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WASHINGTON STATE
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Accountability Meets Recovery



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NOV. 2026
VOL. 80, NO. 9

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Editor's Note

Beyond Discipline Notices

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



ON THE COVER
Staff photo illustration. Source images provided by author; background photo © Getty/Yeti Studio

If you receive this magazine, you are probably aware that the most-read pages in *Bar News* are usually the discipline and other regulatory notices. This is understandable. You might want to check the names for anyone you know, and you likely want to learn how other legal professionals have erred in order to avoid a similar fate. This month, the Office of Disciplinary Counsel is providing a look behind the scenes of the WSBA's discipline system: how grievances are filed, how the intake process works, when grievances are dismissed, and what happens during and after an investigation. Read more on page 28.

Also in this issue: a cover feature telling two success stories from the Cheney Therapeutic Court (page 24), an ethics column on how to deal with disputed funds in trust accounts (page 14), a writing column on three habits to avoid when authoring a brief (page 19), a Volunteer Spotlight on WSBA Law Clerk Board Chair Christell Casey (page 34), a Treasurer's Report introducing the WSBA's 2027 fiscal year budget (page 12), and more. BN

NEW AI USE POLICY

In August, the WSBA Editorial Advisory Committee voted to approve a policy to govern the use of generative artificial intelligence in *Bar News*.

Read the full policy at: **https://wabarnews.org/about-us/**.

EXPANDED IN REMEMBRANCE SECTION ONLINE

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



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

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

EXECUTIVE DIRECTOR	**Terra Nevitt** 206-727-8282 terran@wsba.org
WASHINGTON STATE BAR NEWS EDITOR	**Kirsten Lacko** 206-239-2127 kirstenl@wsba.org
WASHINGTON STATE BAR NEWS DESIGNER	**Jessica Randklev** 206-727-8214 jessicar@wsba.org

Washington State Bar News Contact Information

ARTICLE SUBMISSIONS	**wabarnews@wsba.org**
LETTERS TO THE EDITOR	**wabarnews@wsba.org**
IN REMEMBRANCE SUBMISSIONS	**wabarnews@wsba.org**
WASHINGTON STATE BAR NEWS ONLINE	**https://wabarnews.org**

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

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

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Washington State Bar News is published nine times a year with a current circulation of approximately 34,000.

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All opinions, statements, and conclusions expressed in letters to the editor represent the views of the respective authors and do not necessarily carry the endorsement of the WSBA, its Board of Governors, or individual members of the Washington Bar. Publication of letters to the editor is not to be deemed an endorsement of the opinions, statements, and conclusions expressed by the author(s).

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

Language Access Is a Professional Responsibility, Not an Additional Burden



Mark Fucile's October 2026 article, "Lingua Franca," discusses attorneys' ethical obligations regarding language access. Yet its suggestion that passing interpretation costs to clients may be "prudent," alongside declining representation, overlooks a fundamental question: What happens when clients who do not speak English as their primary language cannot afford meaningful legal services?

At Skagit Legal Aid, we serve indigent immigrants, including Indigenous farmworkers who speak Mixteco and other languages for which qualified interpreters are exceptionally difficult to find. In 2025, the Board for Judicial Administration recognized our language access work with its Innovating Justice Award. With assistance from Washington's Administrative Office of the Courts, we have launched an initiative to train the next generation of Indigenous language interpreters.

These challenges extend beyond rural communities. In Southwest Washington, near Mr. Fucile's office, Indigenous

and Pacific Islander immigrant communities, including Chuukese-speaking families from Micronesia, face significant language barriers.

Passing interpretation expenses to clients who already cannot afford an attorney is unconscionable. Language access is not optional. It is essential to competent representation. Our profession should unequivocally reject the suggestion that shifting these costs onto vulnerable clients is a prudent approach to legal practice.

RPC 1.1 requires competence, RPC 1.4 requires communication, and RPC 1.2 protects client decision-making. While declining representation may sometimes be ethically necessary, it cannot be our profession's answer to systemic language barriers.

This framing also runs counter to the WSBA's 2025 Equity and Justice Action Plan. Goal No. 2 expressly prioritizes affordable legal services for undocumented communities, people with limited English proficiency, and people experiencing poverty.

The author's reflection on his Italian immigrant ancestors resonates with my own father's family history. But honoring our immigrant heritage requires confronting barriers facing today's immigrants.

Our profession must move beyond what ethical rules technically permit and confront what meaningful access to justice demands. Language access requires investment and collective responsibility—not additional financial barriers for those least able to bear them.

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Northwest Courts Wrestle with AI 'Hallucinated' Citations by Pro Se Litigants



BY MARK J. FUCILE

This past month, courts in Washington, Oregon, and Idaho all wrestled with "hallucinated" citations generated by artificial intelligence tools used by *pro se* litigants. The cases included a disparate mix of substantive law areas and procedural postures. The Washington case, *King v. AT&T*, 2026 WL 2651548 (W.D. Wash. Sept. 9, 2026) (unpublished), involved a *pro se* plaintiff suing several corporations at the trial court level [...]

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Amendments to ER 904 Take Effect







BY MAILE JOHNSTON AND TOMMY TOBIN

For Washington civil litigators, a familiar—and often contentious—evidentiary rule has been amended. Effective Sept. 1, 2026, Washington Evidence Rule 904 was amended to remove the rule's so-called "catch-all provision." This provision previously provided a potential avenue for admission of documents relating to a material fact that had [...]

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The Real Reason

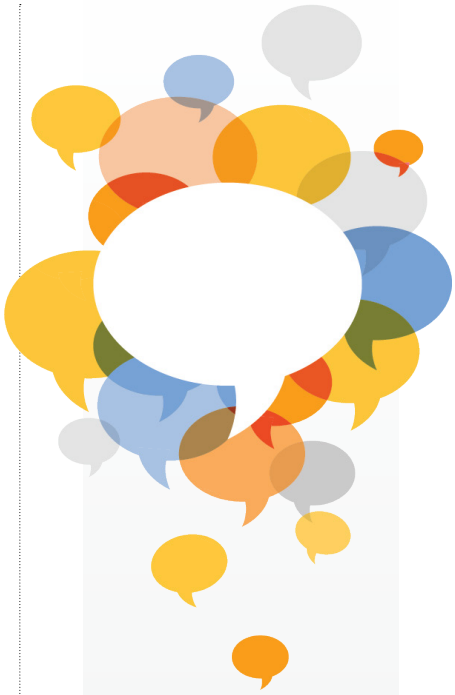




BY BRITA LONG

You have your s*** together—that's what you tell yourself. Some days you may even believe it for a few minutes. Most attorneys manage to at least give others the appearance that they have their act together. But internally many feel like they are holding on by a thread. And in a profession where [...]

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Volunteering With the WSBA in Focus

More than 1,500 volunteers help the Washington State Bar Association advance its mission and strengthen the legal profession. Behind their service is Paris Eriksen, the WSBA's manager of volunteer engagement. I recently interviewed Paris and asked her how the WSBA recruits and supports volunteers, how volunteerism is evolving, and why there is a place for every member to contribute.

Q. What does the manager of volunteer engagement do, and why is this role uncommon among bar associations?
A. My role focuses on designing, coordinating, and supporting an entire ecosystem around volunteerism—from recruitment and onboarding to training, recognition, and long-term commitment. The WSBA made a deliberate choice to create a dedicated position focused on strengthening all aspects of volunteerism at the WSBA.

Q. Why did the WSBA feel it was important to invest in a dedicated role focused on volunteer engagement?
A. The organization relies on volunteer time, expertise, and leadership to deliver much of its mission. As volunteer structures grew more complex, the WSBA recognized that a centralized, strategic approach was needed. In most bar associations, this work is fragmented across departments; the WSBA chose instead to treat volunteer engagement as a core organizational function.

Q. How does your position reflect the WSBA's long-term commitment to supporting and strengthening volunteer involvement?
A. The organization acknowledges and values volunteers as core to the WSBA's mission. In order for that important relationship (between organization and volunteer) to function optimally, volunteers must never be thought of as "extra" but as a foundational part of how the WSBA functions and delivers value to members and the public.

Q. Can you share an example of how having someone in your role has transformed the volunteer experience for members?
A. I think where we've really had an impact is to set clear expectations around volunteer roles and create a supportive and welcoming onboarding process to get all new volunteers up to speed. This volunteer work is open to all and it's really important that we meet volunteers where they are at in their level of engagement with the WSBA. This is clearly seen in our new volunteer trainings, which are well attended and serve as a great jumping off point to start the journey as a WSBA volunteer.

Q. What do you believe motivates people to volunteer with the WSBA and how do you support that motivation?
A. I believe our volunteers choose to work with us because they want to give back to their profession and connect with their community in a positive, collaborative way—especially since legal work can often feel adversarial.

Q. What are some lesser-known ways volunteers contribute to the justice system through WSBA programs and boards?
A. As the organization evolves to serve its mission and meet the needs of the public and the members, so do our volunteer opportunities—and that's a good thing. In addition to our term-based volunteer opportunities, we call upon members to serve as mentors at the MentorLink Mixers, participate in the Lawyers in a Classroom Program, and help draft new policies, procedures, guidelines, or public education resources. I recommend the best way to stay engaged is to pay attention, read the emails, check out *Bar News,* and find a way to connect with the organization that works for you!

Q. How is the WSBA modernizing or reimagining volunteerism for today's legal community?
A. Volunteerism looks different in the post-COVID world. Much of our work now happens online through Zoom, and we're continually focused on creating opportunities that are specific, relevant, and manageable for volunteers. Like many organizations, we know that meaningful change takes time. Expectations are shifting, and volunteers increasingly want smaller, well-defined commitments with visible impact—and we understand that.

I'm always looking for ways to engage volunteers with varying levels of availability while also recognizing that some of our work is best supported through longer-term commitments. It's a balance, and one we are intentionally navigating with care and awareness.



Kari Petrasek
WSBA President

Kari Petrasek is the 2026-2027 WSBA president. She can be reached at kari@petraseklaw.com.



Paris Eriksen
WSBA Manager of Volunteer Engagement

Paris Eriksen can be reached at parise@wsba.org.

LEARN MORE

Discover more at **www.wsba.org/connect-serve/volunteer-with-wsba**.

Q. What have you learned about the culture of volunteerism within the WSBA since taking on this role?
A. Although I've been at the WSBA for more than 17 years, I stepped into this specific role during the pandemic—admittedly not the easiest time to be recruiting volunteers. Even so, our volunteer community continued to show up, stay engaged, and juggle the demands of work, life, and service. Their resilience has only grown since then, and I couldn't be more proud of them.

Our volunteers are informed, welcoming, and unafraid to challenge the organization to be better—which is exactly what we need. It isn't always tidy, but ultimately we're all working toward the same goal and on the same team.

Q. What excites you most about the future of volunteer engagement at the WSBA?
A. I'm looking forward to engaging members and the public in new ways throughout the organization. I think the future of volunteer engagement at the WSBA is one in which volunteers are even more involved in helping shape the profession to best serve the public.

Q. If you could share one message with WSBA members about volunteering, what would it be?
A. I want to encourage all members to volunteer—whether that's with the WSBA or not—get out there! Volunteering has been known to relieve stress and anxiety, help foster a sense of belonging, and provide a purpose outside of day-to-day work. No matter your background, experience level, or the time you have available—there is a volunteer opportunity for you; there's a place for you.

Thank you, Paris, for sharing your insights. Your message is clear: Volunteering offers a meaningful way to connect, serve, and strengthen both the legal profession and the communities it supports. Thank you to everyone who already volunteers. If you are not currently volunteering, explore the many opportunities available through the WSBA or in your community and consider choosing one that interests you. BN



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Introducing Your 2026-2027 Finance Team

A dollar matters to me; it always has and always will. My father once told me: "When parents fight about the color of the carpet, that really means the bank account is empty!" Treasury matters, even more so at the WSBA since it manages license fees. After a career in Europe as a mechanical, aerospace, and nuclear engineer, I decided to pivot to the legal profession. The University of Illinois opened its doors to me as their first foreign J.D. student whose native language was not English. Money was very tight as I bet my house on this new career.

Off-campus jobs were closed to foreigners, so I manned the school's front desk on weekends. I also landed a position as a Lexis associate, putting paper in the printers to supplement my meager budget. At $10 per hour, I covered out-of-state tuition without any grants or financial aid, both of which were denied to foreigners. At graduation, I was broke, and the cost of sitting for the bar was almost the straw that broke this camel's back. But in 2003, I graduated without a single dollar of debt. That's why, as governor of District 7-South, I volunteered on the Budget and Audit Committee and ran for the honor of becoming the WSBA's new treasurer. In this role, fees will matter to me.

To the above context, I also believe the WSBA is well managed; let me explain. I practiced in Illinois from 2003 to 2020, where I paid registration and practice fees, before moving to Washington. In Illinois, lawyers must register with ARDC at $385 per year. They also can join either the Illinois State Bar ($455 per year) or the Chicago Bar ($395 per year) or even both. Both associations pressured us law students into joining. I paid well above $600 per year for over a decade, so I was impressed by the fees when I arrived in Washington. But that's not all.

Working in downtown Chicago, I often walked past the luxurious offices of Illinois' bars. For years, I thought the marble receptions were those of top-10 law firms. My first visit to the Washington State Bar Association made me proud. The WSBA occupies two small floors of a rather average building on 4th Avenue without any pomp or circumstance.

Glass plaques adorn the lobby, listing recipients of APEX awards. When I looked closer, I noticed that the last time they were updated was 2019, more than six years ago. Board meetings are always in humble venues, and the food costs are low. Alcohol is not paid for, and even the plaque I received with my sworn oath seems like an Ikea frame with a color photocopier page inside. Don't get me wrong—I love the respect of the membership and the careful spending of fees. As the new treasurer, I believe that's fiscal responsibility, and my role is to continue this tradition.

Before we talk about the FY 2027 budget, I want to relay an anecdote. Recently, a constituent reached out to me to raise an issue about a free WSBA legal search tool. Frankly, I had no idea the WSBA offered it. A little scratching uncovered a long list of benefits to members, including free CLEs. All of these benefits are included with active lawyer license fees, which for 2027, increased only $7, or about 1.5 percent. Inflation stands at 3.4 percent.

At its Sept. 24, 2026, meeting, the Board of Governors approved the FY 2027 budget, which follows historical budgeting patterns similar to those used for FY 2026. As FY 2026 concludes, the WSBA recognizes the financial impact of several unprecedented events, including the July 2026 bar exam cancellation, its subsequent rescheduling, and Board-approved reimbursements for certain applicant expenses. The WSBA is currently pursuing partial reimbursement from a variety of sources for costs related to the bar exam.

Although these costs were not included in the budget, the WSBA has continued its historical trend of outperforming budget projections. The FY 2026 budget anticipated a net loss of $917,305 (to be taken from reserves); however, despite the unexpected exam-related expenses, the WSBA still expects to finish significantly under budget. This fantastic performance predates me, and I would like to give a shoutout to Nam Nguyen, our past treasurer and current president-elect, and Tiffany Lynch, the WSBA director of finance. Final financial results will be reported after the annual external audit of the financial statements is completed in December. BN



Alain Villeneuve

WSBA Treasurer

Alain Villeneuve is the WSBA treasurer and District 7-South governor. He can be reached at avilleneuve@trxtraining.com.

