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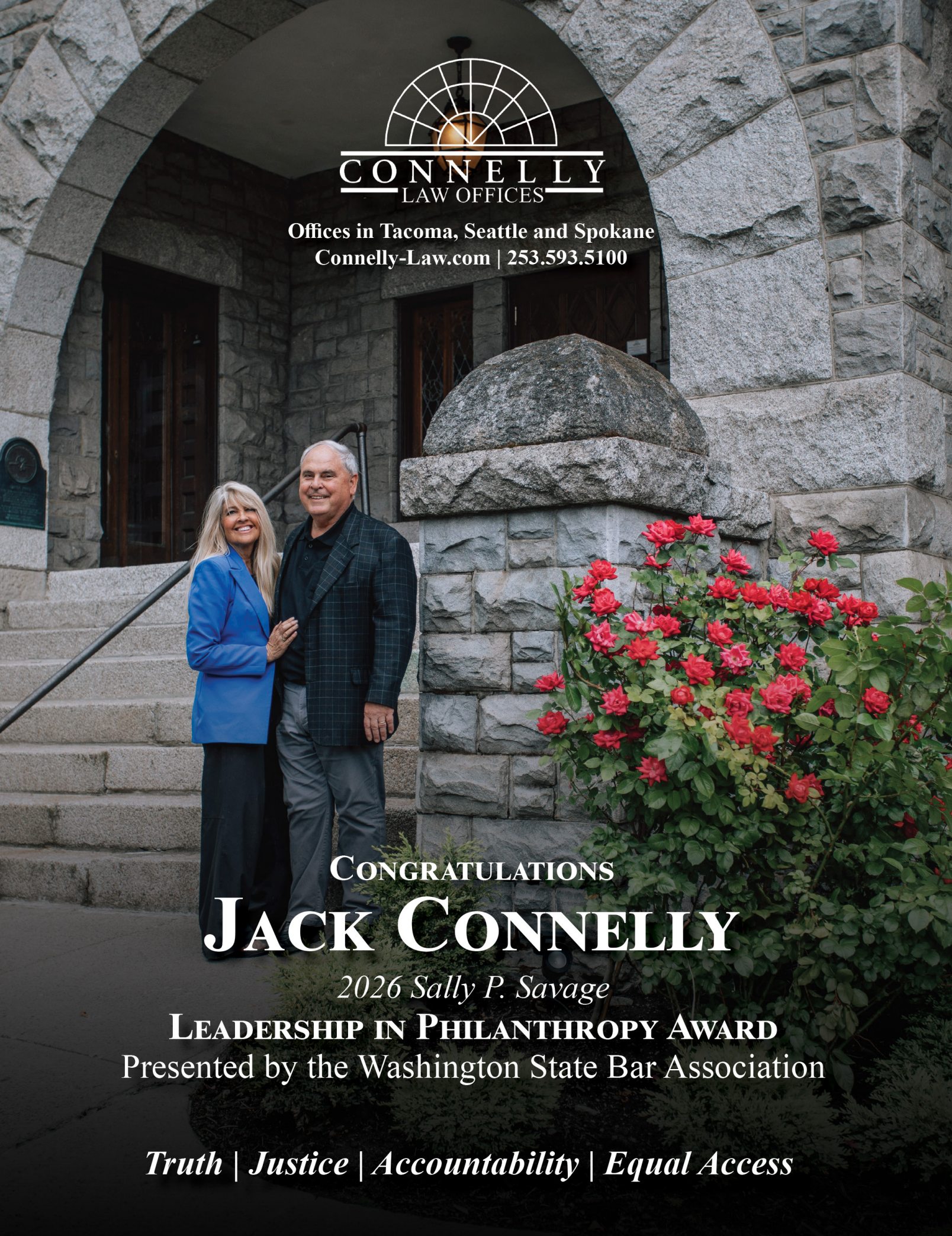


2026

APEX AWARDS

The Acknowledging Professional Excellence (APEX) Awards honor exemplary members of the legal community, including legal professionals, judges, and members of the public / p. 28

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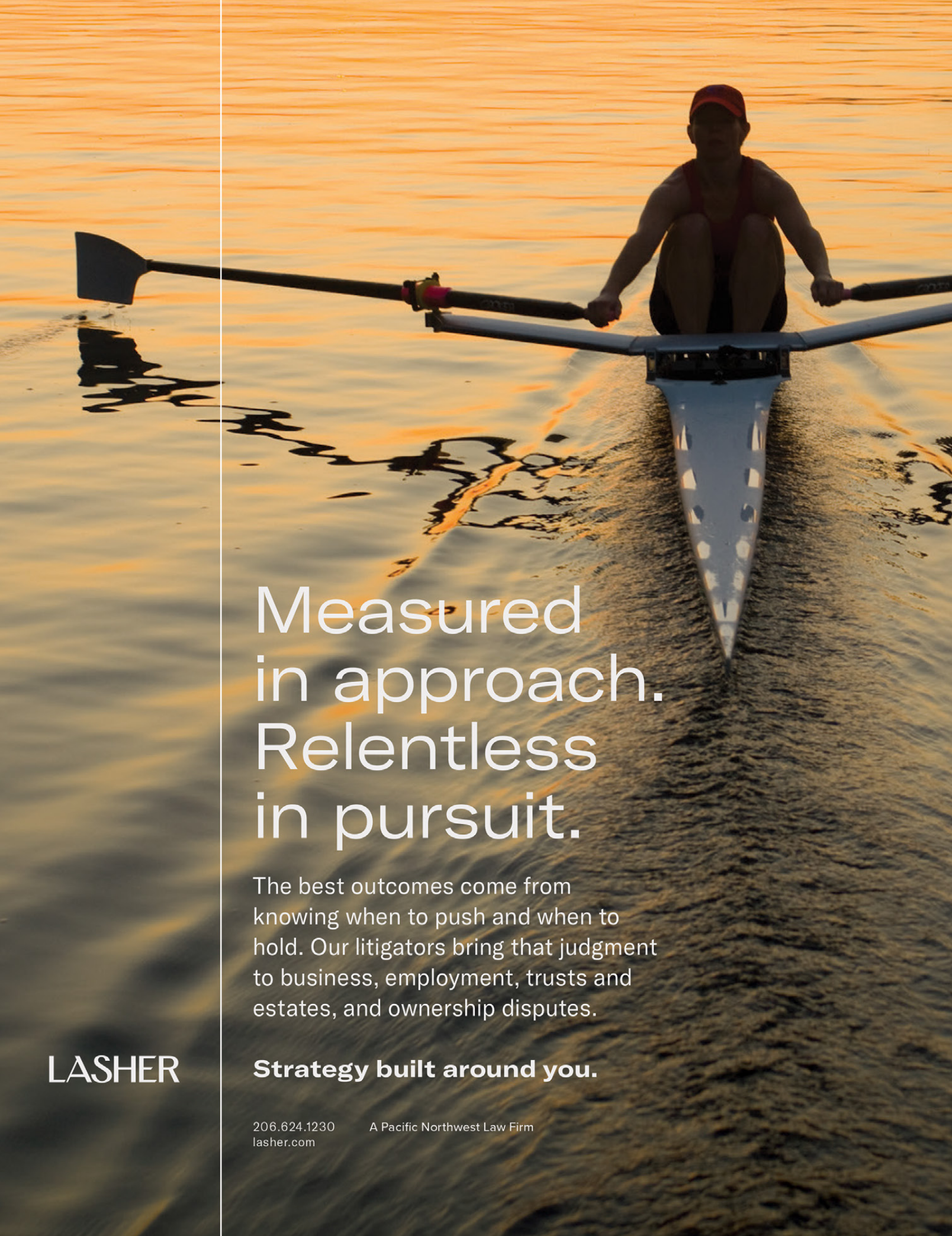
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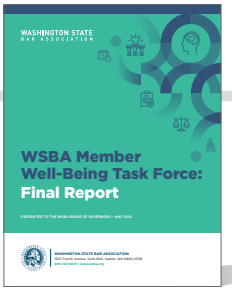
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Editor's Note

Honoring the APEX of the Profession

This month's cover story is the WSBA's 2026 Acknowledging Professional Excellence (APEX) Awards. The Bar's highest honor, the Chief Justice Mary E. Fairhurst Award of Merit, was given to Theo Lesczynski, who led a team of attorneys on a groundbreaking appellate case that strengthened protections for survivors of sexual violence. Other honorees include two outgoing Washington Supreme Court justices; government attorney Kelly E. Warner-King; King County District Court Judge Andrea S. Jarmon; longtime intellectual property and trademark attorney Robert Cumbow; litigation attorney and pro bono service champion Hari Kumar, and more. Read about each of the winners starting on page 28.

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



ON THE COVER
Staff photo illustration

Also in this issue, a message from the WSBA president and executive director on the July bar exam (page 12); an ethics column on conflicts counsel (page 18); a writing column on citing use of generative AI (page 22); a one-year check in on the state of public defense and implementation of new caseload standards (page 36); a look at the significant changes imposed by Washington's new "Ending Probates for Profit" law (page 42); and more.

Lastly, on Aug. 19, the WSBA Editorial Advisory Committee approved an AI Use Policy for *Washington State Bar News*. Check this space in the next issue to learn more. BN

EXPANDED IN REMEMBRANCE SECTION ONLINE

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



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

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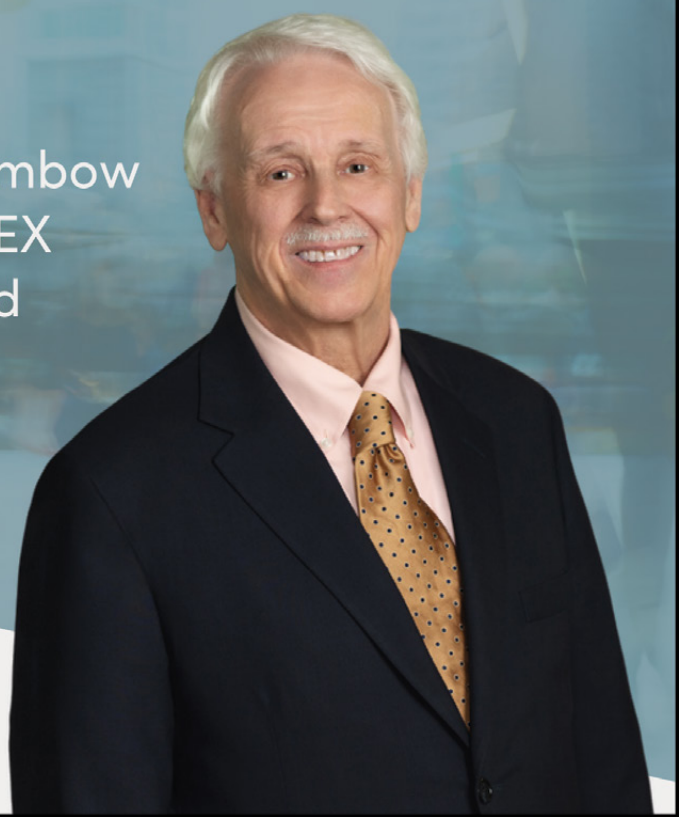
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Washington State Bar News relies on submissions from WSBA members and members of the public that are of interest to readers. Articles should not have been submitted to any other publications and become the property of the WSBA. Articles typically run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

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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.

