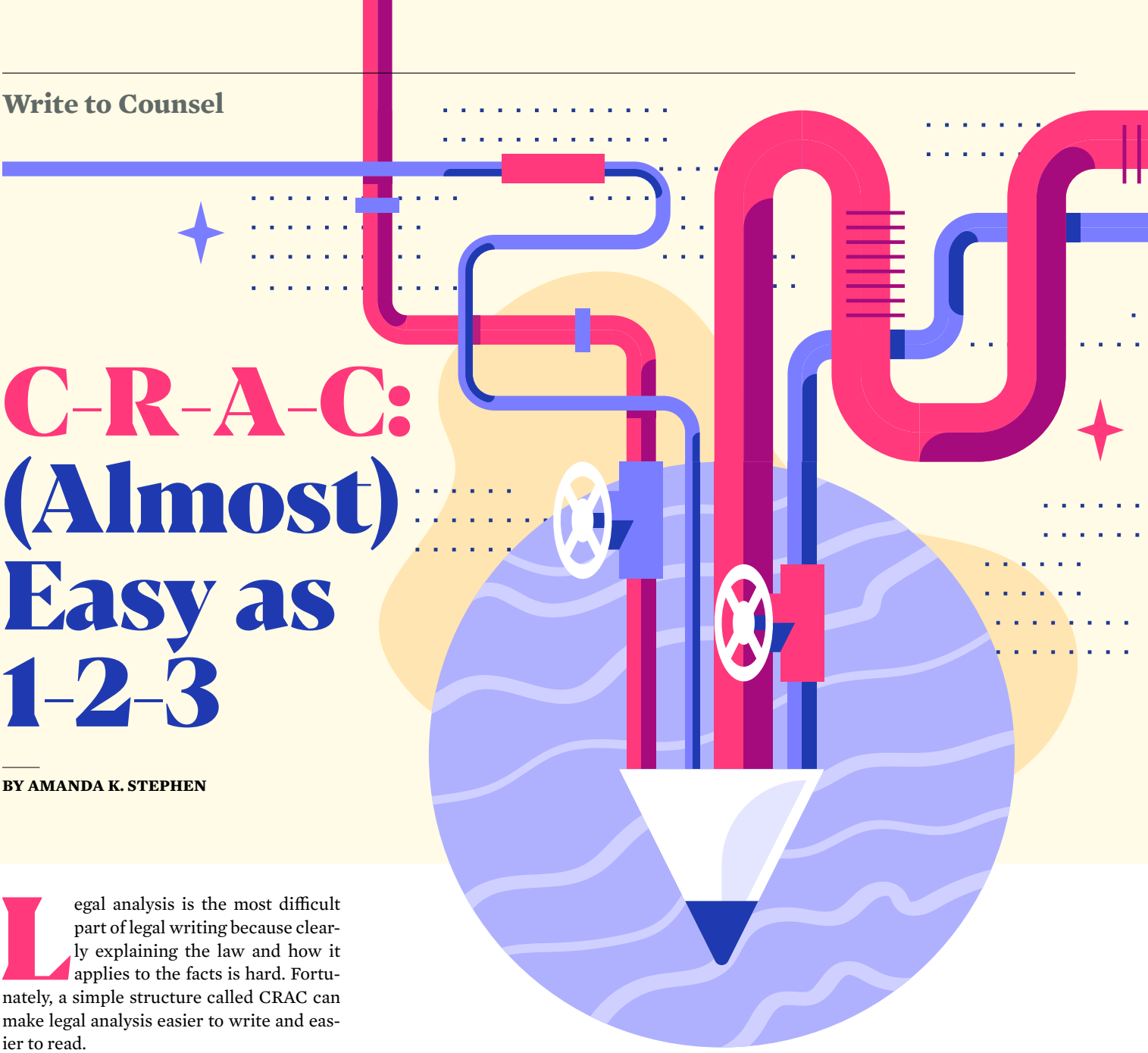
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C-R-A-C: (Almost) Easy as 1-2-3

BY AMANDA K. STEPHEN

Legal analysis is the most difficult part of legal writing because clearly explaining the law and how it applies to the facts is hard. Fortunately, a simple structure called CRAC can make legal analysis easier to write and easier to read.

CRAC (often pronounced "see-rack") is a reliable method for organizing legal analysis that works in most types of legal writing, including both objective memos and persuasive briefs. This article explains what CRAC is, why it works, how to use it effectively, and when (and why) you might deviate.

WHAT IS CRAC?

CRAC is to legal analysis what counting is to math: It's often one of the first things you learn, but it never stops being useful. Each part of the formula serves a specific purpose. Here's how it breaks down:

- **Conclusion**: Tells the reader your answer (your prediction or argued outcome) for the legal issue.
- **Rule**: Describes the relevant law, including both the black-letter rules and the most analogous cases.
- **Application**: Applies the relevant law to the facts of your case through a plain language application of the black-letter rules and/or an analogy to the cases.
- **Conclusion**: Restates the answer, now supported by your application.

You may have learned about CRAC (or perhaps its parent IRAC) in your first year of law school, where it is commonly used to structure exam answers. At the University of Washington School of Law, we also teach CRAC as a foundational form of legal analysis in our legal analysis, research, and writing curriculum because it is a simple and effective default structure in most contexts.

Several closely related organizational structures exist.[1] For example, CREAC is almost identical to CRAC. CREAC stands for **C**onclusion, **R**ule, **E**xplanation, **A**pplication, **C**onclusion. In this structure, the **R** is only the black-letter rules, and the **E** is the description of cases that explain those rules (in CRAC, the "**R**" encompasses both the rules and case descriptions). Similarly, IRAC stands for **I**ssue, **R**ule, **A**pplication, **C**onclusion. I prefer CRAC over IRAC because beginning with the conclusion follows a key principle of reader-centered legal writing: don't make the reader wait for the answer.[2]

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Illustration © Getty/Scar1984

Regardless of the variation, the basic structure remains the same. First describe the relevant law, then apply it to the facts.

WHY DOES CRAC WORK?

One reason CRAC works well is that it helps readers understand the legal framework before asking them to evaluate the facts.

Think about preparing for a hike. Before setting out on the trail, most hikers take a moment to look at a map. The map helps them understand where the trail begins, where it leads, and what terrain they might encounter. Once you start walking, you have a sense of direction and understand what you will see along the way.

Legal analysis is often the same. When writers begin by explaining the rules and cases first, they give the reader a map of the legal landscape. With that map in mind, the reader can more easily understand how the facts fit into the relevant law in the application and why the conclusion flows from it.

CRAC has an additional advantage: it reflects a structure familiar to many lawyers. Lawyers are trained to think in terms of rules and applications, and many judicial opinions follow a similar pattern. As a result, lawyer-readers often recognize the structure immediately and can follow the analysis more easily.

USING CRAC EFFECTIVELY

If you want to incorporate CRAC into your legal writing, these tips can help.

Use as many paragraphs as you need. CRAC and IRAC are sometimes introduced to law students as single paragraph formulas. But in real legal writing, each component of CRAC can span multiple paragraphs. While the first and final **C**onclusions in CRAC might be a single sentence each, the **R**ule and **A**pplication may require several paragraphs, especially when multiple rules or cases are relevant. CRAC's benefit is in the order of the information, not the number of paragraphs, so don't assume CRAC "doesn't fit" just because you have a longer analysis.

Give each legal issue its own CRAC. In a memo or brief that is divided into subsections by issue, give each issue (and each sub-issue) its own CRAC. Trying to figure out if you should break a section into subsections? Only do so if you have distinct law and facts that you could include in each subsection. If you just plan to apply the same law to different facts, keep it as a single section. If you have discrete law and facts for each, break it into subsections with individual CRACs.

Follow the formula. CRAC is reader-friendly because it is predictable. Some writers alternate rules and applications, one at a time: describe a rule, apply it; introduce a case, compare the case; then repeat with another rule or case. I like to call this a CRARARAC structure. This might seem logical to the writer, but it can leave the reader wondering, "Is there more law to come, or are we just applying it now?" By contrast, presenting all of the **R**ules together before turning to the **A**pplication helps the reader see the entire legal framework before diving into the facts. As with the trail map, seeing the whole landscape first can make the journey easier to follow.

CRAC is a tool, not a rule. Even though my last advice was "follow the formula," there are times it can make sense to deviate. For example, in briefs to the court lawyers often use persuasive headings that already state the conclusion for a particular issue. In that situation, repeating the same conclusion in the first sentence of the section is redundant. The heading can effectively serve as the initial **C**onclusion, allowing the text to move directly into the **R**ules. Similarly, good legal writers often start their **A**pplication with a transition and topic sentence that reminds the reader of the conclusion (example: "Here, the release provision is sufficiently conspicuous for two reasons."). In that case, a final **C**onclusion may feel repetitive and you could omit it, especially if your **A**pplication is short. Finally, when writing briefs or motions, there may be persuasive value in using a CRARARAC structure in order to lead the reader to your desired outcome through a deliberate piecing out of **R**ules and **A**pplication. In that case, you might choose not to strictly follow CRAC. But for those who like to keep it simple or are new to legal writing, CRAC almost always works as a default organizational structure.

CRAC'S LIMITS (AND WHY THE DEFAULT STILL HELPS)

Although CRAC makes a great default structure for legal analysis, it has faced criticism over the years. Some academics have pointed out that many well-respected legal writers and jurists do not use it at all and that lawyers would be better off using good judicial opinions as their model for legal writing rather than a formula.[3] Others have bemoaned the structure's focus on logic and rules over narrative and legal storytelling, arguing that the structure fails to center the people at the heart of all legal issues.[4] Others still believe that it can oversimplify a complex analysis that requires more nuance because it does not clearly account for facts, rule synthesis, policy considerations, or counter-arguments.[5] This final critique is easily countered; the writer can include the facts in a separate section of the document and use CRAC only for the discussion or argument section, rule synthesis can be part of the **R**ules, and policy arguments and counterarguments can be addressed in the **A**pplication.

More recently, some scholars have argued that CRAC may reproduce existing hierarchies and biases in the legal system by presenting the law as neutral and objective, when that premise is often contestable.[6]

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

Amanda K. Stephen is an assistant teaching professor at the University of Washington School of Law, where she teaches first-year legal analysis, research, and writing.



To avoid suppressing narrative, contextual, or community-based modes of reasoning, Professor Teri A. McMurtry-Chubb advocates using other non-Western rhetorical approaches in legal analysis.[7]

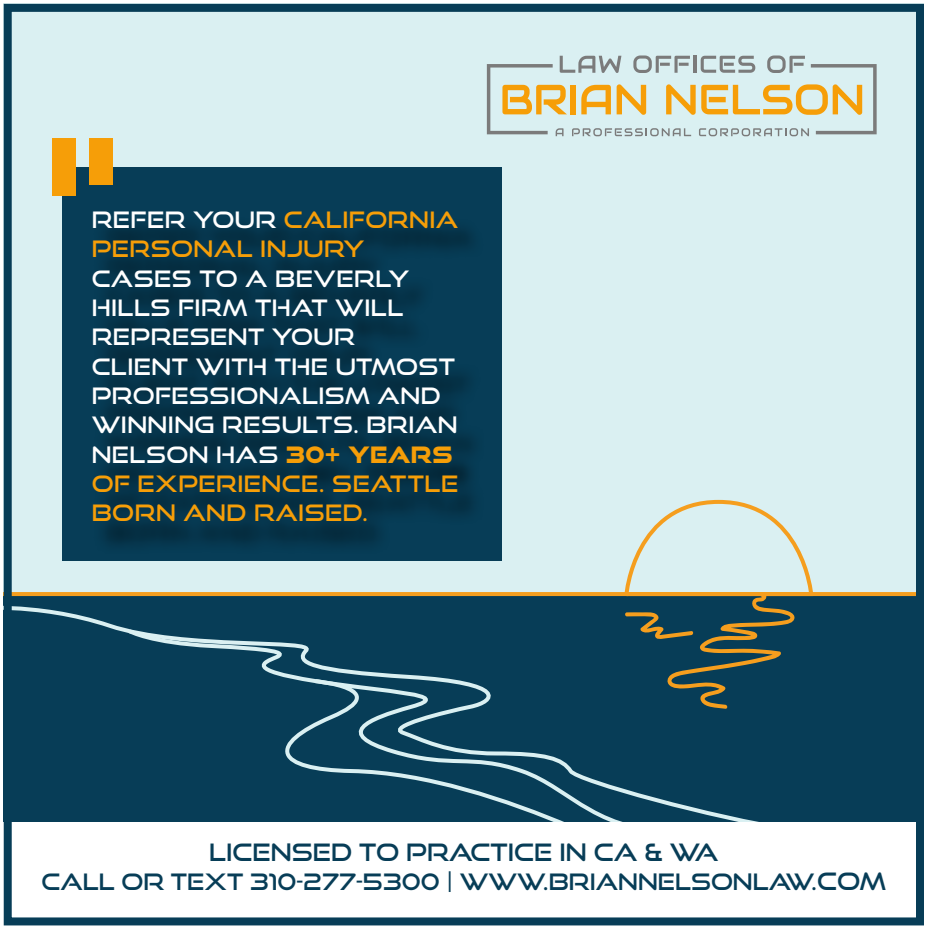
These critiques are worth taking seriously. But they do not eliminate CRAC's value as a tool, especially when your immediate problem is clarity. CRAC offers a familiar structure that helps writers organize complex reasoning and helps readers follow it. When legal analysis feels difficult to explain (or difficult to read), returning to a clear structure often improves both the writer's thinking and the reader's understanding.

The next time you find yourself struggling to organize a tricky analysis, consider starting with CRAC. Sometimes a basic structure is exactly what you need to make legal analysis almost as easy as 1-2-3. BN

NOTES

1. For a more expansive menu of alternatives to CRAC, see Tracy Turner, "Finding Consensus in Legal Writing Discourse Regarding Organizational Structure: A Review and Analysis of the Use of Irac and Its Progenies," 9 *Legal Comm. & Rhetoric*: JALWD 351, 357 (2012).
2. *See* Bryan A. Garner, *Garner on Language and Writing* 402 (American Bar Association 2008) (explaining that IRAC is not useful because "it deprives the busy reader of an up-front summary").
3. Marion W. Benfield Jr., "Thoughts on IRAC," 10 *The Second Draft* (newsltr. of the Leg. Writing Inst.) 16, 17 (Nov. 1995), available at https://digitalcommons.law.wne.edu/cgi/viewcontent.cgi?article=1117&context=facschol [https://perma.cc/3AE4-JGNW].
4. Laura P. Graham, "Why-Rac? Revisiting the Traditional Paradigm for Writing About Legal Analysis," 63 *U. Kan. L. Rev.* 681, 693-95 (2015).
5. Garner, *supra* note 2, at 403; Ellen Lewis Rice et al., "IRAC, the Law Student's Friend or Foe: An Informal Perspective," 10 The Second Draft (newsltr. of the Leg. Writing Inst.) 13 (Nov. 1995), available at https://digitalcommons.law.wne.edu/cgi/viewcontent.cgi?article=1117&context=facschol [https://perma.cc/3AE4-JGNW].
6. Elizabeth Berenguer, et al., "Gut Renovations: Using Critical and Comparative Rhetoric to Remodel How the Law Addresses Privilege and Power," 23 *Harv. Latinx L. Rev.* 205, 205-06 (Fall 2020).
7. *See* Teri A. McMurtry-Chubb, "Still Writing at the Master's Table: Decolonizing Rhetoric in Legal Writing for a 'Woke' Legal Academy," 21 *The Scholar* 255, 272-87 (2019).







PRO BONO ORGANIZATION OF THE MONTH

In Conversation With Timberland Legal Aid

(formerly Cowlitz Wahkiakum Legal Aid)

Q&A WITH EXECUTIVE DIRECTOR LORI SARANCIK

Q. Tell us a bit about the history of your organization. What is your organization's philosophy? Why do you do what you do?
Timberland Legal Aid was founded in 1999, with initial grants from the Legal Foundation of Washington, by a group of local attorneys who wanted to give back to the community. At our agency, we are dedicated to empowering low-income individuals facing various civil legal challenges. We believe that everyone should have access to the guidance and support they need to navigate complex legal processes effectively. Our philosophy revolves around providing high-quality, accurate information to enable clients to make informed decisions and self-advocate whenever possible. We envision a world where everyone has access to the unique skills of a licensed attorney, even if they cannot afford to hire one.

Q. Where is your organization located? Do volunteers participate remotely, in person, or both?
Our headquarters are located in Longview, serving clients across Cowlitz, Wahkiakum, Lewis, and Pacific counties. To ensure accessibility for all, we offer legal clinics in various locations, including our Longview office, courthouses in each county, and community gathering spaces. Our dedicated team of staff, contract attorneys, and volunteer attorneys connect with clients either in person, via phone, or via Zoom, prioritizing convenience and flexibility for those we serve.