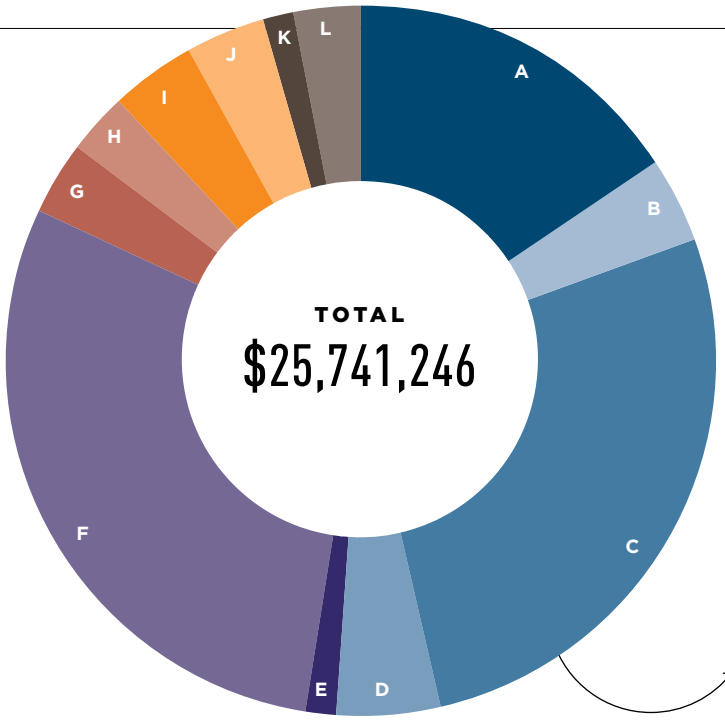


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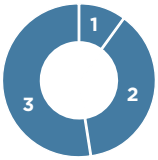
The FY 2027 budget for the WSBA follows historical budgeting patterns similar to those used for FY 2026.



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3. Org-Wide Support (Finance, HR, IT, Service Center). **$3,625,827**



FISCAL YEAR 2027 BUDGET

General Fund Expenses by WSBA Programs & Services

A 16% **Licensing and Admissions Services.** Costs to administer admissions and annual licensing processes for just over 40,000 WSBA members including lawyers, LPOs, and LLLTs; to administer the Entity Regulation pilot program; to maintain and respond to questions about members and their public information; and to support the Supreme Court-mandated MCLE Board, which adjudicates issues involving continuing legal education requirements. **$4,074,166**

B 4% **Outreach and Engagement.** Supports WSBA outreach to the public, legal professionals, bar associations, policymakers, and others in order to enhance volunteer recruitment, raise awareness and understanding of WSBA programs and priorities, and create a sustainable network. **$992,289**

C 27% **Management and Operations.** Includes costs associated with the WSBA Board of Governors, leadership, management, volunteer engagement, and internal support (finance, technology, human resources, etc.). **$6,935,426**

D 5% **General Counsel.** Legal representation and support to the WSBA, the Board of Governors, and other boards, task forces, and committees; records requests and litigation management; and oversight, interpretation, and analysis of WSBA Bylaws and other legal issues. **$1,204,269**

E 1% **Legislative and Law Improvement Efforts.** Supports work with WSBA leadership and sections to formulate positions on legislation, track relevant legislation during session, and provide technical advice on bills and existing statutes to the Legislature. **$308,518**

F 30% **Discipline and Disability Systems.** Costs to handle consumer inquiries; to investigate, prosecute, and adjudicate written grievances about lawyers, LPOs, and LLLTs (e.g., costs associated with disciplinary counsel, hearing officers, and the Supreme Court-mandated Disciplinary Board); to administer the WSBA audit program; and to educate members and law students about legal ethics, trust account compliance, and the discipline system. **$7,614,908**

G 3% **Publications.** This category includes costs to develop, design, produce, and distribute WSBA print media and publications, including *Washington State Bar News*, the WSBA's official publication. **$890,320**

H 3% **Supreme Court-Mandated Boards and Programs.** Costs to support four of six boards and programs mandated by the Supreme Court: (1) Access to Justice Board; (2) Limited License Legal Technician Board; (3) Limited Practice Officer Board; and (4) Practice of Law Board. Costs associated with the Disciplinary Board and MCLE Board, which adjudicate regulatory issues, are included in the Licensing and Admissions Services and Discipline and Disability Systems categories. **$708,046**

I 4% **Member Benefits.** Includes costs of programs benefiting the WSBA's membership as a part of their annual license fee: (1) legal research tool (Fastcase); (2) monthly CLE programs (Legal Lunchbox™ Series); (3) the Professional Responsibility Program; (4) the Member Wellness Program; and (5) a confidential 24/7 member assistance program. **$981,926**

J 4% **Public Service, Diversity, and Washington State Bar Foundation Support.** Costs to support: (1) WSBA public service programs (including the Powerful Communities Project and the Pro Bono WA portal); (2) work to advance diversity and inclusion in the legal profession; and (3) administrative costs of the Washington State Bar Foundation, which provides grant funding for these activities. **$944,930**

K 1% **Sections Administration.** Includes staffing and administrative costs to support 29 sections, and to help sections develop "mini-CLEs" that are not offset by per-member charge revenues. **$356,888**

L 3% **Member Services and Engagement.** Includes costs of outreach, education, training, and support to newly admitted WSBA members. Also includes funding for the WSBA's mentor programming. **$729,561** BN

HOT MONEY: *Disputed Funds in Trust*

BY MARK J. FUCILE



One of the most uncomfortable positions a law firm can face is a disputed third-party claim against funds in the firm's trust account. Third-party claims can range from statutory liens or contractual obligations[1] connected directly to the funds involved to writs of garnishment unrelated to the matters the firm is handling for the client.[2] The risks of mishandling third-party claims run from possible regulatory discipline to potential civil liability for the funds involved.[3] Last year, the WSBA released a very pragmatic advisory opinion—Advisory Opinion 202503—addressing the ethical issues raised in this often-difficult situation.[4] In this column, we'll first survey those issues through the prism of the new advisory opinion. We'll then turn to the procedural tools available for depositing disputed funds into a court for resolution of the competing claims if the parties are unable to resolve them on their own.

Before we do, two qualifiers are in order.

First, one of the claimants to disputed

funds may be the lawyer or law firm that handled the case resulting in the funds involved. Fee agreements often include mechanisms—such as arbitration—to resolve such disputes.[5] While that doesn't change the ethical duties that we'll discuss, it can be a more straightforward process if a dispute resolution mechanism was included in the fee agreement involved.[6] We'll save the general topic of lawyer-client fee disputes for another day.

Second, occasionally multiple lawyers are the ones disputing their claimed shares of a fee. Circumstances vary but can include two current firms with a fee division agreement under RPC 1.5(e), prior counsel asserting an attorney lien, or claims stemming from a lawyer departure provision in an employment, partnership, or shareholder agreement.[7] Again, we'll leave those discrete topics for another day.

ETHICAL DUTIES

RPC 1.15A(g) frames the ethical duty when a dispute arises over funds held in a law firm trust account:

> If a lawyer possesses property in which two or more persons (one of which may be the lawyer) claim interests, the lawyer must maintain the property in trust until the dispute is resolved. The lawyer must promptly distribute all undisputed portions of the property. The lawyer must take reasonable action to resolve the dispute, including, when appropriate, interpleading the disputed funds.

Advisory Opinion 202503 begins with two key points.

First, the opinion reminds lawyers that—consistent with the text of RPC 1.15A(g)—the *undisputed* portion of the funds involved must be promptly distributed.[8] The opinion uses the example of $100 received by the lawyer in which $10 is disputed but the balance is not. The lawyer in the opinion's example is obliged to promptly distribute the undisputed $90.[9]

Second, quoting the comment to the ABA version of the safekeeping rule—ABA Model Rule 1.15—Advisory Opinion 202503 counsels that "'[a] lawyer should not unilaterally assume to arbitrate a dispute between the client and the third party[.]'"[10]

Advisory Opinion 202503 cautions that situations vary enough that no mechanical formula is available to address every scenario. This echoes Comment 9 to RPC 1.15A noting that "the extent of the efforts that a lawyer is obligated to take to resolve a dispute depend on the amount in dispute, the availability of methods for alternative dispute resolution, and the likelihood of informal resolution." Advisory Opinion 202503 instead offers general guidance for lawyers and law firms that find themselves facing multiple claimants to a given fund.



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

The risks of mishandling third-party claims run from possible regulatory discipline to potential civil liability for the funds involved.

Advisory Opinion 202503 counsels that a lawyer should first inquire about the factual and legal basis of each claimant's position. As noted, however, the role of the lawyer is not to arbitrate competing claims—with the opinion cautioning that "it is not the lawyer's job to adjudicate material issues of fact or law."[11] Rather, the opinion frames the lawyer's preliminary task as determining whether the claims are nonfrivolous. Advisory Opinion 202503 acknowledges that this can be an uncomfortable exercise:

> In assessing whether the claimants have nonfrivolous claims, the lawyer may consider that a decision by the lawyer to release disputed funds to one claimant will be subject to second-guessing in subsequent proceedings—whether by the client or by third parties. Nonetheless the lawyer cannot ignore the obvious. If, for example, one claimant is the lawyer's client and the other is a third party with an unquestionably legally valid and enforceable statutory lien to which the client appears to have no response that is even potentially legally and factually cognizable, then the lawyer must honor the lien. If, on the other hand, the lawyer concludes that the lien is clearly invalid and that the third party claimant is merely an unsecured creditor of the client to whom no commitments or promises about how the funds would be handled are alleged to have been made by or on behalf of the lawyer or the client, then the lawyer must give the funds to the client.[12]

The opinion then finds "[i]f, following the lawyer's preliminary analysis or any further analysis that the lawyer may conduct, the lawyer concludes that more than one claimant has or may have a factually and legally nonfrivolous claim to the funds, the lawyer must not distribute any disputed portion of funds to any claimant."[13] Rather, the opinion notes in that event "[t]he lawyer must instead inform the claimants that if they cannot or choose not to resolve the dispute on their own, the lawyer will either continue to hold the funds in trust or will interplead them into court."[14] The opinion counsels that "[t]he lawyer may also set a reasonable time limit to how long the lawyer may hold the funds before interpleading them."[15]

Throughout the process, Advisory Opinion 202503 suggests that "[t]he lawyer should make clear to claimants other than the lawyer's client that they are not the law-

CONTINUED >

Illustration © Getty/Veronika Oliinyk

yer's clients and that they must look elsewhere for legal advice."[16]

PROCEDURAL TOOLS

If the claimants are unable to resolve their dispute and the law firm does not wish to continue to hold the funds in its trust account, court resolution of the competing claims is expressly contemplated by RPC 1.15A.[17]

If the competing claimants are already parties to the litigation involved, then depositing the funds into the court handling the case is usually the simplest solution.[18] RCW 36.48.090 and 28 U.S.C. §§ 2041-45 govern depositing funds into, respectively, state and federal courts. Local court rules should also be consulted for specific requirements such as whether a notice or motion is required and how a deposit check should be completed.[19]

If all of the claimants are not parties to current litigation, both state and federal courts offer interpleader as a procedural mechanism to bring the disputing parties together for judicial resolution of their competing claims to the fund.[20] RCW 4.08.160 and Civil Rule 22 govern interpleader in state court while 28 U.S.C. § 1335 and Federal Rule of Civil Procedure 22 do the same in federal court. With both, the notion is that the stakeholder deposits the funds in dispute into the court, the stakeholder disclaims an interest in the funds and is discharged, and the court resolves the disputing claimants' rights to the funds.[21]

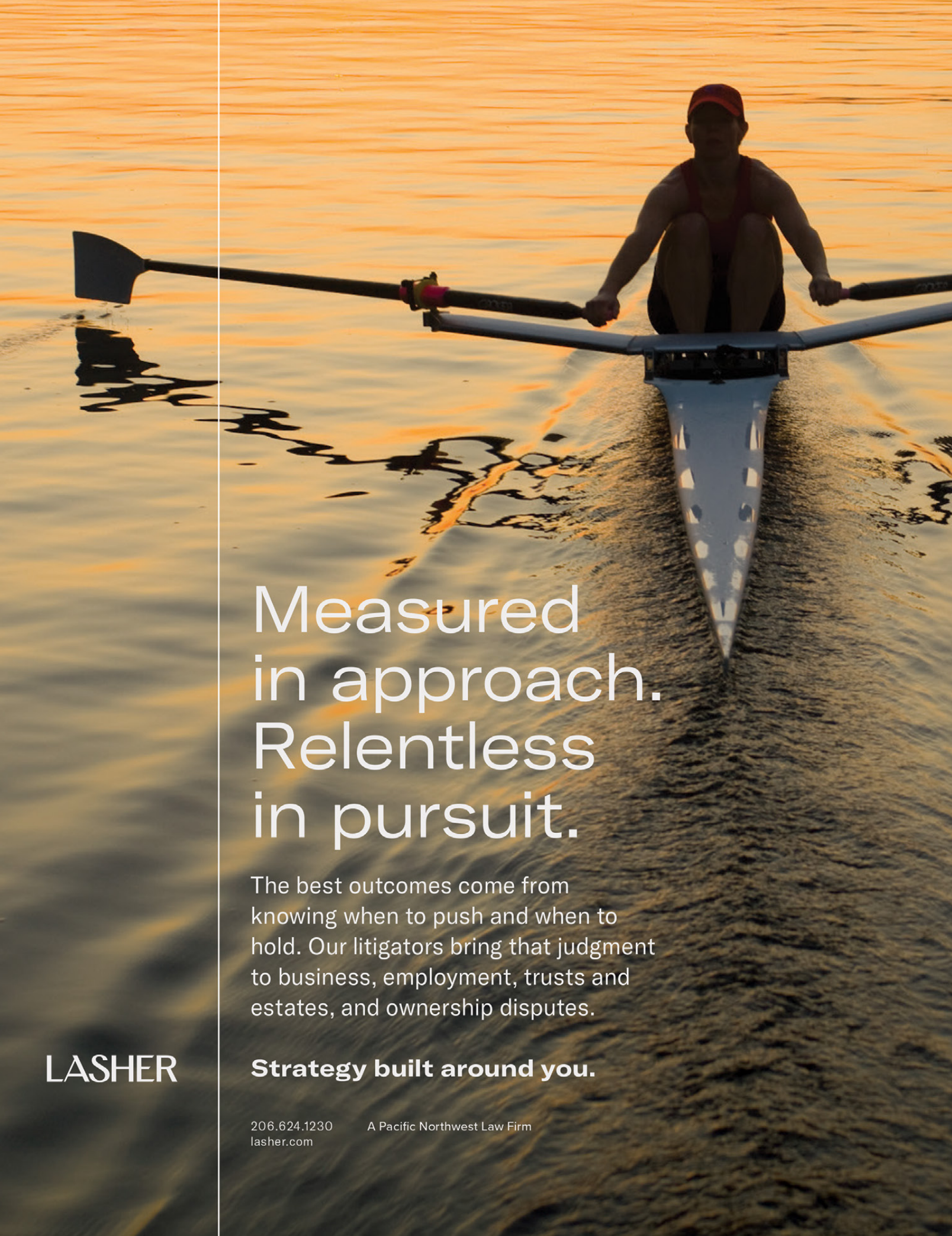
In some instances, it may make practical sense for a lawyer to represent the client in the interpleader proceeding if the disputed claim is related to the matter the lawyer is handling for the client.[22] If so, prudent practice suggests confirming that additional scope of work in writing if it is not already encompassed within the existing fee agreement. In others, however, the lawyer may lack either the expertise or knowledge of the factual underpinnings to rebut a claim arising outside the case generating the funds in dispute. In that event, the client may be better served by having separate counsel who has the specialized expertise needed or who is already familiar with the underlying facts handle the dispute in the interpleader proceeding.