Bar Shows Poor Judgment



I voted for Theo Angelis for Washington Supreme Court Position #5, and I believe that if elected he will prove to be an excellent justice. I was extremely disappointed, though, to see *Bar News* recently feature a laudatory six-page story/interview with him and accompanying cover photo in the midst of his multi-candidate race. This amounts to an inappropriate thumb-on-the-scales move from an "official members magazine," and reflects very poor judgment on the Bar journal's part.

For many years I was a member of the King County Bar Association Judicial Screening Committee, and for a time its co-chair, as we interviewed and gave public ratings to Washington judges and those interested in judicial office. It was really important to be as fair as possible, and not to undermine the credibility of the ratings among the members of the Bar and the public. *Bar News* obviously serves a different role, but that role does not include spotlighting and showering with praise one of a

CONTINUED >

number of judicial candidates on the eve of a primary election in a competitive race.

Michael Pierson
Seattle

The article in July/August *Washington State Bar News* featuring Judge Angelis while the primary election voting is in process could be considered a violation of Washington General Rule 12.2 and the WSBA Bylaws because:

GR 12.2 and WSBA BYLAWS 1.C.3
ACTIVITIES NOT AUTHORIZED
The Washington State Bar Association will not:
3. *Support or oppose, in an election, candidates for public office.*

The WSBA assists the Washington Supreme Court in fulfilling the court's responsibility to establish licensing requirements, to establish disciplinary procedures, to establish court procedures and rules, etc. The WSBA should not be perceived as promoting one Supreme Court candidate over other candidates. It should remain neutral as to the candidates running for election to the court that authorizes and supervises the WSBA's activities.

Publishing an article highlighting the achievements and opinions of Justice Angelis in a magazine that represents the entire legal profession in Washington state during a primary election can be perceived as supporting Justice Angelis' candidacy. The qualifications and achievements of Justice Angelis are impressive. But the other candidates may have equally impressive credentials.

I ask that the WSBA present a neutral stance during the upcoming general election and address in whatever forum it deems appropriate, that this article could give the appearance that the WSBA is supporting a candidate for the Washington Supreme Court.

Neil A. Currie
Kent

The July/August *Bar News* cover story features Justice Theo Angelis, a recently appointed Supreme Court justice, who is a candidate for election in the hotly contested August judicial primary. Justice Angelis is a gifted lawyer and well qualified. My concern is not with Justice Angelis but instead the choice of the *Bar News* to feature Justice Angelis on its cover exactly when voters are filling out their primary ballots.

The WSBA is prohibited from making endorsements in judicial elections because, of course, it is the administrative arm of the Washington Supreme Court. It is obviously a conflict of interest for the WSBA to endorse a member of the court in an election. The WSBA is also the arbiter of legal ethics in the profession: responsible for lawyer discipline and promoting public confidence in the integrity of the profession. It is therefore deeply troubling when the WSBA violates the spirit of the State Bar rules by effectively promoting a candidate for judicial office through its feature article. If not a direct conflict of interest, the article raises the appearance of a conflict.

The WSBA has done an injustice to all the other candidates for Position #5, its own reputation, and the already beleaguered public perception of the profession. In a time when the rule of law is under siege, and confidence in the legal system is rock bottom, we absolutely need the WSBA to abide by and uphold the highest ethical standards.

Suzanne Skinner
Mercer Island

EDITOR'S NOTE: It is our standard practice to interview and put on the cover of *Bar News* every new Washington Supreme Court Justice. These articles are intended to inform the WSBA membership about who sits on the state's highest court. The articles are not endorsements and do not discuss elections. Although the timing of the interview of Justice Angelis came during an election cycle, we decided that *not* running it would be straying from our standard practice, as Justice Angelis is a current justice on the court. However, we understand the concerns expressed in these letters to the editor. With those concerns and other feedback in mind, we are having discussions about changing our standard practice going forward.

Lawyers as Fantastic Four Characters

As a kid in the early 1960s, I'd eagerly await each monthly issue of Marvel Comics' *Fantastic Four* and lose myself in their superhero adventures. So when I heard this summer's *Bar News* would feature lawyers and judges in primary and secondary classrooms, the postman couldn't figure out why I was so excited to see him. As I turned the pages of the July/August article "Washington Lawyers Step Up for Democracy – From Courtrooms to Classrooms," I realized I'd found my own new Fantastic Four.

Justice Salvador Mungia's "half-baked," Don Quixote-like quest, which became wonderfully real, has members of his firm partnering with an under-resourced elementary school. Justice Mungia and his firm follow a cohort of students from first through fifth grade, visiting twice a week, creating meaningful field trips, and gifting students special books of their own. Justice Mungia is, without question, my new **Mr. Fantastic**.

Christopher Takashi Bhang's efforts to get to know the students on the Marysville YMCA Mock Trial team, then go the extra mile by reaching out to coaches from championship teams across the state, coupled with sharing in the hilarity, pride, and camaraderie of those remarkable teenagers, earns him an honorary place in my new Fantastic Four. He is my **non-combustible Human Torch**. Thankfully, the only thing Bhang sets ablaze is enthusiasm: for students, for service, and for the very best of our profession.

Reading about Judge Cecily Hazelrigg's extraordinary work speaking to students from third grade through community college while recently helping create and launch the Lawyers in the Classroom program, I realized she is the living embodiment of the Fantastic Four's **Invisible Woman**: quietly making powerful things happen behind the scenes.

And who is the fourth member of my current Fantastic Four?

Why, it's our own Bar Association and its members. The very people that Judge Hazelrigg invited "to join us in this deeply important and rewarding work."

Michael Goldenkranz
Seattle

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THE VOICES OF WASHINGTON'S LEGAL COMMUNITY



Rule of Law Starts in the Classroom: Join Lawyers Answering the Call



BY COLIN RIGLEY

In response to rising threats against judges, 17 federal judges from Washington expressed concerns in *The Seattle Times* about judicial safety and independence. The WSBA's Rule of Law Ambassador Program and Lawyers in the Classroom initiative aim to foster public trust in [...]

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HB 1501 and How Community Associations Should Be Prepared to Respond to Written Inquiries



BY AMY NELSON

A recent amendment to Washington law mandates community associations to provide written responses to unit owners' inquiries within 30 days, effective June 11, 2026. Associations may adopt policies to limit inquiries and delegate initial reviews, mitigating potential workload [...]

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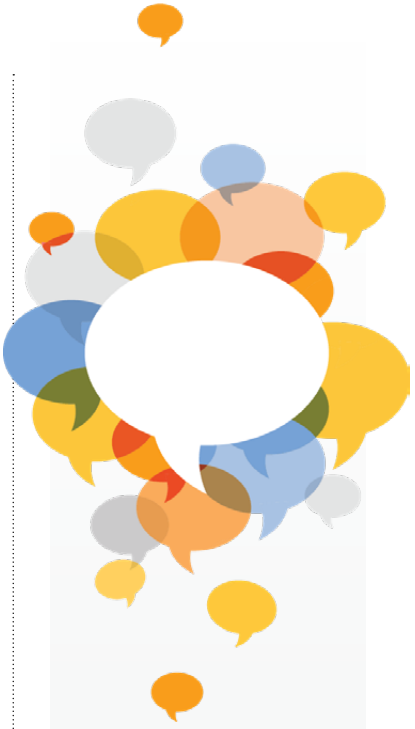
Federal Court: Ignorance Is No Excise for Lawyer's Erroneous AI Citations



BY MARK J. FUCILE

A federal court in Tacoma sanctioned a lawyer for submitting inaccurate filings generated using AI tools due to her lack of understanding of the technology. Despite her apology, the court emphasized that ignorance is not a valid excuse for errors in legal practice. The lawyer received [...]

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A SPECIAL COMBINED MESSAGE FROM THE WSBA EXECUTIVE DIRECTOR AND PRESIDENT

After the July Bar Exam: What Happened and What We're Doing About It

By the time you're reading this magazine, everyone who enrolled for the 2026 summer bar exam, just over 700 aspiring lawyers, should have a pathway forward for this particular exam iteration. It was already set to be a historic event—Washington's first administration of the National Conference of Bar Examiner's (NBCE's) new NextGen uniform bar exam (UBE), called the NextGen UBE. But instead of a milestone, it became a failure. The original exam administration was canceled for most applicants due to a technical failure at the venue. It was unprecedented. It was devastating.

We put on the bar exam twice a year and we know how significant it is, not only for the examinees, but as an important step in the pipeline to the profession. We want nothing more than to provide a safe and pleasant experience for test takers (as pleasant as a two-day, high-stakes exam can be). In the aftermath of the exam cancellation, it has been our highest priority to find reasonable solutions for examinees. Now, after wrapping up the September makeup exam,[1] a more foundational priority rises to the top, which is ensuring this type of failure does not happen again.

We want to share details in this column about both priorities. First, however, we must acknowledge examinees' deeply and rightfully felt levels of stress, distress, anger, uncertainty, and frustration. All of us with a legal license can remember what it was like to prepare and sit for the bar exam. Think of those countless hours studying and the mental, physical, and financial pressure, all building toward the exact date of the exam. To reach that day only to be met with a cancellation—well, we don't have to tell you how devastating that would feel. "Heartsick" is probably the best word to describe the amalgamation of emotions in the exam room (and still lingering today) from examinees and WSBA staff alike.

We are profoundly sorry for the technical failure and its repercussions, and the most important way we can show that is by supporting the people who were impacted and putting lessons learned into practice for the future.

Here is how we intend to do that.



Terra Nevitt

WSBA Executive Director

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



Francis A. Adewale

WSBA President

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

SUPPORTING JULY 2026 BAR EXAMINEES

One of our leading commitments has been to ensure that this group of lawyer applicants enters the profession—and begins serving Washingtonians who need legal help—with no delay due to the exam-administration cancellation. The justices on the Washington Supreme Court weighed the same concern carefully. The Supreme Court's order offered a mix of resolutions, depending on each examinee's circumstance: A bar exam waiver option, extended licenses for supervised practice (Rule 9), and—through the proposal and orchestration of the WSBA and the NCBE—the option of a special makeup exam option in September. The WSBA was at the ready to implement the order and support candidates moving forward. We offered financial reimbursement for travel, lodging, and childcare costs associated with the July exam cancellation, according to examinees' selected path forward. We worked closely with the NCBE to recommend and coordinate the September makeup bar exam to ensure those scores would be released at the same time as the national summer bar exam scores. With every option, our goal was to provide each applicant who signed up for the July 2026 exam a viable solution to move forward.

You can learn more about the Supreme Court's bar exam order and the balance of factors they considered at **www.courts.wa.gov**. As the justices wrote in an accompanying letter, "There is no perfect resolution and certainly none that satisfies everyone, including the members of the Court."[2] We understand that examinees, potential employers, and members of the legal and nonlegal communities hold strong and differing points of view on the resolutions. Our own WSBA Board of Governors asked the Supreme Court to reconsider a more uniform resolution for all, but the order remained unchanged. In the end, the WSBA was ready to implement the order and was committed to supporting every examinee with as much care as possible.

PUTTING LESSONS LEARNED INTO PRACTICE

First things first in triage—supporting the impacted people. But we know what's also

top of mind for you: *What happened?* There are some preliminary indications, which helped us shape the technology safeguards in place for the September makeup exam in Tacoma. The one thing we can say with certainty right now, however, is that we will pursue a full review of the failure and keep you informed of what we learn.

