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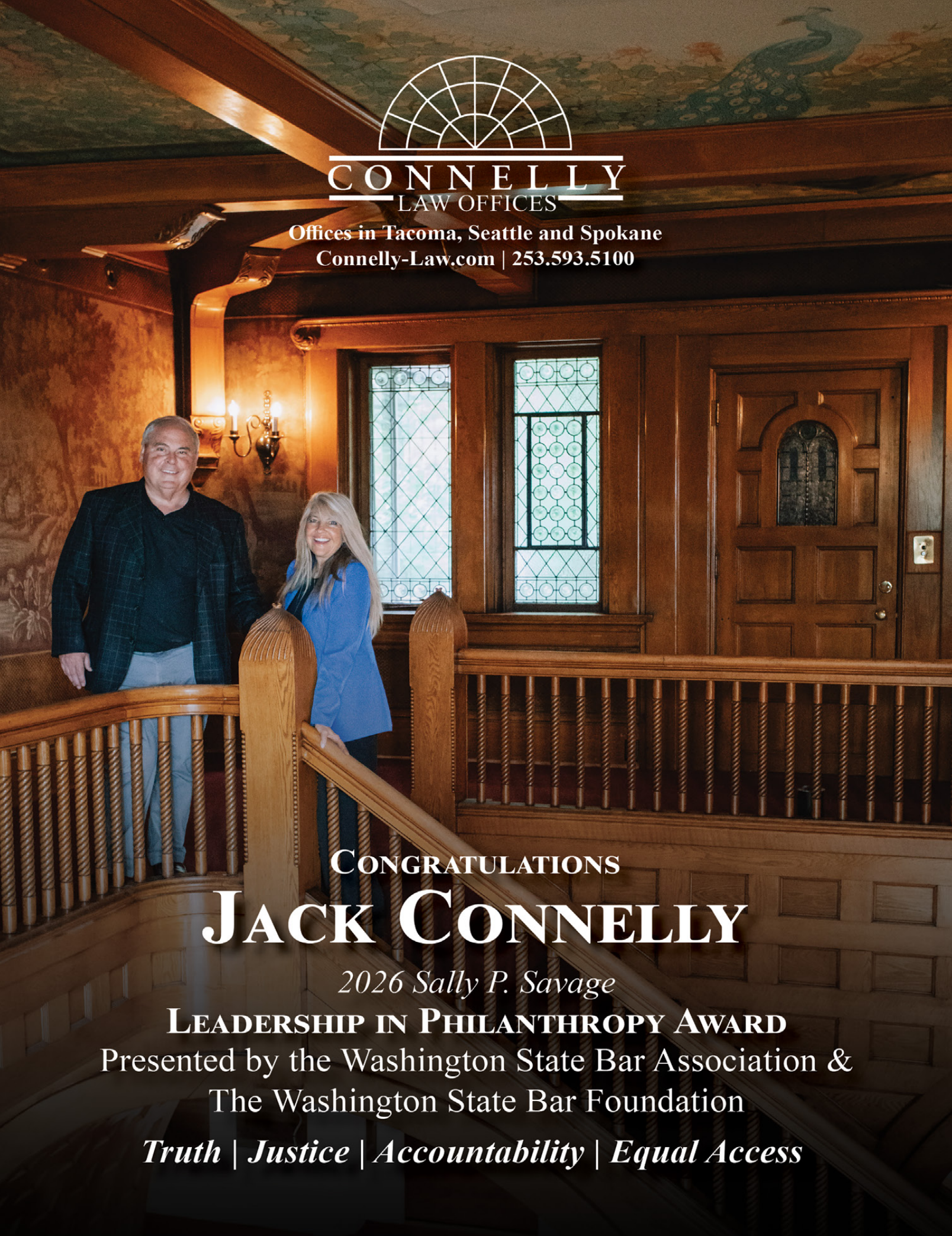
Kari Petrasek

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OCT. 2026
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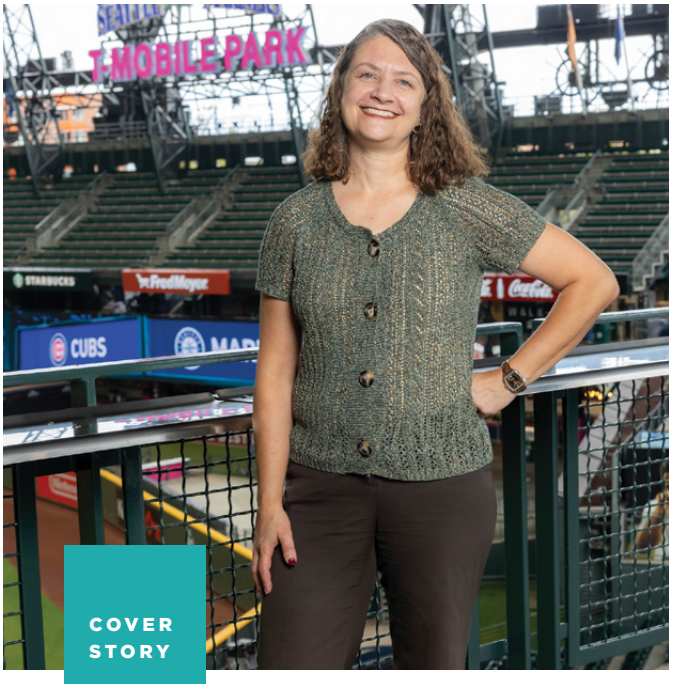
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Editor's Note

The Human Touch

Last month, the WSBA's Editorial Advisory Committee approved a new policy governing the use of generative AI in the magazine. The policy states, "While human-authored content remains paramount, the *Bar News* editorial team recognizes the growing use of technological tools—including artificial intelligence—to assist in producing articles."

The policy permits the use of AI to *support* the writing process, not to replace it. Authors may use AI to brainstorm topics, organize ideas, and improve clarity and readability. They may not submit AI-generated content as final work without substantial revision or rely on AI for independent legal analysis.

The committee and the editorial team believe this policy will allow for responsible use of generative AI while preserving the accuracy, integrity, writing quality, and human perspective that we value in *Bar News*.

Read the full policy at www.wabarnews.org/about-us/. And read on in this issue, for an array of thoughtful, human-authored content: a Q&A with 2026-2027 WSBA President Kari Petrasek (page 14); photos and bios for the full WSBA Board of Governors (page 19); a feature on a hybrid pro bono program helping domestic violence survivors in the Tri-Cities (page 39); the 2025 Pro Bono Publico Honor Roll (page 47); an interview with longtime public defender turned fiction writer Hillary Behrman (page 34); an ethics column on a new WSBA advisory opinion on language access (page 10); and more. BN

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



ON THE COVER
Photo by Katina Ewing of Katina Arnott Photography

EXPANDED IN REMEMBRANCE SECTION ONLINE

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



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



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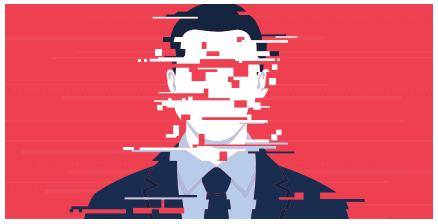
Remembering the Need for Self-Care



BY PAUL RICHMOND

Law was literally killing me. A heart monitor I wore in May showed my heart was running at beats up to 231 beats per minute. I was in atrial fibrillation, my heart beating out of rhythm, 56 percent of the time. I didn't notice. I'd had recent procedures for hernia and ulcer, and had gotten my first ever bone fracture, and [...]

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Federal Court Excludes Expert for AI 'Hallucinated' Citations



BY MARK J. FUCILE

A federal court in Tacoma excluded an expert in *LeDouxx v. Outliers, Inc.* due to AI-generated "hallucinated" citations that compromised credibility. The court previously sanctioned the plaintiff's lawyer for numerous inaccurate citations. [...]

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Federal Court in Seattle Addresses Standing for Disqualification Motions



BY MARK J. FUCILE

The Rules of Professional Conduct (RPC) define disqualification law, while procedural aspects are shaped by courts. In a Seattle case, the court denied a disqualification motion because the moving party lacked standing, as they were never a client of [...]

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LINGUA FRANCA:

New WSBA Opinion on Language Access

BY MARK J. FUCILE

When my father's family sailed from Naples to New York just shy of a century ago to start a new life in America, my aunt (the oldest of the children) began a long career as an informal interpreter for my grandmother.[1] Although times have certainly changed in many ways since then, America's still-vibrant mosaic puts a continuing premium on language skills in many walks of life—including law practice. Recognizing the critical importance for lawyers and clients to understand each other, the WSBA earlier this year issued an advisory opinion discussing language access issues in law practice.

Advisory Opinion 202601 is available on the WSBA website.[2] The opinion examines three broad areas. First, it outlines the



Rules of Professional Conduct that come into play when working with a client who does not communicate proficiently in English.[3] Second, it notes that if a lawyer cannot competently communicate with a prospective client (and is unwilling to engage appropriate interpreters and translators), the lawyer would ordinarily be obliged to decline the representation. Finally, the opinion includes practical suggestions for working with interpreters and translators.

We'll touch on each of those areas in surveying Advisory Opinion 202601.[4]

Before we do, three qualifiers are in order.

First, Advisory Opinion 202601 uses the term "interpreter" to refer to oral communications, and "translator" for written communications. The opinion notes that a lawyer's duties are largely the same regardless of the medium.[5] Therefore, we'll generally use those terms interchangeably.

Second, Advisory Opinion 202601 comes at the issues from the perspective of lawyers in private practice settings rather than those encountering interpreters employed or appointed by the state or federal court systems.[6] We'll take that same approach here.



Illustration © Getty/Veronika Oliinyk



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 RULES

Advisory Opinion 202601 is painted against the backdrop of three fundamental rules of lawyer-client communication and decision-making: RPC 1.4, 2.1, and 1.2(a).

RPC 1.4(a) focuses on keeping the client reasonably informed about the representation and RPC 1.4(b) obliges the lawyer to explain the matter involved in a way that the client can understand.

RPC 2.1 reminds lawyers that they are more than simply legal mechanics and that legal advice is most effective when conveyed, as the rule puts it, within the broader context of "other considerations ... that may be relevant to the client's situation."

AMERICA'S STILL-VIBRANT MOSAIC PUTS A CONTINUING PREMIUM ON LANGUAGE SKILLS IN MANY WALKS OF LIFE—INCLUDING LAW PRACTICE.

Third, Advisory Opinion 202601 includes a discussion of translation technology—while focusing on the process rather than the specific means. For a broader discussion of artificial intelligence tools in law practice, the WSBA surveyed that topic in late 2025 through Advisory Opinion 202505 that is also available on the WSBA website.[7]

RPC 1.2(a) addresses the allocation of decision-making between lawyers and their clients—and reserves to clients the key decisions concerning the representation such as settlement.

Woven together, RPC 1.4, 2.1, and 1.2(a) emphasize that we need to communicate clearly with clients so that they have the information they need to make informed decisions about the legal matters we are handling for them.

With this context, Advisory Opinion 202601 focuses on two additional RPCs that come into play when a lawyer uses an interpreter or translator: RPC 1.1 on competence and RPC 1.6 on confidentiality.

On the former, unless a lawyer is thoroughly proficient in the client's language, Advisory Opinion 202601 counsels that competently representing a client who is not proficient in English ordinarily requires the lawyer to retain a qualified interpreter. For the same reason, Advisory Opinion 202601 also counsels that documents should ordinarily be translated before sending them to the client. Advisory Opinion 202601 observes that competence includes selecting an interpreter or translator with appropriate qualifications and supervising their work.[8]

On the latter, Advisory Opinion 202601 notes that confidentiality is best protected when the interpreter or translator is either employed by or retained by the lawyer.[9] Although substantive privilege law is beyond the scope of an advisory ethics opinion,[10] Advisory Opinion 202601 borrows from that adjacent law to underscore that if the interpreter or translator is an agent of the lawyer, then confidentiality should typically be protected in the same way it is with other law firm staff or specially retained assistants.[11] Advisory Opinion 202601 also notes in this regard that if a lawyer uses translation technology, the lawyer is expected to research the means used to ensure that it is compatible with the duty of confidentiality as with other technology used in law practice.[12]

THE LIMITATIONS

Although we usually think of RPC 1.16 as the "withdrawal rule," its title since adoption in 1985 has always been "Declining or Terminating Representation."[13] One of the mandatory grounds for declining a representation under RPC 1.16(a)(1) is when undertaking the representation would cause the lawyer to violate the RPCs.[14] Advisory Opinion 202601 reminds lawyers that if they lack language skills necessary to work with a client with limited English proficiency and are not willing to retain appropriate interpreters and translators to meet the standard of competence in RPC 1.1, then they must ordinarily decline the representation.[15]

CONTINUED >

THE PRACTICAL CONSIDERATIONS

Without diminishing the important analytical context provided by the first two areas, Advisory Opinion 202601's concluding section on practical considerations is in many respects a "must read" for lawyers working with interpreters and translators for clients with limited English proficiency. Although Advisory Opinion 202601 surveys a wealth of practical issues, they largely fall into three general categories: selection of an interpreter or translator; practical tips for working with interpreters and translators; and costs.

Selection. Advisory Opinion 202601 counsels that although translation applications may be adequate for handling routine scheduling and similar non-technical interactions with clients, "[c]omplicated and substantive communications will require more accurate human interpretation and translation services."[16] For the latter, Advisory Opinion 202601 suggests that lawyers can ordinarily look to certification by a professional organization or court system in choosing an appropriate interpreter. The opinion reminds lawyers, however, that they also need to make sure that the interpreter is fluent in the client's particular dialect and has the ability to translate technical legal concepts. Advisory Opinion 202601 includes a nuanced discussion of using family members as interpreters—ranging from a client's comfort to possible conflicts among family members to the potential impact on privilege.

Practical Tips. Advisory Opinion 202601 leads with an extensive list of practical tips for working with an interpreter and then follows with a similar list for translators. For interpreters, they range from optimal seating arrangements to facilitate the communication, how to segment the conversation to ensure an accurate translation, and avoiding lawyerly jargon. For translators, a key "best practice" tip for legal documents on which the client will rely over the long haul is to consider having a second translator review the accuracy, word choice, and readability of the initial translation.

Costs. Advisory Opinion 202601 notes that the costs for interpreters and translators can ordinarily be passed along to the client as an expense.[17] At the same time, the opinion stresses that prudent practice is to discuss that with the client at the time of the engagement. Depending on the anticipated cost in relation to the services involved, prudent lawyers may wish to call that out specifically in the engagement agreement rather than rely on a more generic description of "costs and expenses" being passed along in addition to the fees involved. BN

ADVISORY OPINION 202601'S CONCLUDING SECTION ON PRACTICAL CONSIDERATIONS IS IN MANY RESPECTS A 'MUST READ' FOR LAWYERS.