Q. Who does your organization serve?
Our clinic is dedicated to serving individuals and families with incomes below 200 percent of the Federal Poverty Level (FPL) who are facing civil legal barriers. Recognizing the diverse linguistic needs of our clients, we employ a bilingual staff member and a contract attorney who are fluent in English and Spanish, along with telephonic interpretation for various other languages. While our focus lies in civil legal matters, we also assist with crossover issues such as vacating criminal records and managing legal fines.

To address the unique needs of our community, we offer specialized legal clinics for specific demographics and circumstances, including immigrants, Spanish-speaking families, Tribal members, those with health care-related legal concerns, military veterans/service members, and families with children attending local Head Start programs.

Q. What are the biggest barriers your clients face in accessing legal assistance?
The most significant challenge our clients encounter when seeking legal assistance is the financial burden of hiring an attorney. However, this is just one of the many barriers they face. Limited English proficiency, racial bias, and the enduring effects of trauma, high-conflict domestic relations, and disabilities can all impede their ability to navigate the legal system effectively.

Our clients often grapple with a range of physical, behavioral, mental health challenges, and generational poverty, which can further complicate their pursuit of legal remedies. In many cases, they rely on caregivers for daily support, highlighting the critical need for accessible and compassionate legal services that accommodate these unique circumstances.

Q. What area(s) of law do you provide services in?
Our agency offers assistance in various areas of civil law, encompassing family law, domestic violence proceedings, agreed child guardianships, and landlord-tenant disputes. We also provide support for other housing and property-related matters, wills and estates, probate, and clearing up criminal records and legal fines. Additionally, we assist clients with immigration-related concerns and help them understand their rights and obligations in a range of civil issues, including contracts,



Lori Sarancik came to her career in legal aid later in life after a long and successful career at a large retail corporation in many store and corporate leadership positions. She joined as program coordinator while attending law school and has deeply enjoyed applying her skills in customer and client care to helping clients of Timberland Legal Aid navigate the complex processes they face. She has been with the agency for 14 years.

benefits, district court matters, powers of attorney, and more.

Q. Does your organization provide training, CLE credit, or other benefits to volunteers?
We actively collaborate with the local bar association to sponsor and provide free Mandatory Continuing Legal Education (MCLE) classes for attorneys. In 2025 alone, our partnerships have facilitated three MCLE classes, with a consistent track record of hosting similar events annually. In addition to these offerings, we provide materials and resources for lawyers seeking further professional development.

Q. Please provide one or two (anonymous) client stories—examples of people who were helped and how.
Client Story #1:
A Tribal member sought our assistance in regaining custody of her children after successfully completing court-recommended treatment plans from a previous out-of-state ruling. The complex nature of her case required navigating both the original out-of-state order and initiating a new process in Washington. Over multiple consultations, our team has worked closely with the client, diligently gathering the necessary documentation to build a strong case. We continue to provide ongoing support and guidance as she progresses through the Washington legal system, moving closer to reuniting her family.

Client Story #2:
We are aiding a family of six, including two parents and four children, in their immigration process. Our bilingual staff has provided invaluable assistance during multiple appointments, helping to complete extensive documentation and providing Spanish-English translation. The family has also met with one of our immigration attorneys several times for thorough document review and additional information gathering. This collaborative effort has yielded significant results, securing the family an additional six months in the U.S. while their case progresses. This extension allows them to maintain their jobs, provide for their children, and continue their lives in the U.S.

Q. What does a typical weekly or monthly commitment look like for a volunteer? How many hours? How many clients?
In our rural community, we deeply appreciate any amount of time a lawyer can dedicate to supporting our marginalized clients. We understand that legal services are scarce and in high demand, so we work closely with attorneys to tailor volunteer opportunities that suit their schedules, locations, and preferred areas of law.

One valuable approach involves attorneys providing full representation for a single case, ensuring continuous support throughout the entire legal process. Alternatively, lawyers can contribute by offering monthly two-hour legal clinics, where they can assist three to four clients with brief yet informative consultations. If lawyers want to work with a particular community, like veterans, domestic violence survivors, or families most comfortable speaking Spanish, we create one-day outreach clinics throughout the year.

Q. What do volunteers say they enjoy most about serving clients through your organization?
Our volunteer lawyers value the flexibility and variety of opportunities available to them. Some attorneys prefer dedicating their time and expertise to a single case, allowing them to delve deeply into the compelling details, draft essential documents, and achieve positive, life-changing outcomes in the courtroom on behalf of their clients.

Additionally, many lawyers appreciate the issue-spotting aspect of our drop-in legal clinics. This setting allows them to exercise skills honed in law school and during their early careers. While they may not engage in the same depth of legal work as with a single case, they can effectively identify pressing issues, determine potential methods of relief, and guide clients in making informed decisions.

Q. What gaps in our existing system(s) does your organization fill?
Our organization addresses the unmet legal needs of our community by offering flexible opportunities for individuals to consult with an attorney, determine the validity of their legal concerns, and learn how to pursue their cases effectively. Our short advice and counsel appointments not only provide essential guidance but also help clients understand their options and potential outcomes.

In addition, our Pro Se Assistance Program empowers clients to navigate the legal system independently while still receiving valuable oversight and guidance from attorneys. Clients can return to the clinic several times as their cases progress. This innovative approach ensures that clients can confidently manage their cases, file documents, and attend court proceedings, knowing they have ongoing support throughout the process.

While other legal aid providers exist, our strong connection to the local community enables us to reach and inform individuals about our services directly. We are committed to collaborating with other providers when necessary, referring clients to them when we lack the capacity to meet their needs. BN

MORE ONLINE

To get involved or learn more about volunteering, please contact us via phone at 360-787-9242 or email at loris@TimberlandLA.org. We also encourage you to introduce yourself at one of our events or existing legal clinics to explore how your expertise can make an impact in the lives of those in need. **timberlandlegalaid.org**.

TIMBERLAND LEGAL AID

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AFFINITY BAR ASSOCIATION SPOTLIGHT

Washington Women Lawyers (WWL)

Q&A with WWL 2025-2026 President-Elect Debra Hannula

Q. How and when did your bar association get started?
On Aug. 10, 1971, 34 women lawyers and law students met in Seattle to officially found Washington Women Lawyers. The organization emerged during a pivotal time when women were breaking barriers across Washington's legal landscape. WWL's first president was Jane Noland, elected in 1978, and early members included Chief Justice Mary E. Fairhurst, Hon. Patricia C. Williams, Hon. Kathleen O'Connor, and Hon. Faith Ireland. Founding members also included Mary Ellen Krug, Janice Niemi, Betty Bracelin, Chris Young, Ruth Nordenbrook, Lee Kraft, Betty Fletcher, and many other pioneering women lawyers. The organization built upon a legacy that included Rebecca "Reba" Jane Hurn, who in 1913 became the first woman admitted to the WSBA; Carolyn R. Dimmick, who became the first female justice on the Washington Supreme Court in 1981; and Barbara M. Durham, who became the first woman chief justice in 1995. WWL was created with stated goals to promote implementation of equal rights for women, help qualified women secure leadership positions, interview and rate judicial candidates, and prevent discrimination against women in the legal system and beyond.

Q. What are some of the core goals and/or purposes of your bar association?
WWL's mission is twofold: to further the full integration of women in the legal profession, and to promote equal rights and opportunities for women while preventing discrimination against them. We work toward these goals through comprehensive programming that includes continuing legal education, networking opportunities, mentorship initiatives, judicial evaluations, and advocacy on issues affecting women lawyers and the communities they serve. Our work extends beyond supporting women lawyers to advancing gender equity in the justice system and society at large.

Q. What need does your bar association fill that is unmet elsewhere?
As Washington's largest organization dedicated specifically to women in the legal profession, WWL fills a unique role by combining statewide reach with localized chapter support. Our judicial evaluation program provides independent, thorough assessments of judicial candidates examining fairness, temperament, and commitment to equal justice. We also preserve and honor the history of women in Washington's legal profession through our Legacy Project, which documents the experiences and contributions of pioneering women lawyers and judges. Additionally, our network of local chapters across Washington provides community-specific programming and support that larger, more general bar associations do not replicate.

Our network of local chapters across Washington provides community-specific programming and support that larger, more general bar associations do not replicate.

Q. What are some of the opportunities or benefits that your members receive?
WWL members benefit from extensive networking opportunities through both statewide events and local chapter activities. Our annual event brings together hundreds of women lawyers, judges, and legal professionals. We offer high-quality continuing legal education programs tailored to issues relevant to women in practice, mentorship opportunities connecting experienced lawyers with those earlier in their careers, and a job listings board to help members identify career opportunities. Law student memberships are free. Members can also participate in our judicial evaluation process and serve on committees and the state board, developing leadership skills while advancing WWL's mission.

WWL also co-sponsors events that enrich our members' professional lives. WWL co-sponsored Women in Democracy's extraordinary day at the state Capitol, featuring a discussion with six Washington Supreme Court justices, Capitol tours,

the opportunity to witness the Legislature in session, and dinner at the Governor's Mansion. WWL also co-sponsored the University of Washington School of Law's "Leading with Purpose: Diversity, Law and Community Impact" on Feb. 12, 2026, hosted by the UW Women's Law Caucus, where Justice Steven C. González moderated a panel on the experiences of lawyers from historically underrepresented groups. The evening also offered a wonderful opportunity to connect with law students—and we are already planning a follow-up line dancing outing at Steel Creek in Tacoma, proof that community building takes many forms!

Q. Does your bar association offer any mentorship or scholarship opportunities?
WWL provides mentorship opportunities through our local chapters, connecting members across experience levels for professional development and support. The Washington Women Lawyers Foundation, our charitable arm, supports educational opportunities and scholarships, working to eliminate discrimination and promote diversification in the legal profession. We also collaborate with law schools and other organizations to support women law students and recent graduates.

Our King County WWL chapter has a robust scholarship program. In 2025, they granted two scholarships and awarded five inaugural emergency funds to law students at Seattle University School of Law and UW School of Law, providing relief to students experiencing financial hardship or significant, unanticipated obstacles.



Debra Hannula is in-house counsel for The Patrick Group, judge pro tempore, and president-elect of Washington Women Lawyers. She is a co-author of *It's All About the Face: A Master Esthetician Schools a Clueless Attorney About the Ins and Outs of Skincare* and a contributing writer for *Real Change*, Seattle's award-winning street newspaper sold by homeless and low-income vendors, covering issues of economic, social, and racial justice. She can be reached at presidentelect@wwl.org.

Q. What is a recent bar association accomplishment, current project, or event that you are excited about?
Our Legacy Project continues to be one of our most meaningful initiatives, preserving oral histories and honoring pioneering women in Washington's legal profession. These recorded interviews ensure that the experiences and contributions of leaders like Chief Justice Mary Fairhurst are preserved for future generations. Our judicial evaluation program remains a cornerstone of our work, providing independent, thorough assessments of judicial candidates. At our Oct. 18, 2024, annual event, past President Quinn Dalan presented the President's Award to Unidos Nueva Alianza Foundation and its executive director, Marichuy Alvizar. The founders of UNA are immigrants or daughters of immigrants who have seen firsthand how structural racism fuels health disparities, food insecurity, digital exclusion, and harsh immigration enforcement, and who envisioned UNA as a space to build power, foster healing, and uphold dignity for all.

WWL's advocacy also produced concrete legislative wins during the 2026 state legislative session. Among the bills WWL supported that were signed into law: the Immigrant Worker Protection Act (HB 2105), which requires employers to notify workers before documentation inspections and restricts access to worker records without a subpoena or judicial warrant; SB 6002, which creates a regulatory framework limiting how state and local agencies use Automated License Plate Reader systems and establishes a private right of action for violations; SB 5855, which prohibits law enforcement officers from wearing face coverings that obscure their identity and requires visible name identification; HB 2632, which modernizes state law by replacing the term "alien" with "noncitizen" in statutes and official documents; and SB 5917, which expands access to mifepristone and misoprostol by removing restrictions on the state's distribution of its stockpile of these medications. These legislative victories reflect WWL's commitment to civil rights, immigrant justice, reproductive rights, and government accountability.

Q. How can WSBA members support the work of your affinity bar association?
WSBA members can support WWL by joining as members, regardless of gender—our membership is open to anyone who supports the full integration of women in the legal profession and equal rights for women. Members can participate in our programs, attend events, and engage with local chapters. Lawyers can serve as mentors, volunteer for judicial evaluation committees, or join WWL committees and leadership positions. Supporting the WWL Foundation through donations helps fund scholarships and educational programming. WSBA members can also amplify our voice by sharing our programming, supporting our legislative and policy advocacy, and using our judicial ratings when making endorsement decisions.

Q. Is there anything else you would like WSBA members to know about your bar association?
WWL has been a vital part of Washington's legal community for over 50 years, and our work is more relevant than ever. Significant challenges remain—from wage gaps and advancement barriers to work-life balance issues and implicit bias. WWL provides a welcoming, supportive community for women lawyers at all career stages and practice areas, with free student memberships and programming designed to ease the transition into practice. Our local chapters mean that members throughout Washington, not just in Seattle, have access to community and support. WWL is a volunteer-driven organization, sustained by members passionate about advancing our mission. We invite all WSBA members who share our commitment to equality and justice to join us. BN

MORE ONLINE

Learn more about Washington Women Lawyers (WWL) by visiting **www.wwl.org.**



COVER STORY

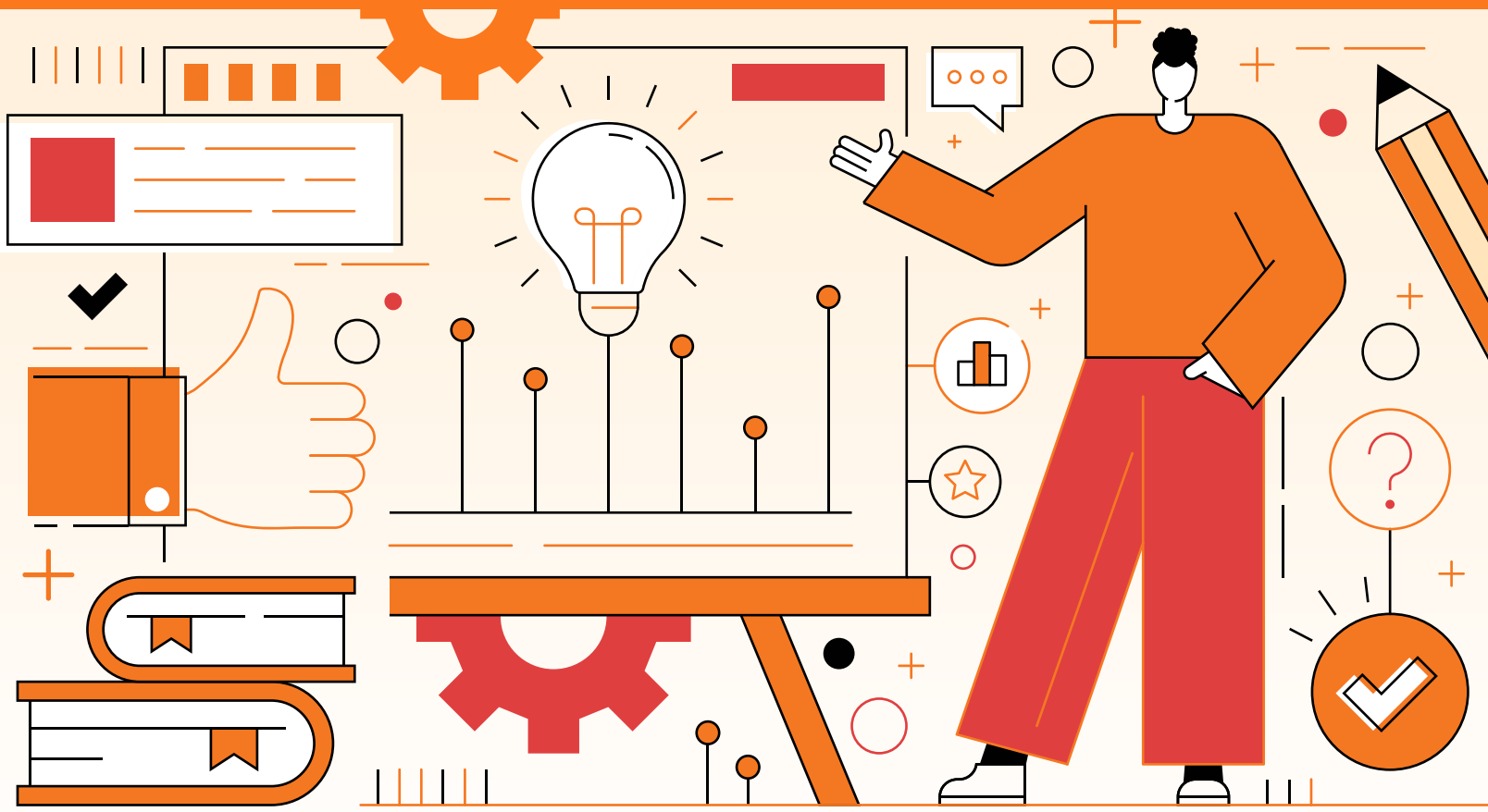
ADMISSION BY PORTFOLIO EVALUATION:

Core Competencies, Portfolio Requirements, and Next Steps

BY WSBA STAFF

In November 2020, the Washington Supreme Court created the Washington Bar Licensure Task Force (WBLTF) to assess the efficacy of licensing new attorneys through the bar exam and to explore alternative licensure methods. Based on its research and public input, the WBLTF issued a report in early 2024 recommending that the Washington Supreme Court create experiential-based methods of licensing that did not require applicants to sit for the bar exam. This recommendation was based on research indicating that the exam was at best a limited proxy for competence to practice law while disproportionately excluding historically marginalized individuals from the legal profession.