At a high level, the early indications point to a connectivity problem between examinees' laptops, the pre-downloaded NCBE exam software, and the venue's Wi-Fi, the latter of which was required both at the start of testing and at points throughout to upload answers. We're still working to confirm exactly what failed and why. We have previously held successful exams at the Yakima Convention & Event Center, but this time Washington state was among a group of 10 jurisdictions nationwide in the first wave to roll out the NCBE's NextGen UBE. In addition to having different content, for the first time this exam required internet connectivity. The NCBE and its technology provider, the venue and its technology provider, and the WSBA spent a year preparing technology for this shift, including confirming technology requirements and venue specifications.

So, what happened to cause the literal disconnect? We don't know yet, and that's exactly what we're reviewing. Technology can—and frequently does—fail every day, even when expert analysis and a positive track record indicate it should be working just fine. There were similar connectivity issues at several other first-wave NextGen exam sites throughout the nation, and the issue was not isolated to just Washington. While other exam sites experienced delays, Washington was the only site where the connectivity failure prevented the exam from proceeding, and we are working to understand why that occurred.

Overall, the technology requirements behind the NextGen UBE were new to Washington, but our confidence in the exam itself hasn't changed. We still believe that it's a better assessment of real-world lawyering skills and competency. The WSBA is doing everything in its power to ensure all future administrations run as expected. Ultimately, we want accountability that serves learning and improvement, because our primary concern is the integrity of, and public confidence in, the profession, starting with our admissions processes.

PREPARING FOR THE NEXT UNPRECEDENTED EVENT

As we await further findings about what occurred, we're also asking more foundational questions as WSBA leaders: How do we prepare for and respond to events like this one, when unprecedented events are becoming the norm?

"Precedent" is a weighty legal concept, so we do not use the word "unprecedented" lightly—and yet we have found ourselves using that description many times over this past year as we've navigated never-before-encountered situations. Often, as with the bar exam failure, it's a matter of wrestling with opportunities and challenges related to technology (as we all are in our personal and professional lives). We are continually expanding the realm of what's possible while relying on sophisticated networks and systems.

We must ask ourselves what due diligence looks like now and in the face of ever-changing complexities. Luckily, one of the core, time-honored foundations of legal analysis is a process that serves us as well now as it did a century ago: Look to the past, adapt for new fact patterns, and come away with solutions.

In other words, we are learning how to plan for the unplanned in everything that we do. No organization can prepare for every possibility, and hindsight is always 20/20, but we can lead with humility, stay adaptable, and keep asking what we might be missing. When something unexpected happens, we try to do four things: Support the people affected, understand what happened, take accountability, and make the systemic changes needed so it doesn't happen again.

Humans first. Learn. Do better.

That's our intention with the summer bar exam failure—and with whatever unprecedented moment comes next. BN

NOTES

1. As of publication date for this magazine, the makeup exam was scheduled for Sept. 1-2, 2026, at the University of Washington Tacoma, with several backup systems in place to safeguard against technology issues.
2. www.courts.wa.gov/content/publicUpload/Supreme%20Court%20Orders/Supreme%20Court%20Statement%20080626.pdf.

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Beyond the Horizon: Stewardship, Innovation, and Our Shared Calling

"Mobilizing is about getting people to do a thing, and organizing is about getting people to become the kind of people who do what needs to be done."
—Hahrie Han, Johns Hopkins political scientist[1]

Note: Some sections of this column were written with the assistance of Google Gemini AI.

Lo and behold, this is my last column as your WSBA president. I am grateful for the opportunity to serve and thankful to all our members for their kindness and welcoming hearts. As I pass the baton to my colleague, Kari Petrasek, I want to appeal to you to extend the same arm of fellowship to her as you gave to me. Kari has been a bar leader since her days as trustee and president of the Washington Young Lawyers Division. She cares deeply about bar volunteerism. We frequently refer to her as the quintessential bar volunteer.

Now, let me tell you about my experience as your president. When I first took the oath as a Washington attorney, our profession operated under a different pace and set of tools. Yet, as I travel across our state this year—from trial courts in King County to sole practitioner offices in Stevens County, from civil legal aid centers in Yakima to corporate boardrooms in Bellevue—one fundamental truth remains constant: the heart of the Washington State Bar Association is not found in rules or administration, but in our collective commitment to justice and public service.

We find ourselves practicing in an era of rapid transition. Modern practice demands that we navigate unprecedented shifts: the integration of generative AI into routine workflows, evolving licensure models, and persistent economic pressures on both small firms and public interest practices.

How we choose to lead through these shifts will define our profession for the next generation. As I stated in my very first presidential column, three key priorities will guide our collective efforts:



Francis A. Adewale
WSBA President

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

1 Adapting to the Tech Landscape Without Sacrificing Integrity

Technology is no longer a peripheral tool; it is reshaping the core mechanics of legal delivery. Generative AI and automated document processing offer tremendous efficiency, but they also bring complex ethical questions surrounding client confidentiality, competence, and duty of candor.

Our responsibility is neither to resist innovation out of habit nor to adopt it without question. The WSBA is actively

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President's Corner

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working to provide practical guidance, ethical frameworks, and low-cost continuing legal education (CLE) resources to help members evaluate emerging tech safely. Harnessing these tools responsibly allows us to reduce overhead and focus on what software cannot replicate: human judgment, empathy, and strategic counsel. Our Legal Technology Task Force Implementation Committee is addressing all these challenges in an effort to assist legal practitioners in Washington toward a better and more adroit use of technology.

2 Bridging the Gap: Access to Justice and Legal Deserts

A justice system that is inaccessible to everyday people risks losing its legitimacy. Across Washington, thousands of community members face eviction, family court disputes, or debt collection without representation. At the same time, many rural areas in central and Eastern Washington are facing a critical shortage of practicing attorneys—creating legal deserts where basic legal services are miles out of reach.

Through partnerships with the Washington Supreme Court, civil legal aid organizations, local bar associations, and law school mentorship pipelines, we are doubling down on initiatives that incentivize practitioners to serve underserved communities. Expanding pro bono participation and supporting flexible practice structures are vital steps toward ensuring equal justice under the law is a reality, not just a promise etched on a courthouse wall. The WSBA Board of Governors has partnered with Washington's Access to Justice Board to establish the Justice Gap Scoping Work Group. Their findings will be released in the coming months.

3 Sustaining the Person Behind the License

We cannot serve our clients or our communities effectively if we burn out in the process. The legal profession continues to experience high rates of stress, anxiety, and mental health challenges.

Seeking help is not a sign of weakness; it is a component of professional competence. This is the lesson we learned from the WSBA Well-Being Task Force

SIDEBAR

This column was written before the July bar exam cancellation; see page 12 for a joint column covering this topic from President Adewale and WSBA Executive Director Terra Nevitt.

In addition, President Adewale expresses his deep sympathy for those affected by the Spokane Complex wildfires.

(read more on page 50). The WSBA Member Wellness Program continues to offer confidential, peer-driven support and mental health resources. I encourage every member to make use of these services, check in on colleagues, and cultivate an environment where personal well-being is valued alongside professional output.

LOOKING AHEAD TOGETHER

The law is not static; it is a living framework shaped by those who practice it. Every time you counsel a client, mentor a junior lawyer, or volunteer at a legal clinic, you reinforce the integrity of our legal system. The attack on the rule of law and independence of the judiciary also consumed my time as president. Our state funding of courts is abysmal, and my hope is that the next biennial state budget cycle will lead to a remarkable increase in the funding of the judiciary.

It has been a privilege to serve as your president. As usual, I invite you to share your ideas, engage with your local bar sections, and participate in our upcoming listening tours across the state. Together, we can ensure the Washington legal community remains innovative, inclusive, and steadfast in its commitment to justice. BN

NOTE

1. Duncan Green, "Top Tips From Community Organizing Guru Hahrie Han," From Poverty to Power, Dec. 2, 2024, *available at* https://frompoverty.oxfam.org.uk/top-tips-from-community-organizing-guru-hahrie-han/.

GUEST COLUMN

Heroes of Justice

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



Melissa Haney
Stevens County Public Defender

People often ask me why I became a criminal defense attorney. The truth is, I don't think there was just one defining moment. Looking back, it feels as though my life was quietly leading me here all along.

I grew up in Goldendale, a small, rural, predominantly white community where I was one of the few children of color. Raised by my white mother, I never had the opportunity to know my Black father. Growing up, I often felt like I didn't quite fit in, and I learned early that people's circumstances rarely tell the whole story.

At home, I witnessed the criminal justice system from a deeply personal perspective. Friends and family struggled with addiction, poverty, and incarceration. I watched my home be raided and saw my mother taken to jail. Those experiences were painful, but they also taught me that behind every criminal case is a human being with a story.

Then, at 17 years old, I became a mother. Like my own mother before me, I found myself raising my son on my own. I knew the life I wanted for him had to look different from the one I had experienced. Determined to build a better future, I enrolled in community college in Yakima. That decision changed the course of my life. One class became another, one goal led to the next, and eventually I found my way to law school and the legal profession.

Looking back, there were earlier clues. When I watched courtroom dramas or crime shows as a kid, I almost always found myself rooting for the defense. While everyone else seemed convinced they knew who the "bad guy" was, I wondered whether there was another side to the story. I didn't know it then, but that instinct—to question assumptions and to make sure every person has someone standing beside them—would eventually become my life's work.

Today, I practice criminal defense because I know that one mistake, one accusation, or one difficult chapter should not define a person's entire life. Every client deserves to be heard, treated with dignity, and represented by someone who understands that justice is about more than charges on a page. My experiences have given me empathy, resilience, and a deep respect for the responsibility that comes with defending another human being. It is both my profession and my purpose. BN

Every client deserves to be heard, treated with dignity, and represented by someone who understands that justice is about more than charges on a page.



CONFLICTS COUNSEL:

An Imperfect Solution to a Difficult Problem

BY MARK J. FUCILE

As civil litigation has grown more complex, a problem that occurs with increasing frequency is the need to obtain discovery from a non-party that litigation counsel represents in unrelated matters. By the time the need for the discovery arises, the law firm may be deep into the case for the litigation client. The discovery needed may range from a document subpoena to a deposition. In some instances, the non-party client is cooperative, and the information involved is handled informally through in-house counsel. In others, however, the non-party client opposes the discovery outright or wishes to narrow the scope through either adversarial negotiations or in court.[1] Those latter situations effectively pit one client against another and create a potentially disqualifying conflict for the law firm. Although the conflict would be waivable because the matters are unrelated, the non-party client may not be willing to grant a waiver.[2] In that difficult circumstance, a possible (albeit imperfect) solution is to bring in an independent lawyer or firm—often referred to as "conflicts counsel"—to handle the discrete discovery involved.[3]

In this column, we'll look at both the uses and limits on conflicts counsel as a practice management tool.