SUMMING UP

Our duties when holding funds in trust are among our most sensitive. Moreover, we have a duty of safekeeping to all legitimate claimants to those funds—not just our clients. Therefore, when we face a dispute over funds held in trust, lawyers need to proceed cautiously by, as Advisory Opinion 202503 suggests, encouraging the disputing parties to resolve those claims among themselves or with the assistance of a court rather than putting ourselves in the role of arbitrator. BN

NOTES

1. *See generally* WSBA Advisory Ops. 185 (rev. 2010) (statutory liens and related contractual guarantees), 1897 (1999) (same), 2166 (2007) (insurance subrogation); ABA Formal Op. 484 (2018) (addressing litigation finance).
2. *See* WSBA Advisory Op. 2220 (2012) (garnishment of trust account).
3. *See generally* ABA, *ABA Annotated Model Rules of Professional Conduct* at 310-11 (10th ed. 2023) (surveying disciplinary decisions nationally); Hetzel v. Parks, 93 Wn. App. 929, 971 P.2d 115 (1999) (discussing fiduciary duty for safekeeping funds held in lawyer trust account). *See also* MWW, PLLC v. Smith, 2013 WL 1164493 at *2-*3 (Wn. App. Mar. 18, 2013) (unpublished) (noting that civil claims for asserted improper disbursement from law firm trust account must be framed under established theories of civil liability, such as conversion, rather than for alleged violation of RPC 1.15A(g)).
4. For generally similar guidance regionally, *see* Alaska Bar Ethics Ops. 80-1, 86-4 and 92-3, and Oregon State Bar Formal Op. 2005-52 (rev. 2016). *See also Restatement (Third) of the Law Governing Lawyers* § 45 (2000).
5. For a discussion of arbitration provisions in engagement agreements to resolve fee disputes, *see generally* ABA Formal Op. 02-425 (2002) and WSBA Adv. Op. 1670 (1996).
6. *See, e.g.,* Tomchak v. Greenberg, 2016 WL 4081194 at *3 (Wn. App. Aug. 1, 2016) (unpublished) (noting that lawyer left disputed amount of fee in trust pending resolution with client).
7. *See generally* Kayshel v. Chae, Inc., 17 Wn. App. 2d 563, 486 P.3d 936 (2021) (fee division between current counsel under RPC 1.5(e)); G. Lee Raaen, *Washington Legal Ethics Deskbook* § 3.7(4) (2d ed. 2020) (surveying attorney liens); ABA Formal Op. 487 (2019) (fee division with prior counsel); Seattle Truck Law, PLLC v. Banks, 2023 WL 7130561 (Wn. App. Oct. 30, 2023) (unpublished) (discussing lawyer departure agreements); WSBA Advisory Op. 202504 (2025) (same).
8. *See also* RPC 1.15A(f) ("Except as stated in this Rule, a lawyer must promptly pay or deliver to the client or third person the property which the client or third person is entitled to receive.").
9. Advisory Opinion 202503 also addresses situations where either a client and a third party or multiple clients deposited funds to finance litigation and funds remain at the conclusion of the case. For a discussion of these two facets of the opinion, *see* Sandra Schilling, "How Should Lawyers Handle Disputed Trust Account Funds?" Mar. 30, 2026, WSBA NWSidebar at https://nwsidebar.wsba.org/2026/03/30/how-should-lawyers-handle-disputed-trust-account-funds/. Simultaneous resolution of the claims of multiple clients in the same or related matters can also raise difficult issues under the "aggregate settlement" rule, RPC 1.8(g), and in "limited fund" scenarios under RPC 1.7(a)(1). For a discussion of these nuanced topics in this space, *see* Mark J. Fucile, "Done Deal: Settlement Ethics," 76, No. 5 *Washington State Bar News* 16, 18 (June 2022).
10. WSBA Advisory Op. 202503, *supra*, at 2; ABA Model Rule 1.15, cmt. 4.
11. WSBA Advisory Op. 202503, *supra*, at 1.
12. *Id.* at 3.
13. *Id.*
14. *Id.*
15. *Id.* The opinion notes that "[t]he lawyer may also inform the claimants that with their consent, the disputed funds may be transferred to another account, such as an interest-bearing account, pending resolution of the dispute." *Id. See also* RPC 1.15A, cmt. 14 (deposit into non-IOLTA account that would pay net positive interest to the beneficiaries of the funds).
16. *Id.*
17. Garnishment has its own procedures. *See* RCW Chap. 6.27.
18. *See, e.g.,* Forbes v. American Bldg. Maintenance Co. West, 170 Wn.2d 157, 163, 240 P.3d 790 (2010) (settling insurance carrier deposited claimed attorney fees into the court under RCW 36.48.090 for resolution of dispute between former lawyer and client over attorney lien).
19. *See, e.g.,* King County Superior Court Instructions for Clerk's Trust Fund; Western District of Washington LCR 67, Eastern District of Washington LCivR 67.
20. *See, e.g.,* Matter of Scandies Rose Fishing Company LLC, 543 F. Supp.3d 1007, 1013-14 (W.D. Wash. 2021) (interpleader used to deposit disputed settlement funds into the court for resolution of competing claims).
21. *See generally* Douglas J. Ende, 15A *Wash. Prac., Handbook Civil Procedure*, §35.2-.3 (2025) (surveying interpleader in Washington state courts) (Ende); Mack v. Kuckenmeister, 619 F.3d 1010, 1023-24 (9th Cir. 2010) (discussing federal interpleader practice).
22. Under RCW 4.08.170, a party interpleading funds who disclaims any interest in the money involved is ordinarily discharged from liability for costs arising in the action. For a nuanced discussion of how an interpleading party's continuing participation in the interpleader proceeding may expose them to costs, *see* Ende, *supra*, § 35.2.


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DOING LESS TO ARGUE BETTER:

Three Bad Habits That Weaken Persuasion

BY MIREILLE BUTLER



Lawyers are generally well trained when it comes to identifying potential arguments. In law school, students who see all possible theories are rewarded.[1] In practice, the professional value placed on legal research skills can create an incentive to find more authority than the argument requires. And associates have reason to err on the side of over-inclusion: omitting an argument might seem more detrimental than including a weak one.[2]

Persuasion, however, is not an accumulation process. A brief can become less persuasive as the number of rules, citations, and arguments increases. Once the brief has reached a certain level of complexity, then each additional item requires the reader to put forth a greater effort to determine what is truly relevant. The ability to do less (recite less law, cite fewer cases with more purpose, and raise fewer arguments) is one of the most under-taught skills in the profession. The three habits below are the ones worth avoiding when editing a brief.

1 UNNECESSARY RULE RECITATION

Too often, lawyers simply repeat the governing rule, as if stating the law were the argument in itself. The analytical step that a rule-only brief misses has been identified in legal-writing scholarship. Professor Alissa Bauer's empirical study of the 15 most widely used first-year legal-writing textbooks names this step the "rule support" section: It is the portion of the argument that uses precedent to provide concrete factual examples that will later allow the writer to connect the abstract rule to the facts at issue.[3] Her review of the textbooks finds them inconsistent about how to teach this step, even though, as she notes, judges and practicing lawyers rely on rule-support cases constantly when they write.[4]

This lesson for drafting is one that Justice Antonin Scalia illustrated in *Scott v.*

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Mireille Butler is a teaching professor and the co-director of the Legal Analysis, Research, and Writing Program at the University of Washington School of Law.

Illustration © Getty/DrAfter123

Harris.[5] In that case, Deputy Scott ended a 10-mile, high-speed chase by ramming Harris's car, leaving Harris a person with quadriplegia; Harris sued under 42 U.S.C. § 1983, claiming that Scott's maneuver when ending the chase constituted excessive force in violation of his Fourth Amendment rights.[6] The governing standard was not in dispute.[7] The Fourth Amendment excessive-force claim turns on "objective reasonableness."[8]

A brief restating that rule and concluding on reasonableness would not tell a court anything helpful: A reasonableness standard is not an answer to a reasonableness question, and a brief earns nothing by discussing the rule at length and in the abstract. What earns something is demonstrating through concrete facts what "reasonable" meant the last time a court applied it to its own set of facts.

Justice Scalia's majority opinion is an excellent illustration of this work, as it provides the kind of factual analysis a good rule-support section should draw out. Rather than abstract discussions of the meaning of reasonableness, the opinion analyzes in concrete detail the dashcam video of the chase,[9] weighs the risk Harris's driving posed to bystanders against the risk Scott's maneuver posed to Harris, and concludes that, on those specific facts, the balance favored the officer.[10]

In most briefs, when the governing standards are not at issue, reciting and explaining the rules at length is unnecessary. The rules supply the legal question; however, the facts, measured against how the standard had been applied before, supply the answer.

2 CITATIONS WITHOUT ANALYSIS

A related habit that wastes space rather than building persuasion is listing citations instead of explaining why any one of them matters.

Empirical research on what judges want from briefs confirms that this lack of analysis rather than any shortage of citations is what troubles the bench. In a survey of federal judges, only 56 percent reported that lawyers "always" or "usually" made their client's best arguments, and only 23 percent rated the overall quality of legal analysis in the briefs as "very good" or "excellent."[11] The judges' complaint was not that lawyers cited too little law; it was that lawyers did too little with the law they cited.[12]

Of course, string citations can be appropriately and effectively used. For example, it is common practice to cite a number of cases to demonstrate that a certain proposition is well within established case law.[13]

The problem arises when the citations replace the analysis rather than support it, leaving the reader to do the lawyer's work. In *Arias v. University of Washington Tacoma*,[14] the plaintiff asserted that there was "existing, well-established law" prohibiting the defendants' conduct and supplied a string citation; the court, however, rejected the argument because the plaintiff did not explain how the cited decisions involved circumstances like those in the case. Thus, for many courts, a citation dropped next to a conclusion, with no explanation of what the citation stands for, is functionally the same as no citation at all.[15]

Deleting string citations and choosing one single "right" citation only solves half the problem. Even one citation, if left unexplained, does no more work than a paragraph of them; it is brief, but not efficient. The space saved by cutting multiple cites must be reinvested in explaining the one that remains.

In *Scott*,[16] the Fourth Amendment excessive force case discussed above, Harris's strongest supporting authority was *Tennessee v. Garner*,[17] which held that using deadly force against a fleeing, unarmed suspect was unreasonable absent probable cause to believe he posed a threat to others. A brief could accurately cite *Garner* for the proposition that using deadly force requires a threat to others. But stating the rule correctly would not be doing the analogical work required to explain how and why *Garner*'s facts (an unarmed suspect, alone on foot, shot from behind while fleeing) were similar to *Harris*'s facts (a driver whose flight endangered other people on public roads).

The majority did not stop at the rule. It explained that *Garner* did not establish "a magical on/off switch" for deadly force, and it distinguished the stationary, largely contained threat in *Garner* from the ongoing danger Harris's driving posed to other motorists on public roads.[18] Once that distinction was drawn, *Garner* became, if anything, support for the officer.

Legal-writing scholars treat analogical, case-based reasoning as one of the core forms of legal argument, alongside deductive and policy-based reasoning.[19] They stress that the analogy does its persuasive work only when the writer draws out the shared facts that justify treating the two cases alike, not when the writer merely invokes the prior case's name.[20] A case citation, therefore, functions not like a label but like a piece of evidence: it supports the writer's position only to the extent the writer shows the factual resemblance the citation is supposed to prove. A citation (whether strung with others or alone) that names a case without explaining what in its facts made it come out that way is not doing this work; it is merely asking the reader to trust the label. The more useful approach is to state what mattered in the cited case(s), what matters in the current one, and whether the similarity or the difference should control the outcome.

3 THE EVERYTHING-YOU-CAN-ARGUE HABIT

The last habit shows that doing less applies to arguments also, not just to rules and citations: It is about raising an argument simply because it is available and legally sound, even when the brief does not need it to win.

Fulton v. City of Philadelphia[21] shows the potential cost of choosing a broad argument when a narrow one is available. Catholic Social Services asked the U.S. Supreme Court to overrule *Employment Division v. Smith*,[22] the case holding that neutral, generally applicable laws do not violate the Free Exercise

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Clause even when they burden religion. The Court did not need to reach that question. It found that Philadelphia's nondiscrimination policy was not, in fact, generally applicable, because the relevant contract gave city officials discretion to grant exceptions.[23] This meant the policy had to survive strict scrutiny "regardless of *Smith*," and the Court had "no occasion to reconsider that decision."[24] All nine justices agreed on the narrow ground; the invitation to overrule a decades-old precedent was not accepted.[25]

The lesson is not that broad arguments are always wrong. It is that every argument opens a decision the court must then make, and a court asked to make an unnecessary decision has an unnecessary reason to rule against the party asking it. A brief should generally lead with, and limit itself to, the argument that lets the court rule for the client on the narrowest available ground, because forcing the court to decide more than necessary invites resistance rather than agreement.[26] The constitutional argument in *Fulton* was not frivolous; it was simply unnecessary, and an unnecessary argument gives the other side a second target and the court a second reason to say no.

Each of the bad habits discussed in this article involves doing more without doing better. A rule recited without application, a citation left unexplained (whether alone or in a string), and an argument raised without being needed all add length while asking the reader to do the work the brief was supposed to do. The winning tactic is not finding more to say. It is deciding, word by word, sentence by sentence, citation by citation, argument by argument, which ones are doing something, and cutting the rest. BN

NOTES

1. Most law school exams involve "spotting the issue" and professors will give points for doing so, even without analysis. *See* www.law.virginia.edu/news/video-audio/201811/exam-taking-strategies (Professor Thomas Nachbar stating, "I give a point for spotting the issue"); Megan E. Boyd, "Some Tips on Studying for and Taking 1L Exams," www.americanbar.org/groups/law_students/resources/student-lawyer/student-essentials/some-tips-on-studying-for-and-taking-1l-exams/ ("If you realize you're running out of time, you can easily bullet-point remaining issues that you've included in your outline. You probably won't receive full credit, but at least you'll gain a few additional points by showing the professor that you spotted the issue").
2. Gregory C. Sisk and Michael Heise, "'Too Many Notes'? An Empirical Study of Advocacy in Federal Appeals," *Journal of Empirical Legal Studies* Volume 12, Issue 3, 578–600 (September 2015). In their study, the authors found that longer appellant briefs were associated with greater success, but they expressly caution that this may reflect case complexity rather than a benefit from simply saying more.
3. Alissa Bauer, "Teaching Cases: How Legal Writing Textbooks Approach the Rule Support Section," 29 *Legal Writing* 127 (2025).
4. *Id.* at 146.
5. 550 U.S. 372 (2007).
6. *Id.* at 374-77.
7. *Id.* at 381.
8. *Id.*
9. *Id.* at 378-80.
10. *Id.* at 381.
11. Kristen K. Robbins-Tiscione, "The Inside Scoop: What Federal Judges Really Think About the Way Lawyers Write," 8 J. *Legal Writing Inst.* 257-84 (2002).
12. *Id.* at 268-69.
13. *See, e.g.,* Mayo v. PCC Structurals, Inc., 795 F.3d 941, 944–45 (9th Cir. 2015) (citing decisions from various other circuits and stating, "we agree with our sister circuits" in holding that an employee who makes credible threats of violence is not a "qualified" employee under the ADA).
14. No. 3:25-CV-05079-DGE, 2025 WL 2306584, at *7 (W.D. Wash. Aug. 11, 2025).
15. *See* Schoch v. Bisignano, No. 25-CV-151-JDP, 2026 WL 851196, at *2 (W.D. Wis. Mar. 27, 2026) (citing several Seventh Circuit court cases in support of the proposition that "string citations are not substitutes for analysis"); *see also* Magers v. Ala. Women's Ctr. Reproductive Alternatives, LLC, 325 So.3d 788, 789 (Ala. 2020) ("A conclusory statement followed by a string citation does not suffice.").
16. 550 U.S. at 381.
17. 471 U.S. 1 (1985).
18. 550 U.S. at 382.
19. Deborah A. Schmedemann and Christina Kunz, *Synthesis: Legal Reading, Reasoning, and Communication* 126-130 (5th ed. 2017).
20. *See, e.g.,* Kristen K. Robbins-Tiscione, *Rhetoric for Legal Writers: The Theory and Practice of Analysis and Persuasion* 111–13 (2d ed. 2016).
21. 593 U.S. 522, 532 (2021).
22. 494 U.S. 872 (1990).
23. *Fulton*, 593 U.S. at 535.
24. *Id.* at 533–34, 541.
25. *Id.* at 524.
26. *See generally* Antonin Scalia & Bryan A. Garner, *Making Your Case: The Art of Persuading Judges* (2008) (advising advocates to occupy the most defensible terrain by arguing for the narrowest rule that supports judgment for the client).