In March 2024, the Washington Supreme Court adopted the WBLTF's recommendations in concept and tasked the WSBA with convening a committee to implement the recommendations. The WSBA assembled a Licensure Pathways Implementation Steering Committee, made up of members from across Washington's legal and law education communities. This steering committee and its subcommittees devoted significant energy to developing a proposal to implement an experiential-based pathway to licensure, referred to as the portfolio evaluation. The proposal for the portfolio evaluation, now under consid-



eration by the Washington Supreme Court, is outlined in this article.

A SHIFTING LANDSCAPE

Non-exam-based lawyer licensing is not a new concept. For many years, both Wisconsin and New Hampshire have provided law school graduates with a path to the legal profession that does not include the bar exam. More recently, states including Arizona, Utah, and South Dakota have adopted plans that allow prospective candidates to demonstrate competency to practice law with apprenticeship or portfolio-based programs. In November 2023, the Oregon Supreme Court approved its Supervised Practice Portfolio Examination, which is similar to Washington's portfolio evaluation proposal. (Read more about Oregon's SPPE on page 30.) State supreme courts and bar associations in Minnesota, Connecticut, Delaware, and New Mexico are also considering alternative lawyer licensing.[1]

The reasons for this shift to provide licensing options outside of the bar exam are varied. As many practicing lawyers would likely attest, the bar exam—with its multiple-choice questions, essay responses with provided case files, and emphasis on speed and memorization—bears little resemblance to the actual practice of law. In fact, multiple studies of the bar exam conclude that performance on the bar exam does not predict whether a person will later be an effective or ethical lawyer.[2]

Rather, for many, financial means is a greater predictor of success on the exam than possession of legal skills or knowledge.[3] Unsurprisingly, test takers with the means to purchase expensive bar preparation courses and to take time away from work and family obligations perform better on the exam.[4]

Compounding these concerns, racial disparities stubbornly persist in bar exam passage rates.[5] For example, in 2023, 84 percent of first-time test takers who were white passed the bar exam.[6] "By comparison, 74 percent of Asian first-time test-takers passed, 71 percent of Hispanics, 68 percent of Native Americans, and 58 percent of Black" test takers passed on their first try. These differences have changed little from year to year. Moreover, such disparities translate to disparities in the legal profession. In 2024, people of color made up just 23 percent of practicing attorneys in the U.S., as compared to 41.6 percent of the total national population.[7]

On the other hand, experts in lawyer licensing posit that experiential assessments can exceed the bar exam as a way to protect the public and make the legal profession more inclusive.[8] Assessments in settings such as clinics or workplaces can be great measures of a candidate's competence.

In addition to providing more accurate assessments of competence than the bar exam, experiential-based pathways can better prepare candidates for the real-world practice of law.[9] In one study of the Daniel Webster Scholars (DWS) program, New Hampshire's experiential licensing pathway, "members of the [legal] profession and [DWS] alumni said they believe that students who graduate from the program are a step ahead of new law school graduates" and "[w]hen evaluated based on standardized client interviews, students in the program outperformed lawyers who had been admitted to practice within the last two years."[10]

Undoubtedly, the bar exam will continue to fit the needs of many prospective lawyers. Some individuals may be excellent test-takers and possess the resources to devote to full-time study before the exam. Others may prefer the exam because it offers greater certainty that they could later be admitted to practice in another state. But for some people, a non-exam-based option will be beneficial—for both individuals and the Washington legal community.

ABOUT THE PROCESS

The Licensure Pathways Implementation Steering Committee and its Core Competencies Subcommittee and Program Evaluation

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Illustrations © Getty/Illustrator de la Monde

Admission by Portfolio Evaluation: Core competencies, portfolio requirements, and next steps

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Subcommittee gathered input on this proposal from a variety of sources at multiple points in the development process. Many experts were consulted, including law professors and several experts on lawyering competencies, the deans and LL.M. faculty from Washington's three law schools, individuals who participated in other states' experiential pathways as supervisors and supervisees, APR 6 law clerks and tutors, and foreign-trained legal practitioners seeking admission in Washington. Nine input-gathering sessions were held, with each session focusing on different interested parties, including Washington law school students and faculty, the WSBA Board of Bar Examiners, small town and rural practitioners, newly admitted lawyers, and others.

The steering committee and its subcommittees were thoughtfully formed to ensure broad input and diverse perspectives. The Licensure Pathways Implementation Steering Committee was chaired by Seattle University School of Law Professor Zaida Rivera and included members of the WSBA Board of Governors, Washington Supreme Court Justice Raquel Montoya-Lewis, Gonzaga University School of Law Dean Jacob Rooksby, University of Washington School of Law Dean Tamara Lawson, Seattle University School of Law Dean Anthony E. Varona, individuals with access to justice and consumer law backgrounds, representatives from the WSBA Law Clerk Board and the WSBA Character and Fitness Board, law students and APR 6 law clerks, and others.

The two subcommittees—Core Competencies and Program Evaluation—included volunteers with experience in legal education, large firms, small firms, solo practice, APR 6 tutoring, public interest law, and research and data analysis in the legal field.

CORE COMPETENCIES DEFINED

The first step in developing Washington's portfolio evaluation program was to identify the core competencies—or baseline-level demonstratable skills, professional behaviors, and areas of knowledge—that a candidate for licensure should possess.[11] Although these areas of knowledge and skill may seem inherent, they are not explicitly incorporated into existing licensing pathways, including the bar exam. The Licensure Pathways Implementation Steering Committee, therefore, found it paramount to clearly define them at the start. These core competencies are the foundation for the portfolio evaluation program. The specific program requirements, rubrics, and grading tools will be specifically designed to elicit these core skills and areas of knowledge, and candidates who complete the portfolio evaluation program should have multiple opportunities to show that they possess these competencies.

1. **An understanding of legal processes and sources of law.** An understanding of legal processes and sources of law includes an understanding of the appropriate application of state and local law, federal law, administrative rules, and local court rules and an understanding of the channels of legal practice, including alternative dispute resolution processes, negotiation skills, legislative processes, administrative and regulatory processes, and court processes.

2. **An understanding of threshold concepts in many subjects.** A threshold concept is an "insight that transforms understanding of a subject."[12] This competency "focuses on understanding principles and policies that govern the law, rather than memorizing specific black-letter rules" and "allow[s] lawyers to identify issues, search for the appropriate rule, and see nuances in the rule."[13] Threshold concepts "distinguish individuals who have begun to master a subject from all others" and "allow new learners to understand the 'how' and 'why' of their field rather than simply the 'what.'"[14]

3. **The ability to act professionally and in accordance with the rules of professional conduct.** This competency includes the demonstrated ability to conduct oneself with respect for and in accordance with the law, including compliance with the requirements of applicable state, local, and federal constitutions, laws, rules, and regulations, and any applicable court order. Components of this competency may include the ability to manage a law-related workload, cope with the stress of legal practice, pursue self-directed learning, understand the business of maintaining a legal practice, and appropriate use of technology in legal practice.

4. **The ability to interpret legal materials.** This competency emphasizes the ability to understand and interpret constitutional provisions, statutes, judicial opinions, and regulations, and the ability to evaluate how legal documents, such as contracts, should be construed.

5. **The ability to identify issues.** This competency emphasizes the ability to identify legal principles and legally significant facts relevant to a client matter, understand the "big picture" of client matters, identify goals and objectives in client matters, identify legal claims and remedies that might address a client's needs, identify legal and practical obstacles to achieving any proposed resolution, and develop strategies to guide client matters.

6. **The ability to conduct research.** This competency includes the ability to research answers to specific legal questions, recognize relevant and dispositive legal sources applicable to a client matter, appreciate the authoritative weight of sources of law relevant to a client matter, utilize strategies to update sources of law or find additional sources of law that are relevant to a client matter, acquire facts and non-legal information for client matters, develop the factual record, and locate information about local rules or practices.

7. **The ability to apply legal authority to the relevant facts in a client matter.** This competency emphasizes the ability to make logically sound arguments based on precedent, analogy, and policy; assess the strengths and weaknesses in a client's position and an opposing party's position; and forecast potential outcomes of a client matter.

8. **The ability to communicate as a lawyer.** This competency includes the ability to choose a method of communication appropriate to the circumstances and audience; communicate the application of legal authority to the facts in a written or oral form that is

appropriate for the audience, including the client, opposing counsel, the courts, and other interested parties; draft and edit legal documents and legal correspondence; work collaboratively with others, including opposing counsel, to address a client matter; and apply negotiation skills to advocate on behalf of a client.

9 **The ability to interact effectively with clients.** This competency emphasizes the ability to gain a client's trust; recognize the importance of cross-cultural competence and seek available resources to understand the needs of their clients; gather relevant facts and identify client goals; communicate regularly with clients, convey information and options in terms that a client can understand, and help the client choose a strategy; manage client expectations, convey bad news, and cope with difficult clients.

PORTFOLIO EVALUATION REQUIREMENTS

The portfolio evaluation program is designed to provide flexibility to participants. The requirements, as outlined in this section, could feasibly be completed entirely during law school, allowing candidates to graduate with significant practical experience. Alternatively, others may choose to complete part of the requirements during school and part after graduation, or entirely after graduation.

Portfolio evaluation candidates must be current law students or APR 6 law clerks (having completed one-half of a three-year J.D. program, five-eighths of a four-year J.D. program, or five-eighths of an APR 6 law clerkship), or have completed their legal education. Candidates must complete all required work under the supervision of an experienced lawyer. Supervisors must meet the requirements for a supervising lawyer under APR 9—they must be active Washington lawyers in good standing and have been actively engaged in the practice of law in any U.S. jurisdiction for at least three years preceding the date of application.

Under the portfolio evaluation program, candidates will complete specific lawyering activities, which will be observed and assessed by their supervisors using standardized rubrics, and then submit a portfolio containing those rubrics and required written work product to the WSBA Board of Bar Examiners. The bar examiners and supervisors will evaluate candidates' performance and work product to determine whether they demonstrate the nine core competencies.

The proposed portfolio evaluation requirements are as follows:

1. Successfully complete their legal education by graduating from law school, completing the APR 6 law clerk program, or meeting additional educational requirements for foreign-trained candidates by the time they are done with all portfolio evaluation requirements;
2. If a candidate completed their legal education more than six years prior to applying to participate in the portfolio evaluation, complete the WSBA's 15-credit Law and Practice Refresher CLE course;
3. Complete 825 hours of supervised practice time (under a Rule 9 licensed legal intern license); 825 hours equates to about six months of case time, taking into account administrative duties, holidays, and sick/vacation leave, and candidates can accrue only up to 40 hours per week;
4. Complete all required pathway activities (described in the next section);
5. Submit a portfolio of work (see next section) and supervisor rubrics and receive a passing score on all portfolio submissions;
6. Demonstrate competence in professional responsibility (see details in the next section);
7. Pass the Washington Law Component open book exam; and
8. Undergo the character and fitness review required of all applicants to the Washington Bar.



LEARN MORE

The Report and Recommendations for Admission by Portfolio Evaluation was submitted to the Washington Supreme Court for approval on April 8. Those interested can view the report at **www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/lawyers/pathways**.

Supervisors must provide compensation to candidates during the candidate's supervised practice time, with a handful of exceptions. The amount of compensation is determined by the supervisor and candidate but must be no less than the equivalent amount provided by the supervisor to similarly qualified and experienced employees. In addition to providing payment for labor, the compensation requirement will also help to alleviate the financial burden that accompanies the bar exam and that prevents some people from joining the legal profession.

REQUIRED ACTIVITIES AND SUBMISSIONS

Required Pathway Activities

Candidates will be required to complete the following activities during their supervised practice:

- Lead two client interviews or counselling sessions;
- Lead one negotiation;
- Demonstrate the use of research tools to develop the facts of a client matter;
- Demonstrate the ability to manage a law-related workload; and
- Demonstrate competence in professional responsibility by EITHER:
  - Achieving a passing score on the Multistate Professional Responsibility Exam, or
  - Engaging in two discussions with their supervisor of real-life ethics issues that arise during their supervised practice and submit as part of their portfolio a reflection documenting each discussion. The candidate must also submit one written response to a prompt provided by the Bar posing issues related to legal ethics in law office operations, such as handling billing, trust accounts, and client payments.

AND completing the following activities:

- Complete WSBA-provided training covering:

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- Common stressors in legal practice and strategies and resources available to manage them;
- Strategies for managing a law-related workload;
- Resources for answering ethics questions during practice; and
- The intersection of technology tools, client privacy, and data security.

- Spend 10 of their supervised practice hours on client-facing activities; and
- Keep detailed, contemporaneous timekeeping records.

The required activities—and the written portfolio materials described next—are intended to be adaptable to a variety of practice settings and provide opportunities for candidates to demonstrate and be evaluated on all nine core competencies.

Required Portfolio Submissions

Candidates will be required to submit a midpoint portfolio with half of their required materials and a final portfolio containing all required materials. Candidates will submit their own work for evaluation by the WSBA Board of Bar Examiners and will also include their supervisors' rubrics assessing their performance on the required activities. In all, candidates must submit the following materials:

Candidates' work product:

- Two written client counselling communications;
- Two persuasive legal documents;
- Two objective legal memoranda; and
- If electing not to take MPRE, two reflections on discussions with their supervisor of professional responsibility matters and one response to a prompt on professional responsibility issues.

Supervisor rubrics assessing the candidate's performance on their:

- Client interview/counselling sessions;
- Negotiation;
- Use of research tools to develop the facts of a client matter; and
- Ability to manage a law-related workload, such as by spending their time appropriately, planning for and meeting deadlines, managing client files and multistep projects, and, if applicable, working with support staff.

APPLICATION PROCESS

Candidates must find a Washington lawyer willing to supervise their work in the portfolio pathway prior to applying to participate in the program. The candidate must complete online application materials with the WSBA to determine eligibility of the candidate and their supervisor, and to provide information necessary to obtain a Rule 9 limited legal intern license. If all requirements are met, the WSBA will approve the application to participate in the program and issue a Rule 9 license.

Once approved, the candidate has 24 months to complete all requirements. Candidates may complete the requirements under different supervisors, if desired (but must inform the WSBA if they change practice settings or supervisors).

Details about how supervisors will be expected to assess each of the core competencies, guidance around AI use and ensuring client confidentiality in submitted portfolio materials, and the grading process can be found at **www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/lawyers/pathways**.

NEXT STEPS

The Report and Recommendations for Admission by Portfolio Evaluation was submitted to the Washington Supreme Court for approval on April 8. Those interested can view the report at **www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/lawyers/pathways**.

If the Washington Supreme Court approves the admission by portfolio evaluation proposal, the WSBA will begin developing the practical and logistical elements of this pathway to licensure. These elements include the online application and portfolio submission platform, the supervisor rubrics and bar examiner grading tools, any required trainings for pathway participants, and any other materials to be used by participants such as the portfolio attestation sheets. Additional outreach will also be conducted, with the specific goal of encouraging WSBA members to become supervisors.

In addition, the Licensure Pathways Implementation Steering Committee has convened a Program Evaluation Subcommittee to identify measures of success for the portfolio evaluation and to recommend methods for evaluating whether the portfolio evaluation has met those measures of success. The goal is to begin accepting applications in early 2027. BN

NOTES

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3. AccessLex, "Analyzing First-Time Bar Exam Passage on the UBE in New York State," 11 (2021) (*available at* www.accesslex.org/NYBOLE) ("first-time candidates who reported larger household sizes and those who reported higher employment hours during bar exam preparation were less likely to pass.").
4. Michael B. Frisby, Sam C. Erman, and Victor D. Quintanilla, "Safeguard or Barrier: An Empirical Examination of Bar Exam Cut Scores," 70:1 *J. of Legal Educ.* 125, 141 (2020).
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Bayley Rea and Molly Tucker Hasenbank, attorneys at Monahan, Grove & Tucker in Milton-Freewater, Oregon. Tucker was Rea's supervisor while she completed Oregon's Supervised Practice Portfolio Examination program.