NOTES

1. For history buffs, the bridge of the ship they sailed aboard, the *SS Conte Biancamano*, is now in a science museum in Milan (www.museoscienza.org/en/collection/objects/conte-biancamano-ocean-liner). The rest of the ship was eventually scrapped.
2. https://ao.wsba.org/print.aspx?ID=1715.
3. Advisory Opinion 202601 also applies the general considerations discussed to clients who have non-cognitive physical conditions that may affect their ability to communicate with a lawyer, such as hearing, speech, or vision conditions. For clients who have cognitive conditions that may impact their decision-making ability, *see* RPC 1.14.
4. Nationally, the ABA released Formal Opinion 500 in 2021 that addresses many of the same issues. Regionally, Oregon issued Formal Opinion 2024-203 in 2024 that echoes many aspects of the ABA opinion. Those opinions are available on, respectively, the ABA (www.americanbar.org) and Oregon State Bar (www.osbar.org) websites.
5. WSBA Advisory Op. 202601 at 2 ("Interpreters and translators are both dual language proficient individuals who help people communicate across languages, but they work with different mediums. Interpretation is the process of orally rendering communication from one language to another language, while translation is the preparation of a written text from one language into an equivalent form in another language. For purposes of this discussion, a lawyer's obligations regarding the use of an interpreter (oral) or translator (written) are the same.").
6. *See* RCW Chap. 2.43 (state court); 28 U.S.C. § 1827 (federal court). *See also* Washington ER 604 (addressing qualifications and oath for interpreters in court proceedings); Fed. R. Evid. 604 (same).
7. https://ao.wsba.org/print.aspx?ID=1713. The ABA also issued Formal Opinion 512 in 2024 that surveys AI tools generally from a national perspective.
8. Advisory Opinion 202601 notes that supervision of nonlawyer assistants—whether direct employees of the lawyer or independent contractors—is the responsibility of the lawyer under RPC 5.3. *See also* ABA Formal Op. 08-451 (2008) (discussing outsourced support services generally).
9. Advisory Opinion 202601 counsels that a lawyer using interpreters or translators should explain the confidentiality issues to the client and obtain the client's consent consistent with RPC 1.6. Prudently, the lawyer would ordinarily want client consent confirmed in writing—with an engagement agreement providing a ready venue to reflect the client's authorization.
10. Advisory Opinion 202601 includes a citation in an endnote to State v. Aquino-Cervantes, 88 Wn. App. 699, 945 P.2d 767 (1997), on the interplay between privilege and interpreters. The Court of Appeals in Aquino-Cervantes observed: "The notion that an interpreter acts as an 'agent' of the attorney, and therefore ... [falls within privilege] ... is supported by analogous case law in Washington." *Id.* at 708. Aquino-Cervantes has been cited approvingly on this general point by other Washington courts. *See, e.g.,* Kelley v. Microsoft Corp., 2009 WL 168258 at *2 (W.D. Wash. Jan. 23, 2009) (unpublished); Peeler v. Boeing Co., 2015 WL 13841119 at *2 (W.D. Wash. July 10, 2015) (unpublished).
11. If a family member of the client is instead being used as an interpreter, the focus for purposes of privilege is typically on whether that person is reasonably necessary to facilitate the communication between the lawyer and the client. *See generally* Aquino-Cervantes, *supra*, 88 Wn. App. at 707 ("While there are no Washington cases on point, other courts and legal authorities have concluded that an interpreter who is necessarily present during attorney-communications" falls within privilege."); Robert H. Aronson, Maureen A. Howard, and Jennifer Marie Aronson, *The Law of Evidence in Washington* at 9-6 (rev. 5th ed. 2024) ("Communications to persons who are

essential to the confidential relationship do not constitute waivers of privilege. Thus, for example, communications to interpreters … , are privileged if necessary to further communication between the privilege holder and the attorney[.]").

12. *See generally* WSBA Advisory Ops. 2215 (2012) (confidentiality considerations when using cloud-based storage of electronic files), 202505 (2025) (confidentiality considerations when using AI tools in law practice).

13. *See* Robert H. Aronson, "An Overview of the Law of Professional Responsibility: The Rules of Professional Conduct Annotated and Analyzed," 61 *Wash. L. Rev*. 823, 856 (1986) (surveying the then-recently adopted Washington RPC—including what was then numbered RPC 1.15 on declining or terminating representation); *see also* ABA, *A Legislative History, The Development of the ABA Model Rules of Professional Conduct, 1982-2013* at 365-66 (2013) (the same title has also always been part of the corresponding ABA Model Rule—1.16). Effective September 1, 2026, the Washington Supreme Court adopted amendments to RPC 1.16 that put a finer point on analyzing whether a representation should be undertaken. The Washington amendments mirror similar changes to the corresponding ABA Model Rule that are discussed in detail in ABA Formal Opinion 513 (2024). The amendments do not alter the analysis offered by Advisory Opinion 202601.

14. Advisory Opinion 202601 notes that these same precepts apply to withdrawal where a lawyer has already taken a matter on.

15. Comment 2 to RPC 1.1 notes that a lawyer can in theory acquire the requisite competence to handle a matter after taking it on. The comment qualifies this, however, with the following observation: "Perhaps the most fundamental legal skill consists of determining what kind of legal problems a situation may involve[.]" While not addressing language directly, this observation underscores that a lawyer undertaking a matter for a client with limited English proficiency must retain appropriate interpreters and translators to be able to handle the client's work competently if the lawyer is not thoroughly fluent in the client's language. Comment 2 to RPC 1.1 also notes that another general path to competence is to associate another lawyer who has the requisite competence to assist with the representation. Depending on the circumstances, this may be another avenue if, for example, a lawyer is associated into a matter who has the required language proficiency or has the resources to retain appropriate interpreters and translators.

16. *Id*. at 5.

17. *See generally* RPC 1.5, cmt. 1 (addressing, in relevant part, reimbursement for reasonable costs and expenses incurred).





2026-2027 WSBA PRESIDENT

Q&A With Kari Petrasek

My theme is to recognize, celebrate, empower, and foster a thriving volunteer community.

Q. Tell us about yourself—your background, law practice, and what inspired you to become a lawyer.

A. I grew up in West Seattle, and when I started looking at what college I wanted to attend, one of the criteria was I wanted to experience "real winters." So I headed to Minnesota to attend Gustavus Adolphus College (it was 60 below zero and blizzarding my first winter there!). I initially went to that college to obtain a degree in biology because I wanted to become an orthopedic surgeon. But due to a necessary class not being available when I needed to take it, I decided to look at other careers that interested me. I have always enjoyed helping people and finding out the "reason why," so after taking a couple law-related classes at Gustavus, I decided to go to law school. After graduating from Gustavus, I came back home and attended the Seattle University School of Law. My first job was at a small firm handling family law, juvenile law cases, and criminal law. After that firm, I joined a couple other small firms and continued to practice those areas of law, but expanded into other areas including estate planning, guardianships, property disputes, and contracts. In 2015, I started my solo firm and have continued to practice in the areas of juvenile law, estate planning, guardianships, and family law.

Q. What motivated you to run for WSBA president?

A. I have been a leader throughout my life. Over the course of my career, I have volunteered on many different WSBA committees, boards, councils, and sections as well as local and national boards and councils. I was motivated to run for WSBA president because I believe in this time when the rule of law and diversity are being challenged, I can be a strong voice in holding up the WSBA's principles and mission.



Q. What is the theme for your presidency?
A. This year, my theme is to recognize, celebrate, empower, and foster a thriving volunteer community made up of over 1,500 WSBA volunteers whose dedication makes our organization's work possible and enriches the resources we provide to members of the legal community. I also want all volunteers to know the Board and the WSBA support you and are here to help you. If volunteers do not feel supported, please reach out to your Board liaison, WSBA staff, or even me.

Q. What will your message be to the public as WSBA president?
A. The WSBA has been engaging in activities and initiatives to improve access to justice for all, even for those in the most rural areas of our state. We are also working to educate the public about the rule of law and ways the public and lawyers can help ensure the morals of the justice system are upheld.

Q. What will your message be to WSBA members? To other members of the Board of Governors?
A. At a time when both the legal and judicial systems are under attack and people are losing faith, we need

CONTINUED >



> **At a time when both the legal and judicial systems are under attack and people are losing faith, we need to be united in our voice to support justice for all."**

Photo by Katina Ewing of Katina Arnott Photography

to be united in our voice to support justice for all and educate others about the importance of an independent judiciary. The preamble to Washington's Rules of Professional Conduct calls on every one of us to get out there as ambassadors to "further the public's understanding of and confidence in the rule of law and the justice system." We also need to support each other and, regardless of differing beliefs, accept that every voice is important and deserves to be heard, whether in the majority or minority.

Q. You care deeply about volunteering, with the WSBA in particular. In what other roles have you volunteered with the Bar, and what would you say to others who are considering getting involved?

A. My first involvement with the WSBA was serving on the Washington Young Lawyers Division (now the Washington New Members Committee) Board of Trustees (BOT). I started as the Snohomish representative on the BOT, and after five years, became the president of the WYLD BOT. After serving on the BOT, I worked with the law office management program to create a mentorship program, which ultimately resulted in the Open Sections Night program that took place annually up until COVID-19.

I have been a member of the WSBA Solo & Small Practice Section's Executive Committee since 2009, when I served as the young lawyer liaison to the Section, and was chair of the Section from 2018-2020. In addition, I have served on the WSBA Juvenile Law Section's Executive Committee since 2021. When the WSBA started looking into the shortage of attorneys in rural areas, I volunteered to serve on the Rural Practice Project and subsequently, on the Small Town and Rural (STAR) Council. The shortage of attorneys in rural areas is a deep concern of mine. I have a home in Eastern Washington that I spend quite a bit of time at, and I have seen the great need for attorneys in rural areas.

My advice to others is to find a section, committee, council, task force, or board that you have an interest in and/or are passionate about. All the boards, councils, and committees I have served on are because I had or have an interest in what that entity was doing. It is also a great way to meet new people who you might otherwise never have an opportunity to meet, and it is a wonderful opportunity to network. There are lots of ways to volunteer, whether for the long-term (i.e., a section) or the short-term (i.e., a WSBA task force), or somewhere in between.

Q. What do you see as the biggest challenges facing legal professionals in Washington today?

A. The ever-increasing use of AI in nearly everything we see and use. Many legal professionals are concerned about the use of AI in their practice, whether it's safe to use, privacy issues, and the potential for hallucinated citations, just to name a few.



Never be afraid to ask for help or for someone to be your mentor. Get involved in your local bar association, join a section, or apply for a position on the WNMC."

Another major challenge is the shortage of attorneys in rural areas, particularly in the criminal defense and prosecution offices. Attorneys are retiring and having to close their doors permanently because there is no one to take over their office, leaving many clients without an attorney within 50 or more miles. The undermining of the rule of law and the public's decreasing level of confidence in the U.S. judicial system and its courts is another major challenge.

Q. How do you think the WSBA can help support practitioners as they navigate these challenges?

A. Our Rule of Law Ambassador Program is going out and helping legal professionals carry out the duties of education and informing their communities about the rule of law in a way to build connections and, ultimately, trust. In addition, now that the Legal Technology Task Force has submitted its final report, the WSBA will be working on implementing some of the recommendations, particularly around the use of AI and other technology in the practice of law. Additionally, the STAR Council has resources for rural practitioners and is continually looking at different initiatives that will increase the number of attorneys in rural areas.

Q. What advice would you give to newer members of the Bar just beginning their careers?

A. Never be afraid to ask for help or for someone to be your mentor. Get involved in your local bar association, join a section, and consider applying for a position on the Washington New Members Committee. Creating connections in your local area is a wonderful way to find a mentor, or someone to call if you have a question or an idea. Invite a fellow attorney out for coffee or lunch; talking informally while sharing a cup of coffee or lunch is an amazing way to decompress and get to know someone on a more personal level. The more you get to know people, the more people will get to know you; this can lead to referrals and other positives.

Q. What do you enjoy doing in your time off?

A. I have always enjoyed reading. Growing up, I participated in readathons. Now as



Petrasek had her picture taken with Ken Griffey Jr. in 1989 and again in 2011.

Of her Mariners fandom, Petrasek says, "I am a glass-half-full type of person, so I show up year after year, believing in the players and coaches, holding onto the hope that this could be the season it all comes together."

Photo by Katina Ewing of Katina Arnott Photography

an adult, I have been part of a book club for around 20 years. I also enjoy hiking, attending Mariners games and other baseball games, football and hockey games, and horseback riding. In addition, I love to travel. My husband and I have two annual trips we take each year, and regardless of what is going on, we commit to going on those trips to recharge and enjoy time together.

Q. Your cover photo highlights your love of Seattle Mariners baseball. What do you love about the sport and the team, and what has it been like rooting for them through good times and bad?

A. I love baseball because it is a sport built on patience, strategy, and resilience. Every pitch can change the direction of a game, and every season has its own story. I enjoy watching baseball games, especially at a ballpark. Baseball also brings people together across generations and cultures.

I have attended games and been a Mariners fan since the 1980s and have been a season ticket holder for 25 years, so I have experienced the full range of emotions that comes with following this team. Many of the years have been disappointing, which makes the few times the Mariners have made the playoffs stand out even more. I am a glass-half-full type of person, so I show up year after year, believing in the players and coaches, holding onto the hope that this could be the season it all comes together. Having the All-Star Game in Seattle a couple of years ago was very memorable and fun, and seeing the team make it to the playoffs and attending some of the playoff games last year was especially exciting after so many years of disappointment. Rooting for them through good times and bad takes patience, optimism, and loyalty. When you stick with a team through the tough years, the big moments feel even better. For me, I always have the belief that the next great season could be right around the corner. BN

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QUICK BIOS

MEET YOUR 2026-2027 BOARD OF GOVERNORS

Kari Petrasek

2026-2027
PRESIDENT



Kari Petrasek was elected to the Board of Governors in 2022 and reelected in 2025. She served as 2024-2025 WSBA treasurer and was elected by the Board as 2025-2026 president-elect. She is a graduate of Seattle University School of Law. She is a solo attorney, having started her own firm, Petrasek Law, in Mukilteo in January 2015. In the 13 years prior to starting her own firm, she worked in several small firms in Everett. She is a civil litigator with significant experience in the areas of juvenile law, guardianships, estate planning, elder law, and family law. Petrasek is also a dedicated advocate for children, having served as a volunteer and attorney guardian ad litem for dependent children. She has been one of the Snohomish County CASA Program attorneys for over 15 years. In addition, Petrasek has served as a judge and commissioner pro tempore for Snohomish County Superior Court since 2010. She is a past-chair of the WSBA Solo & Small Practice Section, a past-treasurer of Washington Women Lawyers, a past-president and past-treasurer of the Snohomish County Bar Association, a member of Washington State CASA, and a leader in the ABA GPSolo and Judicial Divisions. In her free time, Petrasek enjoys skiing, golfing, and watching football and baseball.