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Animal Law Section

Q&A WITH ANIMAL LAW SECTION CHAIR LEILA AREFI



Leila Arefi is a solo practitioner in Vancouver and the treasurer and immediate past-chair of the WSBA Animal Law Section. Arefi can be reached at leilamarefi@gmail.com.

Q. What is the most valuable benefit members get from joining your Section that they can't get anywhere else?
Animal Law is such a niche practice area that is unlike any other. Although we are revamping our Section from a period of dormancy, our members can look forward to upcoming educational opportunities such as various CLEs, social and networking opportunities, and leadership and engagement opportunities.

Q. What is a recent Section accomplishment or current project that you are excited about?
Currently, we are working on putting together our end-of-the-year CLE! It will be a daylong event that is sure to be relevant across various practices of law.

Q. Are there any future projects or events your Section is currently working on?
We are aiming to produce three to four CLEs, including mini CLEs, per calendar year. We are also planning to host social events with our members at reputable animal sanctuaries/rescues in the greater Seattle and surrounding areas. In the future, we are hoping to have enough engagement across the state to host in other locations. Further, we are looking to recruit law students who are interested in assisting the Section with putting together a quarterly newsletter which would include researching and compiling unpublished/published opinions, administrative opinions, and bills under consideration by the Legislature.

Q. What opportunities does your Section provide for members who are looking for a mentor or for somebody to mentor?
Since animal law is an area of law that touches all types of law, most practitioners come across an animal law case at least a few times throughout their career and find the need for assistance. Our Executive Committee is currently discussing implementing a Zoom-based MentorLink Mixer that we would hold periodically for anyone to attend so that we could support our bar community and the animals that they support. These sessions would be approximately an hour-and-a-half and would be a one-time topic-based opportunity for members. We would provide three to four mentors to speak on a topic in animal law generally. Mentees would have the opportunity to go into breakout rooms and have time to talk with mentors about related questions they may have.

Q. What advice do you have for building a successful practice in the area of law related to your Section and how does membership in your Section help do that?
Coming to animal law as a law student or newly barred attorney can be extremely disillusioning and disappointing. There are not enough jobs for true animal attorneys at the "big-name" animal rights organizations and nonprofits. New advocates should not be discouraged by this. In my opinion, many of those jobs are hired for and picked in an unfair, political atmosphere that is not based on actual skill or passion of the individual applying. Further, prospective animal attorneys should be careful to not find themselves in a position that is "law-adjacent" or not even law related at all just for the

LEARN MORE ONLINE >

The Section membership year is Jan. 1 - Dec. 31. For more information and to join the Animal Law Section, or any other Section, visit **www.wsba.org/legal-community/sections/sections**.

namesake of the organization to which they apply or get hired. If you want to be an attorney, then don't waste your law degree! Animal law is truly for the solo and small practice attorney. Ultimately, if you want to be an animal attorney, you will have to make a way yourself.

Q. In addition to membership in your Section, what are the best ways to stay up on the developing law in this practice area?

Members can stay up to date on developments in animal law by checking the following sites for updates:

- www.animallaw.info
- https://thebrooksinstitute.org/animal-law-digest
- https://aldf.org/article/animal-law-update
- www.aspca.org/news/law-launched-movement-animals
- www.americanbar.org/groups/tort_trial_insurance_practice/resources/committee-articles/animal-law-legislative-updates

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Q. Does your Section offer a newsletter?

We did years ago; however, we have not had one for quite some time. We are looking for law students and anyone else interested in assisting our Section with this task.

Q. Is there anything else you want readers to know about your Section?

If anyone is interested in applying for a position on the Executive Committee, joining the Section, assisting with activities, or sharing suggestions, we want to hear from you. Please visit www.wsba.org/legal-community/sections/animal-law-section or email sections@wsba.org. BN

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

Michelle Merceri v. Deutsche Bank, 2026 WL 2836730 (2026)
Melody Petlig v. The Estate of Gary Webb, 2026 WL 266875 (2026)
Gordon v. Robinhood Financial, 31 Wn. App. 2d 185, 547 P.3d 945 (2024)
Kayshel v. Chae, Inc., 17 Wn. App. 2d 563, 486 P.3d 936 (2021)
Estate of Hunter ($2.8 million fee award in arbitration) (2019)
Easterly v. Clark County, 2 Wn. App. 2d 1066 (2018)

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Herman Sedillo v. Steven Finlan/ Personal Rep. of Estate of Alexander Finlan,
2026 WL 2569104 (2026) (reversing adverse judgment for new trial following evidentiary errors)

3S Network, Inc. v. Zenisco, Inc.,
37 Wn. App. 2d 1015, 2026 WL 1290185 (2026)
(affirming summary judgment dismissal on statute of limitations grounds)

John Boespflug v. State of Washington, Department of Labor & Industries,
37 Wn. App. 2d 1010, 2026 WL 1229312 (2026)
(affirming jury verdict in employment retaliation action)

Cristina Anderson v. Farmers Ins. Co. of WA,
586 P.3d 616 (2026) (legal malpractice action not assignable)

Estate of Janet Wilder v. Aegis Senior Communities,
37 Wn. App. 2d 1005, 2026 WL 1134703 (2026)
(arbitration agreement unconscionable)

J.M.I., et al. v. State of Washington,
588 P.3d 342, 2026 WL 1173052 (2026)
(access to juvenile records in abuse cases)

Scott/Viglis v. Amazon.com,
583 P.3d 1155, 2026 WL 468578 (2026)
(establishing seller liability for dangerous product)

Melody Petlig v. The Estate of Gary Webb,
36 Wn. App. 2d 1044, 2026 WL 266875 (2026)
(attorney fee restitution decision affirmed on appeal)

Swanson v. Swanson,
36 Wn. App. 2d 1030, 2026 WL 173439 (2026)
(final dissolution orders affirmed on appeal)

James and Tonya Lowe v. Ace Hardware Corp,
36 Wn. App. 2d 1043, 2026 WL 266810 (2026)
(summary judgment overturned in personal injury lawsuit)

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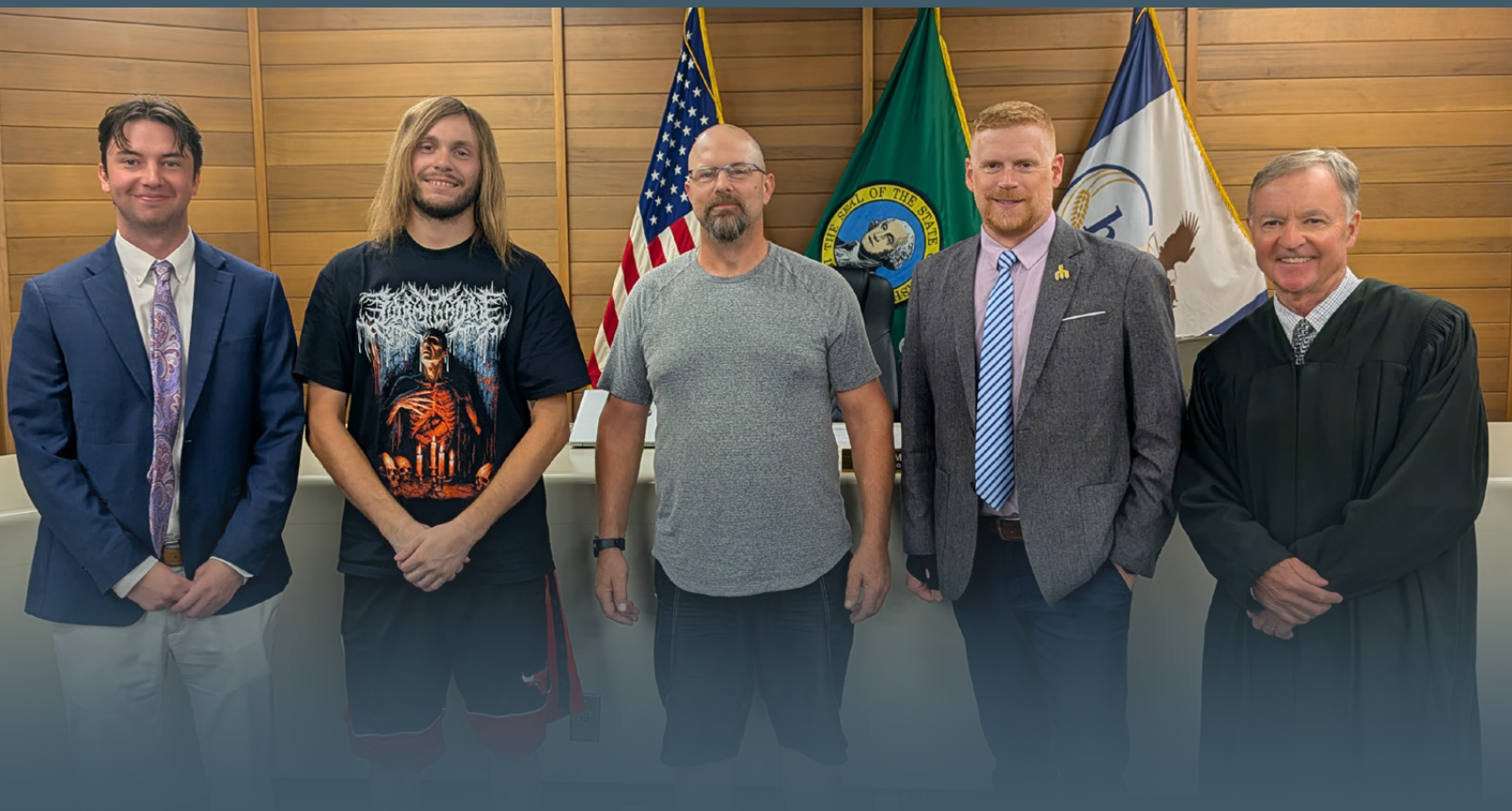
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COVER STORY

Accountability Meets Recovery:

Real Stories from the Cheney Therapeutic Court

BY MICHAEL R. ADDAMS



From left: Max Thompson, public defender; Andrew, Cheney Therapeutic Court graduate; Jay, Cheney Therapeutic Court graduate; Michael Addams, prosecutor; Judge Richard M. Leland.

INSIDE THE RISE26 CONFERENCE

Every year when I attend the annual All Rise conference, I feel a bit like I'm not in Kansas anymore … I mean Cheney. The sea of RISE26 name tags tells their own story: Alaska to Florida, big cities to small towns, judges, prosecutors, public defenders, probation officers, counselors, treatment providers, and more, all moving in the same general direction.

All Rise is the national training, membership, and advocacy organization for treatment courts and other justice system responses to substance use and mental health disorders.[1] Formerly known as the National Association of Drug Court Professionals, it supports courts, treatment providers, and justice professionals through research-based standards, training, technical assistance, and events like a massive annual conference.

And it really is massive, this year with more than 7,000 people in attendance. Some parts can feel a little over the top. The general sessions feel a bit more like a concert than a conference, as we wonder if celebrity spokesman Martin Sheen is going to drop in this year, as in years past. (In 2026, he was a no-show.)

As one of the founding members of the Cheney Therapeutic Court, I have attended the All Rise conference four times now. This year, there were more than 200 sessions and topics. I chose sessions that focused on evidence-based practices, courtroom leadership, and updates on various drug trends, topics I can use to improve my roles as a prosecutor or a judge pro tempore.

After several days in Nashville, Tennessee, listening to speakers, collecting swag, mingling in crowded hallways, and enjoying some Nashville-style brisket, I am reminded of why Cheney, Washington, offers a therapeutic court model.

WHAT THERAPEUTIC COURTS ACTUALLY ARE

In plain terms, therapeutic courts are specialized court programs that combine accountability, treatment, supervision, incentives, and sanctions for people whose legal cases are tied to substance use, mental health, trauma, homelessness, or related needs.[2] Some people call these programs "Hug a Thug," and I get it. It is a total paradigm shift from the traditional process. It doesn't work for every defendant, but when it does, it can change a defendant's trajectory while improving public safety.[3]

These courts are not a separate justice system. They are not a way of pretending criminal conduct did not happen. In my experience, they work best when the court is honest about both parts of the equation: accountability and change.

Judge Richard M. Leland, presiding judge over the Cheney Municipal Court, describes the strength of the therapeutic court as an individualized approach: "Each participant brings a different set of challenges. The therapeutic team must be patient, caring, and not expect immediate results. Change in most cases is not linear. There are ups and downs. In the end, seeing life-changing results is very rewarding."

That patience is part of what makes the work meaningful. The life-changing results, when they happen, are rewarding not only for the person appearing in court, but for the community that benefits when someone becomes more stable, accountable, and less likely to return to the same detrimental cycle.[4] But it takes time.

Instead of moving through the traditional process, these programs build a structured plan around treatment and supervision. The participant completes an assessment and is determined to have a particular risk level; then a recommended plan is given to the attorneys and the judge. If the participant enters the therapeutic court, the individual still has to do the work: Come to court, engage in treatment, follow conditions, test when required, and be honest when things go wrong. In fact, participants often have *more* requirements in the therapeutic model.

While the data is convincing, what really matters are the people: the lives that are actually changed through the court. I want to introduce you to two of those people. Both are graduates from the Cheney Therapeutic Court who demonstrate why we do this. Both of these individuals came into the court with a deep-rooted alcohol addiction. They recently allowed me to sit down with them and talk about their experiences. With their permission, I share their stories.



The author, Michael Addams, and Daniel at the Cheney Rodeo Parade after Daniel's graduation from the Cheney Therapeutic Court. Daniel has been asked to serve as an alumni mentor with the court.

Courtesy photos; Note: Gen-AI was used to remove a logo from the shirt on Addams in the photo at right



Michael R. Addams is the prosecutor for Cheney and faculty at Eastern Washington University. He serves as a Judge and Commissioner Pro Tempore in Spokane County District and Superior Courts, respectively. A military retiree, he also provides pro bono legal assistance through the Office of Military and Veteran's Legal Assistance (OMVLA).

WHEN IT WORKS: TWO GRADUATE STORIES

Daniel

Daniel first appeared in the Cheney Municipal Court for an arraignment on a Thursday afternoon, a few days after being released from jail.

Daniel had been drinking heavily for days after his marriage fractured and his wife left with their child. Angry, ashamed, and drunk, he went to a bar. "Realistically, I think I was going out to go find a fight," he

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told me. After he was bounced from the bar, the police report described him punching car windows, trying to get back inside, and refusing to go home. He vaguely remembers leaving his house, fragments from the bar, and waking up in the Spokane County Jail after being charged with disorderly conduct and resisting arrest.[5]

After his release, the pull of alcohol was immediate. He took a bus back to Cheney and bought a pint of vodka. But then he had a moment of clarity. Instead of drinking it, he poured it out. "I had reached a point where I couldn't do that anymore," he said. The arrest became his rock bottom, and the last night he drank.

One of the tools in the prosecutor's toolbox is the "deferred charge." This allows the prosecutor to offer a defendant a chance to follow certain requirements in order to have a charge dismissed in the end. These are not solely available for therapeutic court, but they are a good incentive for therapeutic court participants. The deferral offer through therapeutic court got Daniel's attention. His public defender explained that the court had resources to help him stabilize his life.