FEATURE

NEW PATHWAYS TO PRACTICE:

A Prospective Attorney's Journey Through Oregon's SPPE Program

BY BRENNA PINK PAMPENA

For many, the path to the legal profession is fairly predictable: three years of law school—often in one's 20s—with clerkships or internships along the way, followed by several months devoted almost entirely to studying for the bar exam, which is in itself a formidable and daunting undertaking. For some aspiring attorneys, especially those with the responsibilities of raising a family or those facing major life disruptions, dedicated full-time bar exam study simply isn't possible. Many of these people are fully capable of practicing law, but lack the time, bandwidth, or resources to follow the traditional path. Consider, for example, Bayley Rea.

After completing her undergraduate studies, Rea lived in Washington, D.C., and worked on Capitol Hill for Oregon Sen. Jeff Merkley and later for the House Committee on Transportation and Infrastructure under Oregon Rep. Peter DeFazio's leadership. When the COVID-19 pandemic hit, Rea and her husband decided to move to Oregon, where her husband grew up. Rea had always wanted to go to law school and had already taken the LSAT. So, in 2020, she enrolled at Willamette University School of Law.

The pandemic made law school (and many other education and work environments) more difficult than usual. Rea attended many classes online, networked over Zoom, and struggled to find virtual study groups. When she graduated, she met with more unexpected challenges. Rea's father was diagnosed with cancer. In addition, Rea was pregnant with her first child. As her father underwent treatment, Rea studied for the bar exam in ICU rooms. Her father eventually received a necessary transplant but tragically died from an infection shortly after. Just two weeks after his death, Rea learned that she didn't pass the bar. "That was the least shocking part of all of that. It was just horrible," Rea said. She gave birth to her son six weeks later.

Around this time, Rea heard about a new program in Oregon that would allow law school graduates to earn their bar license through a means other than the bar exam.

"I'd been working at the local district attorney's office at that time, and I knew I was not going to be in a headspace to go take the bar again," Rea said. "It's a huge financial strain, and now I have a baby to provide for, it just didn't work for my family [to retake the bar]. It's months that you have to take off from your life."

So Rea started researching the Oregon State Bar's (OSB) Supervised Practice Portfolio Examination (SPPE),[1] an apprentice-style alternative to the traditional written bar exam. The program allows law school graduates (the OSB calls them provisional licensees) like Rea to gain bar admission by demonstrating legal competence through their work under the supervision of a licensed attorney.

Milton-Freewater, Oregon, where Rea lives with her family, is a small town with a population of just over 7,000. Walla Walla,

to the north, is the nearest big city for miles, and attorneys in the area are few and far between. There is no directory of attorneys interested in being SPPE supervisors (though you can find a list of past supervisors), one cannot be supervised by an immediate family member, and the supervising attorney's firm must be willing to pay the provisional licensee the same salary as other recent law school graduates.[2]

Rea decided to call one of the few law firms in town—Monahan, Grove & Tucker—and make her pitch.

"I just kind of threw myself down at their feet, and said I know I can do this," Rea said. "I had a career in Washington, D.C., I came back to Oregon to go to law school during COVID and was successful. I just couldn't pass the bar."

Rea proposed the SPPE program as an opportunity for her, for Monahan, Grove & Tucker attorney Molly Tucker Hasenbank, and the whole firm. If they agreed to supervise her, they could trust that she would stick around. "This is an opportunity for you to decide if you want to hire me and have another attorney join your firm," Rea said.

Tucker, who grew up in Oregon as the daughter of an attorney, readily agreed to supervise Rea.

"It's really hard to get new attorneys in our area. It's hard to get people enticed to come out here ...," she said. "This was an opportunity where we knew the Rea family, we knew that [Bayley] was likely to stay in the area, so we were willing to invest the time."

It took Rea about seven months to complete the program. She was able to work 40 hours per week, earn income, learn the ropes under the supervision of seasoned attorneys, and was ultimately hired by the firm.

HOW THE SPPE PROGRAM WORKS

The SPPE program was approved by the Oregon Supreme Court on Nov. 7, 2023, and became available as an alternative pathway to bar licensure for law students graduating in May 2024.[3] This new pathway emphasizes practical skills and knowledge and seeks to ensure the protection of the public while also removing inequitable barriers for attorneys to obtain licensure.[4]

To participate, applicants must first con-

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nect with a supervising attorney willing to take them on and submit an application to the OSB.[5] If accepted, the OSB issues the applicant a certificate of eligibility and a provisional license.[6] Throughout the apprenticeship, participants are required to submit eight written work products, complete two client interactions, demonstrate negotiations skills twice, provide evidence of competence in professional responsibility, complete 675 hours of work (including pro bono work or volunteering with a bar-affiliated agency), and complete training videos around legal ethics and other topics.[7] Once these program requirements are complete and approved, the applicant is admitted to practice in Oregon.[8]

A common concern that Rea and Tucker hear is that an alternative to the bar exam would not be rigorous enough. Both enthusiastically reject this idea.

"It was not easy," Rea reflected. "There were two portfolios. One was a 'halfway portfolio,' just to make sure that you were on track. ... You were incentivized to submit as much as you possibly could." The halfway portfolio is an opportunity for participants to receive feedback and learn what they need to do differently or better for the final portfolio. "It was a lot of writing, and you had to touch on different aspects of the law each time," Rea said.

Finding opportunities for negotiations was difficult. "Attempting to communicate with other very seasoned attorneys in a way that was, maybe not organic to them, because I was trying to create this situation in some ways," Rea said, was a challenge.

When asked about the supervisor workload, Tucker explained, "I would say you're taking on one and a half times your caseload. ... You're trying to help them build [their portfolio], and we did that by getting her own clientele." While Rea did the research and drafting for her cases, Tucker was required to review everything. "[U]ltimately, it's still my name and bar license going on it," she said.

The next obvious question was whether all this effort is beneficial for the supervising attorney. "I do think it's absolutely

worth it, especially if you get a good attorney like Bayley, who's able to pick it up quickly," Tucker said. At the start of the program, Tucker shared, the workload is greater because there's more teaching involved. But as the supervisee becomes more comfortable with the work and more knowledgeable, the supervising attorney spends less time teaching and more time reviewing.

And not only did the program push Rea out of her comfort zone, Tucker said it also encouraged *her* to do new things.

"Well, honestly, because Bayley had to do a variety of things, it forced me out of my shell and into different areas of the law that I don't normally do," Tucker said. "Which was honestly nice. It's nice to get out of your comfort zone. … Learning something new and learning how to explain things and why I do them are real highlights."

When Rea recently went on maternity leave, Tucker was able to cover her family law caseload because her supervisory role required her to learn that area of the law. "I can't emphasize enough what a great program I think it is, and how I think it sets up lawyers better for the future," she said.

When asked what advice she has for recent law school graduates who may be experiencing barriers to passing the bar exam, Rea said she highly encourages people to pursue Oregon's SPPE but to be intentional about finding a supervisor. Both Rea and Tucker shared that they think it's important for program participants to find a supervisor in the community where they intend to practice, as some firms may be reluctant to invest in someone they do not expect to stay long-term.

Rea also highlighted the benefits of rural practice:

"Go find a rural law firm and commit yourself to working out there for a few years. You're going to learn a ton. You're going to get to have your hands on more complex, interesting things sooner. … And you're going to meet real people," she said. "This person who's sitting in front of you, you can make a difference in their life. … I just think if people would give the eastern part of the state a chance, they would find themselves on the fast track to being a really impressive lawyer."

A key issue moving forward is reciprocity. Tucker hopes that Washington and Oregon can develop reciprocity as alternative licensure pathways grow in popularity. She further notes that there can be a stigma for people who don't take the bar exam, but that she finds most younger attorneys do not have this bias. While the bar exam is notoriously difficult, Tucker said she thinks the SPPE program might be even harder.

"I honestly think the SPPE program is probably more difficult in some respects, because you're truly being graded on your ability to be an attorney, and not your ability to memorize answers, or be good at multiple choice," she said.

ALTERNATIVE PATHWAYS IN WASHINGTON (AND ELSEWHERE)

Oregon is not alone in rethinking how attorneys prepare for and enter the profession. Here in Washington, similar efforts reflect a growing recognition that the traditional law school-to-bar-exam pathway is not the only way to assess readiness to practice law.

For nearly 100 years, the WSBA has offered an alternative to attending law school, most recently through its Admission and Practice Rule 6 (APR 6) Law Clerk Program.[9] This four-year apprenticeship allows aspiring attorneys to gain hands-on, paid legal experience under the supervision of a licensed Washington lawyer in lieu of attending law school.

More recently, the Washington Supreme Court has taken additional steps to expand access to licensure by considering a new experiential pathway. (Read about Washington's proposed Portfolio Evaluation program on page 24.) This program would allow prospective attorneys to demonstrate competency through a supervised practice and portfolio-based assessment like Oregon's, signaling a shift toward evaluating lawyers based on practical skills and real-world experience.

While only a handful of jurisdictions currently offer alternatives to the traditional law school-to-bar exam pathway, a growing number of states (now approaching a dozen) are piloting, studying, or actively developing similar models.[10]

AS STATES LIKE OREGON AND WASHINGTON CONTINUE TO DEVELOP THESE MODELS, IT APPEARS THAT THE LEGAL PROFESSION IS BEGINNING TO RETHINK WHAT IT TRULY MEANS TO BE READY TO PRACTICE LAW.

As states like Oregon and Washington continue to develop these models, it appears that the legal profession is beginning to rethink what it truly means to be ready to practice law. For aspiring attorneys facing financial, personal, or structural barriers, these pathways offer something the traditional system often does not: a realistic, rigorous, and more accessible route to licensure. For attorneys like Rea, that difference can be the reason they are able to practice law at all. As these models continue to develop, they have the potential to not only broaden access to the profession, but also strengthen it through rigorous, real-world training and evaluation. BN



Brenna Pink Pampena is a plaintiff bad faith and personal injury attorney at Ruiz & Smart. Her path to law was nontraditional; she chose to change careers and go to law school during the COVID-19 pandemic. She brings tools from her background in HR and marketing to her legal work, shaping a thoughtful, people-centered approach. She has volunteered with Girl Scouts since 2019 and is an advocate for public education. She can be reached at bpinkpampena@ruizandsmart.com.

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FEATURE

FORTIFYING THE RECORD:

Shielding Vulnerable Populations Through Data Privacy—SB 6081 and Beyond

BY DANA SAVAGE AND JAY T. CONRAD



Public records exist to help ensure government accountability and transparency, prevent corruption, improve public health, and create an individual's legal identity. Access to court or administrative hearings, state licensing processes, and health services depends upon the integrity of government records, including a person's accurate identity documents. However, accuracy is not the only consideration when it comes to these records. Privacy is also direly important, particularly for more vulnerable populations like transgender, non-binary, and intersex individuals. When people in these groups have their sex designation information revealed in public records, for example, they are immediately put at risk for harassment, bullying, discrimination, and violence.

In Washington state, there is a growing recognition of the dangers inherent in unprotected government data. In an effort to protect vulnerable groups and secure confidentiality of identity documents, the state Legislature passed Senate Bill 6081 earlier this year.

At its core, SB 6081, which took effect on March 16, 2026, is a targeted data privacy measure designed to protect individuals from the unauthorized disclosure of sensitive identity information within official government databases. Specifically, SB 6081 amends Washington's Public Records Act and other related statutes to exempt current sex designations, historic sex designation changes, and any supporting documentation held by the Department of Licensing and Department of Health from public inspection and copying. Crucially, the bill prohibits these agencies from transmitting a person's sex designation change history to other jurisdictions or displaying any indicator of a past change on newly issued credentials without explicit, specific consent.

By formally severing the publicly accessible link between a person's current legal identity and their sex assigned at birth, SB 6081 preempts the ability of hostile actors—be they out-of-state agencies, data brokers, or private individuals—to leverage transparency laws as tools for surveillance. It ensures that the vital administrative process of aligning one's documentation with one's lived reality does not inadvertently generate a permanent, public registry of

transgender identity. In securing this data, SB 6081 serves as a safeguard against public records being used to expose, track, or facilitate systemic discrimination against Washington's transgender community.

Washington is not alone in these efforts. States such as California, Oregon, and New York are actively working to fortify the privacy of the record to shield vulnerable populations, such as immigrants and LGBTQIA+ individuals.[1] These protections, unfortunately, remain isolated firewalls within a rapidly escalating national crisis. Beyond the borders of a few limited havens, a starkly different reality is unfolding wherein the administrative mechanisms are being intentionally deployed not to safeguard civil rights, but to systematically dismantle them.

The urgency of sealing these state-level vulnerabilities becomes starkly evident when considering the broader national landscape, where the weaponization of identity documentation is being actively pursued.[2] For example, consider the most recent legislative efforts across multiple jurisdictions to restrict transgender and nonbinary individuals from updating their legal gender markers on state-issued IDs and birth certificates.[3] By legislatively manufacturing a schism between a person's lived identity and their official documentation, the state is effectively mandating how that person exists and—more importantly—how they cannot exist.

This bureaucratic erasure causes daily, systemic friction and deprives individuals of access to secure housing, employment, and state-issued benefits. Other risks are also created, such as in Kansas, where all transgender Kansans who had updated their gender markers suddenly had their legal right to drive and vote placed into constitutional limbo overnight and with no notice.[4] In at least one case, a driver's license was reportedly invalidated for a trans person *despite their having not changed their gender marker*.[5] They were still able to be tracked and have their identity dismantled.

Sadly, many states are taking further steps to identify, document, and categorically surveil then erase transgender individuals. Wyoming recently became the ninth state to ban gender marker changes on driver's licenses.[6] As of the drafting of this article, Tennessee is in the process of building its own database of individuals it knows to be transgender.[7] Just over our border, Idaho passed two laws in 2024, one that narrowly defines "sex" as either male or female, and one that allows government officials, including public school teachers, to refuse to address individuals by their pronouns.[8] More recently, a federal judge ruled that Idaho can move forward with preventing transgender people from changing their gender markers on their birth certificates.[9] Likewise, in Texas, laws have been passed that restrictively define "sex" and that require electronic health records to list a person's "biological sex as either male or female."[10] Additionally, the Texas Department of Public Safety issued a memo in 2024 to defy court orders mandating gender marker changes on driver's licenses and state IDs.[11] Florida has taken similar steps, with the state Department of Highway Safety and Motor Vehicles issuing a memo in 2024 rescinding a policy allowing Floridians to update their gender markers on driver's licenses and ID cards.[12]

For transgender individuals and other marginalized groups, the public nature of identity-related records—specifically sex-designation-change information—has become a structural vulnerability. SB 6081 arrived not merely as a basic correction to the way we manage sensitive data, but as a necessary shield against a form of systemic harm that is emerging in importance: the use of public records and personal data to facilitate administrative discrimination, erasure, and exposure to direct harm. SB 6081 is an important first step toward protecting individuals from systemic abuse by vesting within them alone the privilege to such sensitive information as their historic sex-designation information—rather than leave them unguarded within institutions holding those public records in public trust.

Federal legislation currently under consideration could have even broader impacts. The controversial federal SAVE Act sought to require all states to match one's voter registration and ID with that of their birth certificate.[13] Proponents of the bill say that it would support election security, while others warn that it could effectively disenfranchise people who changed names due to marriage, convenience, or to escape an abuser. The constitutionality of the potential legislation remains a question, as some U.S. Supreme Court justices have expressed concern over similar tactics in the past, calling them poll taxes[14] that force voters to

CONTINUED >



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Dana Savage is an assistant attorney general in the Washington State Attorney General's Office, in the Torts Division's Seattle office. In this role, she serves as a trial attorney representing the state of Washington and its agencies, officers, and employees against tort claims and lawsuits. Savage also serves on several internal AGO workgroups tasked with advising and preparing state agencies for federal litigation concerning issues arising out of Washington state's robust LGBTQIA+ legal protections. She is a past-president (2020-21) and vice president of issues & advocacy (2018-2020) of QLAW Bar Association. Most recently, she co-authored SB 6081 (2026), which was sponsored and stewarded by Senator Jaime Pedersen. You may reach her at dana.savage@tuta.com.

SB 6081 amends Washington's Public Records Act and other related statutes to exempt current sex designations, historic sex designation changes, and any supporting documentation.