LEARN MORE > Read a Q&A with Kari Petrasek on page 14.

Courtesy photos



Francis Adewale

2026-2027
IMMEDIATE PAST-PRESIDENT

Francis A. Adewale served as the 2025-2026 WSBA president. He was elected to the Board of Governors in 2021 and elected by the Board as treasurer in 2022 and president-elect in 2024. Adewale is one of the attorneys who helped establish Spokane Community Court, and his commitment to community and movement lawyering is epitomized by his work on several community-based boards and activities in Eastern Washington. Adewale is former chair of the Access to Justice Board (ATJ) and a former member of the Washington Supreme Court's Interpreter and Language Access Commission. He is currently a board member of Federal Defenders of Eastern Washington and Northwest Immigrant Rights Project (NWIRP). He is also board president of Multi-Ethnic Business Association-AHANA and an adjunct faculty member of both Whitworth University and Gonzaga University School of Law. He is a founding member of the Washington Statewide Reentry Council, having been reappointed three times by former Gov. Jay Inslee. In addition to serving on the Board of Directors of Spokane City Credit Union, Adewale and his wife also own and run a small business in Spokane.



Nam Nguyen

2026-2027
PRESIDENT-ELECT

Nam Nguyen was elected to the Board of Governors in 2022 and reelected in 2025. The Board also elected him to serve as 2025-2026 WSBA treasurer and as 2026-2027 president-elect. Nguyen is an assistant attorney general in the Sexually Violent Predators Unit in Tumwater. Prior to this position, Nguyen served as the executive director of the Washington State Commission on Asian Pacific American Affairs. Immediately after law school, he volunteered in Bayou La Batre, Alabama, for AmeriCorps' BP oil spill relief program. Nguyen also serves on the board and as treasurer for the Judicial Institute, an organization that provides a comprehensive clinic, other introductory programs, and mentors to develop the skills and connections necessary to seek appointment or election to the bench. Nguyen was born in Saigon, Vietnam, and grew up in the South Seattle suburbs. He graduated from the University of Washington and Boston University School of Law, and he has a master's degree in foreign policy from the University of Michigan. Nguyen resides in Seattle and enjoys running, reading, cooking, and spending time with his dog, Dog Vader.

MEET YOUR 2026-2027 BOARD OF GOVERNORS

CONTINUED >



Parvin Price

2024-2027
DISTRICT 1
GOVERNOR



Parvin Price was elected to the Board of Governors in 2024. At 15, in a small rural town, he decided to become a lawyer. Following college at the University of Evansville and law school at the University of Louisville, he was admitted to practice law in Indiana. He began his legal career with state government, first as a deputy attorney general and then as the director of a state agency. At 35, he opened a solo practice. At 39, he was invited to join a midsize firm to build a practice group focused on utilities. At 64, he was invited to join a large firm, Barnes & Thornburg, where his practice continued to focus on litigation, funding, and permitting for various utilities. During his private practice years, Price was involved in numerous community activities including, among others, being elected as a member and president of his local school board. In 2021, he became a member of the Washington Bar with the sponsorship of his oldest daughter. In 2022, he was appointed to the WSBA's Pro Bono and Public Service Committee (PBPSC). In 2023, he was appointed co-chair of the PBPSC. Price and his wife of 50 years are residents of Bothell.



Min Kang

2026-2028
DISTRICT 2
GOVERNOR



NEW **Min Kang** was appointed to the Board of Governors in 2026. An experienced legal analyst, advisor, and litigator, Min focuses on advising clients on risk management, insurance coverage, contract disputes, and appellate matters. She represents a broad range of clients, from large-scale national corporations to small local businesses to private individuals. Min is adept in various areas, including business litigation, appellate, class action, transportation, trucking, aviation, cannabis, and e-commerce matters. She is also a Certified Information Privacy Professional. A respected leader within the legal community, Min previously served as president of the Korean American Bar Association of Washington, with which she remains on the Advisory Board. She has also served as a civil legal advisor for the Consulate General of the Republic of Korea in Seattle and a prior representative for the Washington State Joint Asian Judicial Evaluations Committee. She is currently an active member of the Association of Southern California Defense Counsel, the National Asian Pacific American Bar Association, the Asian Bar Association of Washington, and the Vietnamese American Bar Association of Washington. She is also a member of her law firm Hinshaw & Culbertson's Diversity, Equity & Inclusion Committee.



Allison Widney

2026-2029
DISTRICT 3
GOVERNOR



Allison Widney was elected to the Board of Governors in 2023. She graduated from the University of Oregon School of Law in 2011. Before that, she earned a criminal justice bachelor's degree from Arizona State University. After law school, she worked as a public defender in Clark County. In 2017, she moved into civil law and currently works as a civil defense attorney. Allison grew up in Yakima, Washington. She enjoys running, her dogs, and traveling.

WSBA GOVERNANCE:
The Board of Governors is the governing body of the WSBA that determines the general policies of the Bar and approves its budget each year. The Board moves the Bar forward with an eye toward its long-standing mission, guiding principles, and short-term strategic goals. The Board consists of the president and members elected from each congressional district and at-large. The president-elect and immediate past-president are WSBA officers.



Mary M. Rathbone

2024-2027
DISTRICT 4
GOVERNOR



Mary M. Rathbone was elected to the Board of Governors in 2022 and reelected in 2024. A partner at Moberg Law Group, P.S., she has focused her practice on civil defense litigation for seven years, representing clients in tort and contract disputes. Rathbone took a less traditional route to law, earning her license through the Washington State Bar Association's APR 6 Law Clerk Program. Studying under her longtime law partner instilled an appreciation for mentorship and a mission to broaden access to the profession. Before law, she earned a B.A. in business administration, with an emphasis in international business, from Washington State University. Raised in a rural community, she saw how distance, limited resources, and a shortage of local counsel can turn legal problems into hardships. That experience shaped her commitment to addressing "legal desert" issues. Rathbone is an active member of the Washington Defense Trial Lawyers and writes its quarterly column, "The Jury Box: Observations from an Eastern Washington Lawyer." Outside the office, she enjoys time with her two children and tending her garden, which earned a 2025 County Fair blue ribbon.



Emily K. Arneson

2024-2027
DISTRICT 5
GOVERNOR



Emily K. Arneson was appointed to the Board of Governors in 2024. She is a privacy and consumer protection attorney with extensive experience working with state and local government agencies on a variety of matters, including data privacy, civil rights compliance, legislative analysis, public records, and stakeholder relations. A proud graduate of Whitman College, Arneson earned her J.D. from the University of Washington School of Law and her master's degree in public administration from Eastern Washington University. She is honored to have received the WYLC Public Service & Leadership Award, Spokane Journal of Business Rising Stars, Inland Business Catalyst Magazine Top 20 under 40 Award, and the WSBA's APEX Outstanding Young Lawyer Award.



Todd A. Bloom

2026-2029
DISTRICT 6
GOVERNOR



Todd A. Bloom was elected to the Board of Governors in 2023 and reelected in 2026. He is a sole practitioner with over two decades of experience in providing professional services to private and publicly held companies, high-net-worth families, executives, and private business owners. Bloom's prior experience includes over a decade as a tax attorney and senior manager in Big Four accounting, as well as in-house counsel. Recalled to the Navy after 9/11 and having served over a decade, Bloom retired as a Lieutenant Commander in 2018. Bloom earned his B.A. from Simpson College. He received M.B.A. and J.D. degrees from Tulane University, an M.A. from the Naval War College, an LL.M. from the University of Washington, and a diploma from the College of Naval Command and Staff. Originally from the Midwest, Cmdr. and Mrs. Bloom and their two sons came to the Pacific Northwest by way of New Orleans, Louisiana, where Bloom was first admitted to the Bar.



Norma Linda Ureña

2026-2029
DISTRICT 7-NORTH
GOVERNOR



NEW **Norma Linda Ureña** was elected to the Board of Governors in 2026. A family law attorney with more than 32 years of practice, she has dedicated her career to serving underrepresented individuals, families, and communities. Raised in a farmworker family in southern Idaho, she worked alongside her family in the fields, an experience she credits with shaping her strong work ethic and commitment to justice. Ureña earned her J.D. from the University of Washington School of Law and her bachelor's degree in political science and international relations from Seattle University. She has served as president of the Latina/o Bar Association of Washington, legal advisor to the Mexican Consulate in Seattle on cross-border civil matters, and a volunteer leader with numerous community organizations. Her service has been recognized by the King County Bar Association, which honored her as Volunteer of the Month and Attorney of the Year. She currently serves as King County Superior Court Commissioner Pro Tempore.



Alain Villeneuve

2024-2027
DISTRICT 7-SOUTH
GOVERNOR



2026-2027
WSBA TREASURER

Alain Villeneuve is the 2026-2027 WSBA treasurer. He was elected to the Board of Governors in 2024. He is senior vice president, general counsel, secretary, and part owner of TRX(R), a leading U.S. fitness company. He has spent more than a decade as the company's lead intellectual property prosecutor, litigator, and enforcer. He has practiced law for more than 20 years as an IP expert. Villeneuve is admitted in both state and federal courts of Washington and Illinois, before the U.K. Law Society, and with the U.S. Patent Office and U.K. Trademark Office. Before pivoting to law, he worked in Europe as a mechanical, aerospace, and nuclear engineer and site manager. Villeneuve holds a bachelor's degree from Polytechnique of Montréal, a J.D. from the University of Illinois College of Law, and portions of an executive MBA from McGill University. He is a dedicated runner and cyclist, winning gold at the 2009 OutGames in Denmark and silver at the 2013 3,000-mile Race Across America road cycling race, and the Abbott World Marathon Majors 6-marathon medal. He recently completed authoring the sci-fi series *Sophie—The Attractor Trilogy* on Amazon and other platforms.

Courtesy photos



Qian "Sophie" Ying

2026-2027
DISTRICT 8
GOVERNOR



NEW **Qian (Sophie) Ying** was appointed to the Board of Governors in 2026. A corporate and business attorney, she is the founding partner of Future Discovery Law Group, serving the Eastside economy—from AI startups to local artists—since 2016. Previously, she was in-house counsel and an EPC attorney managing power plant projects and M&A. As founder and past president of the Seattle Chinese Bar Association, she built a nonprofit of 130-plus members. She earned LL.M.s from the University of Washington (health law) and Shanghai Jiao Tong University (civil and commercial law). A self-described "non-retiring artist of life," Ying blends her legal career with mindful living. She is an ACE Certified Health Coach and completed Harvard Medical School's CHEF Coaching program. Having traveled to over a dozen countries, she considers the Seattle area her favorite home. Currently writing a healthy family cookbook, she resides in Sammamish with her husband and two daughters, enjoying art, cooking, and nature.



Kevin Fay

2025-2028
DISTRICT 9
GOVERNOR



Kevin Fay was elected to the Board of Governors in 2022 and reelected in 2025. Prior to serving on the Board, he served on the Executive Committee of the WSBA Corporate Counsel Section, the Washington Chapter of the Association of Corporate Counsel, and the Washington Chapter of the Society of Corporate Secretaries and Governance Professionals. He retired after decades of service as in-house counsel for VMware, Inc., PACCAR Inc, and Microsoft Corporation. Prior to going in-house, he was in private practice at Mudge Rose and Shearman & Sterling in New York City, and Bogle & Gates in Seattle. Originally from Seattle, he earned undergraduate degrees in political science and history from the University of Washington, a J.D. from the State University of New York at Buffalo, and an LL.M. from Harvard Law School. When not governing, he plays clarinet in the Port Angeles Symphony Orchestra, saxophone in the Washington Wind Symphony and the MachOne Jazz Orchestra, and spectacularly poor golf on courses throughout Western Washington.



Christopher Takashi Bhang

2025-2028
AT-LARGE GOVERNOR

Christopher Takashi Bhang was appointed to the Board of Governors in early 2025 as an at-large member, filling a late-term vacancy, and reelected for a three-year term in June 2025. Bhang started his legal career as an immigration attorney, providing low and pro bono services thanks to a grant from Seattle University School of Law's incubator program. He currently works for King County Metro, leading civil rights programs in service to Metro's 6,000 employees and millions of customers and riders. Previously, he was a full-time community volunteer, high school science teacher, bass guitar player, and a student volunteer at the Fred T. Korematsu Center for Law and Equality. He is a graduate of the University of Washington (B.S. in Microbiology), Eastern University (M.A. in Community Development), and Seattle University (J.D., cum laude). He loves speculative fiction, puzzles, and lives in Renton with his wife and son.



Jordan L. Couch

2024-2027
AT-LARGE GOVERNOR

Jordan Couch was elected to the Board of Governors in 2021 and reelected in 2024 to represent new and young lawyers in an at-large position. Couch is a partner at Palace Law, practicing workers' compensation and personal injury. In his spare time, he is an avid outdoorsman—probably stemming from his childhood spent between an island in Alaska and the Bighorn River valley in Montana. Prior to joining the Board of Governors, Couch served as a trustee for the Tacoma-Pierce County Bar Association, chair of the Access to Justice Board's Technology Committee, and chair of the Washington Young Lawyers Committee (now Washington New Members Committee), and has held various leadership roles on the WSBA Solo & Small Practice Section's Executive Committee. Couch is passionate about increasing access to justice by helping lawyers build better, more client-centric practices, and never gets tired of talking about how to improve our profession (or fishing).

Note: District 10 is currently vacant



Tom Ahearne

2026-2029
AT-LARGE GOVERNOR

Tom Ahearne chose this photo of himself to illustrate why inclusion is important to him. An Air Force brat who grew up all across our country, he's been a Seattle litigator since 1986. For most of his life, he never felt like the outsider in a group. Or discriminated against. Or excluded. But a 2014 snowboarding accident reversed that by imprisoning him in a wheelchair—where he often feels unwelcome, discriminated against, and excluded. He therefore ran for a seat on the Board of Governors to focus on the WSBA's equity and justice for all efforts—*"for all"* because he believes our country is better off if every person has a realistic opportunity to become the best that they can be. Ahearne believes diversity does not *replace* merit—it *releases* it. His other activities have included serving on the boards of the NAACP Alaska/Oregon/Washington Conference, Washington Defense Trial Lawyers, King County Bar's Appellate Section, and Washington Council of School Attorneys. His nonwork activities include using an arm pedal tricycle in bicycle races like the Seattle To Portland (STP), Mount Rainier RAMROD, Mt. Baker Hillclimb, and Ride the Hurricane race. Ahearne's ultimate goal is to be a sheep instead of a goat. (Matthew 25:31-46.) BN

Courtesy photos

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At Arbor Heights Elementary in West Seattle, Senior Legal Editor Katrina Mulligan spoke to the fifth grade classes of teachers Patricia Sheed, Angie Nall, and Meghan Tavelli.