Daniel said he arrived at his assessment for the program feeling like "a drowning man reaching for a life raft." The team talked with him about getting his license back and treatment that could fit around work and parenting, assist with business goals, and provide rental and food assistance. "It was overwhelming," he said. But the court was genuinely there to help him.

Daniel still had temptations to drink, and he says he still has them. But over time, I saw him respond differently. Once, walking to court, he took the long way around so he would not pass a restaurant that was a trigger for him. He attended therapeutic court dockets and noticed how the court treated another participant who stumbled: not as a failure, but as a person who needed more help. To him, that felt like "acceptance and understanding." To me, it showed he was beginning to see himself differently, too.

Finally, he completed all of the requirements, and his graduation stayed with me. He was hopeful. He wanted everyone who attended to know that even a "bottom barrel drunk" (his words) could change. He then said something that still defines his recovery:

> I used to come to, but now I wake up. I used to pass out, but now I go to sleep. I used to have a tomorrow, but now I have a future."

I still get goosebumps when I think about that moment. The air in the room suddenly felt different. It was awesome.

I used to come to, but now I wake up. I used to pass out, but now I go to sleep. I used to have a tomorrow, but now I have a future.

— Daniel, *therapeutic court graduate*

After graduation, the charges were dismissed per the agreement, but Daniel's work did not stop. He continued building a different life. He now has more than three years of sobriety, primary custody of his child, a healthier co-parenting relationship with his ex-wife, and work he enjoys. He still uses meetings when he needs them and watches for the old thinking that tells him he has earned a drink. These days, he replaces the ritual with ginger ale, water, and the reminder that he is happier sober.

His change did not happen all at once, or because a court told him what to say. It happened gradually, through accountability, support, and the decision Daniel made to keep moving forward. Now on a different path from that really bad night, he says he is grateful that the arrest happened.

Without that arrest and the program that followed, he says, "I'm not sure I would still be alive."

Jeff

Then, there was Jeff. His path looked very different from Daniel's. Jeff did not come into the Cheney Municipal Court already convinced that he had a problem. In fact, until he saw the DUI body camera footage from his arrest, he did not believe he had done anything wrong. His public defender presented the option of Cheney Therapeutic Court, and at first Jeff understood it in practical terms: "It was a chance to stay out of jail." But once his attorney explained the circumstances and what the program would require, he knew sobriety was part of the deal.

By the time Jeff entered the program, he had a second DUI in only a few months, and alcohol had taken over much of his life. He had lost his housing and was sleeping in his car or "out in the woods." He described himself during that period as "constantly intoxicated." Jeff remembers thinking that the way he was living could not continue. "Something had to be done," he said. "I knew it. I knew I was out of control."

I do not want to make Jeff's process sound easy, because it was not. He agreed to enter therapeutic court, but he did not move through recovery in a straight line. He started in outpatient treatment, struggled, and resisted inpatient treatment. He later admitted, "I was stubborn."

I will add that he was *very* stubborn.

He also had a significant relapse during the process. But those setbacks were not the end of his story. Court staff kept pushing him toward the help he needed, and eventually inpatient treatment helped him regain stability. Afterward, outpatient treatment through Courage for Change gave him structure, accountability, and consistency. Looking back, Jeff called that approach "very strict, but effective."

The program connected him with treatment, housing, and support, and Jeff began to build a life that no longer revolved



From left: Jeff, Cheney Therapeutic Court graduate; Dave Lucas, Cheney Court administrator; and Megan Cain, public defender.

***BELOW:** "Hay Day" painting by Jeff.*



around drinking. His recovery included relapse, course correction, support, and time. This demonstrated to me that sometimes the court has to stay with someone long enough for recovery to take root, and it doesn't always work on the first try.

When Jeff graduated from the program, he described life before treatment and a version of himself that was not the man standing in the courtroom that day. He now had stable housing in Cheney, rode an e-bike and took the bus to get around, and enjoyed creative projects like writing and painting. At graduation he presented a gift to the Cheney Municipal Court: a painting of Cheney Main Street in its "hay day." It was a quiet but powerful way of showing that he was no longer simply trying to survive. He was creating, adding to his community, and leaving something good behind.

Jeff told me, like Daniel, that if it hadn't been for therapeutic court "there's a very good chance I would have been dead."

His advice to someone considering the program is direct: "You have to take control of your life, and you have to let [therapeutic court staff] help you." Change did not happen for Jeff because he was easy to help, and it did not happen because he was ready from the first day. It happened because accountability, combined with treatment and support, stayed in place long enough for him to choose and develop a different life.

THE BALANCED TRUTH

Therapeutic courts aren't magic. They work when the right participant hits the right structure at the right moment. Not before, not after. When that alignment happens, you can watch a life pivot in real time.

Not every case is a Daniel or a Jeff. Sometimes it doesn't work. Like with traditional sentencing, sometimes you see them back again. And maybe again. When someone tries the therapeutic court route and isn't successful, it can actually weigh heavily on the court staff. The extra time, effort, and focus can be really tiring for those involved in the process. So when it doesn't work, plain and simple, it just sucks. But the effort put into these cases is worth it. Being a part of the process when it is successful, plain and simple, is amazing.

Not everyone is ready for change. Not everyone wants accountability. And not every defendant should be in a therapeutic court. Pretending otherwise may set someone up to fail in the program. The credibility of these programs depends on proper screening and risk assessment before opting a defendant into the program.[6]

The outcomes people like to brag about—sobriety, stability, employment, reunified families, lower recidivism—don't appear out of thin air. They come from a positive and supportive approach to supervision, from staff who supervise relentlessly, treatment providers who show up, monitoring that catches relapse early, and basic supports like bus passes and phone minutes that keep people connected. Beth Earl, Cheney Therapeutic Court Compliance Clerk, described it well: "It's been my privilege to be a part of the therapeutic court and witness the significant personal growth that can occur."

But these courts aren't handing out freebies. They demand hard work, honest accountability, and real change. Or at least, they should. Without the requirements, without expectations, they stop being therapeutic courts and become little more than well-intentioned shortcuts around consequences.

When all the pieces line up, therapeutic courts do exactly what they're supposed to do: reduce recidivism, strengthen public safety, and send people back into the community more equipped to handle life's challenges. Seeing people engage with the support offered, move forward in life, and get free from harmful behaviors is inspiring. And as Beth put it, "Our communities are safer and healthier because of therapeutic courts!" That's the whole point.

And it's worth getting right. BN

NOTES

1. www.allrise.org.
2. www.courts.wa.gov/tc/intro.cfm.
3. https://allrise.org/about/treatment-courts/.
4. Ojmarrh Mitchell, David B. Wilson, Amy Eggers, Doris L. MacKenzie; "Assessing the effectiveness of drug courts on recidivism: A meta-analytic review of traditional and non-traditional drug courts," *Journal of Criminal Justice*, Volume 40, Issue 1, 2012, pages 60-71.
5. RCW 9A.84.030, RCW 9A.76.040.
6. https://allrise.org/wp-content/uploads/2026/01/All-Rise_Adult-Treatment-Court-Best-Practice-Standards_January-2026-4.pdf.

Courtesy photos

FEATURE

Demystifying the Washington Discipline System

BY KIRSTEN SCHIMPFF

The discipline system evokes many different reactions among the legal profession and the public—dread, fascination, confusion, and yes, sometimes appreciation. This article aims to demystify the discipline process, answer commonly asked questions, and identify resources for those wanting more information.[1]

The Washington Supreme Court has exclusive responsibility for discipline of licensed legal professionals. The court has delegated responsibility to the WSBA to administer the discipline system. All licensed legal professionals—lawyers, limited practice officers (LPOs), and limited license legal technicians (LLLTs)—are subject to the discipline system. Because the WSBA licenses far more lawyers than LPOs or LLLTs,[2] most matters in the discipline system relate to lawyers, and this article, therefore, primarily refers to lawyers. The process is largely the same for LPOs or LLLTs.

The Rules for Enforcement of Lawyer Conduct (ELC)[3] are the procedural rules for the lawyer discipline system.[4] The ethical rules about lawyer conduct are the Rules of Professional Conduct (RPC).[5]



Kirsten Schimpff is the associate director of the Office of Disciplinary Counsel. The Office of Disciplinary Counsel can be reached at intake@wsba.org.

The WSBA Office of Disciplinary Counsel (ODC) receives, reviews, and investigates complaints (grievances) against lawyers under the procedures laid out in the ELC, for the purpose of determining whether the lawyer violated the RPC in a manner that warrants discipline.[6]

GRIEVANCES

ODC receives and opens files on more than 2,000 grievances against Washington lawyers each year. Most grievances are filed online using the WSBA's e-grievance form.[7] Grievances do not have to be submitted on the WSBA's grievance form, but they must be in writing. Individuals needing assistance writing a grievance because of a dis-



ability can contact accommodations@wsba.org. ODC also accepts grievances written in Spanish.

There is no time limit for filing a grievance, but disciplinary counsel may consider timeliness when evaluating a grievance. There is no filing fee. Anyone can file a grievance. Most grievances are filed by clients, former clients, and opposing parties. ODC can also open grievances in ODC's name, often based on information about lawyer conduct in the media or in court opinions or based on trust account overdraft notifications. ODC grievances can be based on allegations from an anonymous or confidential source. If a grievant asks to be treated as a confidential source, they will not be required to participate further, but they also will not be kept informed about the status or outcome of the grievance. ODC will not disclose the identity of a confidential source unless ordered to do so by a discipline system adjudicator, which would only occur if the adjudicator determined revealing the identity was necessary for the respondent to conduct a proper defense.

Grievances raise a variety of issues, with some of the most common being lack of diligence and lack of communication. Many grievances involve the practice areas of family law and criminal law.

Some issues, such as difficulty contacting a lawyer or getting a copy of the client file from a former lawyer, can be resolved more informally without the need to file a grievance. Clients who would like help reestablishing communication or obtaining a copy of their file should submit a request for assistance.

THE INTAKE PROCESS

Not every grievance submission leads to the opening of a grievance file. For example, if the complaint is about a judge (the Washington State Commission on Judicial Conduct handles complaints of judicial misconduct or disability), a lawyer not licensed in Washington, or a lawyer who has already been disbarred or resigned in lieu of discipline, ODC may notify the filer that we are not opening a grievance.

Most often, though, when ODC receives a grievance form, a grievance file is opened and assigned a unique file number. ODC notifies the person who filed it (the grievant)

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and the lawyer against whom the grievance was filed (the respondent) that we received the grievance and the file number assigned.

Not every grievance leads to an investigation. Under the ELC, disciplinary counsel *must review* and *may investigate* a grievance. Disciplinary counsel reviews each grievance. After review, disciplinary counsel can dismiss the grievance or request the lawyer's preliminary written response. Because disciplinary counsel can dismiss a grievance without requiring a lawyer's response, the lawyer's first notification about the grievance may be when the lawyer receives a copy of the dismissal letter along with a copy of the grievance. This may occur, for example, if the conduct being complained about in the grievance does not violate the RPC, or if the allegations relate to matters that are usually best addressed by the courts in the first instance, such as whether the lawyer provided ineffective assistance of counsel in a criminal case.

If disciplinary counsel requests the lawyer's preliminary written response, the letter notifies the lawyer that they are required to respond to the grievance and that ODC will send a copy of the response to the grievant. The response period is generally 30 days, but this can be extended for good cause. The lawyer has a right under the ELC to be represented by counsel at this or any other point in the disciplinary process. Because the disciplinary process is a specialized area that has very different rules and procedures than the lawyer's typical area of practice, and because it has potentially serious consequences for the lawyer's license to practice law, ODC strongly encourages lawyers to consider hiring a lawyer to represent them.

After receiving a response from the lawyer and often a grievant reply, disciplinary counsel reviews the file information and decides whether the grievance should be dismissed or investigated.

DISMISSED GRIEVANCES

When a grievance is dismissed, disciplinary counsel sends a letter to the grievant, with a copy to the lawyer, explaining why the grievance was dismissed and informing the grievant of the right to request review of the dismissal. Because of the volume of grievances, the explanation for why a grievance was dismissed after intake review is generally quite brief.

A grievant has a right to ask for review of the dismissal by a review committee of the Disciplinary Board within 45 days of the dismissal date. The Disciplinary Board is a volunteer body with lawyers and community members appointed by the Washington Supreme Court. Review committees have three Disciplinary Board members—two lawyers and one community member. If a grievant requests review, the lawyer is not required to respond, but if a lawyer chooses to respond, the response will be provided to the review committee and, generally, to the grievant. If the review committee agrees with the dismissal, that decision is final and there is no further appeal.

Review committees do not conduct hearings, and neither the grievant nor the lawyer can appear at a review committee meeting. Review committees only consider a written record, which can include the information submitted by the grievant, the information submitted by the lawyer, and disciplinary counsel's dismissal letter.

ODC receives and opens files on more than 2,000 grievances against Washington lawyers each year.

INVESTIGATION

If a lawyer does not respond to disciplinary counsel's request for information, the lawyer may receive a letter requiring a response in 10 days and cautioning that a deposition may be scheduled for failure to respond. Failure to respond is, in itself, grounds for discipline and may also result in the lawyer's interim suspension by order of the Washington Supreme Court (a temporary suspension that lasts until the lawyer cooperates or until the end of the disciplinary proceeding).

If ODC investigates a grievance, the lawyer and grievant are notified and the matter is generally reassigned to a different disciplinary counsel. Disciplinary counsel determines the scope of the investigation and may require additional written responses, request records, conduct depositions, and take other investigative action. Depending on the scope of the investigation and complexity of the issues, this may take a substantial amount of time, and other ODC personnel, such as investigators and auditors, may be assigned to assist. Disciplinary counsel then determines whether to recommend a disciplinary proceeding or other form of disciplinary action or to dismiss the grievance.

If there is related civil or criminal litigation, disciplinary counsel may and often will defer the investigation until the litigation resolves. Disciplinary counsel's decision on deferral, similar to a decision on dismissal, can be reviewed by a review committee of the Disciplinary Board.

AFTER INVESTIGATION

Many grievances that are investigated are then dismissed. Some grievances involving less serious misconduct are referred to diversion under ELC Title 6. In a diversion, the lawyer enters into a contract with disciplinary counsel requiring the lawyer to take certain steps—such as seek counseling, resolve client disputes, or improve law office management—intended to address the circumstances that caused or contributed to the misconduct. If the lawyer successfully completes the contract terms, the grievance is dismissed.

If disciplinary counsel does not dismiss a grievance after an investigation, disciplinary counsel could recommend an admonition or a public disciplinary hearing. Many factors influence disciplinary counsel's decision-making, including whether evidence will prove an RPC violation by a clear preponderance of the evidence, what the likely sanction is under the American Bar Association Standards for Imposing Lawyer Sanctions (which have been adopted by the Washington Supreme

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Court as the applicable sanction guideline in Washington disciplinary matters), and whether Washington Supreme Court precedent supports discipline.

Disciplinary counsel's recommendation for a disciplinary hearing is considered by a review committee of the Disciplinary Board. If the lawyer wants to respond to disciplinary counsel's recommendation, they can do so, and that information will be provided to the review committee. The review committee reviews disciplinary counsel's recommendation and supporting materials, along with any response from the lawyer, and decides whether to order a hearing. Hearing officers appointed by the Washington Supreme Court preside over disciplinary hearings, at which ODC and the lawyer can call witnesses to testify, introduce exhibits, and make opening statements and closing arguments, much like a regular trial. Following the hearing, the hearing officer makes findings and, if the hearing officer finds ODC has proven the charges by a clear preponderance of evidence, recommends disciplinary action, which could include admonition, reprimand, suspension up to three years, or disbarment. The lawyer or ODC can appeal the hearing officer's decision to the Disciplinary Board and ultimately, in many situations, to the Washington Supreme Court.