Illustration © Getty/Moor Studio

pay their state of origin to ensure consistent documentation from birth to the ballot box. Some states expressly disallow these necessary document updates (especially if you happen to be transgender and were born in a jurisdiction that has outlawed gender changes on official records).

The weaponization of the physical record is, however, only the visible tip of the spear. In the digital age, "the record" has expanded far beyond birth certificates and driver's licenses; it is now a sprawling, ubiquitous assemblage of our search histories, geolocation pings, financial transactions, and biometric data. Without robust data privacy protections, this invisible digital record becomes an even more potent tool for discrimination. When the state—or the data brokers it increasingly collaborates with—can compile unregulated digital dossiers, marginalized identities are often the first to experience its worst effects. They are not just erased; they can be actively hunted, categorized, and penalized without due process.[15]

Bad faith actors utilizing targeted collection of demographic data to marginalize specific populations is not a novel phenomenon; rather, these historical patterns of discrimination are simply finding new expression in digital spaces. Yet state-backed harms can and do cut much deeper than familiar continuations of systemic discrimination, and indeed are carried out with more intentionality. For example, beyond purchasing commercial data, Immigration and Customs Enforcement circumvents traditional privacy safeguards by utilizing administrative subpoenas to compel sensitive data disclosures without judicial oversight.[16] Simultaneously, ICE is establishing round-the-clock social media surveillance operations to continuously monitor targeted populations.[17]

Data privacy provides a unique means of bolstering against modernized, digitized discrimination and harm. But securing data such that it cannot be misused for malicious ends means more than increased cybersecurity and firewalls; it means real, tangible change to the ways that data is collected and used in the first place.

Digital privacy is important. Why? Some may argue that data privacy is "dead"—an impossibility in today's digitized society. Contrarily, though, the digitization of society lends itself to a great need for data privacy, and data privacy can always be achieved at some level, even after massive amounts of data have already been swept up in the clutches of huge tech conglomerates and governmental agencies. SB 6081 is just one example of what is possible with a little creative problem solving.

By restricting *access to* and *use of* existing data, greater privacy can be achieved. Furthermore, additional data collection can be stopped in its tracks—were the law to account for this, of course. Restrictions on how data can be combined, particularly through the use of artificial intelligence, is another mechanism for improving privacy. Regulations that achieve these aims are still possible to implement in a digital culture, as seen in the 144 (out of 193) countries that have enacted data protection regulations in the last decade. Privacy need not be a matter of *if* and *how* so much as it can be a matter of *when* and *to what extent*. And with more privacy comes more protection from exploitation, targeting, and harm.

Some may argue that data privacy is 'dead'—an impossibility in today's digitized society.

Washington state is, thankfully, increasingly recognizing the urgency of this paradigm shift. Lawmakers are moving to enact robust, sector-specific privacy frameworks where broader federal measures have fallen short or are directly antagonistic to the notion of autonomy through data privacy. The recent passage of the My Health Data Act, for instance, marked a nation-leading effort to tightly regulate the collection, sharing, and geofencing of sensitive consumer health data, explicitly encompassing reproductive and gender-affirming care. The legislative momentum acknowledges a critical reality: Better privacy norms are needed. Absent these protections, the modern digital ecosystem defaults to the commodification and exploitation of personal vulnerabilities.

Yet, regulating private data brokers addresses only one side of the privacy equation. The state itself is a prolific collector of deeply personal data, heavily governed by the Washington Public Records Act, which was designed to ensure government transparency—not individual privacy. When the good intentions of this act are obliterated by bad actors harvesting Washington's own databases, the legal framework must evolve to distinguish between holding the government accountable and leaving its citizens dangerously exposed.

As stewards of the justice system, lawyers, judges, and legal scholars bear a profound obligation to recognize and act to combat the misuse of the record. We can no longer afford to view data privacy as a niche regulatory specialty or a mere compliance checklist. It is a fundamental civil rights imperative for the 21st century. As practitioners, we must actively advocate for data minimization in discovery, champion the confidentiality of vulnerable clients in public filings, and stay in the know about legislative reforms that close exploitative loopholes. Clients must be informed of their rights, including under SB 6081, in the appropriate situations. Likewise, the judiciary must critically evaluate the developing nature of the record, ensuring that procedural rules and transparency mandates are not manipulated to facilitate the very harms the justice system is sworn to prevent.

The time to fortify the record is now, before the tools of recognition are irreversibly turned into engines of erasure. BN

NOTES

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14. Harper v. Va. State Bd. of Elections, 383 U.S. 663, 86 S.Ct. 1079 (1966); *See also* Crawford v. Marion Cnty. Election Bd., 553 U.S. 181, 211–16, 128 S.Ct. 1610 (2008) (Souter, J., dissenting) (Arguing that the financial costs and administrative hurdles of obtaining underlying records, such as a birth certificate, to secure a mandatory voter ID impose an unconstitutional burden on the right to vote, disproportionately impacting marginalized voters).
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FEATURE

FOR THE PEOPLE

King County District Court program aims to promote civic engagement and demystify the "black robe"

BY JUDGE ANDREA S. JARMON

"Judges are necessarily engaged in civic education. Through our opinions and our public appearances, we help the public understand the role of the judiciary in our constitutional system."
—Chief Justice John G. Roberts, Jr., United States Supreme Court

The sun was already brightly displayed in the sky on one of those summer days that makes the rainy norm of the Pacific Northwest almost immemorable. Against the backdrop of a beautiful sea of blue, the sun blazed hot enough in the early morning to start the quick melting of the five bags of ice packed on the floor of an SUV that for the next few summer months would be the cargo van for transporting the King County District Court's (KCDC) tent, tables, chairs, banners, games, informational materials, and resources that would be used to staff a booth at various community events. As I pulled into the field area of Judkins Park, located in the heart of Seattle's Central District, dedicated volunteers were already in place guiding a line of vendors and food trucks to their designated stations for the next two days at the Umoja Festival 2025.

King County District Court Judge Karama H. Hawkins, who had already arrived, waved her hand as she excitedly welcomed me to our spot. "Well, alright. Good morning, Judge Jarmon. So happy to be with you again in community," she said. It was her typical greeting and had become the one I expected to hear, even as we had just been at another event a few weeks prior. Her response is exactly what being engaged in community creates—a sense of joy and fulfillment in furtherance of service to the public and the community.

KCDC's Community Engagement Program, operated under the court's Diversity, Equity & Inclusion (DEI) Committee, has been participating in community events for several years. Through this participation, the DEI Committee aims to promote civic engagement, build trust, demystify the "black robe," and meet the community where they are to hear from them, learn from them, and share how their court, the people's court, is serving them. Redmond Derby Days and Celebrate Shoreline are among the community events where KCDC has long been a regular presence.

Judge Andrea Samonica Jarmon serves on the King County District Court bench and as a member of the WSBA's Diversity, Equity, and Inclusion Council. She can be reached at ajarmon@kingcounty.gov.



Judge E. Rania Rampersad, who currently serves on the King County Superior Court, was the chair of the DEI Committee when she served on the district court bench. Speaking fondly and passionately about why being in the community was such an important effort for the court to make, she expressed, "Often people have the perception that judges and the courts are people and institutions that are inaccessible to them. It is incumbent upon courts and judges to make efforts to meet people where they are, so they have confidence that the court is a space for them as well." With that at the forefront, the court's participation is motivated by a desire to not just be present, but to invite the people into understanding, into conversation, and into connection.

The King County District Court booth provides information about the court and its services. Informational brochures detail quick facts about court locations, the types of cases heard, and a snapshot of cases processed. Pamphlets highlight the goals and resources available in therapeutic court models such as the Seattle Veterans Treatment Court and Community Court. Visitors to the court's booth can also obtain information about forms for passport applications, and other documents like name change petitions, small claims packets, and protection order forms.

More than being provided with forms and other materials, members of the public can engage directly with the people who serve them, as volunteers include court clerks, probation officers, senior court leadership, and, yes, sitting judges. We answer general questions about the legal system, the path to law school, and what a typical day is like. Of course, with all the caveats that we cannot give legal advice, it's incredible to observe the initial look of shock that then glosses over to skepticism, followed by genuine curiosity from members of the public who are pleasantly surprised to see the court and its members physically in community.

We are increasingly witnessing the decline of public faith in democratic institutions. The judiciary, far from immune, has been a site of abandoned trust for many, particularly communities of color and those with limited financial resources, who suffer from what our Washington Supreme Court



Community member Tia Shabazz plays the civic education game called "Pin the Court" at a prior Umoja Festival.

Courtesy photo

has recognized as ongoing systematic oppression and racial injustice.[1] The call of our state's highest court to recognize our moral imperative to do the work to end racism is a call to which every member of the legal community has an obligation to respond.

That judges are uniquely positioned to educate communities about our court system, the rule of law, and the importance of civic education and engagement is recognized in the Judicial Canons.[2] Judges being present in community creates the opportunity for connection; connection creates compassion; compassion creates understanding—and that creates a beautiful foundation upon which trust and confidence may be nourished and grown.

In the past few years, the court's community engagement activities, with intentionality, have expanded to include the Kent International Festival, Rainier Valley Community Arts Resource Fair, Kenmore National Night Out, Muslim Housing Service's Day of Dignity, and more. While the court had participated in the Paws & Pride Dog Walk in 2023, subsequent approval was denied when the court's Executive Committee determined that participating in this event could be problematic under Judicial Canon 3.7, based upon the event being associated with fundraising, as a portion of the event's proceeds were specifically promoted to go toward the Seattle Humane Society and Lambert House, both nonprofit organizations (one focused upon animal welfare and the other focused upon the empowerment and support of LGBTQIA+ youth).

Questions about the KCDC DEI Committee's participation in various events, particularly those characterized as "affiliation events held by diverse community groups," resulted in a temporary halt to participation in many of the events while the court awaited an ethics opinion. The opinion would also address the court's newly raised concerns about participation in cultural and religious based events; the gifting of public funds for items like gavel pencils, bags, and Post-it notes with the court's logo that are distributed for free to the public; and allowing the public to take pictures next to a giant gavel with the court's name in the background, with or without a judge in the photo. The latter is one of the most popular features of the court's booth at community events. Youth and even adults enjoy being photographed while adorned in a judicial robe and holding a gavel. Speaking to why this was such a wonderful experience for youth of color, King County Superior Court Judge Josephine Wiggs, who formerly headed her court's Courts in Community Committee, expressed that:

> Giving youth the opportunity to see themselves as future lawyers and judges is a great experience. Sometimes seeing the possibilities is what allows it to be crystalized as a tangible possibility. To have them also see the very real example of that with judges of color standing right before them in their community makes it even more real and possible.

The Ethics Advisory Committee, in Opinion 24-03,[3] confirmed the KCDC DEI Committee's belief that its work was properly within the judicial canons and even confirmed that so long as the photos were not used for personal gain, fundraising, or promoting a business or cause, it was not a judicial canon violation to allow photos of youth and the public with the giant gavel and wearing judicial robes.

Yet, the very inquiry itself raises a question about how the role of judges in civic and community engagement can be seen differently. There is general recognition and appreciation for judges engaged in more well-established formats like that of Street Law and Judges in the Classroom. The Street Law Program is a national program focused on teaching law and civics to high school students. That program, modeled after the one established by Georgetown University Law Center, was brought to Washington state by Seattle University Professor Margaret Fisher in 1982. In 2003, under Fisher's vision, judges were added to pair with teachers in instruction. Judges in the Classroom, a program operated by the Washington Administrative Office of the Courts since 1996, allows teachers to request judges to attend classes and provide instruction, typically interactive, on the legal system. Students K-12 have the opportunity to learn about state law, learn about the various roles in the legal profession, and interact with a judicial officer.

CONTINUED >

LEARN MORE

With the summer months approaching, King County District Court is presently gearing up for this year's community engagement roster. Community members that would like the court to host a booth at their event are welcome to contact the court for more information and a Community Engagement Participation Form. Visit **https://cdn.kingcounty.gov/-/media/king-county/courts/district-court/dei-page-docs/community-outreach-participation-request-ec-edit.pdf**.

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For the People

CONTINUED >

Under programs like these, if judges can go directly into classrooms in the community, then one must wonder why it is controversial for judges to show up in the communities in which those classrooms are situated. To answer that, in part, one need only look at some of the context in which the question was presented by the court to the Ethics Advisory Committee about this subject: "Some of these events are hosted by non-governmental organizations and require entrance or 'table fees.' Many are affiliation events held by diverse community groups. Among those non-governmental organizations were nonprofit religious organizations, nonprofit community-based social justice agencies, and other culturally focused agencies." With increased diversity in the judicial officers serving on the bench and on the KCDC DEI Committee, almost naturally, there is a wider cultural lens that leads those involved to see the need to expand the reach of community participation into the more diverse communities served by the court. The DEI Committee's booth was now not only in downtown Redmond and north King County areas like Shoreline and Kenmore; it was now at Rainier Beach, Judkins Park, and the Muslim Day of Dignity in New Holly. Last year, for the first time, the court even hosted a full booth at the annual *Charles V. Johnson* Youth and Law Forum.

Showing up in these communities, these communities that are also a huge part of the population served by King County District Court, is so important because courts of limited jurisdiction are the people's courts. These courts are often the entry point or first threshold of introduction to the legal system—whether for a service like a name change or passport or a criminal misdemeanor matter. So often when people come into the spaces of court, they come in a time of need, crisis, or at their very worst moment. The environment can be cold, foreign, and intimidating. The people, their titles, and roles are mysterious and uninviting. King County District Court Judge Hawkins has shared that:

> Sometimes, members of the community express their gratitude for our court being present with them. Sometimes they share grievances. Bottom line: Outreach events give us, as judges, a chance to connect with the communities that we serve. We demonstrate by being present and in the moment that we care about the people that elected us to do this critical work.

Former court staff member Tenlee Bell shared that she loved being part of the DEI Committee. "Seeing the children wearing the robes and holding the gavels and being so happy is really great. I think this shows the community we are out there for them." Whitney Eischen, Court Coordinator at KCDC's Seattle location, doesn't mind traveling to different event locations, expressing that, for her, it's an honor to participate. When asked about the court and the services offered, Eischen said, "It makes me proud to work at KCDC!"

Through another crowd favorite, a civic education game called "Pin the Court" that was created by one of the judges, members of the public are introduced to the basic structure of the state court system and learn which types of cases and services are offered by the courts at the three main levels—municipal, district, and superior. It's amazing to see how engaged people are with the game, the questions that it generates, and the conversation that it invites. Community member Tia Shabazz, who visited the court's booth at the Umoja Festival in a previous year, said she believes "this is what our communities need." Speaking to the Pin the Court game, Shabazz said, "In five minutes, we get a whole lesson on our basic court system ... and it's fun!"

Civic education and community engagement really go hand in hand. The beautiful aspect of showing up in community is that it creates the possibility to do both, with one lending credibility to the other. BN

NOTES

1. Washington Supreme Court letter, June 4, 2020, www.courts.wa.gov/content/publicUpload/Supreme%20Court%20News/Judiciary%20Legal%20Community%20SIGNED%20060420.pdf.
2. CJC Canon 3, Comment 1.
3. Ethics Advisory Committee Opinion 24-03 is available at www.courts.wa.gov/programs_orgs/pos_ethics/?fa=pos_ethics.dispopin&mode=2403.

FEATURE

How the QT+ Committee Helps Make the Invisible Visible

New Supreme Court subcommittee seeks members

BY MEHERA NORI

In 1990, the Washington Supreme Court created the Minority and Justice Commission in an effort to identify and eliminate racial, ethnic, and cultural bias within all Washington state courts. The Commission was tasked with analyzing state court systems and developing creative solutions to address racial inequity. Since its inception, the Commission has played an active role in examining how the legal system impacts communities of color statewide, publishing research reports and bench guides that offer data-driven proposals to reduce racial inequity in the judicial system. In 2025, the Minority and Justice Commission became a standing commission, underscoring the need for continuous reflection and assessment to ensure the Washington state justice system remains accessible and equitable as it continues to grow.

To further this mission, the Minority and Justice Commission has launched a new standing subcommittee, the QT+ Committee, to focus specifically on the intersectional experiences of Two Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, and other (2SLGBTQIA+) users of the Washington state legal system. The subcommittee centers the complex realities of individuals whose racial, ethnic, and cultural identities overlap with their 2SLGBTQIA+ identities.

Historically, and continuing today, the experiences of queer and trans people of color have been overlooked or erased due to the compounding impacts of racism, homophobia, and transphobia within and beyond the legal system. When legal institutions fail to recognize these intersecting identities, the policies and practices developed are often designed around incomplete or inaccurate assumptions about who court users are and what they need. This invisibility can result in disproportionate harm, ranging from limited accessibility to legal support and decreased credibility in court proceedings to increased surveillance, punishment, and mistrust of the legal system. Queer and trans people of color face heightened discrimination within the legal system, which creates barriers to justice across civil and criminal courts and contributes to the disproportionate involvement of 2SLGBTQIA+ individuals in the court.