WSBA NEWS

BACK TO SCHOOL

On Constitution Day, legal professionals statewide showed students the rule of law up close, and their questions are just getting started

BY COLIN RIGLEY

At about 8 a.m., kids are scurrying into McMurray Middle School on Vashon Island to get to class before the second bell rings. Outside, someone has set up a loudspeaker where "Hold On" by Wilson Phillips is playing, ushering kids into the end of their third week of school with the iconic message that things can change if they just hold on for another day.

Today, that message of perseverance in the face of bad times is just as relevant for everyday American adults as it is for pubescent teenagers trying to navigate the challenges of middle school. Americans are, on average, distrustful of public institutions and cynical about our collective future. According to the Pew Research Center, about 70 percent of Americans say they are dissatisfied with the current state of our democracy,[1] and more than half (53 percent) have an unfavorable view of the U.S. Supreme Court.[2] Overall, public trust has plummeted from 1958, when 73 percent of Americans said they trusted the federal government, to 2025, when just 17 percent of Americans said the same.[3]

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However, in a World Justice Project survey, 96 percent of respondents—both Democrats and Republicans—said the rule of law is crucial to the future of the country.[4]

As part of the WSBA's Rule of Law Ambassadors Program and Washington courts' Lawyers in the Classroom program, more than 350 legal professionals signed up to connect with and visit a classroom on or around Sept. 17, with visits stretching from Spokane to Camano Island, to teach lessons on the Constitution and share their career stories with curious students. The Lawyers in the Classroom Program—a joint effort of the Washington State Courts and the WSBA—brings volunteers into classrooms to "provide students with a unique opportunity to learn first-hand about the judicial system, as well as the basic concept of fairness." With fewer than one in four eighth-graders proficient in civics,[5] the WSBA and courts urged legal professionals statewide to visit a local class and teach a civics lesson on or around Constitution Day.

RULES OF THE GAME

At about 11 a.m. in Stephanie Detwiler's eighth grade social studies class, about a half dozen kids were learning how to play a game that, by design, no one was able to understand.

WSBA Executive Director Terra Nevitt and Washington Supreme Court Justice Colleen Melody were teaching the students how to play "Pass the Marker" during their visit. The students stood shoulder to shoulder and were told to pass a marker down the line. It seemed simple enough at first, but then more rules were added on the fly. The students were told that, actually, they're supposed to jump when they pass the marker. Nevitt changed her mind again after another round and said they're also supposed to make bird noises. The kids did their best to abide with the ever-evolving rules, hopping and letting out a series of "caws" and "cheeps" until Nevitt announced the winner: the student

SIDEBAR

Raise your hand. Any day can be Constitution Day. Find outreach templates, webinar recordings, and grade-appropriate lessons at **www.wsba.org/classroom-ambassadors**. Beyond Constitution Day, we're teaming up with like-minded youth education partners to share volunteer opportunities throughout the year, from mock trials to mentoring. Check back often for what's next.

Tell us how it went. Your stories help us grow the program and support volunteers. Share your visit through our quick form, and we'll send you a token of appreciation, **https://forms.cloud.microsoft/g/SqmpKp1fzR**.

Know an educator? Teachers and principals can request a visit at **lawyersintheclassroom@courts.wa.gov**.

with the bluest jacket, of course.

Despite the bizarre and obtuse rules, the students quickly picked up on the lesson underneath.

"You just kinda made up rules," one student said after the game was over. "And I know you're going to tie it to politics."

They were right.

Nevitt and Melody spent the day on Vashon, during which they spoke to four of Detwiler's classes about the Declaration of Independence and the Constitution; shared their experiences as lawyers and a judge; and, most importantly, explained the necessity of the rule of law.

"That's what this document [the Constitution] ended up being: a series of expectations, agreements … for how we're going to behave together," Melody told the students. "… Part of the reason that we agree to abide by the rules is because we know everyone else is going to follow the rules, too."

Nevitt explained that it's part of the job of lawyers to do what they can to help people and ensure that the legal system remains fair for all. More importantly, the rule of law means that the system of rules is not subject to the whims of the people in power.

Melody and Nevitt stressed to the students that it's important for them to start thinking about these things and asking about fairness and justice now, because one day it will be up to them.

When it came time for questions, eager hands shot up around the room in each of Detwiler's classes. Many of their questions were far more worldly and insightful than you might expect from the average eighth-grader. They included:

- Did you ever regret a decision you made in court?
- What was the most goriest or the grossest thing you've ever judged?
- Have you ever had to do things that you didn't agree with?
- What are your thoughts on ICE?
- What are the risks of Flock cameras?
- How should we regulate AI—should the user be held responsible or the corporation?
- Did you ever have to put away someone you know?
- What did you do growing up that helped you in your job today?

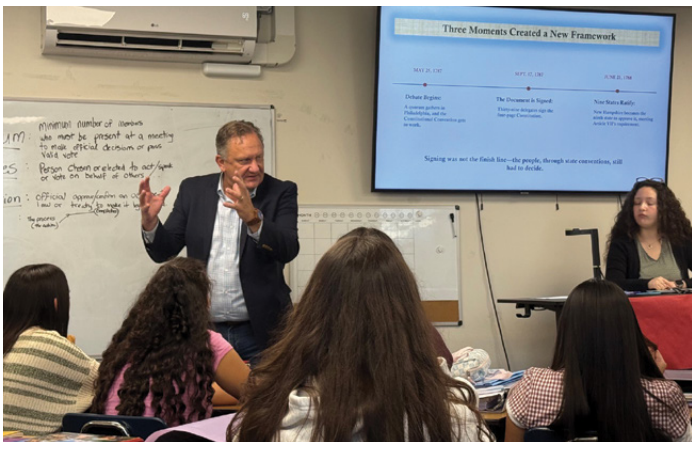
Detwiler told *Bar News* that having real-world voices from actual lawyers in the classroom helps the students learn how to think critically about the world in which they live. In fact, they just started with a series of lessons called "Make Your Case" where they examine hypothetical situations and try to determine what the truth is. Hearing from legal professionals in class helps bridge the gap between the idea of the rule of law and its real-world applications.

"I already see that they're starting to think about career connections," Detwiler said. "… I really hope that they understand this idea that the intent of the rule of law is that it treats everyone fairly."

CLASS IS STILL IN SESSION

Vashon was one stop among many. Chief Justice Debra Stephens and WSBA President Francis Adewale met with nearly 400 students at three Spokane schools. A parent volunteered in eight classrooms at Seattle's Fairmount Park Elementary. On Camano Island, one email to a teacher grew into a lesson for about 75 second graders at Utsalady Elementary. Another volunteer spent the day with cadets at the Washington Youth Challenge Academy in Bremerton. And in Colville, middle schoolers at Colville Valley Junior Academy dug into the First Amendment.

For many of those students, it was the first time they'd met a lawyer or a judge. It doesn't have to be the last. The questions will keep coming—about strange cases, fairness, and what happens when the rules change mid-game. Someone just has to be in the room to answer them. BN



Courtesy photos

Attorney Bill Pickett and his paralegals, Maria and Anjuli, visited teacher William Seda's eighth grade class at St. Joseph-Marquette Catholic School in Yakima. Every student went home with an American flag and a pocket Constitution.

NOTES

1. Pew Research Center, "Multiple indicators show a decline in the health of America's democracy in 2025," April 15, 2025.
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3. Pew Research Center, "Multiple indicators show a decline in the health of America's democracy in 2025," April 15, 2025.
4. World Justice Project, "Rule of Law in the United States."
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FEATURE

IMPLEMENTATION OF PUBLIC DEFENDER STANDARDS REQUIRES FULL PROFESSIONAL STAFF SUPPORT FOR ATTORNEYS

BY ROBERT C. BORUCHOWITZ AND MOLLY GILBERT

This article is part two 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/.*

The Washington Supreme Court's rule drastically reducing the caseload limit for public defense attorneys[1] has generated hope among defenders, their clients, and others. It also has led to serious concern among local governments that without major increases in state funding, they will not be able to employ enough lawyers to meet the new standards.

Increased funding is necessary not only to hire more attorneys and pay them reasonable salaries, but also to hire sufficient support staff, including paralegals, investigators, social workers, interpreters, and other positions.

The court's rule states: "Caseload limits reflect the maximum caseloads for *fully supported* full-time appointed attorneys for cases of average complexity and effort in each case type specified."[2] [Emphasis added.]

While the court rule does not define "fully supported," the WSBA Standards for Indigent Defense Services do.[3] "Fully Supported Defense Attorneys" are defined as "Public defense attorneys who meet or exceed Standards Four, Five, Six, Seven, Nine, Ten, Thirteen and Fourteen of these Standards." Those standards include



having expert witnesses, mitigation specialists and social workers, interpreters, administrative staff, case management systems, electronic legal research, investigators, paralegals, IT and human resource professionals, and offices that permit confidential meetings with clients. They also include training and supervision, limits on private practice, and minimum qualifications per type of case.

Having professional support staff in defender offices is not a new concept. In 1978, Charles Silberman in his book *Criminal Violence, Criminal Justice*,[4] wrote about three model offices, including Seattle's, noting that they had investigators and social workers.

The American Bar Association, in Principle Nine of its Ten Principles of a Public Defense Delivery System, states: "Public Defense Providers should have the assistance of investigators, social workers, mitigation specialists, experts, and other specialized professionals necessary to meet public defense needs."



Illustration © Getty/Olekcii Mach



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The WSBA Standards for Indigent Defense Services[5] further provide:

> **4.B. Mitigation Specialists, Social Workers**
>
> Mitigation specialists and social workers shall be made readily available to public defense attorneys to provide support, such as release plans, treatment services, housing, health care, and to develop dispositional and sentencing alternatives.
>
> In public defense agencies, by July 3, 2028, a minimum of one full-time mitigation specialist or social worker shall be provided for every three full-time attorneys. Public defense agencies shall make meaningful progress towards this ratio prior to July 3, 2028.

The National Association for Public Defense has a similar policy statement:

> Until empirical studies are further able to determine the number of staff necessary to support the lawyer, public defense systems, at a minimum, should provide one investigator for every three lawyers, one mental health professional, often a social worker, for every three lawyers, and one supervisor for every 10 lawyers.[6]

The WSBA Standards state: "In public defense agencies, by July 3, 2028, a minimum of one full-time investigator shall be employed for every three full-time trial court level (adult and/or juvenile) attorneys."[7]

SUPPORT STAFF STANDARDS IN PRACTICE

Despite the stated importance of support staff, many public defender offices in Washington continue to fall short due to lack of adequate funding. Yakima, for example, has one investigator on staff for its 21 attorney positions.[8] Spokane's two defender offices have a total of nine investigators for their 67.5 staff attorney positions. Neither one has a social worker.[9]

Only six of Washington's 39 counties have social service providers on staff. Twenty-three counties report no use of social workers or mitigation specialists. Thirteen percent of the counties report no use of expert witnesses in superior court adult cases, 28 percent no experts in juvenile court, and 23 percent use none in district court.[10]

These statistics demonstrate the massive gap between what counties have and what they need.

HOW SOCIAL WORKERS SUPPORT EFFECTIVE REPRESENTATION

There are strong examples of "fully supported" defender offices in Washington, particularly in King County's Department of Public Defense[11] and Snohomish County's Public Defender Association.[12]

The King County Department of Public Defense (DPD) employs about 33 mitigation specialists, some of whom have master of social work degrees.[13] These positions "research the circumstances surrounding a client's alleged crime, the client's mental and developmental health, and other social-psychological information, all with an eye towards providing mitigating evidence that can be helpful in a client's defense."[14]

When asked about the impact of defender social workers, King County Superior Court Judge Mark Larrañaga explained that social workers and mitigation specialists possess the specific professional skills to do this type of work, work that is critical to a client's defense. And not only do they help ease the workload for lawyers in their cases, they also help judges. "Utilizing social workers to develop this comprehensive background

CONTINUED >

Implementation of Public Defender Standards Requires Full Professional Staff Support for Attorneys

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information allows judges to better assess requests for pre-booking diversion, therapeutic intervention, and/or sentencing alternatives," Judge Larrañaga said.[15]

King County District Court Judge Kristin Shotwell, who was both a social work supervisor and an attorney supervisor at The Defender Association, described in detail the work that defender social workers do, including crafting release plans before trial to address housing and treatment needs, writing pre-sentencing reports that cover contributing factors to a person's criminal behavior and what type of sentence might help reduce recidivism, and conducting social worker psychosocial assessments to help attorneys and judges understand clients' physical and mental health challenges.[16]

Judge Shotwell added, "As a judge, knowing that unmet treatment needs will be addressed pre-trial means the case will likely proceed more efficiently, and that the potential for criminal behavior will be reduced. Judges do not sentence case numbers. They sentence people. And judges need to know about the people they are sentencing in order to appropriately exercise their discretion."

The detailed background for each case that social workers provide also helps attorneys decide what type of expert to employ, how to best communicate with the client and their family, and whether therapeutic sentencing alternatives might be a good option, Judge Shotwell explained.

Social workers help clients as well. "In many cases, defender social workers were able to work with clients to intervene in the recidivist cycle by connecting them with housing, education, and treatment," Judge Shotwell said. This work contributes to reduced jail bookings and emergency room visits and to more engaged clients who miss fewer court appearances and are more informed about the process.

The Washington Office of Public Defense (OPD) supervised a three-year federal grant program to provide social workers in juvenile public defense in Benton and Franklin counties from 2020 to 2024. The evaluation of the program concluded:

> Social workers alleviated the burden of time of attorneys. Thus, putting less burden on the juvenile court system.
>
> Youth who had social workers on their defense team had better outcomes in their court cases, as they interacted less with the court system and were able to get the help they needed to stay out of the courts.[17]

That program ended, but OPD has provided funding to some cities for social services workers. In interviews with defender lawyers, OPD reported "all agree that integrating social services into public defense teams has improved outcomes for clients."[18]

WHY INVESTIGATORS ARE CRITICAL TO EFFECTIVE DEFENSE

While social workers address the human context of a case, which can lead to favorable pre-trial solutions that reduce recidivism, factual defense-focused investigation is also integral to the constitutional right to counsel.

The Washington Supreme Court's Standards for Indigent Defense state that "Public defense attorneys shall use investigation services as appropriate."[19] In addition, the Washington Supreme Court has written:

> The degree and extent of investigation required will vary depending upon the issues and facts of each case, but we hold that at the very least, counsel must reasonably evaluate the evidence against the accused and the likelihood of a conviction if the case proceeds to trial so that the defendant can make a meaningful decision as to whether or not to plead guilty.

State v. A.N.J., 168 Wn.2d 91, 111–12, 225 P.3d 956, 966 (2010). As the court established in *A.N.J.*, public defenders have an affirmative duty to conduct reasonable, independent factual evaluations. Advising a client to plead guilty or proceed to trial based solely on unexamined police discovery fails to meet constitutional thresholds. Clients must have access to both a competent attorney and a competent defense investigator.