Many disciplinary proceedings resolve by agreement. A stipulation to discipline requires approval by a hearing officer, the Disciplinary Board, or the Washington Supreme Court. A lawyer may also choose to permanently resign their membership in lieu of further disciplinary proceedings. A lawyer who resigns in lieu of discipline must stop practicing immediately and can never apply for readmission, whereas a lawyer who is disbarred may apply for reinstatement after five years.

CONFIDENTIAL AND PUBLIC INFORMATION

Court rules determine what information about the discipline system is available to the public and what is confidential. Grievances under review or investigation are confidential. Dismissed grievances are confidential. Generally speaking, grievances do not become public information unless a review committee orders that a hearing should take place and the matter then becomes what is referred to in the rules as a "proceeding." Most records related to proceedings are public. Disciplinary hearings and oral arguments are open to the public. Disciplinary sanctions and admonitions are public.

The WSBA is required to carefully follow these rules and maintain the confidentiality of information designated as confidential. Unless information is subject to a protective order, however, the WSBA cannot restrict a lawyer's ability or a grievant's ability to communicate to third parties about a grievance. Subject to some restrictions, ODC can release confidential information from its files to law enforcement authorities and other disciplinary authorities, and in certain other limited circumstances.

Court rules determine what information about the discipline system is available to the public.

RESOURCES

For additional information, see the Professional Discipline page[8] on the WSBA website. It contains links to the current ethical and procedural rules for lawyers, LPOs, and LLLTs, information about ODC and other components of the discipline system, and the Discipline System Annual report, among other resources. The Concerns About a Lawyer page[9] has information about filing and responding to grievances, requests for assistance, and Client Protection Fund applications, and links to the relevant forms.

To see whether a licensed legal professional has a record of public discipline, access the Discipline Notices[10] directory. Information about upcoming disciplinary hearings and Disciplinary Board arguments is posted on our Disciplinary Board page.[11] To request public records, contact PublicRecords@wsba.org.

To discuss an ethical issue, members can call the confidential Ethics Line at 206-727-8284. Finally, for members struggling with mental health or substance use, or other health or wellness issues, the WSBA's confidential Member Wellness Program[12] may help. Contact them at wellness@wsba.org or 206-727-8267. Communications to the Ethics Line and Member Wellness Program are confidential and not shared with ODC. BN

NOTES

1. This article updates prior articles published in the May 2007 issue of *Washington State Bar News* and Dec 2015/Jan 2016 issue of *NWLawyer*.
2. There are approximately 42,000 lawyer members of WSBA, nearly 35,000 of whom are on active status, approximately 850 LPO members, and approximately 80 LLLT members.
3. www.courts.wa.gov/court_rules/?fa=court_rules.list&group=ga&set=ELC.
4. The ELC also contain procedural rules related to—and the discipline system also investigates and adjudicates—incapacity cases. The rules refer to them as "disability proceedings," but the issue being decided is whether the lawyer lacks the mental or physical capacity to practice law and/or to participate in the defense of a disciplinary proceeding against them.
5. www.courts.wa.gov/court_rules/?fa=court_rules.list&group=ga&set=RPC.
6. LPOs and LLLTs each have their own set of ethical rules and procedural rules. Grievances against LPOs and LLLTs are received and reviewed by the WSBA's Regulatory Services Department in conjunction with the discipline committee for the applicable license type. If the initial review determines that further investigation is warranted, the grievance is investigated by ODC.
7. https://onlinegrievance.wsba.org/Attorney.
8. www.wsba.org/for-legal-professionals/professional-discipline.
9. www.wsba.org/for-the-public/concerns-about-a-lawyer.
10. www.mywsba.org/PersonifyEbusiness/Default.aspx?TabID=1540.
11. www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/disciplinary-board/.
12. www.wsba.org/for-legal-professionals/member-support/member-wellness-program.

2026 Sally P. Savage Leadership in Philanthropy Award

Presented jointly by the Washington State Bar Association and the Washington State Bar Foundation



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WASHINGTON STATE BAR FOUNDATION

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FEATURE

Q&A with Christell Casey

Christell Casey graduated from the Law Clerk Program in 2014 and became a member of the Bar in 2015. She has been a member of the Law Clerk Board since 2017 and is the current chair.



Q. Tell us a bit about your legal career.
A. I graduated from the Rule 6 Law Clerk Program in 2014, passed the bar in 2015, and was working in personal injury. I joined a family law firm in 2017 and have been doing that ever since.

Q. Why did you initially start volunteering with the WSBA?
A. As a graduate of the Rule 6 program, I was passionate about making sure it was vibrant and remained an option for other people like me who needed an alternative to the traditional law school route.

Q. What are your current volunteer role(s)?
A. I have just completed my ninth year on the Law Clerk Board, serving as its chair for the last year. I regularly volunteer locally for Latinos en Spokane and Mujeres in Action, assisting with family law issues. I also periodically assist with the local legal aid clinic for family law cases.

Q. How long have you been volunteering with the WSBA?
A. Nine years.

Q. What do you find most meaningful or rewarding about volunteering with the WSBA?
A. On the Law Clerk Board, I firmly believe that the Law Clerk Program is uniquely suited to provide low-cost, high-quality legal education to those around our state who cannot move to Spokane or Seattle for law school. They receive quality mentorship and then remain in the communities they already live and work in. This is a vital service. I was grateful to access it myself, and I want to make sure it remains part of access to legal education in Washington.

In my other volunteer roles, the families I see are often in crisis, and everything in their world is in turmoil: their housing, their money, and their kids. Not everyone can afford an attorney to help them navigate their legal issues, especially those in disadvantaged communities. I like helping them gain clarity, develop a plan, and get guidance on next steps so they are less afraid.



Q. Can you share a memorable moment or experience from your time volunteering with the WSBA?

A. Without a traditional law school graduation, most law clerks move on from the program with little opportunity to reflect on their accomplishment or share it with their loved ones. Recently, the Law Clerk Board began holding an annual recognition ceremony for graduates of the program. It is moving to see these graduates and how proud their families are, and to get to share and recognize their accomplishments!

Q. What advice would you give to others who are thinking about volunteering with the WSBA?

A. Just do it! The legal profession is a noble one, and it is up to us to live up to that standard and to maintain it for future generations. We can certainly do that in our practice, but also through the hands-on work at the board level, setting policy and standards, and guiding the profession as it grows and changes. There is an area for everyone to be passionate about and lend their experience.

Q. Has volunteering with the WSBA led to any new connections?

A. Yes, in my nine years, I have met other practitioners from around the state, and I still connect with a few of them regularly. I have met wonderful, smart, talented, and dedicated attorneys. I know I can reach out if I have questions about their practice areas or to recommend attorneys in their area if I need to make a referral. BN

SIDEBAR

Do You Know an Outstanding WSBA Volunteer?

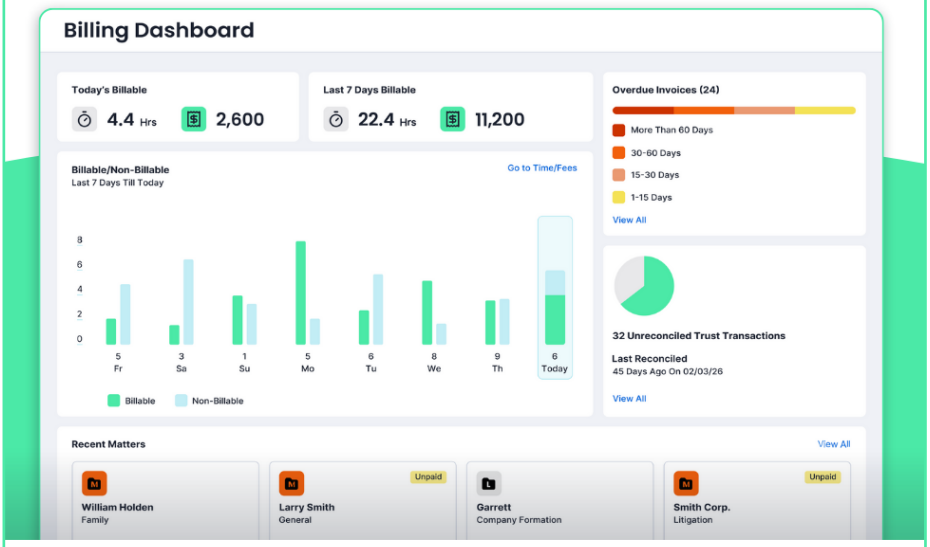
Nominate them to be highlighted in a Volunteer Spotlight in *Bar News*! Find the nomination form and more at **www.wsba.org/connect-serve/volunteer-with-wsba/volunteer-recognition**.

Nominations are reviewed on a rolling basis.

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FEATURE

RETHINKING PUBLIC SAFETY: INVESTING IN PUBLIC DEFENSE



BY VICTORIA BLUMHORST AND ROBERT C. BORUCHOWITZ

This article is part three in a series. Read part one in the September issue of Bar News *at* ***https://wabarnews.org/2026/09/10/public-defense-crisis-is-an-opportunity-for-change/*** *and find part two in the October issue of* Bar News *at* ***https://wabarnews.org/2026/10/13/implementation-of-public-defender-standards-requires-full-professional-staff-support-for-attorneys/****.*

Public safety often is measured by how aggressively crimes are policed, prosecuted, and ultimately punished, obscuring the essential role of public defense in keeping our communities safe. We see reflections of this in local government. For example, the cornerstone of Gov. Bob Ferguson's public safety plan is "to increase the number of law enforcement personnel in Washington—including state law enforcement agencies, and helping local governments hire more police officers."[1] In addition, some legislators insist on being "tough on crime."[2] But the reality is that an investment in public defense is an investment in public safety and in the integrity of the criminal legal system.

We should reconsider how resources are allocated within that system and invest in comprehensive reforms that can improve outcomes for defendants, victims, and the public at large.

PUBLIC DEFENSE FOR PUBLIC SAFETY

One of the most serious consequences of an underfunded public defense system is the risk of wrongful conviction. When public defenders lack the resources necessary to provide effective representation, the innocent may be incarcerated while the real perpetrators remain free. Excessive caseloads also increase the risk of convictions being overturned on appeal because of ineffective assistance of counsel, delaying justice for victims and prolonging uncertainty for all.

The consequences extend beyond individual cases. As a recent article from the Vera Institute of Justice observed:

> The price of pretrial detention, long sentences, and wrongful convictions is steep—both for public budgets and for communities. Failing to fund public defenders doesn't save money—it shifts costs onto communities, families, and future budgets.[3]

Effective public defense protects more than the rights of the accused. It strengthens the reliability of criminal proceedings,



Victoria Blumhorst is director of Spokane Counsel for Defense and chair of the WSBA Council on Public Defense.



Robert C. Boruchowitz is a professor from practice and director of The Defender Initiative at Seattle University School of Law.



Illustration © Getty/Talaj

EFFECTIVE PUBLIC DEFENSE PROTECTS MORE THAN THE RIGHTS OF THE ACCUSED. IT STRENGTHENS THE RELIABILITY OF CRIMINAL PROCEEDINGS, HELPS AVOID COSTLY ERRORS, AND, ULTIMATELY, PROVIDES BETTER PROTECTION FOR VICTIMS AND COMMUNITIES.

helps avoid costly errors, and, ultimately, provides better protection for victims and communities. As Washington Rep. Adison Richards stated when proposing legislation to strengthen public defense, "A healthy public defense system protects victims, supports law enforcement, and keeps our courts moving."[4]

The benefits of effective public defense also extend beyond the courtroom. A well-resourced public defender can address the underlying circumstances in a client's life that have contributed to their being charged with a crime, including housing instability, mental health challenges, and substance use disorders. These services can help reduce recidivism. A lawyer can work on the legal issues in a client's case while working with a staff social worker to help the client find pretrial release options and develop sentencing recommendations if the client is convicted.

The final bullet point in Gov. Ferguson's public safety priorities supports this strategy, stating:

> Invest in upstream solutions, including youth engagement and outreach, behavioral health interventions, and non-armed response personnel that de-escalate situations, provide needed support to vulnerable people, and allow law enforcement to focus on crime prevention and response.[5]

We need parallel investments in public defense and in the "upstream solutions" that can reduce the need for defenders.

Prosecutors also recognize the safety benefits of addressing the circumstances that contribute to criminal behavior. As Delaware County District Attorney Tanner Rouse recently told *The New York Times*, helping people obtain treatment and get back on their feet "is far more likely to yield long-term safety than simply putting that person in jail for a stretch."[6]

RETHINKING RESOURCE ALLOCATION

In a prior *Bar News* article, Yakima County Prosecuting Attorney Joseph Brusic described prosecutors, public defenders, and the court as "part of a three-legged stool."[7]

But funders do not always recognize this. In 2025, the Washington State Legislature approved $100 million to support police hiring.[8] At the same time, it authorized a local sales tax, the revenue from which could be used for a variety of criminal justice purposes, including public defense, diversion, and reentry programs.[9] Not every jurisdiction has adopted the new tax or applied it for public defense. Increasing law enforcement funding without reciprocal and proportional investments in public defense risks wasting taxpayer money. When there is not enough funding for public defense, there are longer pretrial jail stays, more delays in court, and an increased risk of costly reversals and retrials. Prosecutors, judges, and

CONTINUED >

law enforcement officers cannot efficiently do their jobs if there are not enough defense attorneys. A balanced approach to funding benefits public safety.

INVESTING IN COMPREHENSIVE DEFENSE

Beyond addressing funding disparities, strengthening public defense also requires investing in the resources attorneys need to represent their clients effectively. As the WSBA's Standards for Indigent Defense Services indicate, effective representation includes significant support from investigators, paralegals, legal assistants, social workers, and technology.[10] Without the necessary resources, defenders are unable to prepare cases thoroughly or help their clients address those circumstances contributing to future involvement in the justice system.

Research on holistic defense models illustrates the potential of this alternative approach. Holistic defense goes beyond traditional legal representation by combining it with advocacy for social services to address clients' broader needs and the consequences of criminal charges.

Take, for example, The Bronx Defenders—a New York City public defense organization whose holistic approach was the focus of a 2019 RAND Corporation study. The study found that over 10 years, the program saved an estimated $160 million in inmate housing costs and appreciably increased the use of alternatives to incarceration, particularly in drug and larceny cases. Importantly, clients receiving holistic representation were no more likely to be rearrested than those who were incarcerated for longer periods.[11] Likewise, a study in Santa Barbara, California, found that a similar program "improved legal outcomes and produced cost savings without impacting public safety."[12]

These studies demonstrate the potential benefits of comprehensive public defense. With support from social workers, attorneys can develop meaningful alternatives to incarceration that address clients' underlying needs. Paralegals and investigators can also help attorneys prepare cases more thoroughly, reducing delays and improving outcomes for defendants, victims, and the justice system as a whole.

To be truly tough on crime, all participants in the criminal legal system need adequate funding and support. That includes public defenders, whose work is essential not only to protecting constitutional rights but also to protecting public safety.

TO BE TRULY TOUGH ON CRIME, ALL PARTICIPANTS IN THE JUSTICE SYSTEM NEED ADEQUATE FUNDING AND SUPPORT. THAT INCLUDES PUBLIC DEFENDERS, WHOSE WORK IS ESSENTIAL NOT ONLY TO PROTECTING CONSTITUTIONAL RIGHTS BUT ALSO TO PROTECTING PUBLIC SAFETY.