The QT+ Committee will support long-term projects that address these inequities by gathering and analyzing information, data, and lived experiences specific to Black, Indigenous, and other people of color (BIPOC) within the broader 2SLGBTQIA+ umbrella. Planned efforts may include developing judicial and legal education programs, producing research and data reports, analyzing the impact of existing laws and policies on court users, presenting an educational symposium to the Washington Supreme Court and to the public, and providing expertise and information to legislative, executive, and other groups who seek to improve equity and access to justice.

As the QT+ Committee begins its work, the Minority and Justice Commission invites any interested individuals to join as members to help shape its work. The QT+ Committee seeks a wide range of members with lived experience navigating the Washington state court system, whether that be as a person with direct experience navigating the legal system or an advocate offering legal support. People of color who identify as part of the 2SLGBTQIA+ community are strongly encouraged to join and participate in leadership roles. By building a diverse membership, the QT+ Committee hopes to create a collaborative, community-driven body capable of advancing meaningful changes in our state's judicial system. BN



Mehera Nori (she/her) is a Seattle-based solo practitioner whose law firm, Pride Law PLLC, focuses on supporting 2SLGBTQIA+ individuals with civil legal matters. She is a member-at-large of the QT+ Committee, which is currently chaired by Judge Anthony David Gipe.

LEARN MORE

To learn more about the QT+ Committee and to nominate someone or yourself for membership, visit the "News and Events" page of the Minority and Justice Commission website at **www.courts.wa.gov/?fa=home.sub&org=mjc**.

2025 SNAPSHOT

WSBA DISCIPLINE SYSTEM ANNUAL REPORT

Annually, the Washington State Bar Association publishes a report on Washington's discipline system. This report summarizes the activities of the system's constituents, including the WSBA's Office of Disciplinary Counsel (ODC), Office of General Counsel (OGC), and Regulatory Services Department (RSD), the Disciplinary Board, hearing officers, and the Client Protection Fund. The report also provides statistical information about discipline for those licensed to practice law in Washington for the calendar year. These pages provide an informal overview of the 2025 Discipline System Annual Report.



MORE ONLINE

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

To view the full 2025 Discipline System Annual Report, scan the QR code below:

STRUCTURE

How the Lawyer Discipline and Disability System Works

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

WSBA Office of Disciplinary Counsel (ODC)

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

Hearing Officers *(Administered by OGC)*

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

Disciplinary Board *(Administered by OGC)*

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

Washington Supreme Court

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

BY THE NUMBERS PART I

41,375 Licensed Lawyers (34,203 active)

27 Public Formal Complaints Filed

9 Disciplinary Hearings

46 Disciplinary Actions Imposed

59 Disciplinary & Disability Proceedings Opened

2,228 Disciplinary Grievances Opened

1,895 Disciplinary Grievances Resolved*

88 Non-Communication Matters Informally Resolved

28 File Disputes Informally Resolved

3,271 Public Inquiries, Phone Calls, and Emails

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

A CLOSER LOOK

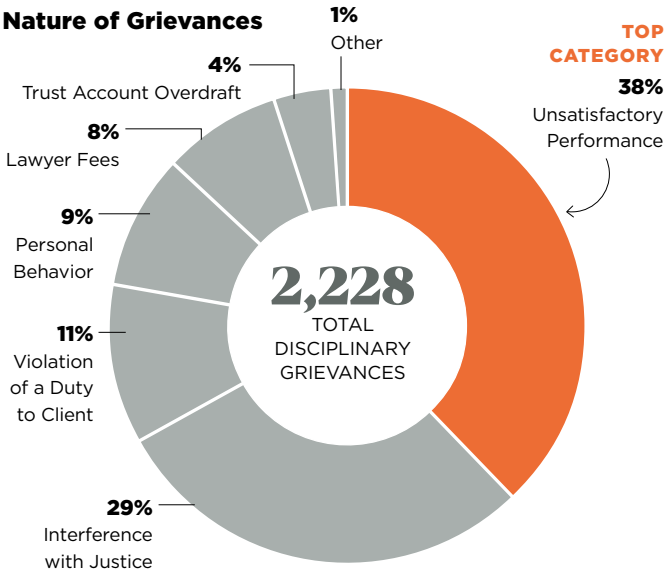
Number and Nature of Grievances

ODC's intake staff receives all public inquiries and written grievances and conducts the initial review of every grievance.[1] After initial review, some grievances are dismissed, and others are referred for further investigation by ODC investigation/prosecution staff. Grievances that are not dismissed or diverted after investigation may be referred for disciplinary action. When warranted and authorized by a review committee of the Disciplinary Board, these matters are prosecuted by disciplinary counsel with the assistance of professional investigators and a support staff of paralegals and legal administrative assistants. In 2025, ODC opened 2,228 grievances.

NOTE

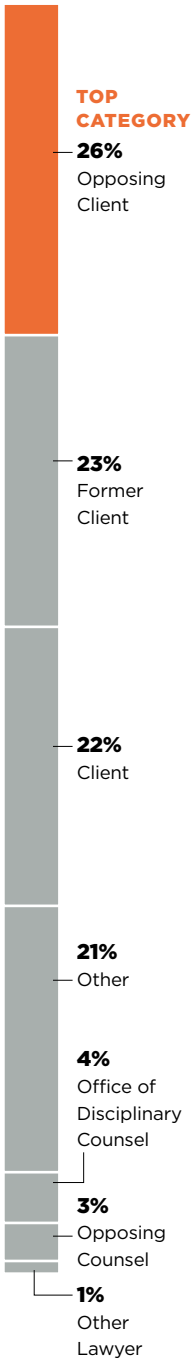
1. Conflicts Review Officers perform this review when required by ELC 2.7. In some cases not subject to ELC 2.7, initial review is assigned to independent Special Disciplinary Counsel under ELC 2.8(b).

Nature of Grievances



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

Sources of Grievances Filed

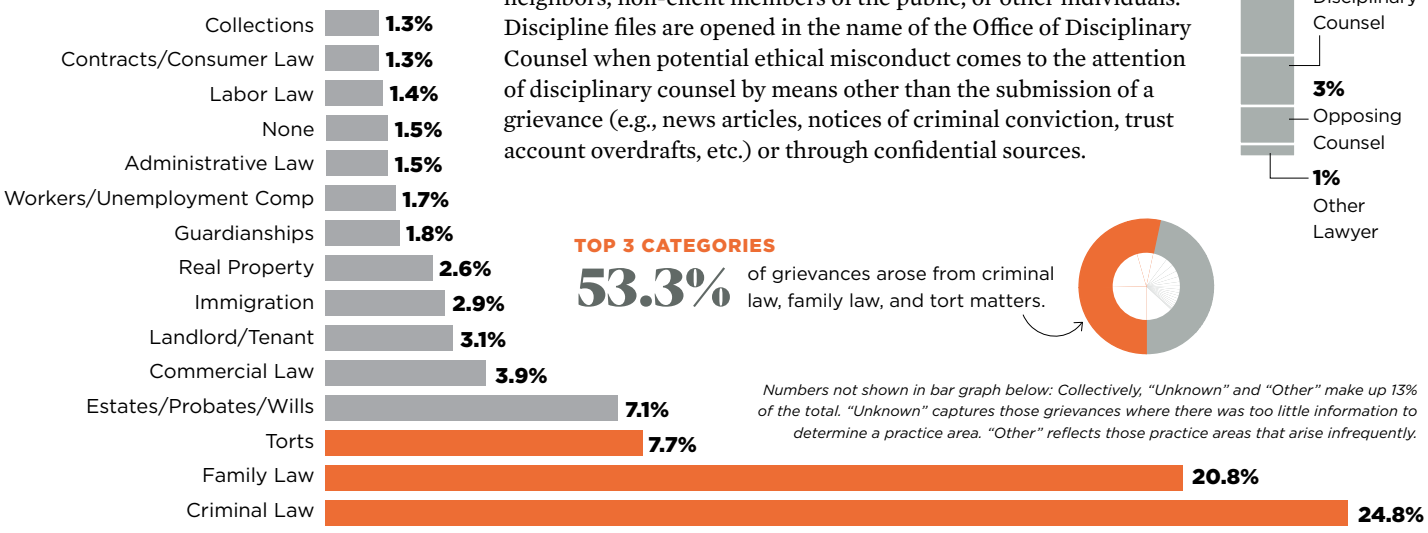


Grievance Filings in Detail

In 2025, the majority of grievances against Washington lawyers originated from opposing clients, former clients, and clients. "Other" may include grievances filed by family members, neighbors, non-client members of the public, or other individuals. Discipline files are opened in the name of the Office of Disciplinary Counsel when potential ethical misconduct comes to the attention of disciplinary counsel by means other than the submission of a grievance (e.g., news articles, notices of criminal conviction, trust account overdrafts, etc.) or through confidential sources.

Practice Areas of Grievances

Top 15 (by highest percentage)



TOP 3 CATEGORIES

53.3% of grievances arose from criminal law, family law, and tort matters.

Numbers not shown in bar graph below: Collectively, "Unknown" and "Other" make up 13% of the total. "Unknown" captures those grievances where there was too little information to determine a practice area. "Other" reflects those practice areas that arise infrequently.

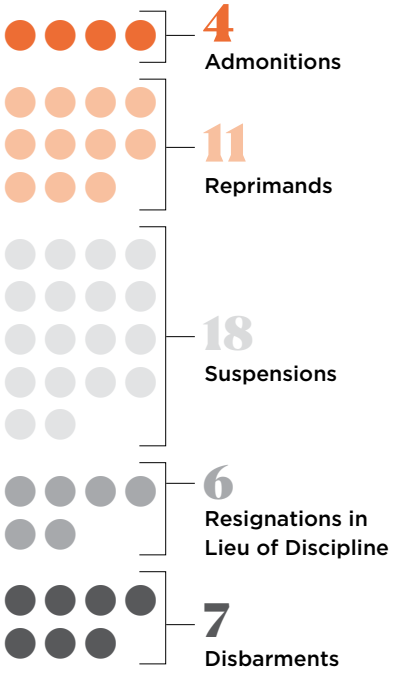
A CLOSER LOOK

Disciplinary Actions Taken

Disciplinary "actions," which include both disciplinary sanctions and admonitions, result in a permanent public disciplinary record. In order of increasing severity, disciplinary actions are admonitions, reprimands, suspensions, and disbarments. If a lawyer should be cautioned, review committees of the Disciplinary Board have authority to issue an advisory letter, which is neither a sanction nor a disciplinary action and is not public information. For less serious misconduct, ODC may divert a grievance from discipline if a lawyer agrees to a diversion contract, which if successfully completed results in dismissal of the grievance. In 2025, four matters were referred to diversion.

In 2025, 45 lawyers were disciplined and one lawyer had more than one disciplinary action, for a total of 46 disciplinary actions:

2025 Disciplinary Actions



BY THE NUMBERS >
PART III

24

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

1,943

Calls providing ethics advice were fielded by Professional Responsibility Program staff in fiscal year 2025.

36

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

OTHER COMPONENTS

Adjunct Disciplinary Counsel Panel

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

In 2025, the ADC Panel consisted of 28 volunteer lawyer members. Members of the ADC Panel were assigned to three new disciplinary related probations, assisted RSD in resolving one investigation, and assisted ODC in resolving four investigations and two proceedings — both of which resulted in admonitions being ordered.

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

LPO and LLLT Discipline System

Limited practice officers (LPOs) and limited license legal technicians (LLLTs) are also authorized to practice law in Washington, through regulatory systems administered by the WSBA. A Washington Supreme Court-mandated regulatory board oversees each limited license. Each licensee is subject to license-specific rules of professional conduct and disciplinary procedural rules. The WSBA administers a discipline system for each of these licenses. At the end of 2025, there were 704 LPOs and 70 LLLTs actively licensed to practice. In 2025, the WSBA received four disciplinary grievances against LPOs and 16 disciplinary grievances against LLLTs. One disciplinary action of a suspension was imposed on one LLLT.

Lawyer Disability Matters

Special procedures apply when there is reasonable cause to believe that a lawyer is incapable of properly defending a disciplinary proceeding, or incapable of practicing law, because of mental or physical incapacity. Such matters are handled under a distinct set of procedural rules. In some cases, the lawyer must have counsel appointed at the WSBA's expense. In these cases, a determination that the lawyer does not have the capacity to practice law results in a transfer to disability inactive status. Although the procedural rules governing disability proceedings are contained in the ELC, the proceedings are not disciplinary in nature. In 2025, five lawyers were transferred to disability inactive status based on an incapacity to practice law. BN

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RESTORATION SHOP LAWSUITS
DTPA - DECEPTIVE TRADE PRACTICES ACT
MAGNUSON-MOSS WARRANTY CLAIMS
BREACH OF CONTRACT CLAIMS
CONSUMER PROTECTION SERVICES
DEALERSHIP OUT OF BUSINESS ISSUES
CERTIFIED MEDIATOR & ARBITRATOR

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On Board

NEWS FROM THE BOARD OF GOVERNORS & THE WSBA

MAY 1-2, 2026

A Summary of the Board of Governors Meeting

The WSBA Board of Governors determines the Bar's general policies and approves its annual budget.

MEETING TAKEAWAYS

1 **Law Day: Calling All Legal Ambassadors (that's *YOU)!*** The Board commemorated Law Day on May 1 by announcing a joint campaign between the WSBA, the Washington Supreme Court, and the court's Lawyers in the Classroom program. We are asking every legal professional to take a pledge to be in a classroom on—or around—Constitution Day (Sept. 17), bringing the nation's founding document to life for the next generation of leaders. Take the pledge now, and we will wrap you in support in the coming weeks as you connect with a teacher and prepare to engage with students. "As a legal community, we feel deeply compelled to respond to a rise in civic cynicism, and one of the most meaningful and hopeful ways we can do so is by speaking to the next generation of leaders," said Chief Justice Debra Stephens. "Legal professionals witness the Constitution's real-world application and promise every day, and that's the perspective we can bring to the classroom. We want every student to understand their power—because the Constitution and the future belong to them."

- Take the pledge! Visit **www.wsba.org/about-wsba/ambassadors/law-day**.

2 **Congratulations to Newly Appointed Officers and Governors.** The Board selected District 10 Governor Nam Nguyen as incoming president-elect to serve as WSBA president for the 2027-28 term. Because no candidates filed in the recent election for expiring governor terms, the Board selected two individuals to serve in those seats until the next election cycle: Norma Linda Ureña for District 7-North and Qian (Sophie) Ying for District 8. The Board also selected Min K. Kang to fill the remainder of Governor Kari Petrasek's term. She will vacate her District 2 seat in September when she becomes president.

3 **Supporting Member Well-Being as a Strategic Goal**. The Well-Being Task Force delivered its final report—a comprehensive road map for improving the well-being of Washington legal professionals—after more than two years of widespread research and surveying. The report highlights five areas of recommendation:

1. Normalize help-seeking.
2. Expand education and training.
3. Improve access to resources and protect confidentiality.
4. Build connection and mentoring at scale.
5. Pursue structural and policy reforms.

Read the entire report at **www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/well-being-task-force**. WSBA leaders will now determine how to implement the recommendations and then return to the Board with specific policy questions. The report makes clear, and Board members agreed, that one of the most important elements of implementation will be collaboration with legal professionals and different communities to ensure solutions are inclusive and well understood.

MORE ONLINE

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

4 **Local Hero**. The WSBA named David J. Bentsen a Local Hero, an honor bestowed by the WSBA president in partnership with county bar associations to recognize colleagues who make noteworthy contributions to their communities. David was nominated by Chelan-Douglas County colleagues for his vital leadership role within the legal community and his prolific volunteer work, including with Chelan-Douglas Volunteer Attorney Services and the Wenatchee Valley Senior Center.

5 **Regulatory Proposals Regarding Bar Exam and Admissions.** The Board considered several recommendations to amend Admission to Practice Rules (APR) and WSBA Bylaws that relate to Bar

SAVE THE DATE

The next regular meeting is July 24-25 in Tulalip. To subscribe to the Board Meeting Notification list, email barleaders@wsba.org.

admissions and licensing. The amendments seek to:

- Eliminate the expiration of bar exam scores and remove the requirement to pass the bar exam for a current WSBA member returning to active status. (Discussion and first reading.)
- Eliminate outdated and exclusionary language and reduce the active legal experience required for a lawyer from a common law jurisdiction to sit for the bar exam. (Discussion and first reading.)
- Amend the definition of active legal experience. (Discussion and first reading.)
- Change the definition of approved law schools. (Approved by the Board.)
- Adjust the application deadlines to administer the LPO exam on the first Monday in October and April and add one additional late filing deadline for the NextGen bar exam. (Approved by the Board.)
- Expand the pool of examiners on the Board of Bar Examiners from 50 to 75 members to support grading of the NextGen exam and portfolio review for the experiential alternative to the bar exam. (Approved by the Board.)