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

First, we'll focus on the use of conflicts counsel to address discovery-based conflicts. Although, in theory, conflicts counsel can be used to cross-examine a trial witness who is a client in an unrelated matter,[4] the simpler logistics of discovery suggest greater practical utility there than at trial.[5]

Second, given today's accent on discovery, we'll focus on civil litigation. That said, conflicts counsel are used occasional-

ly in criminal proceedings to, for example, cross-examine a prosecution witness at trial who the defendant's lead law firm is representing in an unrelated case.[6]

Third, we'll focus on current clients for whom the matters involved are unrelated.[7] If a former client is subpoenaed and the matter involved is not, using the standard reflected in RPC 1.9(a), "the same or ... substantially related" to work the law firm handled earlier for the former client, then ordinarily no former client conflict exists and the law firm is free to proceed on its own with the subpoena.[8] Although, in theory, conflicts counsel might be used to, for example, cross-examine a former client when the matters are related under RPC 1.9(a),[9] the risk of disqualification becomes so acute in that scenario that the conflicts counsel model is usually not a practical solution under those circumstances.[10]

USES

Before we wade into the uses of conflicts counsel, we should address one scenario that typically does not call for this potential solution: the "friendly subpoena." With a "friendly subpoena," a non-party client to a lawsuit who has relevant documents is cooperative but wants a subpoena so they can say that they are simply responding to a subpoena.[11] Although a few jurisdictions classify any subpoena to a client as a conflict, most do not.[12] This latter position is in keeping with Washington Comment 6 to the current client conflict rule, RPC 1.7, that notes that cross-examining a non-party client in another proceeding "may"—but does not necessarily—create a conflict. The ABA also took this approach in one of the first ethics opinions (in 1992) discussing conflicts counsel.[13] Therefore, absent direct guidance from Washington's appellate courts, the most practical current landing point in Washington is that a "friendly subpoena" does not ordinarily create a conflict.

If the reception to a subpoena is or is likely to be not-so-friendly, however, conflicts counsel may offer a potential solution. Although circumstances vary,[14] a ready example for using conflicts counsel arises from the following generic fact pattern. Law Firm is handling Lawsuit for Client A. Through its investigation, Law Firm learns that Client B—which is not a party to Lawsuit—has relevant documents and/or testimony. Lawsuit is unrelated to any work Law Firm has done for Client B. Client B, however, declines to provide the information voluntarily and also declines to grant Law Firm a conflict waiver to pursue the information through available discovery tools such as a document subpoena or a related deposition (both of which can be enforced, if necessary, on motion and court order). Law Firm instead associates Conflicts Counsel to issue the subpoena and conduct any related deposition. Conflicts Counsel is retained solely to handle these discrete tasks rather than co-counseling Lawsuit as a whole with Law Firm.[15]

Although, in theory, conflicts counsel can be used to cross-examine a trial witness who is a client in an unrelated matter, the simpler logistics of discovery suggest greater practical utility there than at trial.

Conflicts counsel weave together two analytical threads.

First, RPC 1.2(c) allows a lawyer to "limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent." To return to the preceding example, Law Firm is limiting the scope of its representation by excluding the handling of the subpoena and related deposition while Conflicts Counsel is limiting the scope of its representation to the specific tasks involved. Although Client A's "informed consent" in this context is not required to be confirmed in writing, prudent practice for both Law Firm and Conflicts Counsel is to memorialize both the explanation to Client A and Client A's consent in writing.

Second, RPC 1.10(a) addresses the imputation of conflicts *within* law firms. Under *First Small Business Inv. Co. of California v. Intercapital Corporation of Oregon*, 108 Wn.2d 324, 330-32, 738 P.2d 263 (1987), conflicts are not generally imputed *across* law firm co-counsel as long as the law firm with the conflict has not shared confidential information associated with the clients involved with co-counsel.[16] This puts a premium on carefully segregating the work of conflicts counsel, closely compartmentalizing the information shared, and documenting that line in the event that it is challenged later.

LIMITATIONS

The practical limitations with conflicts counsel usually coalesce around three factors.

First, although it is often easier said than done, law firms need to reasonably anticipate the need for conflict counsel. While witnesses will sometimes surface well into discovery, many can be forecast from the outset. That, in turn, suggests running conflict checks on adverse witnesses to determine whether there is a conflict. Knowing that there is a potential issue can guide the next steps. For example, if key documents are held by a non-party corporate client, informal discussions between the law firm and in-house corporate counsel can occur to gauge whether the corporate client has any objections and, if so, whether it is amenable to a waiver.[17] In other instances, preliminary analysis and informal conversations with the non-party client may lead

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Photo illustration © Getty/Andrii Yalanskyi

the law firm to conclude that it should simply decline the new matter involved.[18]

Second, don't wait until a disqualification motion is filed to think about conflicts counsel. In *Cellcyte Genetic Corp. Securities Litigation*, 2008 WL 5000156 (W.D. Wash. Nov. 20, 2008) (unpublished), for example, the federal district court in Seattle rejected the use of conflicts counsel because the law firm only raised the possibility in its briefing opposing disqualification without actually having conflicts counsel on board. Similarly, in *Anchorage School District v. M.G.*, 2018 WL 11470067 (D. Alaska Jan. 16, 2018) (unpublished), the federal district court in Anchorage rejected the use of conflicts counsel when a law firm only associated separate counsel to handle third-party discovery after the non-party client objected and had intervened to disqualify the lead law firm.

Third, if the non-party client is too central to the case, the conflicts counsel model will likely not work on a practical level. In *FMC Technologies, Inc. v. Edwards*, 420 F. Supp.2d 1153, 1162 (W.D. Wash. 2006), for example, the federal district court in Seattle rejected conflicts counsel as a solution where the potential testimony of the non-party involved was central to the entire case. The court in *FMC* didn't cite either RPC 1.2(c) or *First Small Business*, but it got to the same analytical end: An attempt to avoid the conflict by limiting the scope under RPC 1.2(c) was not reasonable under the circumstances and the witness was so central that the lead firm would inevitably have to share the witness' confidential information with conflicts counsel for the latter to participate effectively.

SUMMING UP

As noted at the outset, conflicts counsel is an imperfect solution. For law firms that find themselves well into a case and needing to obtain discovery from a non-party that is also a firm client on unrelated matters, however, conflicts counsel can offer a potential solution short of outright withdrawal. BN

NOTES

1. *See, e.g.,* Anchorage School District v. M.G., 2018 WL 11470067 (D. Alaska Jan. 16, 2018) (unpublished) (law firm client receiving subpoena intervened to oppose production of the documents sought and to disqualify the law firm).
2. *See* RPC 1.7 (current client conflicts and waivers).
3. *See generally* Ronald D. Rotunda, "Resolving Client Conflicts by Hiring "Conflicts Counsel," 62 *Hastings L.J.* 677 (2011) (Rotunda) (discussing the origins and concept of conflicts counsel).
4. *See* ABA Formal Op. 92-367 at 8 (1992) (discussing the use of conflicts counsel to cross-examine a trial witness). In a similar vein, conflicts counsel may offer a solution in cases with discrete subparts such as adversary proceedings within a bankruptcy case. *See* Rotunda, *supra*, 62 *Hastings L.J.* at 696-704 (discussing conflicts counsel in bankruptcy proceedings).
5. A case from the federal court in Seattle put it this way: "[O]nce a trial is underway, bringing in other counsel is no simple matter. Doing so would result in significant delay for everyone involved and possibly increase costs for the clients. Moreover, it would be difficult for new counsel to conduct an effective cross examination without being familiar with the entire case." In re Cellcyte Genetic Corp. Sec. Litig., 2008 WL 5000156, at *3 (W.D. Wash. Nov. 20, 2008) (unpublished).
6. *See, e.g.,* State v. Smith, 761 N.W.2d 63, 72 (Iowa 2009) (approving use of conflicts counsel to handle cross-examination of prosecution witness for whom lead defense firm was representing in an unrelated matter).
7. The use of conflicts counsel is not a remedy where a conflict arises between jointly represented clients in the same matter. *See, e.g.,* Bass v. Dollar Tree Stores, Inc., 2008 WL 906496 (N.D. Cal. Apr. 1, 2008) (unpublished) (conflicts counsel not available as a remedy when proposed class counsel also represented adverse management witness in individual claim against same defendant). Conflicts among current clients in the same matter are nonwaivable. *See* RPC 1.7, cmt. 29 ("Ordinarily, the lawyer will be forced to withdraw from representing all of the clients if the common representation fails."); *see, e.g.,* In re Carpenter, 160 Wn.2d 16, 155 P.3d 937 (2007) (disciplining lawyer for conflict and failing to withdraw after conflict arose between jointly represented clients). Although there is a theoretical construct under which one of the clients in this scenario agrees in advance to voluntarily become a former client in the event of a conflict and prospectively waives the resulting former client conflict so that a law firm can continue to represent the other client in the same matter, the theoretical construct doesn't necessarily work in practice. *See, e.g.,* R.O. by and through S.H. v. Medalist Holdings, Inc., 2021 WL 672069 (Wn. App. Feb. 22, 2021) (unpublished) (disqualifying law firm notwithstanding use of the theoretical construct just described).
8. *See generally* Plein v. USAA Casualty Insurance Company, 195 Wn.2d 677, 463 P.3d 728 (2020) (discussing standards for former client conflicts under RPC 1.9(a)). Although less frequent in practice, former client conflicts can also arise under RPC 1.9(c) if, despite the matters involved being unrelated to the work handled for the former client, confidential information the firm retains remains relevant to the new matter. *See generally* In re Cross, 198 Wn.2d 806, 500 P.3d 958 (2021) (discussing standards for former client conflict under RPC 1.9(c)).
9. *See, e.g.,* Reese v. Virginia International Terminals, Inc., 2012 WL 13195017 (E.D. Va. Aug. 29, 2012) (unpublished) (approving conflicts counsel to handle cross-examination of peripherally involved former client of lead law firm).
10. *See, e.g.,* Nealy v. Warner-Chappell Music, Inc., 741 F. Supp. 3d 1257, 1260-61 (S.D. Fla. 2024) (rejecting conflicts counsel to handle witness for opposing party who was former client of lead law firm where matters were substantially related).
11. *See generally* D.C. Bar Ethics Op. 380 at 4 (2021) (discussing "friendly subpoenas").
12. *See, e.g.,* California State Bar Formal Opinion 2011-182 (2011); *but see* D.C. Bar Ethics Op. 380, *supra*, at 2 (disagreeing with the California approach); New York City Bar Formal Op. 2017-6 at 3-4 (2017) (same).
13. ABA Formal Op. 92-367, *supra*, at 1.
14. For a broad survey of cases in this area, *see* the website Freivogel on Conflicts at: www.freivogelonconflicts.com/witnessadversecurrentformerclient.html.
15. *See, e.g.,* Wal-Mart Stores, Inc. v. Vidalakis, 2007 WL 4468688 (W.D. Ark. Dec. 17, 2007) (unpublished) (approving conflicts counsel to handle discovery from corporation represented by lead counsel in unrelated matter).
16. Although *First Small Business* provides direct guidance in Washington, other jurisdictions have reached similar conclusions through ethics opinions. *See, e.g.,* New York City Bar Formal Op. 2017-6, *supra*, at 6; New York City Bar Formal Op. 2001-3 at 6-7 (2001).
17. *See generally* D.C. Bar Ethics Op. 380, *supra*, at 24-25 (surveying preliminary steps in guiding decision on conflicts counsel). The District of Columbia Bar opinion notes that advance waivers are, in theory, a tool to address conflicts in this situation. *Id.* at 25. On a practical level, however, many law firms either don't have this kind of provision in their engagement agreements or for business marketing reasons may not wish to include them. Advance waivers are generally permitted in Washington under Comment 22 to RPC 1.7, which is based on its ABA Model Rule counterpart. Advance waivers are discussed in detail in ABA Formal Opinion 05-436 (2005).
18. *See generally* Wis. Formal Ethics Op. EF 20-02 at 9 (2020) ("If the lawyer learns sufficiently in advance that she may need to conduct an adverse examination of a current or former client, the most prudent course of action may be to decline the representation.").