King County DPD describes the important duties of its investigators: "They comb through countless hours of body-worn and in-car video, interview witnesses, spot inaccuracies in police reports, and uncover exculpatory evidence."[20] DPD explains that in modern-day public defense, where cases can involve hundreds of gigabytes of discovery, high-quality representation of clients depends on dedicated investigators.

Emily Gause, president of the Washington Association of Criminal Defense Lawyers, has written, "A great investigator can assist with case theories, possible defenses, or offer different ideas for moving forward with the investigation."[21]

Expecting a lawyer to do their own investigation runs afoul of RPC 3.7, which states that "A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness." If an attorney personally conducts witness interviews without an investigator, that attorney becomes a potential witness in the case. Should a key witness alter their story or contradict a prior statement at trial, the lawyer cannot impeach that witness without testifying themselves, which is prohibited. A public defense attorney cannot simultaneously act as trial counsel and primary field investigator.

THE WORK OF PUBLIC DEFENSE INVESTIGATORS ROUTINELY LEADS TO CASE DISMISSALS BEFORE A TRIAL EVER OCCURS.

The work of public defense investigators routinely leads to case dismissals before a trial ever occurs. Consider a felony assault case in which initial police reports cite eyewitness statements pointing to the accused. The state has a prima facie case. However, a defense investigator canvasses the scene, collects surveillance footage that law enforcement overlooked, and interviews those same witnesses outside the presence of armed officers. The footage shows the defendant acted in lawful self-defense. The outcome is a pre-trial dismissal—saving lo-

cal and state governments the staggering expense of needless incarceration, trial proceedings, and post-conviction litigation. In addition, an innocent citizen remains in their community. That same local government doesn't bear the societal costs of a destabilized family or a civil settlement for a wrongful conviction.

Similar results can happen when a defense investigator establishes that the client was in a different place when the incident occurred or that the lighting conditions on the scene made an eyewitness identification unreliable.

Defense investigators are also vital for securing evidence from witnesses and communities who avoid law enforcement. A well-trained defense investigator can, for example, in one day, successfully traverse a homeless encampment to find a missing witness, speak with a sex worker to preserve text messages from their phone, and then return to the office to empathetically interview the family member of a homicide victim. Within the world of public defense, investigators are the in-house translators between economic classes, diverse communities, and the might of the criminal legal system—helping to ensure that the defendant is effectively represented and constitutionally protected.

When public defense agencies lack dedicated and well-trained investigators, attorneys face an impossible dilemma: absorb the role of an investigator at the expense of their legal workload or forgo crucial factual development entirely. Neither option satisfies the Sixth Amendment. Just as a civil litigation firm would never send an associate into trial without independent fact-gathering, public defense systems cannot fulfill the "fully supported" mandate without guaranteed access to professional defense investigators.

The state Legislature and local governments determine public defense budgets, and those budgets must provide for adequate support staff, including in particular, social workers or mitigation specialists and investigators. BN

NOTES

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3. Washington State Bar Association for Indigent Defense Services, March 8, 2024, www.wsba.org/docs/default-source/legal-community/committees/council-on-public-defense/wsba-indigent-defense-standards-as-approved-by-bog-2024.03.08.pdf?sfvrsn=3c831ff1_5.
4. Charles E. Silberman, *Criminal Violence, Criminal Justice* (Random House, 1978).
5. *Supra* note 2.
6. NAPD Policy Statement on Public Defense Staffing (May 2020), *available at* https://napd.connectedcommunity.org/communities/community-home/librarydocuments?LibraryKey=2a24dcde-351e-4312-af10-019e2c81aa5f&folder=11d39888-f09a-4636-8373-019e2c943667&fa07f2be-c763-4fc2-aa1a-2fa64504fa5c=eyJwYWdlaW5kZXgiOjAsImxpYnJhcnllbnRyeSI6ImRlMDAzNTIyLTQ3M-mYtNDE4Ni1hMmM5LTAxOWUyYzg1ZjgyYSJ9.
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8. Email from Yakima defender Paul Kelley, Sept. 13, 2026, on file with author.
9. Emails and text message from Colin Charbonneau and Victoria Blumhorst, on file with author.
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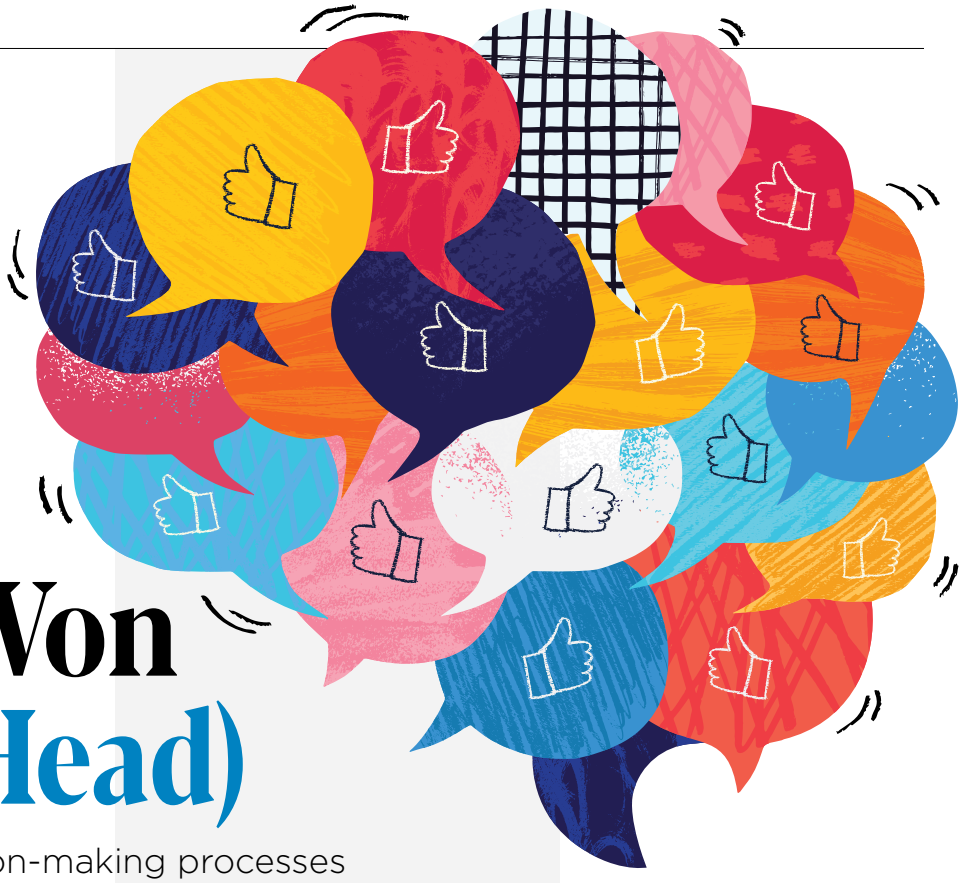
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FEATURE

The Case You've Already Won (In Your Head)



New research on how decision-making processes silently inflate confidence—and ways to disrupt them

BY ANN T. MARSHALL

Every attorney has been there. A potential case from a client arrives that sounds promising. Each new detail seems to confirm the theory that is forming in your mind. Within weeks, you have done legal research, reviewed documents, spoken with witnesses, and drafted the initial letter to the other party. The case feels strong.

But is it? Or has something happened in that short time—something that has more to do with psychology than law?

Newly published research concludes that the very process of reaching a decision can produce confidence that is not warranted by the information. The phenomenon is called **predecisional information distortion**. And as lawyers routinely evaluate complex, ambiguous, and sequentially received information when committing to a theory of a case, this type of bias is particularly relevant.

WHAT THE RESEARCH FOUND

A study published in 2026 in *Judgment and Decision Making*[1] by researchers Peter J. Boyle of Central Washington University and Pete Nye of the University of Washington–Bothell examined how MBA students with business experience grew confidence during a decision-making task.

In the study, subjects evaluated whether or not to launch an advertising campaign after receiving discrete pieces of information sequentially. Crucially, new information was carefully calibrated to be neutral—equally supportive of either decision.

The core finding: As subjects leaned toward one option after they received initial information, they unconsciously interpreted any further, neutral information as more supportive of that first option than it actually was. The effect was measurable: as subjects' interpretations of information shifted toward a leading option, their confidence increased in tandem, with a statistically significant relationship between the two. And the more the subjects distorted the information, the more confident they became—confident in a choice that the received information did not clearly favor. The subjects were also unaware that anything was amiss. In the researchers' words, the overconfidence "went undetected by decision makers, as they were unmindful of any bias they might have had to illegitimately inflate their confidence."

None of this required a predetermined preference of the participants, as they were asked to determine which option they preferred after initial information was given. The distortion developed organically, mid-decision, as a tentative preference emerged.



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WHY LAWYERS SHOULD TAKE NOTICE

Consider how a litigator typically works through a case: a new matter arrives, the lawyer hears one side of the story, and

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Illustration © Getty/DrAfter123

documents arrive in batches. In this early phase, there is rarely an advocate for an opposing view. Over months of depositions, each development is assessed against an emerging client theory. At that point, the case is not just being evaluated—it is being constructed. By trial preparation, the lawyer has developed a confident working view built from the kind of sequential intake studied by Boyle and Nye.

The distortion effect does not stem from bad faith or laziness. The goal of maintaining consistency—having each new piece of information fit what you already believe—operates below conscious thought. Even hard work, intelligence, and years of experience may not be reliable defenses; one small sample size in the study, though not conclusive, suggested no meaningful relationship between cognitive traits and susceptibility to distortion-driven overconfidence.

The research warns that if confidence builds too quickly, decision-makers might terminate their search for countervailing information and settle on a suboptimal choice. In a legal context, this "suboptimal choice" may be overstating the strength of a case, advising a client against a settlement, pursuing litigation that drains resources, or failing to prepare adequately for weaknesses that have been downplayed or even dismissed.

THE MECHANICS OF THE BIAS

In the study, information purposefully designed to be neutral—equally supportive of either outcome—was pulled toward the emerging preference. The participants did not ignore contrary evidence outright; they subtly reweighted it through the lens of what they already believed.

Imagine reviewing a medical expert's report in a personal injury matter. You have already concluded your client has a strong claim. The report is genuinely mixed. The distortion effect predicts you will perceive the supportive elements as more significant, and the complications as more equivocal, than an independent person would. Your confidence increases. You move forward.

The process is cumulative: Greater confidence leads to more distortion of the next piece of information, which leads to even greater confidence—a cycle that essentially "bootstraps" confidence over time, with each new piece of information adding fuel even when it isn't warranted.

MEDIATION AS A CORRECTION MECHANISM

If individual defenses against this bias are scarce, external structures may be more effective than internal ones. Here, the mediation process offers something uniquely valuable: a setting designed to interrupt the cycle the research describes.

The mediator introduces a genuinely neutral lens. Unlike a colleague who has lived the case alongside you, or a client whose investment reinforces your own, a skilled mediator has no commitment to the working theory you have built. Their job is to probe it—to ask questions, surface risks you may have minimized, and hold space for interpretations of the evidence your own process has been quietly suppressing. In the language of the research, the mediator disrupts the consistency goal—the cognitive tendency to make new information fit the emerging or existing theory. They introduce friction where the distortion effect thrives in its absence.

Mediation makes the other side's position legible. One underappreciated feature of the mediation process is the moment when you are required to genuinely engage with the other party's perspective. Not refute it, but hear it. Having a dialogue with a neutral party about an opposing position is easier because it eliminates another bias that gets in the way: reactive devaluation, the cognitive tendency to undervalue concessions because they are offered by an adversary. For many attorneys, mediation is the first time the other side's narrative has been presented outside their own adversarial frame. It is harder to sustain a distorted interpretation of information when you are sitting with someone whose equally confident and opposing interpretation is being articulated clearly by a neutral party.

The mediator can name what the parties cannot. When all sides arrive certain they will prevail, an experienced mediator's role is in part to surface that irreconcilability without assigning blame. Helping parties recognize that their respective certainties may have been shaped by the same predictable process, rather than by an objective difference in the quality of their evidence, can move a stalled negotiation in ways that a legal argument cannot.

The process is cumulative: Greater confidence leads to more distortion of the next piece of information, which leads to even greater confidence.

Early mediation interrupts the cycle before it cements. The research shows that distortion builds as information accumulates and confidence hardens. The earlier in a dispute mediation is engaged, the less entrenched the distortion is likely to be, and the more open parties may be to reassessment. An attorney who has spent three years and significant client resources building toward trial has invested—psychologically and professionally—in a particular outcome. The same attorney two months into litigation has not. Mediation's off-ramp is widest before the case has been fully committed to an entrenched position.

PRACTICAL TAKEAWAYS

Create checkpoints. Build formal moments of reassessment at defined stages—after intake, discovery, and key depositions. Ask explicitly: Does the evidence gathered since the last checkpoint support my theory as strongly as I believe it does? Make a list of how

opposing counsel will use the evidence and sit with that *before* you begin to refute it.

Be cautious about early advice. Distortion-driven confidence builds quickly once a leading preference emerges. Early client advice about the strength of a claim or defense may be the most contaminated by this effect, as it is given at a time when the least information exists to correct it.

Seek disconfirming information (and watch out for AI). The study points to earlier research that inducing a "counterargument mindset" lowers distortion and unwarranted confidence, although it did not eliminate it. Deliberately search for opposing views. Be thoughtful when using AI to build early case theories; its speed and polish can amplify bias by creating a false sense of completeness. Use prompts that specifically ask to critique or disprove your emerging theory.

Watch for the feeling of certainty itself. High confidence in a complex, contested matter may be a signal—not a conclusion. It is worth pausing to ask whether that confidence was earned by the evidence or generated by the process.

CONCLUSION

The Boyle and Nye study traces the mechanism by which confidence inflates during the decision-making process itself—through distortion of neutral information—in a way that speaks directly to the structure of legal practice. Lawyers are trained to develop a theory and do everything to advance it. That commitment has real value. But commitment and accuracy are not the same thing, and the same mental machinery that makes attorneys effective advocates may make them unreliable calibrators of their own certainty.

The mediation room, at its best, is one of the only places in litigation designed to interrupt the distortion process before confidence hardens into error. BN

NOTE

1. Peter J. Boyle and Pete Nye, "Information Distortion as a Source of Overconfidence in Managerial Decisions," *Judgment and Decision Making* (2026, vol. 21:e3).