Throughout his career, Vincent Schiraldi, a veteran corrections professional and advocate for alternatives to incarceration, has championed "humane and innovative policies consistent with public safety."[13] Schiraldi's bio on the Pinkerton Foundation website, where he was a recent visiting fellow, states that what fuels his work is "[t]he hope that we can treat people entangled in the legal system the way we would want our loved ones treated in the same circumstances."[14]

As we determine ways to provide necessary funding for public defense, we should think of public safety as Schiraldi has. Our communities are safest when we have fully funded public defenders. BN

NOTES

1. *See*, Governor Bob Ferguson Priorities, *available at* https://governor.wa.gov/priorities, last checked Oct. 30, 2026.
2. *See, e.g.,* "Rep. Dan Griffey says Washington must be tougher on crime," Washington State House Republican Communications, Feb. 20, 2024, *available at* https://dangriffey.houserepublicans.wa.gov/2024/02/20/rep-dan-griffey-says-washington-must-be-tougher-on-crime/.
3. Nazish Dholakia, "Public Defenders Are Underfunded. Justice Pays the Price," Feb. 17, 2026, *available at* www.vera.org/news/public-defenders-are-underfunded.
4. "Lawmakers Unveil Sweeping Bipartisan Plan to Confront Washington's Public Defender Crisis," Senate Republicans, Dec. 18, 2025, *available at* https://nikkitorres.src.wastateleg.org/lawmakers-unveil-sweeping-bipartisan-plan-to-confront-washingtons-public-defender-crisis/.
5. Governor priorities, *supra* note 1.
6. Issie Lapowsky, "Can a 'Teach for America' Model Save Public Defense?" *The New York Times*, Sept. 12, 2026, *available at* www.nytimes.com/2026/09/12/headway/can-a-teach-for-america-model-save-public-defense.html.
7. Colin Rigley, "No Rest for the Prosecution," *Washington State Bar News*, Feb. 11, 2025, *available at* https://wabarnews.org/2025/02/11/no-rest-for-the-prosecution/.
8. "$100M Plan for Police Hiring Gets Greenlight from Washington House," *The Columbian*, March 12, 2025, *available at* www.columbian.com/news/2025/mar/12/100m-plan-for-police-hiring-gets-greenlight-from-washington-house/.
9. ESHB 2015, *available at* https://lawfilesext.leg.wa.gov/biennium/2025-26/Pdf/Bills/Session%20Laws/House/2015-S.SL.pdf?q=20260912161703.
10. WSBA Standards for Indigent Defense Services, *available at* www.wsba.org/docs/default-source/legal-community/committees/council-on-public-defense/standards-for-indigent-defense-services_2024.09.07_final.pdf?Status=Master&sfvrsn=8bdb19f1_5.
11. RAND Corporation, "Holistic Representation: An Innovative Approach to Defending Poor Clients Can Reduce Incarceration and Save Taxpayer Dollars—Without Harm to Public Safety," Jan. 11, 2019, *available at* www.rand.org/pubs/research_briefs/RB10050.html.
12. C. Ross Heaton, "Research on the Effectiveness of Holistic Defense Models & Social Workers in Public Defender Offices," December 2023, *available at* https://cjil.sog.unc.edu/wp-content/uploads/2023/12/Research-on-Impact-of-Social-Workers_2023.12.19.pdf.
13. The Pinkerton Foundation note, *available at* www.thepinkertonfoundation.org/staff/vincent-schiraldi-visiting-fellow.
14. *Id.*

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On Board

NEWS FROM THE BOARD OF GOVERNORS & THE WSBA

SEPT. 24-25, 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 **Congratulations to Incoming Officers and Governors!** The WSBA's new fiscal year began Oct. 1, and your Bar is in good hands! Our newly sworn-in officers are President Kari Petrasek, President-Elect Nam Nguyen, and Treasurer Alain Villeneuve; governors beginning new terms are Min Kang, District 2; Norma Linda Ureña, District 7N; Qian "Sophie" Ying, District 8; Allison Widney, District 3 (reelected); Todd Bloom, District 6 (reelected); and Tom Ahearne, at-large (reelected).

2 **FY 27 Budget.** The Board approved next year's budget, which includes a planned spenddown of about $1.4 million in the general fund, in alignment with the Board's reserve-fund safeguards. (Note: The 2027 license fees—including $475 for an active lawyer—were already set last year using the Board's license fee policy: **www.wsba.org/for-legal-professionals/license-renewal/license-fees/license-fee-policy**.)

MORE ONLINE

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

3 **Local Hero**. The WSBA recognized C. "Matt" Andersen as a Local Hero, an honor bestowed by the WSBA president in partnership with county bar associations to recognize colleagues who make noteworthy contributions to their communities. Matt was nominated by the Spokane County Bar Association for his decades of commitment to the legal profession and the administration of justice, both in the courtroom and beyond.

4 **Small Town and Rural (STAR) Council Check-In.** STAR Council leaders provided a five-year evaluation of the initiative and reported its recommendation to continue its work with another evaluation slated in five years. The council was established to strengthen and support the practice of law in rural communities throughout Washington. The council's mission is to ensure that rural legal practice is present, growing, and thriving, and to guide policy and program development that improves access to justice and builds a sustainable pipeline of practitioners. Highlights from the first five years of work include annual summits of rural practitioners, judges, and law students; CLEs regarding rural practice and issues; rural hiring events; and rural internships and grants.

5 **State of Legal Education**. Washington law school deans and the Law Clerk Board chair joined the Board for an annual discussion about opportunities and challenges in local legal education. The education leaders discussed innovative new initiatives to expand access to legal education and prepare new lawyers to serve people across Washington.

6 **Sections Viability Review.** The WSBA Bylaws trigger a "viability review" whenever a section has fewer than 75 voting members for two consecutive years. Three sections—the Liquor, Cannabis & Psychedelics (LCP) Section, the Animal Law Section, and the Legal Assistance to Military Personnel (LAMP) Section—triggered such a review this year. The Member Engagement Council (MEC) oversaw the review in close collaboration with section leaders, and the process and results were positive: The section leaders identified actions and the WSBA identified supports/resources to help the sections stabilize and thrive. The Board approved the section-specific viability recommendations.

THE BOARD ALSO:

- **Set** the 2027 *Keller* deduction for members at $1.25. Learn more about the deduction at **www.wsba.org/for-legal-professionals/license-renewal/keller-deduction**.
- **Discussed** the possibility of rescinding a decision it made in May to change the definition of "approved law schools" that is used to determine applicant eligibility to sit for the bar exam in Washington. The change in the WSBA Admissions Policies expands the definition beyond "ABA-approved" law schools to include law schools that are approved in any other state for bar-exam eligibility and admissions. The Board voted and confirmed its prior policy change.
- **Held** its annual performance review of the executive director in executive session.

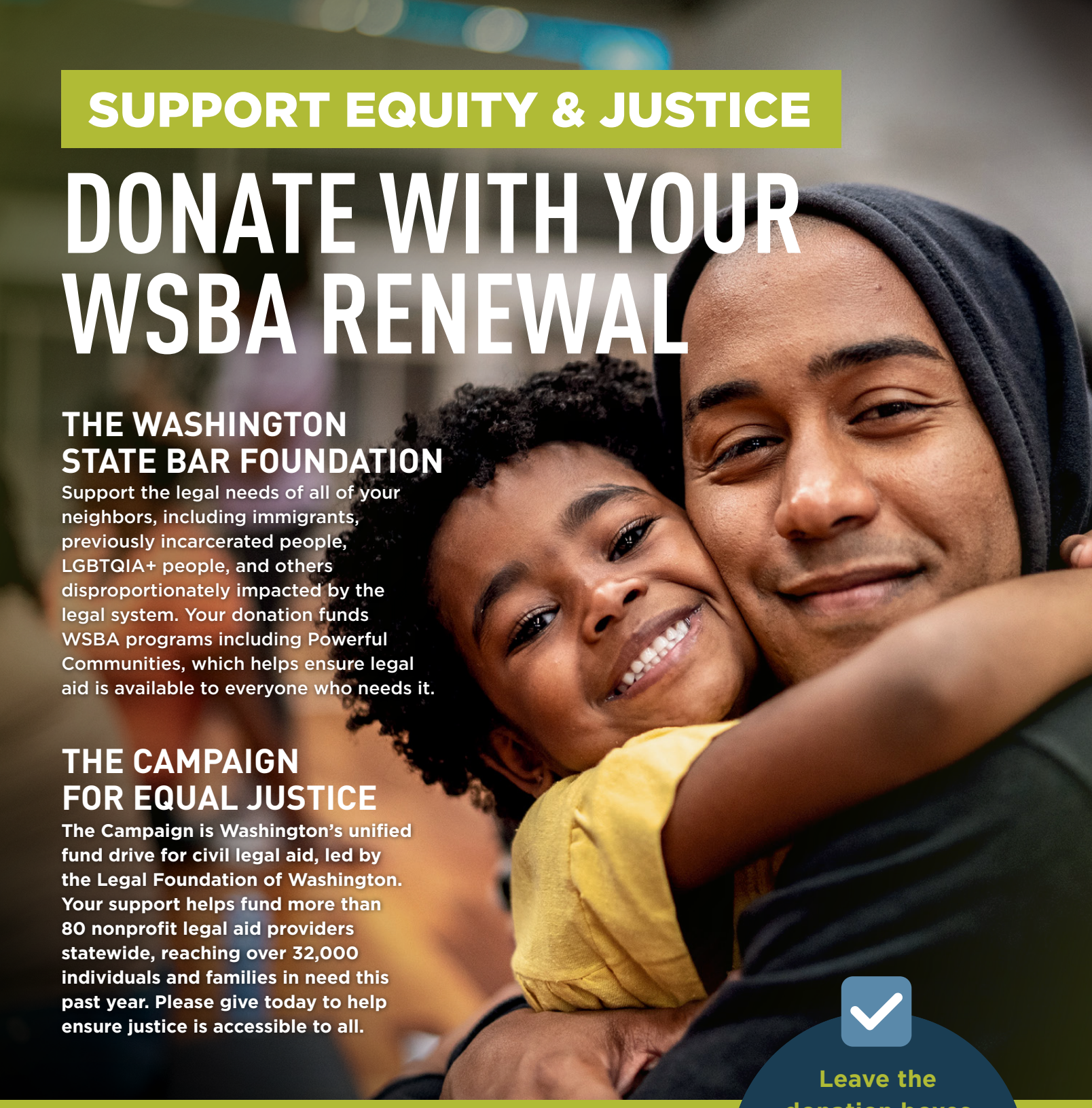
SAVE THE DATE

The next regular meeting is Jan. 15-16, 2027, in Seattle. To subscribe to the Board meeting notification list, email barleaders@wsba.org.

- **Held** its annual meeting of the Washington State Bar Foundation and approved the 2026-27 Board of Trustees roster. The Washington State Bar Foundation is the fundraising arm of the WSBA.
- **Adopted** an amendment to the WSBA Admissions Policies to remove the requirement for the WSBA to post a bar-exam pass list; which is consistent with APR 4(b), it is now discretionary, not required, for the WSBA to post a list of names of individuals who pass the bar exam or any other licensing exam.
- **Approved** a recommendation for a charter for the Court Rules and Procedures Committee, which has until now operated under the authority of its court-established role of reviewing designated sets of Washington court rules on a regular cycle. In addition to memorializing the committee's current and ongoing work, the charter lays out a process by which the Board would delegate limited authority to the committee to comment on court rules during the Court's initial screening process.
- **Approved** the submission—to the Washington Supreme Court—of the Court Rules and Procedures Committee's suggested rule changes to RAP 16.10, RAP 18.17, and RAP 18.8 to clarify that opening filings in a personal restraint petition are limited to 12,000 words regardless of the form used.
- **Established** an application fee for the anticipated new admissions pathway (admission by portfolio evaluation), increased the application fee for Rule 9 licensed legal interns, and increased the lawyer application fees for the bar exam and UBE score transfer applications.
- **Approved** suggested amendments to APR 1(e) changing the definition of active legal experience for Bar admissions purposes. The suggestions will now go to the Washington Supreme Court for consideration. BN







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Support the legal needs of all of your neighbors, including immigrants, previously incarcerated people, LGBTQIA+ people, and others disproportionately impacted by the legal system. Your donation funds WSBA programs including Powerful Communities, which helps ensure legal aid is available to everyone who needs it.

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In Remembrance

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

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

Richard Allen, #2411, 7/12/2026

Roderick Cameron, #6411, 8/28/2026

Dennis Gerlt, #6442, 9/15/2026

Jay Lindh, #16493, 10/5/2026

Jeffrey Niesen, #33850, 8/17/2026

David Schultz, #33796, 9/1/2026

Donald Senter, #4513, 5/21/2026

MORE ONLINE

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

wabarnews.org



Need to Know

NEWS & INFORMATION OF INTEREST TO WSBA MEMBERS

WSBA NEWS

2027 License Renewal and Sections Information

License Renewal is Paperless (online only). Licensing opened in November. Notifications and reminders have been sent by email. Please ensure that your email address is current and that emails from the wsba.org domain are not marked as spam. License renewal must be completed online at **www.licensing.wsba.org**, where you can complete required certifications and securely pay your license fee or print an invoice for payment by mail with a check.

DEADLINES:

Dec. 31, 2026

- Complete MCLE credits.

Feb. 1, 2027

- Pay license fee.
- Certify trust account information and liability insurance disclosure or financial responsibility.
- Certify MCLE credits.
- Optional: Request license fee exemptions and reductions.

Certify MCLE Compliance. If you are in the 2024-2026 reporting period, then you are due to report CLE credits and certify MCLE compliance. The deadline for completing credits is Dec. 31, 2026. Please note you cannot earn more than 8 credits in a calendar day. The certification must be completed online by Feb. 1, 2027. Visit **www.wsba.org/for-legal-professionals/mcle** to learn more.

License Fee Payment Plan, Exemptions, and Reductions. If you are experiencing financial challenges, a payment plan option is available. Payments may be made in up to five installments with the balance required to be paid in full by Feb. 1, 2027. License fee exemptions and reductions are available for licensed legal professionals who qualify. Visit **www.wsba.org/licensing** to learn more.

Member Pronouns. You may include pronouns on your profile in the WSBA Legal Directory. Please go to **www.mywsba.org** to include yours. Pronouns are words used to refer to someone in the third person in place of their name. The purpose of including them is to indicate how others can respectfully refer to you.

Voluntary Demographic Information. Please update your information at **licensing.wsba.org** when you renew your license. This information is essential to understanding the demographic makeup of licensed legal professionals in the state and can help inform better policymaking by decisionmakers, including the Washington Supreme Court.

Join or Renew your Section Membership. The Section Membership Year is Jan. 1–Dec. 31. Visit **www.wsba.org/sections** to learn more.

Pro Bono Status. If you are considering going inactive, pro bono status is a great alternative that lets you provide pro bono services through a qualified legal services provider (QLSP). The license fee will be waived for pro bono status members who completed at least 30 hours of pro bono service with a QLSP in the prior year. Learn more at **www.wsba.org/for-legal-professionals/license-renewal/status-changes.**

Judicial Status. Please note you are required to inform the Bar within 10 days of your retirement or your ineligibility for judicial status (and you must apply to change to another status or to resign). Visit **www.wsba.org/for-legal-professionals/license-renewal/status-changes** to learn more.

THE BAR BUZZ

Fresh Off the Press: New WSBA Deskbooks!

Stay current and find answers faster with newly updated editions of three WSBA Deskbooks:

- *Washington Real Property Deskbook Series, Volume 3: Real Property Interests & Duties of Third Parties*
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- *Washington Construction Law Deskbook*

Written by Washington practitioners for Washington practitioners, these Deskbooks put practical guidance and up-to-date analysis at your fingertips. Learn more at **www.wsba.org/deskbooks**.

Could Your Innovative Legal Business Model Be Next?

Two entities have now been authorized under the Washington Supreme Court's Entity Regulation Pilot Project. The 10-year pilot tests whether new models, including technology-driven delivery and ownership by people who aren't lawyers, can expand access to legal services while protecting consumers. Have an idea for a new way to deliver legal services? Visit **www.wsba.org/about-wsba/entity-regulation-pilot** to learn more.