6 An Updated Professional Oath?

The chair of the WSBA Oath Review and Drafting Task Force presented an interim report. The task force formed in July 2025 to consider the preadmission oaths taken by licensed legal professionals in Washington and, as appropriate, to make recommendations to update and reinvigorate the content of those oaths. To date, the task force has examined the history and content of the oaths, conducted surveys, and formed two subcommittees. Stay tuned for more information as the task force develops recommendations and seeks feedback from members. BN



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Over 20 years of experience in criminal defense, constitutional litigation, and justice reform in Washington and internationally. Former Federal Public Defender in Seattle and City Public Defender in Spokane with extensive felony trial experience. Former Litigation Manager at Kenya's Katiba Institute, leading major constitutional and human rights cases before the High Court, Court of Appeal, and Supreme Court. Now serving Washington clients with strategic, client-centered representation.

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1818 Westlake Ave N., Suite 216, Seattle WA 98109

Snohomish County Office
2817 Wetmore Ave, Everett, WA 98201

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LAWYER ANNOUNCEMENT



In Remembrance

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

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

William "Bill" Johnston

#6113, 3/29/2026



William "Bill" Johnston was born on June 2, 1947, in Waterbury, Connecticut, to parents William and Gertrude Johnston. He attended Fairfield University and then earned his law degree from the University of Connecticut. After graduation, Johnston joined Volunteers in Service to America (VISTA) to do legal aid; the organization assigned him to work in Bellingham, where he would stay for the rest of his life. While working with VISTA, Johnston met his future wife, Mary Kay. The two married in 1979 and eventually had two children, Joe and Maureen. Johnston practiced as a criminal defense attorney for more than 50 years. Among his most significant wins was *State v. Fitzsimmons*, a 1980 case that went all the way to the U.S. Supreme Court and eventually confirmed that indigent defendants who ask for a lawyer have the right to one, even when it is inconvenient, after hours, or on the weekend. A few of Johnston's former colleagues, Bill Knudsen, Doug Shepherd, and Penny Henderson, shared: "[We] were blessed to watch and marvel at the way Bill Johnston went about the difficult task of representing the accused and marginalized in our society. It was a journey Bill embraced, understood, and excelled at. … The justice system has lost a remarkable stone in its foundation." Johnston died on March 29, 2026, of ALS and metastasized cancer. He is survived by his wife of 46 years, Mary Kay Becker; his children, Joe and Maureen; his siblings, Mary Beth and Ned; and countless friends; relatives; admiring colleagues; and appreciative former clients. BN

MORE ONLINE

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

Robert Blackstone, #7180, 6/6/2025

Barry Brandon, #17985, 12/26/2025

Susan Filip, #38542, 3/29/2025

Daniel Fisher, #18510, 5/5/2025

Ilya Gamel, #30233, 5/16/2025

Justin Haspe, #56181, 5/1/2025

Bridgette Helms, #33739, 12/26/2025

David Henken, #44784, 4/25/2025

Neil Humphries, #2737, 3/10/2026

Craig Jones, #12931, 8/6/2025

Michael Jones, #331, 1/10/2026

Julie Kellogg-Mortensen, #30524, 2/28/2026

Joseph Mayo, #30201, 7/4/2025

Frank Murray, #7215, 10/16/2025

Sheila Musgrove, #34985, 8/23/2025

Thanh Nguyen, #18573, 2/26/2025

Kerri Oseguera, #27575, 3/23/2024

Nathan Pliska, #42625, 5/16/2025

Philip Nino, #19581, 1/28/2026

Bernard Ryan, #10839, 4/24/2026

Brian Schwarzwalder, #27714, 8/5/2025

John Hillis Skinner, #55269, 3/19/2026

Wendie Wendt, #34519, 2/26/2026



JAMS Welcomes Mediator/Arbitrator

Hon. Julie E. Frantz (Ret.)

Judge Frantz served as a trial judge on the Multnomah County Circuit Court for 23 years, presiding over civil and criminal cases and conducting settlement conferences. Since retiring from the bench in 2017, she has served as a mediator, arbitrator and court-appointed neutral/special master in a wide variety of practice areas. She was also a civil litigator for more than a decade. At JAMS, she will focus on business/commercial, construction, construction defect, employment, estate/probate/trusts, personal injury, professional liability and real estate matters.

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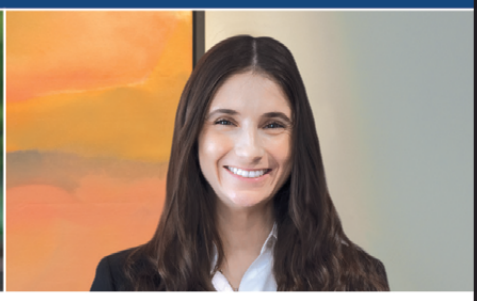
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EMPLOYMENT & LABOR LAW

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We are pleased to announce that ***Ellicott Dandy*** and ***Jack Miller*** have been named partners at our firm, and ***Anna Mendoza*** has been named an Associate Attorney.







Ellicott Dandy's practice focuses on representing employees in class actions, individual matters, and labor union representation.

Jack Miller's practice focuses on employee rights in wage and hour class actions, individual employment matters, and labor union representation.

Anna Mendoza's practice focuses on advocating for employees and labor unions.

(206) 682-6711 | frankfreed.com | 705 Second Ave., Suite 1200, Seattle, Washington 98104

Need to Know

NEWS & INFORMATION OF INTEREST TO WSBA MEMBERS

WSBA NEWS

Rural Day of Service Clinic

The WSBA Small Town and Rural Council (STAR) Rural Day of Service clinic, held in partnership with Inland Empire Legal Aid, will take place on July 27 from noon to 4 p.m. at the American Legion in Chewelah. The clinic will focus on simple estate planning (drafting of simple wills, power of attorney, and health care directives). Volunteers will be reimbursed for their reasonable travel expenses consistent with the WSBA Fiscal Policy. Please complete the Volunteer Attorney Sign Up Form by July 10 at **https://bit.ly/4ubH6rP**.

Small Town and Rural Summit

The 2026 Small Town and Rural (STAR) Summit, Justice Within Reach: Sustaining Rural Practice Through Community, will take place at Central Washington University in Ellensburg on June 26. In collaboration with the WSBA Access to Justice Board and CWU's Department of Law and Justice, we're bringing together voices from across the region for a day dedicated to rural practice and community empowerment. Send questions to **memberbenefits@wsba.org**. To register, visit **https://bit.ly/4wuzXo9**.

Work at the WSBA

The WSBA has three new job openings for those interested: Bar Exam Proctor (Temporary), Disciplinary Counsel I — Intake (Temporary – Urgent Hire!), and Disciplinary Counsel I — Intake. We review candidates on a daily basis. If your skills and experience appear to be a good match for this 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.

THE BAR BUZZ

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**.

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 tool bar on re:SearchWA to create a new free account. Once logged in, you can begin searching for cases right away. Visit **https://researchwa.tylerhost.net/CourtRecordsSearch/ui/Home** for more information including user guides and a list of participating courts.

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

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

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HEALTH ADVOCATES



Larson Health Advocates is excited to announce the addition of our new attorney,

DAN MCMILLIN

LHA is excited to announce the newest addition to our team, Dan McMillin. Dan's practice focuses on the defense of medical professionals and healthcare entities in civil litigation, medical malpractice, and licensing and disciplinary actions.

Dan began his legal career in Chicago in 2016, first trying disability cases in front of Administrative Law Judges, then as an attorney advisor for the Social Security Administration. He relocated to Washington in 2022 where he used his experience and understanding of complex medical matters to transition into medical malpractice defense.

LHA is thrilled to add Dan as part of our growing team and help carry out our mission of protecting healthcare providers so they can focus on what matters.

Welcome aboard, Dan!

Larson Health Advocates | 206.658.4690 | www.lhafirm.com

LAWYER ANNOUNCEMENT

TALMADGE FITZPATRICK

is pleased to announce that

Katie Dimsho

has become an associate.

Katie is a former law clerk for the commissioners at Division Two of the Court of Appeals and 2022 graduate of Seattle University School of Law.

2775 Harbor Avenue SW, Suite C, 3rd Floor
Seattle, Washington 98126
Tel 206-574-6661
www.tal-fitzlaw.com

LAWYER ANNOUNCEMENT

Need to Know

CONTINUED >

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.

VOLUNTEER

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**.

Legal Clinic Volunteers Needed

A free legal clinic put on by the Latina/o Bar Association of Washington, the King County Bar Association, and El Centro de la Raza is looking for attorney volunteers interested in doing pro bono work. The clinic takes place from 6-8 p.m. on the second Wednesday of every month at El Centro de la Raza in Beacon Hill (2524 16th Ave. S, Seattle, 3rd Floor). 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.

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

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

DISCOUNTS AVAILABLE

Software & Services for Your Practice

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

We offer discounts on:

- conflict-checking
- credit-card processing
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- document editing
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- practice management software
- remote receptionists
- retirement planning

Learn more and access your discounts today at **www.wsba.org/for-legal-professionals/member-support/practice-management-discount-network**.

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

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**.

Free Confidential Clinical Consult With Licensed Provider

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

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

June 2026 Usury

The usury rate for June 2026 is 12.00%. The auction yield of the May 4, 2026, auction of the six-month Treasury Bill was 3.728%. The interest rate required by RCW 4.56.110(3)(a) and 4.56.115 for June 2026 is 5.728%. The interest rate required by RCW 4.56.110(3)(b) and 4.56.111 for June 2026 is 8.75%. BN

DO YOU HAVE SOMETHING NEWSWORTHY TO SHARE?

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

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

Joseph W. Kuhlman (WSBA No. 42884, admitted 2010) of Spokane, was disbarred, effective 3/31/2026, by order of the Washington Supreme Court. Kathy Jo Blake and Nate Blanchard acted as disciplinary counsel. Joseph W. Kuhlman represented themselves. Knowrasa T. Patrick was the hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.2 (Scope of Representation and Allocation of Authority Between Client and Lawyer), 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.6 (Confidentiality of Information), 1.16 (Declining or Terminating Representation), 3.2 (Expediting Litigation), 3.3 (Candor Toward the Tribunal), 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of Law), 5.8 (Misconduct Involving Disbarred, Suspended, Resigned, and Inactive Lawyers), 8.1 (Bar Admission and Disciplinary Matters), 8.4(a) (Attempt, Assists or Induce), 8.4(b) (Criminal Act), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), 8.4(d) (Prejudicial to the Admin of Justice), 8.4(i) (Moral Turpitude, Corruption or Disregard of Rule of Law), and 8.4(l) (ELC violation).

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

Kuhlman was found to have violated the Rules of Professional Conduct by 1) providing false information to Judge Dimke and filing a response to the U.S. District Court's Feb. 26, 2025, show cause order that contained one or more false statements of fact and/or law; 2) causing Judge Dimke to appoint Kuhlman's client a federal public defender and set one or more court hearings and issue more than one court order to facilitate delivery of the client's file to the client; 3) testifying falsely under oath that respondent terminated an employee for performance issues related to the client's case; 4) failing to promptly provide the client with a copy of their client file; 5) falsely stating to ODC that respondent fired respondent's office manager and providing ODC with a fabricated email that purported to fire one of respondent's employees; 6) failing to promptly respond to disciplinary counsel's March 17, 2025, investigative inquiry; 7) failing to effectuate service on the defendants and failing to take actions to prosecute a client's case; 8) failing to keep the client informed about the status of their case and failing to respond to the client's reasonable requests for information; 9) collecting $9,500 and performing work of little value to the client, failing to provide the client information about fees and costs, and failing to refund unearned fees; 10) providing false and misleading information to the client about the status of respondent's license, about respondent's ability to represent the client, and about the circumstances of respondent's suspension, and failing to advise the client that they should seek legal advice elsewhere; 11) failing to file anything on a client's behalf for over a year and failing to diligently pursue an order vacating the client's convictions and/or an order restoring the client's firearm rights; 12) collecting $4,250 from the client and then failing to perform any work on the matter and failing to return unearned fees; 13) lying to the client about the case status, progress, lack of progress, and the reasons for the delay in resolving the client's case; 14) failing to respond to disciplinary counsel's written requests for a response to the client's grievance and failing to produce all documents in respondent's possession relating to respondent's representation of the client; 15) failing to diligently pursue an order for amended release conditions and failing to appear at the Sept. 20, 2024, hearing in a client's criminal case; 16) making one or more false statements to Judge Biviano during the small claims hearing; 17) failing to refund unearned fees to the client; 18) making one or more false and/or misleading statements in respondent's response to ODC; 19) failing to promptly respond to disciplinary counsel's written requests for a response to the client's grievance, failing to produce the client's client file as commanded by a subpoena, and failing to appear as commanded by a subpoena at the Jan. 6, 2025, deposition of respondent by ODC; 20) failing to diligently pursue a client's protection order; 21) failing to respond to the client's reasonable requests for information; 22) collecting a $4,354.40 flat fee from the client then failing to perform any work of value to the client and failing to refund unearned fees; 23) lying to the client about the status of respondent's law license, and lying to the client about the circumstances surrounding respondent's interim suspension; 24) lying to ODC about the work performed on the client's case, providing ODC with a fabricated document, lying to ODC about the reasons for respondent's non-responsiveness to ODC's request for a response to the grievance, and providing false and misleading information to ODC about respondent's compliance with ELC 14.1; 25) failing to promptly respond to disciplinary counsel's written requests for responses to the client's grievance, failing to produce all documents in respondent's possession relating to respondent's representation of the client, and failing to appear as commanded at the Jan. 6, 2025, deposition of respondent by ODC; 26) failing to respond to a client's

reasonable requests for information; 27) collecting $7,000 and then failing to perform any work of value to the client on the matter and failing to refund unearned fees; 28) failing to promptly respond to disciplinary counsel's written requests for a response to the client's grievance and failing to produce all documents in respondent's possession relating to respondent's representation of the client; 29) failing to diligently pursue a client's restraining order; 30) collecting $2,000 in fees and then failing to perform any work of value to the client on their matter and failing to refund unearned fees; 31) failing to respond to disciplinary counsel's written requests for a response to the client's grievance and failing to produce all documents in respondent's possession relating to respondent's representation of the client; 32) proceeding with the motion to release firearms after a client communicated that they did not want respondent to proceed with the motion and that the client wanted the court and authorities to keep and/or destroy the firearms, and arguing or implying to the court that respondent was acting with the client's authority; 33) failing to inform the client that respondent proceeded with the Feb. 6, 2025, hearing and about the outcome of the Feb. 6, 2025, hearing; 34) engaging respondent's legal assistant to communicate with prosecutors on respondent's behalf, attempting to obtain deputy prosecuting attorneys' agreement to continuances, requesting other lawyers cover respondent's cases, and having other lawyers stand in for respondent while respondent's law license was suspended; 35) not informing two other lawyers about the true cause and status of respondent's law license suspension, lying to another lawyer about submitting responses to ODC, and withholding material information from the court about the client wanting to forfeit the weapons to obtain an order allowing respondent's law firm to take possession of the client's firearms; 36) failing to promptly respond to disciplinary counsel's written requests for a response to a client's grievance; 37) collecting $15,000 and performing very little work, failing to refund unearned fees, and collecting funds and attempting to collect funds from a client's parent while respondent's law license was suspended; 38) discussing the client's lawyer-client privileged information with the client in front of a third party, discussing the client's lawyer-client privileged information in a recorded jail phone call with the client and their parent, and discussing the client's lawyer-client privileged information in a manner that renders it non-privileged; 39) providing legal advice to the client while respondent's license was suspended and failing to take necessary steps so that the client and their parent (who was also respondent's client in a different matter) understood not to rely on respondent as a lawyer authorized to practice law; 40) providing false and misleading information to the clients about the status of respondent's license, about the reason why respondent could not attend court on March 5, 2025, about respondent's ability to represent them, and about the circumstances of respondent's suspension, and failing to advise the clients that they should seek legal advice elsewhere.