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Citing GenAI, Part II

BY AMANDA K. STEPHEN

In March 2024, I wrote an article for this column entitled "Citing GenAI."[1] At that time, ChatGPT was just over a year old, and we had no real rules about how, or even if, we needed to use citations to address the use of generative artificial intelligence (GenAI) in legal writing. But now, two different legal citation guides have released rules about citing GenAI outputs.

Last year, *The Bluebook* released its 22nd edition and included a new rule—Rule 18.3—that provided some guidance on citing to GenAI. As Professor David Ziff noted in his article

"Everything You Need to Know About the New Edition of the Bluebook," the new rule leaves much to be desired.[2] In fact, he recommended attorneys *not* use the rule to cite their search processes because it is impractical, can require the disclosure of privileged information, and does not appear to be required for use by practitioners due to its placement in *The Bluebook*'s Whitepages.[3]

But *The Bluebook* is no longer the only game in town. In May 2026, the *ALWD Guide to Legal Citation* published its 8th edition, which includes Rule 42 *Generative Artificial Intelligence* addressing GenAI citation, too. This article will walk you through the *ALWD Guide*'s helpful advice.

WAIT, WHAT IS THE *ALWD GUIDE*?

I am so glad that you asked! The *ALWD Guide* is a citation manual commissioned by the Association of Legal Writing Directors, a national nonprofit organization of legal writing professors. The *ALWD Guide* was first published in 2000 and was meant to provide law professors with a more teachable and user-friendly alternative to *The Bluebook*. Many law schools use the *ALWD Guide* instead of *The Bluebook* as their main citation guide and some federal courts, such as the U.S. Court of Appeals for the Eleventh Circuit, have also adopted rules permitting its use.[4] Its current author, Professor Carolyn V. Williams, is a national expert on GenAI and legal education.[5]

BUT WE FOLLOW *THE BLUEBOOK* IN WASHINGTON, RIGHT?

It's true. GR 14 states: "Citations shall conform with the format prescribed by the Reporter of Decisions" and Appendix 1 to the rule includes the *Office of Reporter of Decisions Style Sheet*, which identifies the 20th edition of *The Bluebook* (*not* the 22nd edition) as "the basic citation resource for Washington appellate court opinions[.]"[6] But because the *Style Sheet* specifies the 20th edition, it arguably does not require use of the new rules on GenAI citation now included in the 22nd edition.

If there are no mandatory GenAI citation rules to follow in Washington, attorneys must use their best judgment about if and how to cite to GenAI. Because the *ALWD Guide*'s Rule 42 is more practical for attorneys than *The Bluebook*'s Rule 18.3, it can serve as a helpful model for trying to decide if, when, and how to cite GenAI use and outputs.

SO, WHAT DOES RULE 42 SAY?

Rule 42 has six subrules, each addressing a different aspect of citing or acknowledging GenAI use. Let's go through them one at a time.

42.1 Citation v. Acknowledgment

The ALWD Guide draws a clear distinction between the use of a "citation" to convey the source of information and an "acknowledgment" to disclose your use of a tool in building your document.[7] "Citation gives credit to the source of an idea or knowledge" whereas an "[a]cknowledgement is used to give credit to a person or tool that contributed to how you expressed your ideas."[8] For example, if you were writing a law review article and set out a rule from a judicial opinion in that article, you would include a "citation" after the rule to that opinion because that is where the rule came from. If a researcher helped you find that opinion, you would not include a "citation" explaining that, but you might "acknowledge" the researcher's contributions to the article in a footnote. However, not every tool will merit an acknowledgment. If you used Westlaw to find the opinion yourself, you would *not* include either a "citation" or an "acknowledgment" that you used a research tool to find the case.

42.2 Considerations Affecting AI Citation or Acknowledgment

The *ALWD Guide* then gives advice for law students, practitioners, and legal scholars about how they might choose whether a citation or an acknowledgment is necessary.

For law students and legal scholars, the *ALWD Guide* recommends checking with professors, administrators, employers, and publishers to understand what GenAI policies apply and whether they require any acknowledgments or citations.[9]

For practitioners, the *ALWD Guide* recommends considering several factors before deciding whether a citation or acknowledgment is necessary:

- **Court rules and standing orders.** Particular jurisdictions or judges may have court rules or standing orders on GenAI use, so check those first.[10]
- **Privileged information.** Consider whether the required format for citation or acknowledgment might reveal a client's confidential information or your attorney work product and evaluate whether an exception to disclosure applies.[11]
- **Document type.** Consider whether the type of document you are drafting has historically required the use of citations or acknowledgment.[12] For example, attorneys who use form books to draft contract provisions have not been expected to cite to or acknowledge that use in the past.[13] So, using GenAI to draft boilerplate contract provisions also probably does not require citation or acknowledgment.[14]
- **Audience expectations.** Consider whether clients, supervising attorneys, or judges would expect a citation or acknowledgment.[15]

The current author of the *ALWD guide*, Professor Carolyn V. Williams, is a national expert on GenAI and legal education.

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



CONTINUED >

Illustration © Getty/Moor Studio

For all users, as a best practice, make sure that you have verified whether any applicable rules or policies prohibit GenAI use or require acknowledgment or citation *before* you use the GenAI tool so that you can ensure you are following any restrictions or requirements.

Of course, if you have used GenAI in your writing process and no rules require citation or acknowledgment in your particular writing context, you will have to decide whether to include one anyway. That may not be an easy decision.

Unfortunately, even if you use GenAI responsibly, some audiences may believe your work to be less credible or more prone to error. As the *ALWD Guide* explains, "The reality is that acknowledgment cuts both ways: Some readers may distrust your work if you acknowledge AI use, while others may distrust it if you [use it and] do not [acknowledge that use]. You should understand the risks on both sides before you choose how you want to proceed."[16]

42.3 Acknowledgment of AI Use

This rule explains what an "acknowledgment" should look like under the *ALWD Guide*. While the actual content is flexible, it should do three things: (1) "identify the large language model (LLM) or tool used, including the version;" (2) "explain how the LLM was used;" and (3) "affirm that you evaluated and verified the final work and take full responsibility for the content."[17] Here is the example the *ALWD Guide* gives of an acknowledgment that explains that a GenAI tool was used during the writing process:

> ChatGPT-4o was used to assist with revising the first draft for grammar, flow, and conciseness. The human author did not rely on it for the truth of any assertions but did review and edit all revisions. The final language reflects the human author's own understanding of the content.[18]

You can place an acknowledgment in a footnote or an endnote, in an acknowledgment section or preface, or appended to a specific sentence or heading depending on how or where you used GenAI.[19]

42.4 Full Citations to the Substance of AI-Generated Material

The *ALWD Guide* stresses that full citation to GenAI output should be rare and limited to circumstances where "you are essentially documenting the fact that the AI responded a certain way rather than relying on the AI as an authoritative source."[20] Because your citations should be to primary or secondary authorities, rather than to a GenAI tool's description of primary or secondary authorities, it is unlikely that you will need to cite GenAI output in most legal writing contexts. So, if you use GenAI to find a judicial opinion that you want to rely on in a brief, you would *not* cite to the GenAI output for what that opinion says. Instead, you would independently find that opinion in your legal research database of choice and then cite directly to the opinion.

But if you are in a position where you need to cite the actual output of a GenAI tool, the *ALWD Guide* recommends including the prompter, the LLM name and version, a chat summary, and a parenthetical that says "chat initiated" followed by the month, day, and year.[21] It gives this example citation:

> Carolyn V. Williams, OpenAI ChatGPT-4o, Brainstorming alternate chapter titles (chat initiated Aug. 6, 2025).[22]

Note that the chat summary in the citation does not require an exact quote of the entire prompt as *The Bluebook*'s Rule 18.3 does, alleviating the chance that your citation will expose privileged information or be overly wordy. You can use this citation form for text, pictures, and other materials generated by GenAI.[23]

42.5 Full Citations to the Substance of AI-Generated Material in Academic Footnotes

For legal scholars and law students whose publishers require citations to conform to Rule 18.3 in the 22nd edition of *The Bluebook*, this subrule shows them how to construct such a citation. The *ALWD Guide* includes this information because law students at schools that only use the *ALWD Guide* may not have *The Bluebook*. Because practitioners reading this article have direct access to *The Bluebook*, those citation mechanics are not repeated here.

42.6 Short Citations to the Substance of AI-generated Material

In general, the *ALWD Guide* says that *Id.* is an appropriate short citation for all GenAI-related citations.[24] If *Id.* is not appropriate, use the prompter's surname or the chat summary followed by a comma, then a "*supra*" and "at" the pinpoint citation, if available.[25] So, for the citation in Rule 42.4 above, the short cite could be *Id.* or Williams, *supra*.

If using academic footnotes, include "note" and the footnote number containing the full citation after "*supra*" and before the pinpoint citation.[26] Consequently, if the same citation appeared in full in footnote 12, the short citation might be Williams, *supra* note 12.

ASK US

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

Verify whether any applicable rules or policies prohibit GenAI use or require acknowledgment or citation *before* you use the GenAI tool.

PRACTICAL TAKEAWAYS

As of now, there are no *mandatory* GenAI citation rules for Washington attorneys. Of course, you will want to check whether your particular audience—judge, employer, or even client—has any rules about whether and how to acknowledge the use of or cite to GenAI before you use any GenAI tools. If acknowledgment is necessary, Rule 42.3 can serve as a good model for that acknowledgment. Additionally, if you need to craft a citation to content generated by GenAI, Rule 42.4 provides a practical citation form that will not disclose privileged information.

As is always the case with new technologies, things are likely to change. So, I will see you for Part III when this advice becomes obsolete, too. BN

NOTES

1. Amanda K. Stephen, "Citing GenAI," *Washington State Bar News* at 18 (March 2024).
2. David J.S. Ziff, "Everything You Need to Know About the New Edition of the Bluebook," *Washington State Bar News* at 20 (Oct. 2025).
3. *Id.*
4. 11th Cir. R. 28-1(j), available at www.ca11.uscourts.gov/sites/default/files/courtdocs/clk/Rules%20Bookmarked.APR26.pdf.
5. For more information about the *ALWD Guide*, *see* www.alwd.org/about-guide.
6. GR 14 Appendix 1, available at www.courts.wa.gov/court_rules/pdf/GR/GA_GR_14_Appendix.pdf.
7. Carolyn V. Williams, ALWD Guide to Legal Citation 466 (8th ed. 2026).
8. *Id.*
9. *Id.* at 466-68.
10. *Id.* at 467.
11. *Id.*
12. *Id.*
13. *Id.*
14. *Id.*
15. *Id.*
16. *Id.* at 469.
17. *Id.* at 468-69.
18. *Id.* at 469.
19. *Id.*
20. *Id.* at 470.
21. *Id.*
22. *Id.* at 471.
23. *Id.* at 470.
24. *Id.* at 474.
25. *Id.*
26. *Id.* at 475.