New Member Lunch & Learn Virtual Event Series

The Washington New Members Committee is excited to launch upcoming events this fall. The next session is scheduled for Nov. 18. All new members and future legal professionals are welcome. Find out more at **www.wsba.org/connect-serve/committees-boards-other-groups/WNMC.**

Proposed Rules of Court Published for Comment

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

Portfolio Evaluation: A New Pathway for Admission

The Licensure Pathways Implementation Steering Committee filed suggested amendments to the Admission and Practice Rules with the Washington Supreme Court, paving the way for a new admission pathway called "Admission by Portfolio Evaluation." The proposed pathway is the result of a more-than-six-year process that began with a rigorous study of the efficacy of the traditional bar exam. The Supreme Court recently decided to post the suggested amendments for comment in January 2027. All opportunities to comment can be found at **www.courts.wa.gov/court_rules/?fa=court_rules.proposed**. Learn more about the pathway at **www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/lawyers/pathways**.

Work at the WSBA

The WSBA has new job openings for those interested. We review candidates on a daily basis. Visit **www.wsba.org/career-center/work-at-the-wsba** to apply.

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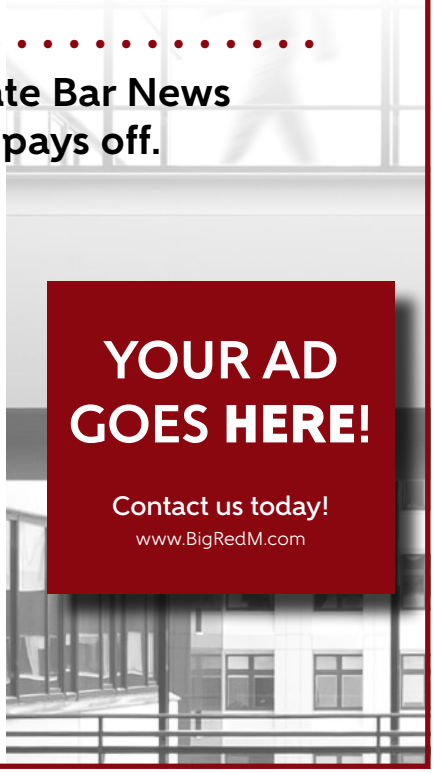
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Virtual Career Guidance Group

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

Free Trust Accounting & Billing Software by Smokeball

Smokeball Bill, a trust & billing software, helps law firms manage trust accounting, bill easily, and get paid faster. All WSBA members have access to free Smokeball Bill subscriptions (a $588 per user per year value). Visit **www.wsba.org/for-legal-professionals/member-support/smokeball** 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

WA Lawyers Assisting Lawyers

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

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.

Review Your Group Health Insurance Options

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

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

Nov. 2026 Usury

The usury rate for November 2026 is 12.00%. The auction yield of the Oct. 5, 2026, auction of the six-month Treasury Bill was 4.314%. The interest rate required by RCW 4.56.110(3)(a) and 4.56.115 for November 2026 is 6.314%. The interest rate required by RCW 4.56.110(3)(b) and 4.56.111 for the November 2026 is 9.00%. BN

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Notices

DISCIPLINE & OTHER REGULATORY NOTICES

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

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

Disbarred

Timothy W. Durkop (WSBA No. 22985, admitted 1993) of Spokane Valley, was disbarred, effective 8/25/2026, by order of the Washington Supreme Court. Nate Blanchard acted as disciplinary counsel. Timothy W. Durkop represented themselves. Deborah Rose Wechselblatt 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), 3.2 (Expediting Litigation), 3.4 (Fairness to Opposing Party and Counsel), 8.1 (Bar Admission and Disciplinary Matters), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), and 8.4(l) (ELC Violation).

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

Durkop was found to have violated the Rules of Professional Conduct by 1) stipulating to an order compelling discovery responses and later stipulating to a default order agreeing to liability without the client's consent; 2) failing to respond to or providing nonsubstantive responses to motions to compel discovery, a motion for class certification, and motions for default and discovery sanctions; 3) failing to make any objection to class inclusion after agreeing to a default order that expressly allowed for such objections; 4) failing to keep the client reasonably informed, including failing to disclose critical motions, hearings, sanctions orders, the order certifying the class, and proposed and agreed default orders; 5) making misleading statements to the client and providing incomplete information, including assuring the client the case was going well, falsely stating opposing counsel intended to visit the client's office to review documents, and providing an incomplete copy of a court order granting class certification; and 6) failing to cooperate with the disciplinary investigation, including failing to respond to written inquiries, failing to produce the client file, and failing to appear for a commanded deposition.

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

Michael Olufemi Ewetuga (WSBA No. 37596, admitted 2006) of Tacoma, was disbarred, effective 8/27/2026, by order of the Washington Supreme Court. Nate Blanchard acted as disciplinary counsel. Michael Olufemi Ewetuga represented themselves. Randolph O. Petgrave III was the hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 3.2 (Expediting Litigation), 8.1 (Bar Admission and Disciplinary Matters), 8.4(d) (Prejudicial to the Administration of Justice), and 8.4(l) (ELC Violation).

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

Ewetuga was found to have violated the Rules of Professional Conduct by 1) failing to take any action to prosecute two client lawsuits after filing the complaints and summonses; 2) failing to respond to the client's requests for information and failing to reasonably and promptly communicate with the client about pretrial deadlines, missed deadlines, court notices, and the lawyer's suspension; 3) failing to comply with the duties imposed on suspended lawyers, including failing to notify the client and the court of the suspension and advise the client to promptly obtain substitute counsel; and 4) failing to promptly respond to disciplinary counsel's written requests for a response to ODC's grievance, failing to provide the client file as requested, and failing to appear at a deposition.

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

MORE ONLINE

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

Suspended

Donna L. Johnston (WSBA No. 23630, admitted 1994) of Renton, was suspended for one year, effective 9/7/2026, by order of the Washington Supreme Court. Marina Busse acted as disciplinary counsel. Anne I. Seidel

represented respondent. Jehiel Baer was the hearing officer. Janice S. Wang was the settlement hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.3 (Diligence) and 1.4 (Communication).

Johnston stipulated to suspension for 1) failing to appear at a hearing regarding the renewal of a protection order and 2) failing to communicate with the client about the hearing.

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

Ronnie A. Soriano Jr. (WSBA No. 42564, admitted 2010) of Montesano, was suspended for six months, effective 9/07/2026, by order of the Washington Supreme Court. Kimberly Shely acted as disciplinary counsel. Ronnie A. Soriano Jr. represented themselves.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.15A (Safeguarding Property), 1.16 (Declining or Terminating Representation), 3.2 (Expediting Litigation), 5.1 (Responsibilities of a Partner or Supervisory Lawyer), and 5.3 (Responsibilities Regarding Nonlawyer Assistants).

Soriano stipulated to suspension for 1) failing to diligently represent multiple clients, 2) failing to reasonably communicate with multiple clients about the status of their matters and/or requests for explanations of the fees charged, 3) attempting to charge one client an unreasonable fee, 4) failing to deposit advance fees into the required trust account, 5) failing to promptly refund unearned advance fees, 6) failing to supervise respondent's associate lawyer, and 7) failing to adequately supervise a paralegal involved in a client matter.

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

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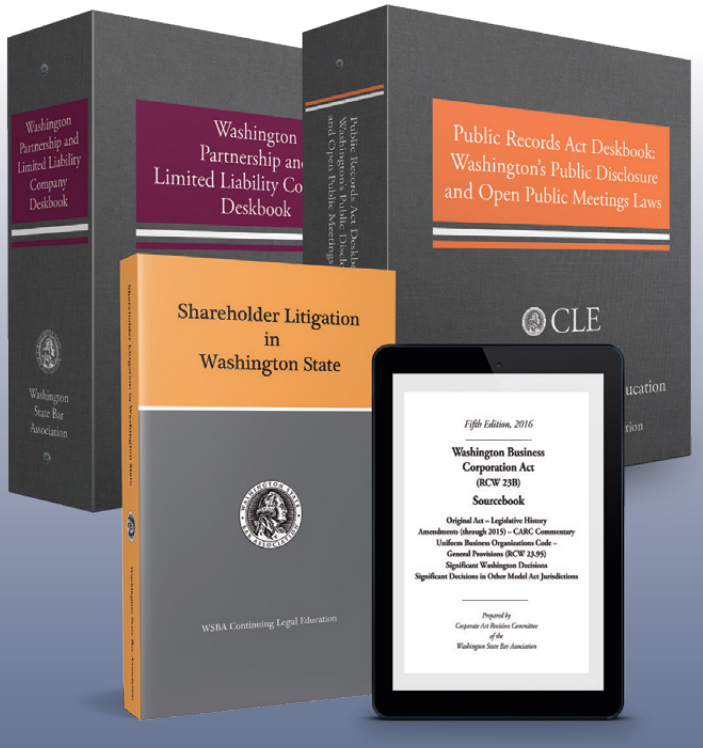
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WASHINGTON STATE BAR ASSOCIATION

LIGHTNING ROUND

Juli E. Farris

BAR NUMBER: 17593

Juli Farris is a partner in Keller Rohrback L.L.P.'s Complex Litigation Group. Born and raised in Seattle, she returned to her hometown after a judicial clerkship in Jackson, Mississippi, and a brief stint practicing in Washington, D.C. She is a member and past president of the Legal Foundation of Washington Board of Trustees and has served on the boards of numerous local community and arts organizations.



Staff illustration

What is the most interesting case you have handled in your career so far and why? I'm most interested in a case while I am working on it and am ready to leave it behind when it's over. What I remember most are the people involved. So many of my clients have been inspiring and brave. It is an honor to take up their causes and gratifying when we are able to help them in a meaningful way.

Did you end up practicing in the area of law you expected? If not, where did you end up and why? Not by a long shot. I am lucky to have ended up in a practice I find both challenging and fulfilling. But the predominant areas of my practice—antitrust, securities, and environmental law—are all subjects I avoided during law school.

What has surprised me most about practicing law is the amount I've continued to learn over the course of my career, about different areas of law and different industries, and things that have nothing to do with the practice of law but in growing as a person.

What is the biggest regret of your career? I think the most important thing each of us offers is not what we "do" in our careers, but what we leave behind. One benefit of remaining at the same firm for so long is seeing the results of what I worked hard to plant and nurture. So, I wish I'd had even more time to support and mentor others. Also wish I'd learned sooner that you can only help people in the way they want to be helped.

What is your biggest success? As with the above, to the extent I've had a positive impact on my firm, my community, or the people in it, that is my biggest success.

How would you be earning a living if you weren't a lawyer? I always thought it would be cool to be an architect, if I'd had the right skillset. But I worked in marketing and publishing before I went to law school, so I probably would have continued that and ended up in business school. BN

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How do you unwind or recharge after a difficult day?
Walking my dog, Rooney, walking to and from work, reading, and meditation, is the answer I'd like to give. I do those things, but television and "hopescrolling" is the more accurate answer.

What's the best piece of advice you've ever received?
The best piece of advice that I received about the practice of law came from my father, Judge Jerome Farris. When I was a new lawyer, he told me that if others tried to intimidate me, I should remember that David slew Goliath with five smooth stones. Don't try to be anyone else, rely on your own strengths, and be prepared. I think that is good advice for any lawyer.

Who is your favorite writer?
There are many. I've always loved reading, and my mother was a librarian, but I'll say Toni Morrison. My sister wrote her a fan letter when we were in grade school and Ms. Morrison sent her the nicest response.

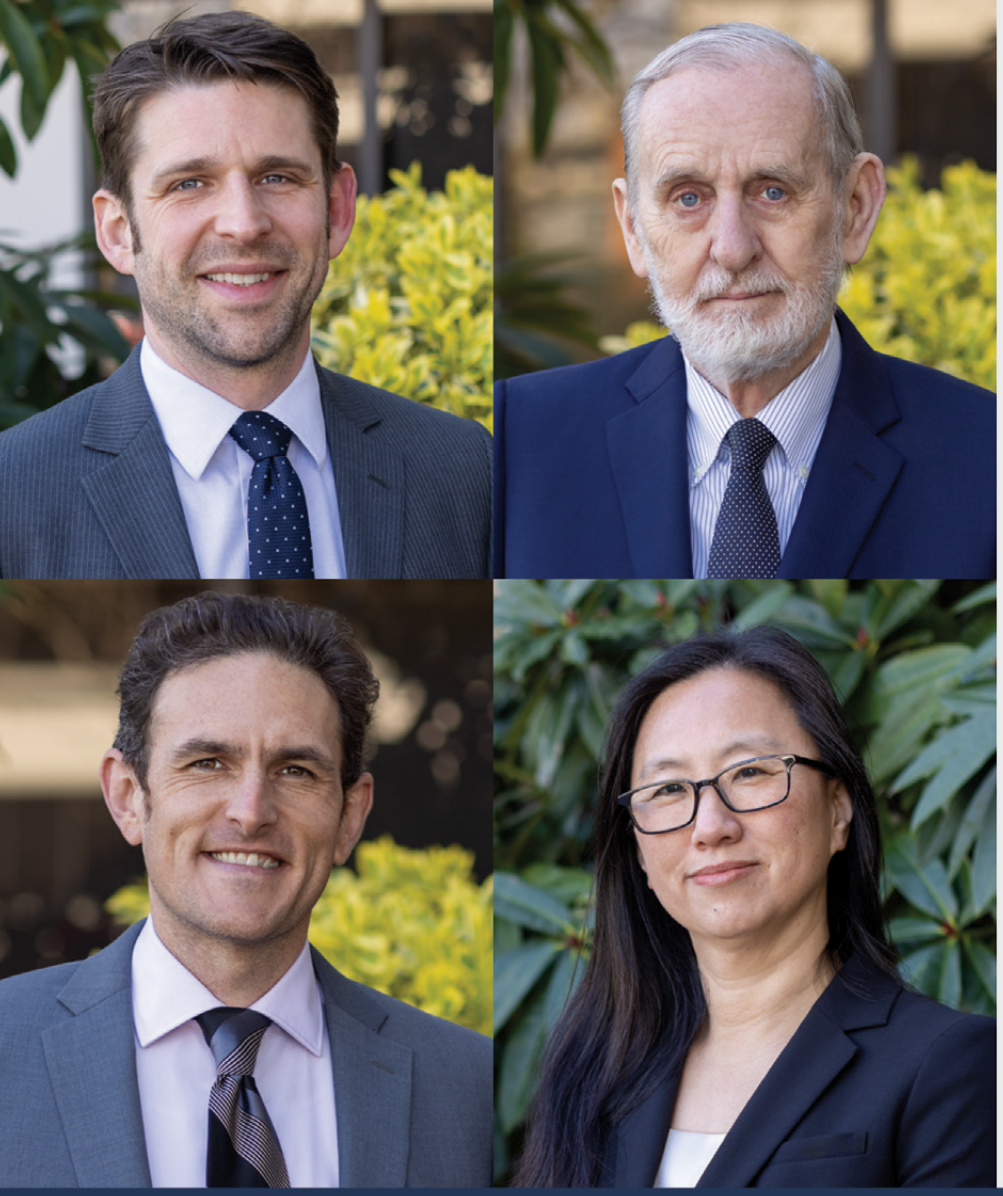
What's your go-to karaoke song?
Ugh! Haven't found one yet. I like to sing—at church, in the shower, at a campfire, in the choir—but the few times I've done karaoke I am reminded why I find it humiliating and why you really do need a go-to song.

What's the best place you've ever traveled to?
Too many! Travel itself is the best place. But Tahiti comes to mind.

What is the best movie you've ever seen?
So many. My most recent favorite is *Everything, Everywhere, All at Once*. As an adult daughter, or the mother of one, it resonates.


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