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

Stephen Kenneth Monro (WSBA No. 26075, admitted 1996) of Snohomish, was disbarred, effective 3/12/2026, by order of the Washington Supreme Court. Henry Cruz and Marsha Matsumoto acted as disciplinary counsel. Mr. Monro was represented on appeal by Peter Offenbecher, Beth Andrus, Jennifer Wellman, and Erin Newton, of Skellenger Bender, P.S., and Robert C. Owen, of the Law Offices of Robert C. Owen, LLC. David Bruce Condon was the settlement hearing officer. Joseph M. Mano Jr. was the hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.15A (Safeguarding Property), 1.15B (Required Trust Account Records), 4.1 (Truthfulness in Statements to Others), 8.1 (Bar Admission and Disciplinary Matters), 8.4(b) (Criminal Act), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), 8.4(i) (Moral Turpitude, Corruption or Disregard of Rule of Law), and 8.4(l) (ELC violation).

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

MORE ONLINE

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

Monro was found to have violated the Rules of Professional Conduct by 1) using and converting client funds of SW, TC, KF, SA and the Estate of JK; 2) failing to deposit and maintain client funds in a trust account on multiple cases; 3) failing to promptly deliver funds to third persons, such as L&I liens in TC and SA's cases, which they were entitled to receive; 4) using client funds on behalf of another and disbursing funds in excess of the amounts clients had on deposit in multiple cases; 5) failing to provide KF and SA with a billing statement or written notice of his intent to withdraw earned fees; 6) failing in contingent fee matters, including SA's matter, to provide clients with a written statement and/or an accurate written statement showing the outcome of the matter, including remittance to the client and the method of its determination; 7) failing to provide a written accounting after disbursing funds from trust in cases with SW, TC, KF and SA; 8) charging and collecting an unreasonable fee in the Estate of JK and SA's matters; 9) comingling his mother's and wife's funds and his own funds with client funds in a trust account; 10) failing to maintain complete and current trust account records in multiple cases; 11) making misrepresentations to ODC during a grievance investigation, testifying falsely at his deposition, and fabricating a document in SA's case; 12) making false statements to SA and JA; 13) making false statements to a representative of L&I; and 14) using client funds owed to third persons such as in JD's case.

Decision documents: Hearing Officer's Amended Decision; Disciplinary Board Order Adopting Hearing Officer's Decision; and Washington Supreme Court Order.

James Sinclair (WSBA No. 52172, admitted 2017) of Spokane, was disbarred, effective 3/19/2026, by order of the Washington Supreme Court. Francisco Rodriguez acted as disciplinary counsel. James Sinclair represented themselves. Randolph O. Petgrave III was the hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.1 (Competence), 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.8 (Conflict of Interest: Current Clients: Specific Rules), 1.16 (Declining or Terminating Representation), 3.2 (Expediting Litigation), 3.3 (Candor Toward

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the Tribunal), 4.1 (Truthfulness in Statements to Others), 8.1 (Bar Admission and Disciplinary Matters), 8.4(b) (Criminal Act), 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 Sinclair be disbarred from the practice of law in Washington state.

Sinclair was found to have violated the Rules of Professional Conduct by 1) failing to provide a client with competent representation; 2) making false statements to the court and the prosecutor; 3) making a false statement to the public defender's office about having submitted a discovery request; 4) paying the fee for the client's bond and/or by providing a credit card guarantee as security for the bond; 5) failing to act with reasonable diligence in representing the client; 6) terminating the client's representation without reasonable notice, failing to refund unearned fees and/or costs, and/or failing to preserve and/or provide the client with papers to which the client was entitled; 7) failing to reasonably and promptly communicate with the client regarding the scope of representation and basis for respondent's fees; 8) charging the client fees for work that was not performed and/or for costs that were not incurred and/or by failing to refund advance payments that were not earned, and 9) failing to promptly respond to disciplinary counsel's investigative inquiries and/or requests for records, and/or by failing to provide subpoenaed records.

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

Resigned in Lieu of Discipline

Anthony Walton Dougherty (WSBA No. 7334, admitted 1977) of Clinton, resigned in lieu of discipline, effective 4/3/2026. 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. Claire Carden acted as disciplinary counsel. Jeffrey T. Kestle represented respondent.

The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 1.4 (Communication), 1.15A (Safeguarding Property), 5.3 (Responsibilities Regarding Nonlawyer Assistants), and 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of Law).

Dougherty's alleged misconduct includes: 1) failing to supervise a paralegal, 2) assisting the paralegal in the unauthorized practice of law, 3) failing to inform a client about a settlement offer, 4) withdrawing earned fees prior to notifying the client of Dougherty's intent to do so, 5) failing to provide a written accounting to the client, 6) failing to promptly disburse client funds, and 7) using one client's funds on behalf of another.

Decision document: Resignation Form of Anthony Walton Dougherty ELC 9.3(b).

G. Christopher Ramsey (WSBA No. 35358, admitted 2004) of Naples, FL, resigned in lieu of discipline, effective 3/3/2026. 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. G. Christopher Ramsey represented themselves.

The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 1.16 (Declining or Terminating Representation) and 8.4(l) (ELC violation).

Ramsey's alleged misconduct includes failing to timely notify opposing counsel and the courts of respondent's suspension and inability to act on behalf of respondent's clients and failing to serve an affidavit of compliance on the WSBA.

Decision document: Resignation Form of G. Christopher Ramsey ELC 9.3(b).

Suspended

Nichole Danelle Fisher (WSBA No. 54253, admitted 2018) of Lakewood, was suspended for 30 months, effective 3/4/2026, by order of the Washington Supreme Court. Thea Jennings and Kathy Jo Blake acted as disciplinary counsel. Nichole Danelle Fisher represented themselves. Diana Marie Dearmin was the hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.8 (Conflict of Interest: Current Clients: Specific Rules), 1.16 (Declining or Terminating Representation), 3.3 (Candor Toward the Tribunal), 4.1 (Truthfulness in Statements to Others), 8.1 (Bar Admission and Disciplinary Matters), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), 8.4(d) (Prejudicial to the Admin of Justice), 8.4(l) (ELC violation), and 8.4(n) (Unfitness to Practice Law).

Fisher stipulated to suspension for: 1) failing to attend a client's pretrial hearing; 2) accepting payment for a client's representation from the client's relative without the client's informed consent; 3) making one or more false statements to the client and the prosecuting attorney; 4) telling the court a false statement that respondent got a flat tire on the way to court on May 28, 2024; 5) making one or more false statements to ODC during the grievance investigation; 6) failing to object to the state's proposed restitution order, failing to file any pleading in response to the state's proposed restitution order, and failing to appear at a restitution hearing; 7) failing to timely provide the medical providers with a client's police reports and by failing to attend one or more court hearings; 8) failing to appear at one or more court hearings in a client's criminal matter and failing to appear at the DOL hearing; 9) collecting $3,500 from a client then failing to perform any work on the matter that was of any value to the client; 10) failing to appear at a client's arraignment; 11) collecting a $5,000 flat fee from the client and then failing to complete the representation on the criminal matter; 12) collecting $10,000 from a client and then failing to perform any work on the matters that was of value to the client; 13) failing to appear at one or more hearings in a client's criminal matter; 14) collecting a $4,375 flat fee from the client and then failing to complete the representation on the criminal matter; 15) telling the client that the prosecutor had offered a plea to a reduced charge when no such offer had been made and by making one or more false statements to the client about the status of plea negotiations; 16) failing to file a notice of appearance in a DUI matter and by failing to assist a client in obtaining a continuance of the client's arraignment date in the DUI matter; 17) collecting a $6,000 flat fee from the client and then failing to perform any work on the criminal matter; 18) failing to respond to the client's reasonable requests for information and by failing to adequately

explain the matter to the client to the extent reasonably necessary for the client to make informed decisions regarding the representation in eight client matters; 19) failing to refund unearned fees in six client matters; 20) failing to provide a prompt response to five grievances, failing to provide documents responsive to a subpoena, and by failing to appear at the May 7, 2025, and July 28, 2025, depositions; and 21) committing the acts described in paragraphs 2-141 of the Stipulation to Suspension, Fisher demonstrated unfitness to practice law.

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

Diana E. Moller (WSBA No. 24707, admitted 1995) of Seattle, was suspended for six months, effective 4/3/2026, by order of the Washington Supreme Court. Claire Carden and Marina Busse acted as disciplinary counsel. Kenneth Scott Kagan represented respondent. Henry E. Farber was the hearing officer. Randolph O. Petgrave III was the settlement hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.16 (Declining or Terminating Representation), and 8.4(l) (ELC violation).

The hearing officer recommended, and the court ordered, that Moller be suspended from the practice of law in Washington state for six months, followed by probation for 24 months beginning on the date Diana E. Moller is reinstated to the practice of law.

Moller was found to have violated the Rules of Professional Conduct by 1) failing to act with reasonable diligence in filing a client's VAWA application, 2) failing to timely produce the client file, and 3) failing to promptly respond to disciplinary counsel's requests for a response to the grievance.

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

Andrew Michael Reeves (WSBA No. 47116, admitted 2014) of Tacoma, was suspended for one year, effective 3/31/2026, by order of the Washington Supreme Court. Claire Carden acted as disciplinary counsel. Andrew Michael Reeves represented themselves. Janice Sue Wang was the hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 3.4 (Fairness to Opposing Party and Counsel), 8.4(d) (Prejudicial to the Admin of Justice), and 8.4(j) (Violate a Court Order).

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

Reeves was found to have violated the Rules of Professional Conduct by 1) failing to issue a timely final written decision on the Concrete Nor'west permit application and final written decision on the Concrete Nor'west permit application that complied with Skagit County Code 14.06.160(9), 2) knowingly disobeying court orders, 3) failing to issue a timely final written decision on the North Olympic View Condominiums permit application and a final written decision on the North Olympic View Condominiums permit application that complied with Sequim Municipal Code 2.10.080(D), 4) failing to issue a timely final written decision on the Community Lifeline permit application and a final written decision on the Community Lifeline permit application that complied with Shelton Municipal Code 2.36.170, and 5) failing to issue a timely final written decision on the Pineo permit application and a final written decision on the Pineo permit application that complied with Bremerton Municipal Code 1.04.080(e).

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

Adam Andrew Sandoval (WSBA No. 47059, admitted 2014) of Yakima, was suspended for 18 months, effective 4/20/2026, by order of the Washington Supreme Court. Henry Cruz and Thea Jennings acted as disciplinary counsel. Andrew Harry Gustafson represented respondent. Jehiel Baer was the settlement hearing officer. Joseph M. Mano Jr. was the hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.16 (Declining or Terminating Representation), 3.2 (Expediting Litigation), 8.4(d) (Prejudicial to the Admin of Justice), and 8.4(l) (ELC violation).

Sandoval stipulated to suspension for: 1) failing to diligently represent a client in a parenting plan modification matter, 2) failing to reasonably communicate with the client about the parenting plan modification matter, 3) charging an unreasonable fee, 4) failing to promptly refund fees for a legal intern's time that was overbilled and failing to refund other unearned fees, and 5) failing to correct inaccurate information provided to ODC during the grievance investigation.

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

Reprimand

Matthew W. Anderson (WSBA No. 43045, admitted 2010) of Seattle, was reprimanded, effective 3/16/2026, by order of the chief hearing officer. Claire Carden acted as disciplinary counsel. Kevin M. Bank represented respondent.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.5 (Fees).

Anderson stipulated to reprimand for: 1) failing to adequately communicate with his clients about the basis and rate of his fee, and 2) failing to include the required language for flat fee agreements when describing the fee.

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

Interim Suspension

Robert Patrick Brouillard (WSBA No. 19786, admitted 1990) of Shoreline, is suspended from the practice of law in the state of Washington pending the outcome of disciplinary proceedings, effective 4/3/2026, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.***

Shon Hopwood (WSBA No. 49102, admitted 2015) of Washington, D.C., is suspended from the practice of law in the state of Washington pending the outcome of disciplinary proceedings, effective 4/24/2026, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.*** BN

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NEW ASSOCIATE

Hallie E. Bader
Tacoma native whose practice focuses on a variety of civil litigation matters, including contract disputes, labor and employment, and real estate litigation.

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Abigail G. Coffey
Associate attorney focusing on mergers and acquisitions, corporate formation, corporate governance, and intellectual property matters. Represents private companies, business owners, and individuals in transactional matters including business formation, asset and equity transactions, and governance documentation.

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NEW ASSOCIATE

Ann Sim
Associate attorney focusing on commercial real estate transactions and development, including acquisitions and dispositions, leasing, financing, and land use matters. Also advises clients on business transactions, entity formation, mergers and acquisitions, lending, and corporate governance.

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Welcomes Shareholder Laurie Thornton



Schwabe is thrilled to welcome Laurie Thornton to the firm's Seattle office. Armed with extensive experience in complex bankruptcy and restructuring matters, Laurie greatly enhances our ability to help clients navigate the intricate legal and procedural landscape of the bankruptcy system. She will provide practical, strategic legal advice to debtors, secured creditors, trustees, and creditors' committees. Laurie has led numerous Chapter 11 cases and state court receiverships across jurisdictions like Washington, Montana, Alaska, and Delaware. Her deep understanding of court functions stems from managing the U.S. Trustee's Seattle field office and nearly a decade in chambers with a Ninth Circuit bankruptcy judge.

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Welcomes Associate Katie Clavere



Schwabe is pleased to welcome IP Lawyer Katie Clavere to our Seattle office. Her work includes handling everything from USPTO Trademark Trial and Appeal Board pleadings to discovery, cease-and-desist letters, and asset protection issues. She also advises clients on data privacy and cybersecurity matters, including drafting website privacy policies, terms of use, and AI policies, and guiding them through best practices in the event of a data breach or cybersecurity incident, providing practical strategies that protect businesses and position them for what comes next.

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Lawyer Announcement

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Brandon Isleib

BAR NUMBER: 50898

Brandon Isleib is the Seattle Code Reviser, housed in the Seattle City Attorney's Office. Under the name Restless Mosaic, he's produced an album for a Grammy-nominated rapper and is producing an EP for a Billboard chart-topping trance singer.

What is the most interesting case you have handled in your career so far and why? I had to interpret an intersection of the RCW and Seattle Charter that had been waiting 95 years to produce the exact right fact pattern, and no other municipalities had laws that could create a comparable situation. Two separate outside counsel opinions from experts agreed with different halves of my interpretation (which means they disagreed with each other). Knowing you're in a novel legal situation is a feeling unlike any other.

Did you end up practicing in the area of law you expected? If not, where did you end up and why? It's the area of law I eventually wanted to practice, but coming out of law school I didn't know it even existed. Graduating in 2009, I took what came to me, and that was document review for antitrust class actions. When that started to dry up, I Googled "Seattle legal publishing," hoping to use my columnist experience for a magazine similar to the one you're reading right now. It turned up zero magazines, but it did turn up Code Publishing, which was between legal reviewers and happy to let me try my hand at it. I'd get entire municipal codes during recodification projects and read them start to finish for legal issues, eventually advising jurisdictions in 12 states. Fourteen years later, I haven't fixed all the laws, but it isn't for a lack of trying.

What is your biggest success? On paper, and as an icebreaker, it's writing the ordinance that gave me my current legal powers as Code Reviser. (By pure coincidence, it took effect on my birthday.) But the real success is whenever people choose to involve me in what they're working on. Everybody in life has a choice to route what they care about *through* you or *around* you, so whenever it's the former, I'm supremely grateful.

What is an example of something you've done to make the legal field more accessible to legal professionals from marginalized backgrounds? I'm autistic and don't come from a lawyer family, and I still feel like an outsider in the culture. In 2020, Seattle had an extern who came from a few backgrounds that aren't usual to the legal profession, and she also had no lawyers in her family. So I became one of her sounding boards to sort out all the scraps of career advice you get in law school and how to feel capable in the profession when you don't have that confidence handed down to you. A few years later, she was trying to connect more broadly to the legal profession, so I suggested that she fill out this exact questionnaire. And you published Shaunita Felder's profile in October 2023!

How would you be earning a living if you weren't a lawyer? I worked for Wizards of the Coast on *Magic: The Gathering Online* before taking my current job. I absolutely could have stuck with getting paid to play video games. BN



Staff illustration

If you had to give a 10-minute presentation on one topic other than the law, what would it be and why? Songwriting and music production, since that's the other side of my endeavors these days. How much could I fit into 10 minutes? Great question.

What is one thing from your childhood that you would bring back if you could? Musicmatch Jukebox, pre-iTunes software with CD-ROMs that had tons of free music on them. I appear to be the world's only collector of it, and I use my Reddit account to help people find songs they remember from it. I helped someone find a song they'd been trying to track down for 20 years; that was fun.

Honorable mention to Oatmeal Swirlers.

What is the most unusual job you've ever had? I worked two summers in college for one of the nation's biggest mail-order clock parts companies, because it happened to be on the road I lived on.

What's your go-to karaoke song? "Justified and Ancient" by The KLF, feat. Tammy Wynette and Ricardo da Force, doing all three parts. The karaoke version doesn't put the rap lyrics on the screen, so I had to memorize it.

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