PRO BONO ORGANIZATION OF THE MONTH

In Conversation With The Way to Justice

Q&A WITH CO-FOUNDER AND LEGAL DIRECTOR CAMERINA ZORROZUA

Q. Tell us a bit about the history of your organization. What is your organization's philosophy? Why do you do what you do?
The Way to Justice is a nonprofit legal aid organization offering post-conviction relief and driver's relicensing across the state of Washington. Through direct representation, impact litigation, policy reform, and advocacy work, we address the barriers facing individuals who have been negatively impacted by our justice system. Our programs include: driver's relicensing, record vacating, Legal Financial Obligations (LFO) reduction, and sealing.

Q. Where is your organization located? Do volunteers participate remotely, in person, or both?
Spokane. We also have a satellite office in Tacoma where we meet clients.

We are also able to meet with clients over Zoom.

Q. Who does your organization serve?
Justice-impacted individuals in Washington state.

Q. What are the biggest barriers your clients face in accessing legal assistance?
Access to legal counsel and understanding the different processes for each county and court.

Q. What area(s) of law do you provide services in?
Post-conviction relief, driver's relicensing, Legal Financial Obligations (LFO) waiver, record vacating, juvenile record sealing, clemency, and pardons.

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

> Through our services, clients receive thoughtful representation as well as a supportive environment to remove those barriers so that they can apply for a job or rental without worrying about their history getting in the way.

Q. Please provide one or two (anonymous) client stories—examples of people who were helped and how.
We helped an individual clear his conviction history so that he could obtain employment.

We helped another client with post-conviction relief so that he could obtain safe and stable housing.

We also helped one of our clients reverse a lifetime ban from riding the bus, so that he could access services.

Q. What does a typical weekly or monthly commitment look like for a volunteer? How many hours? How many clients?
Volunteers typically work 10-20 hours per week. Depending on workload, a volunteer might interact with five clients per week, by phone or in person. During the summer, we co-host our annual Community Celebration in east central Spokane, where volunteers can help us during the day with distribution of backpacks, school supplies, and shoes for local youth.

Q. What do volunteers say they enjoy most about volunteering with your organization?
The clients.

Q. What would you most want readers to know about the type of work your organization does and the type of people who need your services?
We offer holistic, client-centered case management and meet our clients where they are. Many people with a criminal conviction face barriers to employment, housing, and educational opportunities. Through our services, clients receive



Camerina Zorrozua is the co-founder and legal director at The Way to Justice. Zorrozua is a Chicana activist and attorney born and raised in Eastern Washington. Zorrozua's work at The Way to Justice focuses on providing low-income clients with legal assistance and advocacy to promote successful reentry, post-conviction relief, racial justice, systems accountability, and community-led reforms. Zorrozua can be reached at cam@thewaytojustice.com.

thoughtful representation as well as a supportive environment to remove those barriers so that they can apply for a job or rental without worrying about their history getting in the way.

Q. Are you currently in need of volunteers? If so, how can legal professionals reach out to get involved?
Yes. Send your letter of interest, résumé, and availability to cam@thewaytojustice.com. BN

THE WAY
THE WAY TO JUSTICE

MORE ONLINE

To find out more about The Way to Justice, visit **www.thewaytojustice.com**.

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APEX AWARDS

The Acknowledging Professional Excellence (APEX) Awards honor exemplary members of the legal community, including legal professionals, judges, and members of the public.

Note: *APEX Award winners are nominated by WSBA members and members of the public. Nominations are reviewed by the WSBA APEX Awards Committee (made up of members of the WSBA Board of Governors), which makes recommendations to the full Board of Governors. Nominations for the 2027 APEX Awards open in January.*

Questions can be emailed to barleaders@wsba.org.



ANGELO PETRUSS AWARD FOR LAWYERS IN GOVERNMENT SERVICE

The Angelo Petruss Award for Lawyers in Government Service is named in honor of Angelo Petruss, a senior assistant attorney general who passed away during his term of service on the WSBA Board of Governors. It is given to a lawyer in government service who has made a significant contribution to the legal profession, the justice system, and the public.

Kelly E. Warner-King

Kelly E. Warner-King serves as manager of Family and Youth Justice Programs (https://fyjp.org/) in the Administrative Office of the Courts. Her career is a model of public service grounded in dignity, innovation, and unwavering commitment to families and youth across Washington. Known for thoughtfulness, humility, and a collaborative spirit, Warner-King consistently lifts up the many communities and professionals she works alongside. Her leadership is marked by an ability to navigate emotionally complex issues with optimism and grace—always ensuring individuals feel seen, heard, and respected. Warner-King's contributions embody the spirit and legacy of Angelo Petruss, whose integrity and dedication continue to inspire government lawyers statewide.

CHIEF JUSTICE MARY E. FAIRHURST AWARD OF MERIT

The Chief Justice Mary E. Fairhurst Award of Merit is the Bar's highest honor and is given to an individual for a recent, singular achievement. The singular achievement may involve an individual who has displayed exceptional courage in the face of adversity, thus bringing credit to the legal profession. It is awarded to individuals only—both legal professionals and members of the public.

Theo Lesczynski



This year's recipient of the WSBA's highest honor, the Award of Merit, Theo Lesczynski, exemplifies exceptional courage and legal excellence. Lesczynski led a team of attorneys in a groundbreaking appellate case that strengthened protections for survivors of sexual violence—a decision that will shape Washington law for years to come. Lesczynski's advocacy not only secured justice in a deeply sensitive matter involving allegations against a prominent pastor, but also expanded the legal framework that empowers survivors to speak out and safeguard others. In demonstrating clarity, compassion, and tenacity in the face of adversity, Lesczynski embodies the very purpose of the Award of Merit.

OUTSTANDING JUDGE AWARD

The Outstanding Judge Award is presented for outstanding service to the bench and for special contribution to the legal profession at any level of the court.

Justice Barbara Madsen

Justice Barbara Madsen is recognized for a distinguished career marked by intellectual rigor, clarity in the law, and unwavering dedication to meaningful access to justice. Her judicial opinions provide foundational guidance across Washington jurisprudence, reflecting deep respect for precedent and the rule of law. Beyond the written word, Justice Madsen has consistently championed initiatives that strengthen courts, improve public confidence, and promote fairness across Washington's legal system. Her service reflects the highest standards of judicial leadership.



Courtesy photos



PROFESSIONALISM AWARD

The Professionalism Award is awarded to a WSBA member who exemplifies the spirit of professionalism in the practice of law, as defined in the WSBA's Creed of Professionalism.

Michele Carney

Michele Carney exemplifies the WSBA Creed of Professionalism through integrity, generosity, and steadfast service. While maintaining a demanding immigration practice, Carney devotes countless volunteer hours to WSBA committees, nonprofit organizations, and community efforts—always responding with an enthusiastic "yes" when called to serve. Colleagues describe Carney as a motivating force who elevates everyone around her, demonstrating civility, poise, and thoughtful leadership. Her work reflects a deep commitment to the profession and to the people she serves.

CONTINUED >



PRO BONO AND PUBLIC SERVICE AWARD (INDIVIDUAL)

The Pro Bono and Public Service Award for an individual is presented to a lawyer or other legal professional for outstanding cumulative efforts in providing pro bono services or who gives back in meaningful ways to the public, the community, or the legal profession.

Hari Kumar

Hari Kumar, an associate with the law firm Ballard Spahr in Seattle, is honored for extraordinary dedication to pro bono service, marked by perseverance through complex litigation and an unwavering commitment to client-centered advocacy. A litigation attorney focusing on insurance coverage and commercial liability matters, Kumar consistently prioritizes the rights and well-being of vulnerable clients navigating uphill legal battles. Known for diligence, mentorship, and resolve, he demonstrates what it means to uphold the profession's highest values through service to the community and devotion to meaningful justice.



OUTSTANDING NEW MEMBER AWARD

The Outstanding New Member Award (formerly the Outstanding Young Lawyer Award) recognizes one WSBA member who has made significant contributions to the professional community, especially the community of new members, within their initial years of practice. Recipients must be active WSBA members within their first 10 years of admittance to practice in Washington.

Mason Ji



Mason Ji has rapidly distinguished himself as a leader among Washington's newest attorneys. From securing significant litigation outcomes—including leading a successful multiday arbitration—to becoming a global resource on sanctions and export controls, Ji demonstrates remarkable depth and versatility early in his career. He also contributes to the profession through teaching at the University of Washington and publishing widely on international trade and national security. National recognition from the American Bar Association and *Best Lawyers* magazine speaks to the impact Ji is already making within the legal community.

JUSTICE C.Z. SMITH EXCELLENCE IN DIVERSITY AWARD

The Justice C.Z. Smith Excellence in Diversity Award is named in honor of Justice C. Z. Smith, the first African American to serve on the Washington Supreme Court. This award goes to a lawyer, law firm, or law-related group that has made a significant contribution to diversity in the legal profession.

Hon. Andrea S. Jarmon

Judge Andrea S. Jarmon represents the highest ideals of diversity, equity, and inclusion in the legal profession. Guided by lived experience, principled leadership, and a deep commitment to fairness, Judge Jarmon demonstrates how judicial excellence and community-centered service can meaningfully expand access to justice. She is recognized for her compassion, integrity, and unwavering dedication to creating systems where all voices are valued. Judge Jarmon embodies the legacy of Justice C.Z. Smith and serves as a powerful model of inclusive leadership on and off the bench.



MORE ONLINE

For more information and to view the 2026 award winners' videos, visit **www.wsba.org/apex**.



NORM MALENG LEADERSHIP AWARD

The Norm Maleng Leadership Award is given jointly by the WSBA and the Access to Justice Board, in honor of the late King County Prosecutor Norm Maleng's legacy as a leader. He was an innovative and optimistic leader committed to justice and access to justice in both civil and criminal settings. Within the profession, his leadership was characterized by his love of the law and commitment to diversity and mentorship. This award recognizes those who embody these qualities.

Justice Raquel Montoya-Lewis

Justice Raquel Montoya-Lewis is celebrated for redefining leadership through mentorship, curiosity, and a steadfast commitment to justice. Drawing on vast experience across tribal and state courts, she models a growth mindset that empowers others to develop, reflect, and thrive. Her leadership is rooted in compassion and inclusivity—creating environments where ideas flourish, challenges are met collectively, and successes are shared. Justice Montoya-Lewis carries forward the spirit of Norm Maleng through her dedication to justice, mentorship, and the well-being of the legal community.



LIFETIME SERVICE AWARD

The Lifetime Service Award is a special award given for a lifetime of service to the legal community and the public.

Robert Cumbow

For decades, Robert Cumbow has been a pillar of mentorship, education, and professional excellence within Washington's legal community. Known for his humility, generosity, and unmatched willingness to teach, Cumbow, an intellectual property and trademark attorney, has shaped generations of attorneys through thoughtful guidance and practical wisdom. His clarity as an educator and his ability to make complex legal concepts accessible have set him apart as both an exceptional teacher and a trusted colleague. Cumbow's enduring service reflects a lifetime of dedication to strengthening the profession and supporting those who work within it.