FEATURE

‘The Hard and Wonderful Stuff of Being Human’

A Conversation with Author and Lawyer Hillary Behrman

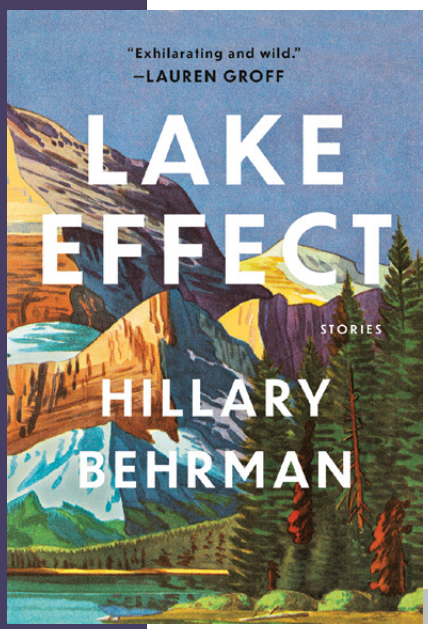
BY KIRSTEN LACKO

I met Hillary Behrman on the roof deck of the Flora Bakehouse in the Beacon Hill neighborhood of Seattle one morning in June. The wind was making unruly work of my hair and notes, but the sun was shining after a day of rain. Behrman was genial and talkative, so much so that her croissant remained uneaten in front of her for the duration of our conversation.

I had read her new book of short stories, *Lake Effect*, which won the Mary McCarthy Prize for Short Fiction, and I had come to talk to her about it, her legal career up to this point, and what’s next for her in writing and the law.

Behrman worked as a public defender for a decade before joining TeamChild, where she served as director of legal services for 15 years. After TeamChild, Behrman served as legal director of the Washington Defender Association. About two years ago, she switched to pro bono license status and committed to writing full-time.

Lake Effect could be called “dark” at times, although Behrman herself is bright and welcoming. “I’m not all dark,” she insists when I ask about the bleak nature of some of her stories. The book is not all dark, either. Yes, it features characters who are struggling, down on their luck, and going through incredibly hard and disturbing stuff. It details harsh living conditions, difficult upbringings, tragic losses, trauma, and



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You can find *Lake Effect* at your local bookstore or at Sarabande Books (**www.sarabandebooks.org**).

mental health challenges. It also highlights human resilience and beautiful, supportive friendships and family relationships.

Behrman's stories are not based on real-life clients or people she knows from the legal world, she says. Because of confidentiality, obviously, but also, as she explains, "They're fundamentally not my stories to tell." Of course, her work still carries in it the experience and compassion of someone who spent decades representing children and clients in the legal system.

Some of her stories, in particular "Ineffective Assistance" and "The Jungle," seem to comment on that system and its failures.

"Why aren't you speaking up for me?" one of Behrman's characters, named Brenda, asks her fictional lawyer in "Ineffective Assistance." The story ends with a series of declarative sentences, each on its own line:

Because no one is listening.
Because it's not our turn.
Because it's too late.
Because everyone has already made up their minds.

But as Behrman tells me at one point in our conversation, her fiction is not necessarily a tool for advocacy. The author's intent is not clear. And that's a good thing, in my opinion. The book lays bare a lot of pain and a lot of joy. Behrman shows the reader a moment, a perspective, a character, and then lets it be. Her endings are not often wrapped up.

That's part of what makes her stories and characters so believably human. Life is like that, too: messy and dark and funny and good and entirely lacking in neat conclusions and perfectly encapsulated lessons.

What follows is a written interview with Behrman, about her legal career, her writing process, where she finds inspiration, her thoughts on the justice system, and more.

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



Q. Which came first, your work as a lawyer or as a writer?

A. When I was a kid, I mean in early elementary school, people would ask what I was going to be when I "grew up" and I always said writer or artist. But by 12 or 13, I had stopped saying that. But I always wrote: journals, the occasional short story, and some pretty bad poetry in college. And I was always a reader. So yes, my work as a lawyer came much later.

Q. When did you begin writing?

A. I began seriously writing fiction about 10 years ago, right around when I turned 50.

Q. Tell me a little about your legal career?

A. From my early teen years onward, I knew I wanted to work in some sort of social justice or human service work. For a while I considered becoming a special education teacher, but then after college I came out to Seattle and got a job working as an advocate/counselor and grant writer at a shelter that served homeless families and single women. The job was funded through VISTA, which was basically the domestic Peace Corps. Anyway, after a couple years working with unhoused folks, it became very clear that if I was going to be effective in assisting people who are impacted by poverty, racism, and inequity, I was going to need more powerful tools. And becoming a lawyer seemed like it was a pretty powerful tool to use to help individuals and to change oppressive systems.

I got an internship as an investigator at the Public Defender Association and then eventually left Seattle for a few years to attend law school in D.C. After I graduated from law school, I got a job as a public defender at the Society of Counsel Representing Accused Persons (SCRAP), one of the public defender offices in Seattle. I worked primarily in juvenile court doing both criminal and family defense cases. Then I went to work at TeamChild, which is a civil legal services program for youth. I became the director of legal services for TeamChild and worked there for about 15 years doing both direct service and policy work. After that I was the legal director at the statewide public defender advocacy organization, the Washington Defender Association (WDA).

> "Really hard stuff lives right alongside joy and happiness. If I am going to write stories I want them to explore both the hard and wonderful stuff of being human."

Q. What does your legal practice look like now, and how does it differ from earlier in your career?

A. It looks really different. Because I used to work a lot. I mean all the time. For better or worse, the boundaries between my work as a lawyer and the rest of my life weren't great. I stopped working full-time as a lawyer a few years ago and early last year I switched my bar status to pro bono. My life as a lawyer looks really different now. In fact, if you asked me right now what my profession was, I would say writer—not lawyer. Because my main focus and work now is writing fiction. I am working on a novel. But I felt it was very important in the current political and social climate to keep my bar license, because there is always more work to do. There is a huge need for trained lawyers in so many areas of social justice work. So, I am very glad that I have the ability to step up and do pro bono work. I am extremely lucky and privileged to have been able to make this shift. Both of my children are grown, through school, and working. And my partner is still working, so that has given me some flexibility that I am incredibly grateful for.

Q. I read your book of short stories, *Lake Effect*, and really enjoyed it. How did this book come about?

A. I knew I wanted to write fiction. And I knew I had a lot more to learn. I have always loved reading short stories, and

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Courtesy images; author photo by Steve Johnson



Behrman gave a reading on June 17 at Folio, a membership-based library in Pike Place Market.

when you are learning the craft of writing, short stories are a great place to start. I had written a couple of short stories and wanted to write more when I decided to go back to school and get my MFA. During the time I was working as the legal director at WDA, I was also in a low-residency MFA program at Pacific University in Oregon. A handful of the short stories I wrote while in grad school became my creative thesis and were the seed for what became the book *Lake Effect*.

Q. A lot of the stories in *Lake Effect* are quite bleak but also seem to celebrate the wide spectrum of human existence. People are unique and beautiful and heartbroken in so many different ways. I came to adore a lot of the characters in these stories. How do you feel about your characters?

A. So, at my book launch at Elliott Bay Books in May, one of the audience questions was something along those lines, *"You always seemed like such a positive person, why are all your stories so dark?"* Which is pretty funny. But I love the question; after all, being a decent human has always been a balancing game. Really hard stuff lives right alongside joy and happiness. If I am going to write stories I want them to explore both the hard and wonderful stuff of being human. I want to write stories where characters grapple with doubt, with injustice, with intimacy, with parenthood, with hardship, and with restlessness. These are the things all of us are grappling with every day.

I like to think that I share a certain restlessness with some of my characters, a seeking quality. And I do think the characters in *Lake Effect* are all looking for connection, for human intimacy, for a home, for a family, for a way to live in a world that is not always kind or safe or welcoming to folks who are living at the margins of our society or are people who our systems of support and care consider as outsiders.

And I love that you asked that about my characters. I love them. I mean, I get to spend a lot of time with them, and I get to know them, and I get to grow with them. They surprise me all the time; they do and say things I never expected.

Q. Without naming names or specifics, are any of these characters or stories based on people you encountered in your legal work?

A. That is a great question. And a very natural assumption. But no. For decades I was privileged and lucky to be able to gain the trust and respect of the children and adults I worked with in my role as their lawyer. I got to learn some of their stories. I know I was almost always just a small part of their lives and stories. I got to work with them to figure out how to tell and translate their stories for decision-makers and systems in hopes that they would be seen, understood, and served.

Sometimes we were successful and sometimes we weren't. But the point is, those were their stories to tell, not mine. So no, *Lake Effect* is not a collection of case histories. It is not my clients' stories repackaged as fiction. The stories in *Lake Effect* are fiction. They are the product of my own imagination. But what I can tell you is that over the almost 40 years that I have worked with people impacted by all the inequities of our society: poverty, racism, the patriarchy, misogyny, homophobia, environmental injustice, etc., during all that time my eyes were open. And all of that experience is inside of me when I sit down to write a fictional story.

What mostly happens is that a visual image of something that really happened will take root in my imagination and become the seed for a fictional story. When I was working at WDA in Pioneer Square, I would walk to work every morning along the edges of "the Jungle," which is a sprawling homeless encampment at the base of Beacon Hill and under the freeways. I watched the city destroy unhoused people's homes and I watched the encampments reform and repopulate, and during those walks, the characters in several of my stories came into being.

And as you know, I write about young people a lot. And I think all the young people I represented over the years, and my own children, and all the other children I have gotten to know and love—they are all in there, mixed up and reformed, and made new and surprising. They become people I never actually knew but am so curious about.

Q. Where else do you get inspiration for your writing?

A. Place and wild and natural spaces are very important to me. And as with people, I am very porous to place. So, where I am, where I've been, and where I wish I could go, gets onto the page one way or the other.

I've lived in Seattle and wandered the Pacific Northwest for more than 40 years. This place is a huge source of inspiration for my writing and looms big in my daily imagination. I moved around a lot when I was growing up, so other towns and cities are in me too, Cleveland and the Hudson Valley in particular. I'm also sort of obsessed with maps and geography. A couple of years ago, I was at a writing residency in Nebraska. I'd never been to Nebraska, and all of a sudden the character I was writing about at the time was in this small town in Nebraska. Also, I need to walk, hike, bike, and move to be creative, so a lot of my writing happens when I am outside and wandering around.

Q. I like how many of the stories operate in the same world, with the same characters, just seen from different perspectives. What is your writing process like?

A. I love when a character is not done with me and creeps back into another story or a minor character from one story becomes the protagonist of another. I love the process of climbing in and out of someone else's skin. I love shifting the point of view. I love deep imagining. I love attempting to really experience what it would be like to be someone other than oneself. I feel like that is the whole point of fiction. Yes, it is about empathy, but it is different than that. It is more about really trying to inhabit another human's consciousness. That sounds very "woo woo," but it is what I hope for. On a more concrete level, my first drafts often come out in bursts and are a mess, and then I revise and revise and revise and rewrite.

Q. Do you draw from your own life when you write, and do you feel your work is reflective of you, personally?

A. Yes and no. Most of my stories aren't very autobiographical, but then at the same time life creeps in. Someone I know or love will say something in real life and it might end up in the mouth of one of my characters. There are a couple stories where my son's words have crept into a character's mouth. I have talked to him about that, and he has read the stories and given me permission before I sought publication of them. Sometimes it is just a phrase or a little anecdote from real life that gets transformed on the page.

There are a few stories that draw from actual events in my own life that then get transformed in fiction. People who know me well and read the book will certainly recognize certain aspects of real life.

I spent so many years as a lawyer and advocate molding and adapting myself to be persuasive, palatable, and relatable to a particular audience or decision-maker in my oral and written advocacy. And I'm pretty much done doing that on the page and in real life, too. I want to show up as authentically as possible. I can't believe I just used that word, "authentic." It is so overused and weaponized, but it is the right word for what I am trying to convey.

Q. It was also interesting to see my own neighborhood (Beacon Hill) reflected in some of these stories. Where are you from, and how long have you been in Seattle? What drew you to Seattle initially?

A. I moved to Seattle when I was 20 years old. This place is fully woven into my DNA now. It is home and it also continues to delight, surprise, disappoint, and move me. After college everyone kept asking what I was going to do. And I had an undergraduate degree in English lit, and I wanted to work in social justice. I came out to Seattle with my backpack and started looking for a job. I had enough money to live for about six weeks, before I started waitressing again. And at the beginning of the fifth week here, I got a job working at a shelter on First Hill. I was drawn here because it was far away from Ohio. I was drawn here because it was close to the mountains. I was drawn here because it was a queer-friendly city. I was drawn here because it was the first place I ever moved to that I got to decide I wanted to be there. And also, because you know, Seattle is great. As a kid I lived all over the country. I was born in Baltimore, moved to Portland, Oregon, then to Chicago, then to New York, then to Cleveland, and finally to Seattle. My kids were born here; we never left.

> "I think as lawyers ... we need to continually be turning a productive and critical eye in on ourselves and the systems we have created and perpetuate."

Q. At the WSBA, we talk a lot about eroding faith in the legal system and how to restore trust in institutions. We also talk about some of the failures of the legal system and the state of public defense in Washington, and the myriad issues there. I see echoes of those topics throughout the book, particularly in "The Jungle" and "Ineffective Assistance." How do you feel about the justice system today?

A. Oh, that is not a simple or easy question. I still believe that our legal systems have the potential to do both great good and great harm. They have always been that way. I think as lawyers, as people with privilege and power, we need to continually be turning a productive and critical eye in on ourselves and the systems we have created and perpetuate. We need to not be afraid to admit that we have made some mistakes, that we have done harm, that we can do better. It isn't all bad, but it isn't all good. As you can see, I am still drawn to the gray areas. I have worked with so many compassionate, smart, hardworking, and impactful folks in legal services, public defense, the judiciary, the Legislature, and at the grassroots and community level in this state. But we need to do better. We need to be more willing to give up our power and privilege, and to remove the barriers and gatekeepers to educational and professional opportunities at all levels. We need to stop using incarceration as the default tool to solve social problems, poverty, and mental health. Oh, we need to change so much.

Q. What's next for you? In your legal work and in your writing?

A. I am working on a novel and some new short stories. And I am going to continue to seek out more opportunities to do pro bono work locally and beyond. BN

WSBA staff photo

ASBESTOS DEMANDS EXPERIENCE.

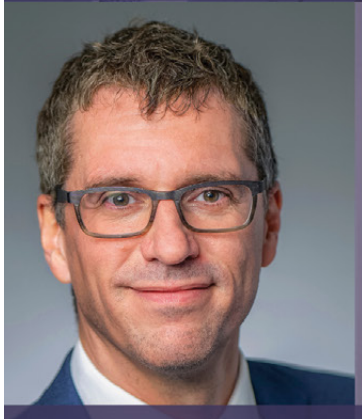
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DVAP: The Hybrid Pro Bono Program Benefiting Victims of Domestic Violence in the Tri-Cities

BY ERIKA LONGANECKER AND BARBARA POTTER

Benton Franklin Legal Aid's (BFLA) hybrid pro bono program, Domestic Violence Attorney Program (DVAP), was created in the name of access to justice.