CONTINUED >

LEGAL INNOVATION AWARD

The Legal Innovation Award recognizes legal professionals, law firms, courts, law schools, individuals, or organizations who demonstrate leadership in promoting innovation in the practice of law. Innovation may be defined as programs, processes, or technology that advance or streamline the future of the profession and accessibility/delivery of legal services.

Scam Justice Legal Clinic

Created by Davis Wright Tremaine LLP, Amazon, the Pro Bono Institute, and the Better Business Bureau Institute for Marketplace Trust

The Scam Justice Legal Clinic is honored for pioneering a first-of-its-kind, trauma-informed pro bono model designed to support victims of online scams and fraud. In a landscape where many victims feel isolated or powerless, the clinic offers a compassionate and secure space for legal guidance, empowerment, and recovery. Through a unique partnership between law firms, corporate partners, and nonprofits, the clinic reimagines how legal services can respond to emerging digital harms. Its volunteers apply expertise in cybercrime, consumer protection, and fraud enforcement to ensure survivors not only understand their rights but also regain confidence in navigating the aftermath of harm. This initiative represents the future of innovative, community-driven legal service delivery.





Jack Connelly with his wife, Angela.

SALLY P. SAVAGE LEADERSHIP IN PHILANTHROPY AWARD

(Presented jointly by the WSBA and the Washington State Bar Foundation)

Sally P. Savage led the Washington State Bar Foundation's renaissance and was a catalyst for its refocused mission to sustain the WSBA's efforts to advance justice and diversity. Her clarity, expertise, and vision helped establish a path for enduring support of a strong bar association that provides statewide leadership on matters of profound importance to the profession and the people. Sally's spirit of generosity and leadership continues to inspire all who recognize the transformative potential of philanthropy. Philanthropy means "love of humanity" and encompasses private initiatives for the public good, focusing on quality of life. Sally emulated this spirit of philanthropy in her life, and it is in her memory that we continue to honor donors, volunteers, and friends of the Washington State Bar Foundation who embody Sally's spirit.

Jack Connelly

Jack Connelly is recognized for a legacy of extraordinary generosity and a lifelong commitment to improving communities across Washington and beyond. His leadership in philanthropy is reflected not only in significant personal giving, but also in cultivating a culture of service throughout Connelly Law Offices—which donated more than $238,000 to charitable causes in 2023 alone. Connelly's steadfast support for organizations such as Northwest Immigrant Rights Project, Lawyers Helping Hungry Children, Communities in Schools, and many others demonstrates his deep belief in the transformative power of giving. He exemplifies the spirit of Sally P. Savage and the enduring value of philanthropy in advancing justice. BN

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More than 200 WSBA members, friends, and family gathered at the Museum of Flight to celebrate 50 years of service.

WSBA NEWS

THE CLASS OF 1976

The WSBA celebrates members with 50 years of dedicated service at the Museum of Flight

BY WSBA STAFF

WSBA President Francis Adewale stood before a packed house and asked everyone to take it all in for a moment.

"When 35 lawyers came together in 1890 to found this institution, they had a vision for what the legal profession in Washington could be," said Adewale, who was speaking before more than 200 legal professionals, friends, and family members who gathered to celebrate 50 years as licensed legal professionals. "But they never expected that there would be a room full of lawyers that have practiced law for 50 years in a room like this. … Thank you. You're still living the oath you swore in 1976. You have each spent 50 years living out that vision, building on it, shaping it, and passing it forward."

For the third year in a row, the WSBA's 50-Year Member Luncheon was held at the Museum of Flight, and the visual metaphor was not lost.

"What a wonderful place to have an opportunity to share memories …," Adewale said. "Fifty years of time can be seen behind us. You see the changes in the kind of planes that were being flown in 1976. Some of the airlines that used to operate in 1976, they are no longer in existence. But you are here. You're still serving. You're still committed to the profession. We appreciate you."

Washington Supreme Court Chief Justice Debra L. Stephens spoke next.

"So, I want to emphasize that this celebration is not a retirement party," Stephens said. "It is a celebration. … This is not a retrospective, and it's not a time to be nostalgic about the way things used to be because we live in the present moment, and the way things are is in many ways I think philosophically I truly believe it is exactly what it is supposed to be, but that doesn't mean it is not without its challenges and opportunities for us to continue to lean into."

Stephens said she came prepared with a request for three commitments from

CHECK OUT THE VIDEO

A video of the 50-Year Member Tribute Luncheon can be found on the WSBA YouTube channel, **www.youtube.com/washingtonstatebar**.



WSBA President Francis Adewale and Washington Supreme Court Chief Justice Debra L. Stephens speak to WSBA members, family, and friends at the 2026 50-Year Member Luncheon.

the 50-year members in the room: to help mentor the next generation of legal professionals, to weigh in on the alternative licensure pathways the Supreme Court and the WSBA are reviewing, and to get out into the community and be ambassadors for the critically important rule of law.

"So, I am sorry to tell you I'm not interested in seeing you sit on the deck with a gin and tonic and put up your feet," she said. "I am interested in seeing you share your 50 years of experience and wisdom, your passion for this profession, your commitment to justice, and continue to strengthen what we have and build the next generation so that this profession and those values can long endure."

There were 239 new WSBA members admitted in 1976. Seventy-nine of those members were in attendance at the event. Also in attendance were WSBA Governors Christopher Bhang, Matthew Dresden, Kevin Fay, and Alain Villeneuve. WSBA staff and members of the WSBA Executive Leadership Team also joined the celebration, including Executive Director Terra Nevitt, Chief Communications Officer Sara Niegowski, Shelly Bynum, Connor Luk, Colin Rigley, Aziza Ozgoren, Darlene Parker, and Evan Pham. BN



WSBA Executive Director Terra Nevitt presents a certificate and pin to commemorate 50 years of service as a legal professional.

WSBA photos; wikimedia

WHAT HAPPENED IN 1976?

IN THE NEWS

Americans celebrated the country's bicentennial, with celebrations held coast to coast, and 16 tall ships from around the world sailed into New York Harbor. Quarters, half dollars, and silver dollars minted that year were stamped 1776–1976.



Jimmy Carter was elected to be the 39th president of the United States, defeating the incumbent, Gerald Ford. It was the first time since 1932 that a sitting president lost the general election.

The Jelly Belly candy company was born. The eight flavors of gourmet jelly beans were famously loved by soon-to-be President Ronald Reagan.

SCIENCE & TECHNOLOGY



Steve Jobs and Steve Wozniak founded **Apple Computer Company**, one year after Microsoft was formed.

ARTS & CULTURE

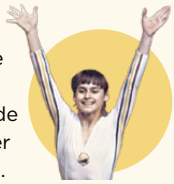


One Flew Over the Cuckoo's Nest won Best Picture at the Academy Awards. The film's star, **Jack Nicholson**, also took home Best Actor, and the film swept five major awards in total.

Stevie Wonder's album "Songs in the Key of Life" spent 13 consecutive weeks at the top of the charts.

Rod Stewart's "Tonight's the Night" became the top song of the summer.

SPORTS



The Pittsburgh Steelers beat the Dallas Cowboys at Super Bowl X.

The Summer Olympics were held in Montreal. Romanian gymnast **Nadia Comăneci** made history by earning the first ever perfect 10 score in gymnastics.

MORE ONLINE

For the full list of WSBA members from the class of 1976, and to see more photos from the event, visit the online version of this article at **www.wabarnews.org**.

FEATURE

PUBLIC DEFENSE CRISIS IS AN OPPORTUNITY FOR CHANGE



While major funding is needed, this predicament should also be a catalyst for a thorough review of the criminal legal system

BY ROBERT C. BORUCHOWITZ

It has been more than a year since the Washington Supreme Court declared that "the crisis in the provision of indigent criminal defense services throughout our state requires action now to address the crisis and to support quality defense representation at every level."[1]

The Washington Supreme Court required that, effective Jan. 1, 2026, public defender caseloads be reduced "as soon as reasonably possible" to no more than 47 felony case credits or 120 misdemeanor case credits per lawyer per 12-month period. This is a dramatic reduction from the 150 felony *cases* that the Washington Supreme Court previously had set as a maximum.[2] The WSBA Board of Governors set the same limits but said they should be met within three years. The court is allowing 10 years for full implementation but is prohibiting any increase from what caseloads were as of November 2025. The Washington Supreme Court is encouraging use of a case credit system as the WSBA standards prescribe.

Washington has exceptional public defenders. Yet high demand and high caseloads, combined with inadequate funding, threaten the quality of representation defendants receive and create inconsistencies in convictions and sentencing across the state.



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

HIGH CASELOADS CAUSE HARM

Under the outdated caseload limit standards developed 53 years ago, attorneys were expected to be assigned up to 150 adult felonies or 300–400 misdemeanor cases per year. Because of changes in technology, including body cameras, various forensic science developments, and increasing complexity in the law, those numbers became increasingly challenging, making it nearly impossible for lawyers to be able