DVAP provides free attorney services in the Tri-Cities area to domestic violence survivors seeking protection orders. What makes the program unique is its hybrid model: Attorneys volunteer their time and BFLA reimburses their law firms for the hours paralegals and other staff spend assisting clients. Each year, on average, DVAP pays out approximately $86,000 in paralegal and staff costs and receives approximately $236,250 in pro bono attorney hours.

Since the inception of DVAP in 2024, BFLA has accepted 234 domestic violence survivor clients into the program. Volunteer attorneys have successfully secured protection orders for more than 93 percent of cases that went to a full hearing. This

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Illustration © Getty Images

DVAP: The Hybrid Pro-Bono Program Benefiting Victims of Domestic Violence in the Tri-Cities

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is significantly higher than the 54 percent average success rate for domestic violence protection orders in Benton and Franklin counties thus far in 2026.

HOW DVAP GOT ITS START

DVAP was born out of necessity. BFLA has worked closely with Domestic Violence Services of Benton and Franklin County (DVSBF) for many years. More and more victims were applying for legal assistance for their protection order cases, and the programs in place were not always well suited to help. The options available for direct representation required victims to meet the same criteria as other clients applying for things like family law or housing assistance. They had to qualify under household income requirements and be able to submit proof of income. The opposing party also had to be represented by an attorney. Even if a client was able to meet the requirements, the time it took to go through the qualification process was often too long for the type of hearing involved. (Domestic violence cases often go to a full hearing within 14 days of filing an initial petition.) If a client did get an attorney assigned, it often resulted in at least one request for a continuance to the court, which is disfavored by statute. The existing system was not reaching domestic violence victims in a meaningful way.

BFLA leadership engaged in discussions with DVSBF, another local social services agency called Support, Advocacy & Resource Center (SARC), and local police, who were expressing the need for assistance and resources for victims of domestic violence. Then in 2023, at a local meeting for Benton-Franklin Housing Continuum of Care (CoC), a federal program that provides funding with the goal of ending homelessness, BFLA connected with someone who would help launch DVAP: Toni Lehman.

Lehman is the Tri-Cities administrator for two federal grant programs: Community Development Block Grants (CDBG) and HOME Investment Partnerships American Rescue Plan (ARP). While ARP funds often go to housing assistance, they can also be used to assist individuals "fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking."[1] Not only did Lehman confirm that ARP funds could be used to cover paralegal costs and other case expenses for domestic violence survivors, they could also cover deposits to help survivors move into safe housing. It was an ideal partnership in the making.

Final logistics for DVAP came together with the help of DVSBF, SARC, the victim advocate for Benton County who worked with local police and Northwest Justice Project, Pronto Process Service in Kennewick, and local family law attorney Kari Hayles-Davenport.

HOW DVAP WORKS

DVAP officially launched in 2024. Potential clients initially work with advocates at DVSBF to file their petition and secure an immediate protection order. After that, clients are assisted in filing an online application to DVAP. A document review, conflict check, and client interview are then conducted. A volunteer DVAP attorney is then assigned to the case. The DVAP volunteer attorney will meet directly with each client, file a limited notice of appearance, and prepare for the hearing. The attorney accompanies the client to the hearing, often appearing remotely with the client to avoid the necessity of in-person contact with their abuser. The attorney addresses the court and advocates for the client during argument. Clients often are not required to speak at all during their own hearings.

The time from application to placement with an attorney went from more than a week in the old system (if the client even qualified for placement) to just 24-48 hours for almost all clients who applied.

The success and increasing need for a program like DVAP quickly became clear. In 2024, DVAP received 72 applications for attorney placement. In 2025, DVAP received 98 applications. As of July 31, 2026, DVAP has received 87 applications.

One of the domestic violence survivors assisted through DVAP is M.A.M., a victim client who fled from Virginia to Washington with her one-year-old child to escape her abusive husband. M.A.M.'s family and support system are here in Washington; however, the child was born in Virginia, and the client resided with her husband in Virginia. The client endured physical, verbal, and emotional abuse as well as coercive control over finances, her cell phone, and even at times her access to their child. Once the client was able to travel to Washington with her child, she sought assistance through DVSBF, where a volunteer helped her complete her petition for a protective order and apply for DVAP. Upon review, it was clear that immediate attorney placement was needed. The cross-state travel with the child created a jurisdictional issue that needed to be addressed. The restrained person hired an attorney and sought to have the child returned to Virginia. After many filings and hearings, the court granted the client's request for a protection order, citing that Washington could exercise emergency jurisdiction over the child. Both M.A.M. and her child remain in Washington with the protective order in place. This may very well not have been the outcome if the client did not have the representation and advocacy of an attorney through DVAP.

The time from application to placement with an attorney went from more than a week in the old system (if the client even qualified for placement) to just 24-48 hours for almost all clients who applied.



Erika Longanecker worked as a paralegal/office manager in the area of family law from 2001 to 2025 and as the DVAP coordinator for BFLA since January 2026. She enjoys the opportunity to use her professional experience to assist victims in need of guidance and advocacy through the court process.



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

THE NEED FOR VOLUNTEERS AND FUNDING

Since its launch in 2024, DVAP has added three attorney volunteers in addition to Kari Hayles-Davenport: Don Schirm Jr., Alyssa Lindburg, and Rebecca Saitz; and one employee, Erika Longanecker.

DVAP's hybrid model is a selling point for volunteers. They know they can recoup paralegal time and some case expenses, which eases some of the burden for folks who want to advocate for survivors but also need to contribute to their firm's bottom line. DVAP volunteers also receive CLE credits, malpractice insurance, and a potentially expanded client base for future referrals. In addition, volunteers say they appreciate the opportunity to do direct pro bono representation without the longer-term commitment that comes with most family law cases.

Because the HOME-ARP funding will no longer be available after 2026, DVAP is looking for funding partners to help continue this very important work. This program is succeeding, and the need is only increasing.

Victims face many challenges when seeking a protective order without legal support. They need to be knowledgeable about the rules of procedure for gathering evidence, preparing statements, and submitting evidence to the court. They need to be aware of how to provide that evidence to the opposing party. They must be courageous enough to share details of their abuse with the court, in front of their abuser, and often in a courtroom full of strangers. Facing their abusers is often retraumatizing. Court dockets may consume entire mornings or afternoons, resulting in lost earnings and/or significant child care expenses. It is not uncommon for victims to seek an immediate protective order only to abandon their request mid-process because of circumstances beyond their control.

It has taken time, dedication, and a lot of community support to make this program happen. It is a testament to the strong relationships built between BFLA and the local legal community that this program was immediately embraced and put on the path to success. We at DVAP believe this program is filling a very important need in our community, and we look forward to seeing it grow. BN

NOTE

1. www.hudexchange.info/programs/home-arp/overview/.

SIDEBAR

DVAP volunteers and staff share their thoughts:

"I have always been a strong proponent for pro bono service and have witnessed firsthand the positive impact legal support and advocacy makes in the lives of these victims and their families. These cases are short and intense. The outcome can have great influence on not just their current situation, but any related family law case as well. The choice to leave an abusive relationship is a dangerous one. It has been very satisfying to be able to help these individuals through what is likely the most difficult time of their lives."
–Kari Hayles-Davenport, Attorney

"I felt compelled to volunteer for DVAP as I believe that access to justice can be a roadblock for victims of domestic violence. During my time in this program, I have advocated for 31 individuals who have been subjected to domestic violence. These clients come to me from all walks of life, many with no familial support. I have met the children who are affected by domestic violence, received hugs and tearful thank yous from mothers, and have been told that I was their last hope in receiving help to sever these abusive relationships. These clients deserve advocacy, and their inability to pay should not bar them from receiving it. That is why I continue to champion this program and give my time."
–Alyssa Lindburg, Attorney

"This program offers these women a person in their corner who believes them and advocates for them when their voices have been historically dismissed. The women in our program have already done the hard part—survive. The work we do allows us to support these women and fight to secure them the protections they need so that they can move forward with greater safety and stability, and most powerfully of all, hope. It grants them freedom of choice, knowing that their worst days do not have to define their next days, and that they have the support to define their future on their own terms."
–Taylor Noonan, Paralegal

A DVAP client shared this after her final hearing:

"This program has made a tremendous difference for me during one of the most difficult and vulnerable times in my life. Having someone willing to listen, provide guidance, and help me navigate the process has been invaluable. I am incredibly grateful for your support and for everything you do for women in these situations. Thank you for believing in this program and for being such an important part of it. The compassion and assistance you've provided have meant more to me than I can adequately express."

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Pro Bono Partnerships in Action:

How Law Firms and In-House Legal Departments Can Expand Access to Justice

BY KAITLYN E. FALLON



Photo illustration © Getty Images/ MicroStockHub

Access to justice is a team effort. No single law firm, legal department, or nonprofit can meet the overwhelming need for legal services on its own. But when these players combine their expertise, resources, and volunteer capacity, they create powerful partnerships that make pro bono work accessible to underserved communities with urgent, unmet needs.

That is why at Davis Wright Tremaine LLP (DWT), corporate collaborations have become an important, highly effective part of the firm's pro bono practice. By regularly partnering with in-house legal departments on community-focused efforts, DWT has built a model for turning shared commitment into practical opportunities for service that expand and scale access to justice. The examples that follow show how law firms and in-house legal departments can move from good intentions to

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Pro Bono Partnerships in Action: How Law Firms and In-House Legal Departments Can Expand Access to Justice

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coordinated, practical service where it is needed most.

THE POWER OF PRO BONO PARTNERSHIPS

Law firms and in-house legal departments each bring unique strengths to pro bono work.

While law firms provide broad subject-matter expertise, training resources, administrative support, and established relationships with legal services organizations, in-house legal departments bring deep community ties, operational insight, business-driven volunteer culture, and lawyers eager to contribute their time and talent. Together, their impact is far greater than what they could have achieved independently.

> While no single organization can meet every need, collaborative partnerships between law firms, in-house legal departments, and legal service organizations are powerful agents of impact.

This approach is especially important in Washington, where many communities, particularly rural communities and underserved populations, face significant barriers to accessing legal assistance. Geographic distance, limited legal infrastructure, economic disparities, and language access issues can all make it difficult for individuals and families to obtain help with critical legal issues involving housing, education, immigration, family stability, or youth advocacy.

By partnering together on in-person and virtual clinics, coordinated trainings, and community-based outreach, DWT and in-house legal departments have effectively bridged some of these access to justice gaps, extending services into communities where legal support is limited or unavailable.

In 2025, DWT partnered with 47 different companies on 42 pro bono and social impact clinics. Across these opportunities, volunteers completed veteran discharge upgrade reviews, helped asylum seekers apply for work authorization, conducted research that helped formerly incarcerated individuals reunite with their families, mapped racially restrictive covenants, assisted with the sealing or expunging of criminal records, and educated clients on accessing vital benefits.

The same corporate partnership model also supports more targeted, local work. For example, DWT lawyers and in-house counsel collaborated with Legal Counsel for Youth and Children to assist parents with immigrant safety plans, which provide care directives in the event a parent or caregiver suddenly becomes unavailable.

On a practical level, specific volunteer roles differ depending on the setting. In a legal clinic, a DWT volunteer and an in-house volunteer might serve as a pair of attorney volunteers, advising a client on a certain issue or preparing a certain legal document. A volunteer could also serve as an interpreter for a session if they have special language expertise. The legal services organization involved serves as the resident subject matter expert—training the volunteer pool, supervising the clinic, and being available for questions as they arise. In these types of partnerships, the legal services organization is also responsible for sourcing clients that are good fits for a clinic, whereas the firm and in-house teams recruit volunteers to meet each client's needs.

What makes these partnerships powerful is not just the number of volunteers involved, but the way each participant's strengths are leveraged to benefit underserved communities. The model works because no one partner has to carry the whole effort alone; each contributes something distinct, and together those contributions become coordinated legal support where it is needed most.

MAKING PARTICIPATION POSSIBLE

The promise of the corporate pro bono model is not simply that it reaches more people, but that it makes pro bono work easier to organize, scale, and repeat. Rather than relying on one-off volunteer events, law firms and in-house legal departments can build standing opportunities that are easier for volunteers to engage in, easier for legal service organizations to count on, and easier for communities to reliably access.

The Protecting Journalists Pro Bono Program (ProJourn) is an example of this sustained and collaborative model. Launched in 2020 by Microsoft and DWT, ProJourn aims to support local newsrooms and journalists by increasing the supply of pro bono attorneys trained in pre-publication review and access to public records—two of the most critical editorial legal needs of journalists. Over the past five years, ProJourn has supported more than 300 clients through 585 matters with the help of over 300 volunteer attorneys from law firms and in-house legal teams.

Scam Justice Legal Clinic (SJLC), created by DWT, Amazon, Better Business Bureau Institute for Marketplace Trust, and the Pro Bono Institute, offers another example of how these partnerships can solve for a gap in legal services and make engagement for all easier and more accessible. Through its limited scope legal clinic, SJLC's volunteer attorneys provide legal advice, practical recovery plans, reporting guidance, and referrals to victims of online scams, helping them understand their rights and take action to further protect themselves. Since launching in March 2025, the clinic has hosted more than 58 clinics, serving more than 154 clients from over 40 states as of Sept. 15, 2026.

Technology also plays a critical role in



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both finding and engaging in opportunities to provide legal services. For example, DWT's Pro Bono & Social Impact Department and DWT's De Novo innovation team collaborated to create the In-House Gateway to Good (G2G), a pro bono platform that helps lawyers and business professionals easily find pro bono, social impact, and DEI educational opportunities and events, while reducing the administrative burdens of operating a pro bono program. G2G is also offered to DWT's corporate clients, allowing users to identify opportunities by jurisdiction, practice area, malpractice insurance availability, and the communities or causes served.

For in-house legal teams, that accessibility matters. Companies that have onboarded to G2G report that pro bono opportunities are far more visible across their legal departments and easier to access for lawyers and staff spread across offices, cities, and time zones. That increased visibility does more than help volunteers find projects. It makes pro bono easier to weave into the ordinary life of a legal department, which is where the benefits of these partnerships begin to extend beyond any single clinic or matter.

These collaborative pro bono projects allow attorneys across sectors to work together toward shared goals, fostering professional connections while reinforcing a collective commitment to public service. Meanwhile, for newer attorneys and legal professionals, these experiences can also provide meaningful opportunities for mentorship, skill development, and deeper engagement with community needs.

LOOKING AHEAD

The legal profession has an important role to play in addressing access to justice challenges. While no single organization can meet every need, collaborative partnerships between law firms, in-house legal departments, and legal service organizations are powerful agents of impact.

Ultimately, pro bono partnerships are about more than legal services alone. They reflect a shared understanding that the legal profession carries both the privilege and responsibility of contributing to stronger, more equitable communities, and that access to justice is achieved not in silos but together, through a team effort. BN



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2025 WASHINGTON SUPREME COURT PRO BONO PUBLICO

HONOR ROLL

The individuals listed below reported providing at least 50 hours of pro bono publico in 2025.

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Vanessa Ijeoma Agbar
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Gargi Agrawal
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Gita Avantsa
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Taila Jade Ayay
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Jacob Rosenblum
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Michael K. Ross
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Gregory Stuck II
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Sam Sueoka
Brian Michael Sullivan
Melissa Walker Sullivan
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Catherine R. Szurek
Charles E. Szurszewski

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Lewis Handfield Zieske Jr.
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Vanessa Zink
Rebekah Zinn

SIDEBAR

2025 Voluntary Reporting of Pro Bono Publico Service Hours

(per RPC 6.1)

244,148
Total hours reported

155,413
Direct service hours (RPC 6.1(a))

88,735
Indirect service hours (RPC 6.1(b))

3,749
Total number of legal professionals reporting hours

1,767
Legal professionals reporting 1-30 hours

437
Legal professionals reporting 31-49 hours

1,545
Legal professionals reporting 50+ hours

BN

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.**

Stephen Bergenholtz, #16217, 5/18/2026

James Blundell Jr., #18796, 7/25/2026

Daniel Gibbons, #33036, 8/19/2026

Arthur Kearney, #3764, 8/17/2026

Thomas Meyer, #5739, 6/17/2026

G. Kenneth O'Mhuan, #884, 7/15/2026

Daniel O'Rourke, #33783, 6/22/2026

Jerome Johnson, #4202, 8/9/2026

Kenneth Rice, #4973, 8/16/2026

David Richdale, #3808, 7/24/2026

Paul Taylor, #13945, 3/16/2026

MORE ONLINE

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



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Ray Kahler


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Alicia DeLuc Montgomery


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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 will open in November. Notifications and reminders will be sent by email. Please be sure your email address is current, and emails from the wsba.org domain will not be marked as spam. License renewal must be completed online at **www.licensing.wsba.org**, where you will be able to complete required certifications and securely pay your license fee or print an invoice to 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 online licensing opens in November. 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

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/**.

First Entity Authorized in Innovative Pilot Project

The Washington Supreme Court has authorized the first participant in its Entity Regulation Pilot Project, which is a time-bound, data-driven study to determine if new service models—that are not allowed under current regulations—can meaningfully expand access to legal services while protecting consumers. Do you have an idea for an innovative legal business model? You might be a good candidate to apply to the pilot project. Learn more at **www.wsba.org/about-wsba/entity-regulation-pilot**.

New Member Lunch & Learn Virtual Event Series

The Washington New Members Committee is excited to launch upcoming events this fall. The next sessions are scheduled on Oct. 14 and 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.**

Bench-Bar-Press Luncheon: Protecting the Vote

The Bench-Bar-Press Committee of Washington, chaired by

CONTINUED >

Chief Justice Debra Stephens, is once again hosting its annual luncheon to bring together representatives from these three hallowed institutions to discuss topics that are critical to our democracy. This year's luncheon is 12-2 p.m., Nov. 6, at the Washington Athletic Club. Panelists will explore the courts' role as neutral arbiters, the media's role in explaining complex processes, and how both institutions help the public understand the integrity of election administration. Visit **https://bit.ly/4hcM6Hz** to reserve your seat by Oct 30.

Proposed Rules of Court Published for Comment

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

Portfolio Evaluation: A New Pathway for Admission

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

SHARE YOUR EXPERTISE

Get Involved with WSBA Deskbooks!

WSBA Deskbooks are written and updated by Washington practitioners who want to share their experience and help strengthen the profession. Contributing to a Deskbook is a great way to build your professional reputation, earn CLE credits, deepen your expertise in a practice area, and provide a valuable resource to colleagues across the state. Opportunities range from authoring new chapters to assisting with updates and new editions as the law evolves. To learn more about current opportunities or how to participate, email WSBA Deskbooks Coordinator Adam Ray at adamr@wsba.org. Learn more about WSBA Deskbooks at **www.wsba.org/deskbooks**.

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.

VOLUNTEER

Consider Service as a WSBA Representative

The WSBA is seeking applications for members to serve as WSBA representatives for the following groups: Bench-Bar-Press Committee, BJA Public Engagement and Education Committee, and the Certified Professional Guardianship and Conservatorship Board. Browse open committee seats at **www.wsba.org/connect-serve/volunteer-with-wsba/volunteer-as-a-wsba-representative.**

New! Nominate a Volunteer to Spotlight

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

RESOURCES

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**.

IOLTA FAQs

Learn about unidentified owners and unclaimed property, recordkeeping, disbursements, general banking, reconciliation, and more with our IOLTA 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. 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.

Health Benefits

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

The 'Unbar' Alcoholics Anonymous Group

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

ETHICS

Ethics Line

Members can talk with WSBA professional responsibility counsel for informal guidance. Learn more at **www.wsba.org/for-legal-professionals/ethics/**

ethics-line or call the Ethics Line at 206-727-8284.

WSBA Advisory Opinions

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

WSBA COMMUNITY NETWORKING

New Members List Serve

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

ALPS Attorney Match

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

QUICK REFERENCE

Oct. 2026 Usury

The usury rate for October 2026 is 12.00%. The auction yield of the Sept. 8, 2026, auction of the six-month Treasury Bill was 4.023%. The interest rate required by RCW 4.56.110(3)(a) and 4.56.115 for October 2026 is 6.023%. The interest rate required by RCW 4.56.110(3)(b) and 4.56.111 for October 2026 is 8.75%. BN

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

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

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

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)
Arnold v. City of Seattle, 185 Wn.2d 510, 374 P.3d 111 (2016)

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YOUR APPEAL SPECIALISTS

Hosick v. Community Health Network of Washington,
36 Wn. App. 2d 1011, 2025 WL 3709646 (2025)
(rejecting negligent insurer's defenses of contributory negligence and failure to mitigate)

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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Notices

DISCIPLINE & OTHER REGULATORY NOTICES

MORE ONLINE

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

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.

Suspended

Derek J. Ashton (WSBA No. 40406 admitted 2008) of Oviedo, FL, was suspended for 30 days, effective 7/20/2026, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. For more information, see *https://www.osbar.org/members/membersearch_display.asp?b=871552&s=1*. Henry Cruz acted as disciplinary counsel. Arden John Olson represented respondent.

Decision document: The Washington Supreme Court Order.

Allen R. Peters (WSBA No. 24988 admitted 1995) of Lake Oswego, OR, was suspended for 90 days, effective 7/01/2026, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. For more information, see *https://www.osbar.org/_docs/dbreport/2026/PETERSAllenR25-14.pdf*. Henry Cruz acted as disciplinary counsel. Allen R. Peters represented themselves.

Decision document: The Washington Supreme Court Order.

Benjamin Lloyd Wyborney (WSBA No. 50070, admitted 2015) of Spokane, was suspended for six months, effective 8/25/2026, by order of the Washington Supreme Court. Claire Carden acted as disciplinary counsel. Benjamin Lloyd Wyborney 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), 3.4 (Fairness to Opposing Party and Counsel), and 8.4(l) (ELC violation).

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

Wyborney was found to have violated the Rules of Professional Conduct by: 1) failing to respond to the Federal Aviation Administration's (FAA) discovery requests, its motion to deem the requests for admissions admitted, and failing to respond to the motion to compel; 2) failing to keep a client reasonably informed about the status of their matter and to respond to the client's reasonable requests for information; and 3) failing to provide a written response to the client's grievance and to promptly provide requested documents to ODC.

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

Reprimanded

Susan Elizabeth Skelton (WSBA No. 47154, admitted 2014) of Everett, was reprimanded, effective 7/20/2026, by order of the Hearing Officer. Erica Temple and Amanda Lee acted as disciplinary counsel. Jeffrey T. Kestle represented respondent. Timothy J. O'Connell was the settlement hearing officer. Jeff H. Capell was the hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.4 (Communication), 1.5 (Fees), 1.8 (Conflict of Interest: Current Clients: Specific Rules), and 1.15A (Safeguarding Property).

Skelton stipulated to reprimand for: 1) renegotiating a fee agreement with a client during the representation without fully disclosing the terms in writing, without advising the client of the desirability of seeking—or giving them a reasonable opportunity to seek—the advice of an independent lawyer on the transaction, and without obtaining the client's informed consent in a writing signed by the client to the essential terms of the transaction; 2) failing to reasonably communicate with the client about fees and costs that were accruing during the representation; 3) failing to deposit and maintain client funds in a trust account; and 4) failing to deposit into trust funds belonging to both the respondent and the client.

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

Interim Suspension

Steven C. Andersen (WSBA No. 25860, admitted 1996) of Vancouver, is suspended from the practice of law in the state of Washington pending the outcome of disciplinary proceedings, effective 8/20/2026, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.***

John Michael Sheeran (WSBA No. 26050, admitted 1996) of Tacoma, is suspended from the practice of law in the state of Washington pending the outcome of disciplinary proceedings, effective 8/21/2026, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.*** BN

Congratulations

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These amazing organizations help ensure legal aid is accessible to people all over Washington.

We rely on **your** support to help fund these grants! If you did not have the opportunity to donate with your license renewal — or want to give more — make a tax-deductible gift today!

2026 GRANTEES

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- **Central Washington Legal Aid**
- **Chiapas Education Project**
- **Corrections to Connections**
- **Dhugaa Community Services**
- **Entre Hermanos**
- **Families Shoulder to Shoulder**
- **Legal Immigration Services of Olympia**
- **Oasis Youth Center**
- **QLaw Foundation of Washington**
- **Sandy Williams Justice Center**
- **The Way to Justice**


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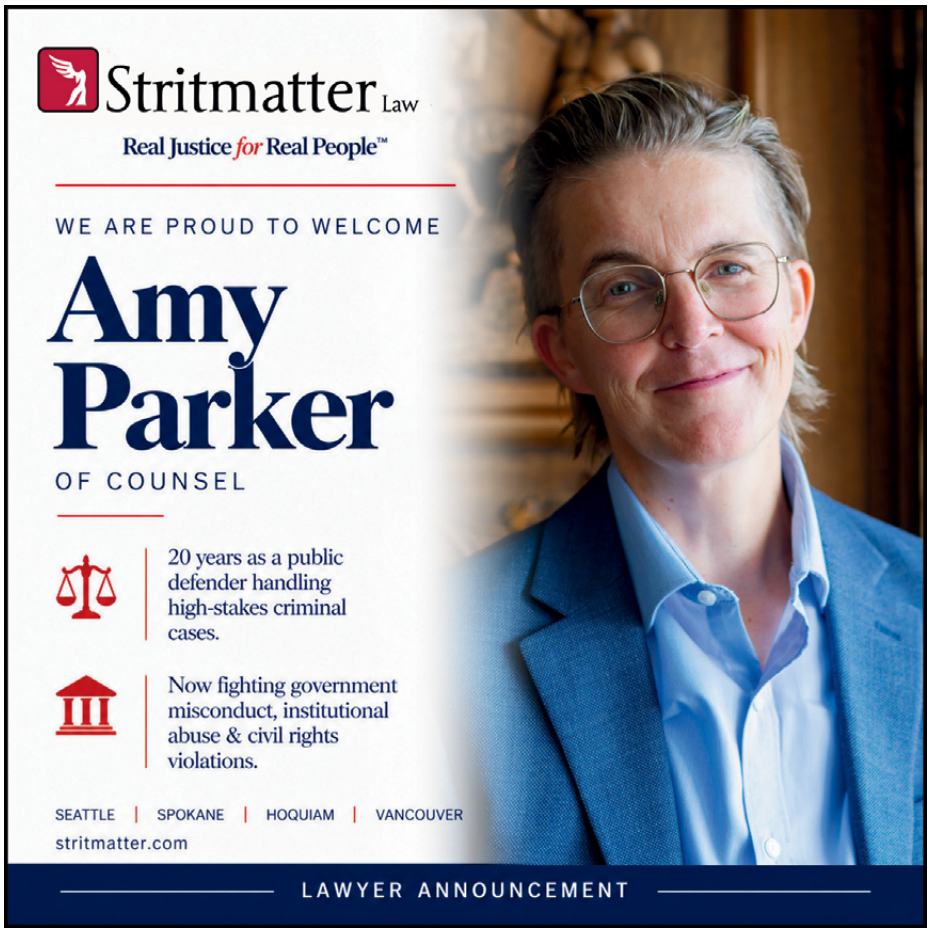
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LIGHTNING ROUND

Bryce McPartland

BAR NUMBER: 37418

Bryce McPartland is the founder of McPartland Law Offices, a personal injury firm. McPartland was raised on a farm in central Washington and is the oldest of seven. McPartland is a graduate of Washington State University ('01) and Gonzaga University School of Law ('05).

What is the most interesting case you have handled in your career so far and why?
In personal injury work, it always feels like a current case is the "most interesting," and we tend to suffer from shiny object syndrome. A particularly interesting one was a roadway design case. Building that case involved driving the same path as the offending driver, trying to put myself in her shoes, and wondering what cues were available to let a driver know a stop sign and intersection were coming up. It turned out there weren't any! That case ended up involving tons of experts and jurisdictional issues, and ended in a great result for the client. Getting out of the office to put boots on the ground and find new perspectives teaches us so much more than reports and records ever do.

Did you end up practicing in the area of law you expected? If not, where did you end up and why?
For sure. Although I've touched on a few different practice areas on my way to a personal injury practice, ultimately this one scratches the itches for me that make the practice of law so rewarding. First, there's an investigative component and, oftentimes, the harder we work to get to the root cause of a serious injury, the more successful the outcome. Second, we are able to help people solve problems that they cannot typically solve for themselves, and—because we do not market ourselves in the traditional fashion—they often also have a problem that a prior law firm decided they could not help them with either. Curiosity and creativity have been great drivers for our practice and our practice model.

What is your biggest success?
The team I have around me. Our firm has a lot of people committed to our core values, who really value the work they are able to do to directly and tangibly help people. The people we have and their commitment to the people we help make coming to work easy.

How would you be earning a living if you weren't a lawyer?
I spent nearly two decades as a basketball coach and could still spend all day in a gym. BN

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Staff illustration

Do you have any favorite legal or philosophical debates that you enjoy having with colleagues or friends? With name, image, and likeness (NIL), college sports are junior varsity professional sports and are interesting virtually exclusively because of sports gambling.

What is one thing from your childhood that you would bring back if you could? Saturday morning cartoons and Lucky Charms.

What is one thing your colleagues may not know about you? I was an assistant boys' basketball coach and a head girls' basketball coach. My first year with each school was the team's first experience at their respective state tournaments.

What is the most unusual job you've ever had? Onion seed harvester. The seeds were too small for the combines we had access to. Hand harvesting onion flowers with steak knives in 100-plus degree central Washington heat. Between the heat, the sweat, and the onions, it smelled about like you can imagine it did.

What's the best place you've ever traveled to? Spain is a special place for me. This summer, my two youngest sons (Owen, 19, and Aidan, 15) and I hiked the Camino Primitivo in only 9 days.


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