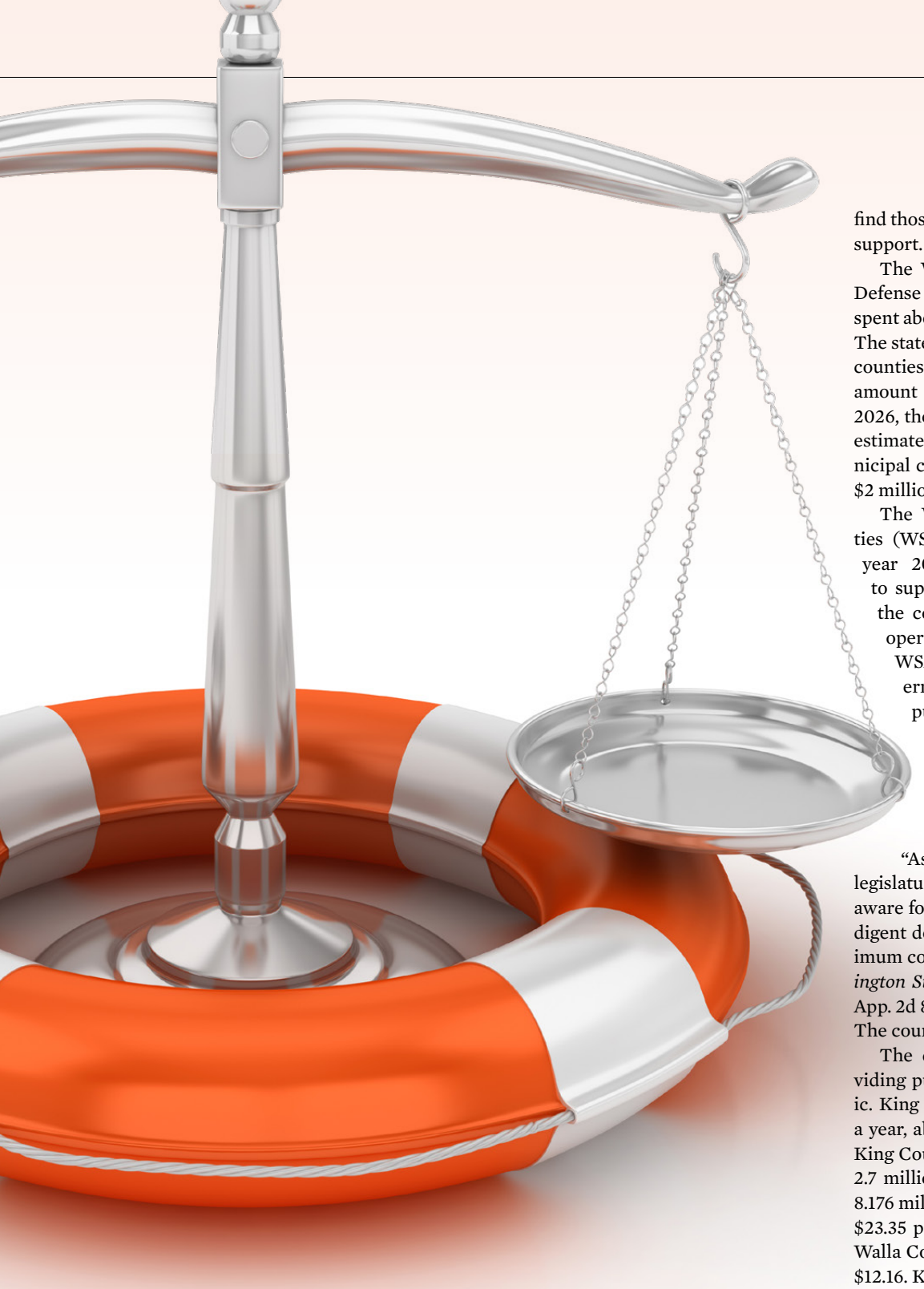


Illustration © Getty/porcorex

to provide effective representation to all of their clients. At those levels, a lawyer in a misdemeanor case would have, on average, less than five hours to represent a client, including all research, investigation, preparation of briefs, negotiation with prosecutors, trials, and possible sentencing hearings.[3] Clients with means would simply reject a lawyer who told them they had only four or five hours to work for them. But we have come to expect low-income people to accept that level of representation. The result is more innocent people being convicted and clients given longer sentences than judges would order if they had a fuller understanding of the client and the case that a lawyer with more time could present.

MORE STATE FUNDING IS NEEDED

Implementing the updated caseload standards will not be a simple task. More public defenders and support staff will need to be hired, which will cost money. Most local governments will be hard pressed to find those funds without much greater state support.

The Washington State Office of Public Defense reported[4] that in 2025 counties spent about $240 million on public defense. The state contributed only $6 million to the counties for public defense. While the state amount increased to $11.9 million for FY 2026, the gap remains vast. Cities spend an estimated $54 million a year for their municipal court defense and receive less than $2 million of state funds.[5]

The Washington Association of Counties (WSAC) has projected that by fiscal year 2032, without any improvements to support staff or compensation levels, the counties will need $471 million to operate their public defense systems.[6] WSAC has stated that "Local governments lack the capacity to fund public defense adequately."[7] WSAC sued the state, and the Court of Appeals found that the counties have standing to raise the issue of inadequate funding for public defense. The court noted, "As highlighted by the complaint, the legislature and the public have been made aware for over 30 years that the current indigent defense system does not 'meet minimum constitutional requirements.'" *Washington State Ass'n of Ctys. v. State*, 34 Wn. App. 2d 879, 906, 572 P.3d 1225, 1239 (2025). The court remanded the case for trial.

The disparity among counties in providing public defense resources is dramatic. King County spends about $112 million a year, about 45 percent of the state total.[8] King County's population is approximately 2.7 million, about 33 percent of the state's 8.176 million. In 2023, Benton County spent $23.35 per capita on public defense. Walla Walla County spent $16.91. Whitman spent $12.16. King spent $34.87.[9]

The spending in cities also varies dramatically. In 2022, East Wenatchee reported spending $11.30 per capita; Everett, $14.09; Lacey, $5.34; Tukwila, $18.24; Tacoma, $8.22.[10] The Association of Cities wants the Legislature to increase funding for public defense in the cities from about $1.6 million to $10 million annually.[11]

In a January 2026 report, WSAC declared:

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> Underfunding has produced systemic constitutional failures. Excessive caseloads, inadequate counsel, and resulting injustices have been documented by decades of litigation.
>
> Justice depends on geography. The quality of defense varies based on local revenue, not legal standards.
>
> Public safety is compromised when defense systems fail.
>
> Courts stall, cases are delayed, and accountability breaks down.
>
> New caseload standards make reform unavoidable.
>
> Without major state investment compliance is impossible.[12]

Improvements are desperately needed. According to data compiled by the OPD, only 62 percent of defender offices have salary parity with prosecutors.[13] Spokane's entry-level defender attorney jobs have a salary range of $72,436.44–$88,119.26, about $5,000 less than the prosecutor's office.[14] The Washington State Office of the Attorney General recently sought an attorney for its Spokane office, with a starting salary of $83,856.[15]

As outlined below, most defender offices do not have enough support staff. Washington State Bar Association Standards for Indigent Defense Services[16] set ratios for investigator and social work staff, with a minimum of one full-time mitigation specialist or social worker and at least one full-time investigator for every three full-time attorneys by July 3, 2028.

Six county offices report having no investigators on staff; Yakima has one for its 21 lawyer positions. Thirteen percent of the offices report spending no funds on expert witnesses in superior court.[17]

The need for defender social workers has been increasingly recognized nationally.[18] While King County defenders have 33 social workers on staff, most county defenders have no social workers available. Five other county agencies have between one and three, and 59 percent of the counties report no use of social workers.[19] King County calls its social workers mitigation specialists:

> because their job is to research the circumstances surrounding a client's alleged crime, the client's mental and development health, and other social-psychological information, all with an eye towards providing mitigating evidence that can be helpful in a client's defense.[20]

OPPORTUNITIES FOR CHANGE AND INVESTMENT IN DIVERSION

The crisis in public defense can and should be a catalyst for a major review of the criminal legal system. We should be asking questions about what we choose to punish, how long we incarcerate people, and what alternative ways of holding people accountable without traditional prosecution might exist. There may be changes that not only lead to better outcomes for defendants but also reduce the need for public defenders and additional investment in the system.

WHILE SOME CALL FOR JURISDICTIONS TO BE 'TOUGH ON CRIME,' A MAJORITY OF AMERICANS SUPPORT SPENDING MORE TAX DOLLARS TO PROVIDE PUBLIC DEFENSE.

Judges recognize the value of defender social workers. King County Superior Court Judge Mark A. Larrañaga, a former defender, told me:

> Social workers possess the professional skill set to obtain, assess, and document an individual's behavioral health symptoms and needs from several sources. Utilizing social workers to develop this comprehensive background information allows judges to better assess requests for pre-booking diversion, therapeutic intervention, and/or sentencing alternatives.

King County District Court Judge Kristin Shotwell, who was both a social work supervisor and an attorney supervisor at The Defender Association, told me:

> Through their individualized pre-trial release planning and sentencing advocacy, defender social workers reduce incarceration costs, emergency medical care costs, and lead to more efficient processing of cases. Defender social workers help keep clients engaged in their cases and connected with treatment they may need. Defender social workers address the behaviors, unmet needs, and circumstances that contributed to criminal behavior in the first place.

One example of a successful diversion program is LEAD, Law Enforcement Assisted Diversion or Let Everyone Advance with Dignity.[21] LEAD is a pre-booking program created to divert those suspected of drug and other low-level offenses away from jail and into case management and other services. The program originated in Seattle in 2011 and was later expanded to Mason, Snohomish, Thurston, and Whatcom counties.[22] Spokane County operates a similar program called the 5177 Diversion Program.[23]

The resulting savings, roughly 2:1 on investment in LEAD, are not only in the legal system. In Whatcom County, there was a 92 percent reduction in the use of emergency medical services for LEAD participants after they had graduated from the program.[24] Over a three-year period, there was an annual average 86 percent reduction in potential jail and EMS costs for the participants, including 92 percent reduction in jail bed days, with an estimated total cost avoidance of $7.5 million. This was with an annual investment in LEAD of about $1 million for a team of eight people.

Fifteen LEAD participants in Whatcom County had 345 police contacts in the 24 months before they entered the program, and 59 in the 24 months after their enrollment in the program.[25]

Chad Winfrey, a former Department of

Corrections Specialist who now works with the LEAD Support Bureau, explained how he went from skepticism to strong support for LEAD. He described the program as being creative and compassionate, having a positive public safety impact, and helping businesses. People who normally are "siloed" collaborate to keep people from falling through the cracks.

But funding for LEAD and its associated Recovery Navigator Program[26] statewide was cut in the past two legislative sessions. Restoring and expanding funding would allow the programs to serve more clients and divert cases from defender workloads.

Additional opportunities for reducing defender caseloads include changing the types of offenses we prosecute. For example, although several larger counties have developed non-criminal alternatives to driving with a suspended license in the third degree (DWLS 3), which usually results from not paying a traffic ticket, many cities and some counties still prosecute these cases. When some of the larger cities stopped prosecuting DWLS 3 criminally, they reduced their defender caseloads by approximately one-third.[27] Some jurisdictions also prosecute camping in public as a crime.

Sentencing is another important consideration for potentially reducing costs associated with the criminal legal system. The cost of long sentences is significant; reducing sentences even by 10 percent would save $100 million a year. In 2024, Washington spent an average of $75,576 per year to incarcerate a single person.[28] There were 13,919 people in prison in May 2026, costing more than $1 billion a year, not counting capital or administrative services costs.[29]

In fiscal year 2025, Washington sent 404 people to prison for drug offenses, with an average sentence of 43.9 months.[30] The state sent 1,841 people to prison for property offenses, with an average sentence of 30.8 months.[31] There are 715 incarcerated people aged 65 and over.[32] In these areas in particular, there may be opportunities for shorter sentences or diversion away from prison altogether and into support programs.

One-third of Americans have a criminal history.[33] A recent Cornell University study found that 45 percent of Americans have had an immediate family member locked

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up.[34] For African Americans and for people with lower education levels, nearly 3 in 5 have had an immediate family member incarcerated.[35]

We cannot ignore the racial disparity that is interwoven with inadequate public defense funding. In the King County Jail, for instance, 40.9 percent of the people booked in recently were white, in a county that is 61 percent white.[36] In Washington prisons, Black people are 19 percent of incarcerated people[37] but they are approximately 4.7 percent of the state's population.[38] Native Americans are 5.4 percent of the prison population but 1.7 percent of the state's population. Hispanic people are also incarcerated at a greater percentage than they are in the population.[39]

Public defense affects all of us. While some call for jurisdictions to be "tough on crime," a majority of Americans support spending more tax dollars to provide public defense.[40] As stated in WSAC's early 2026 report, adequate public defense contributes to public safety, efficient processing of cases, and more consistent outcomes for defendants.

In January 1987, I wrote an article in *Bar News* titled "Funding Crisis Threatens Right to Counsel." In February 2007, I wrote "Right to Counsel Remains Threatened in Washington." In 2027, I would like to be able to write: "Legislature Commits Major Investment of State Funds to Public Defense." Let's work on helping to persuade the Legislature to make that commitment. BN

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FEATURE

‘Ending Probates for Profit’: A Cannon to Kill a Mosquito

What Washington practitioners need to know about the significant new revisions to Title 11

BY BRENT WILLIAMS-RUTH



If you are not familiar with estate planning or estate administration, you may be wondering what “probates for profit” are and what it means to end them. In simple terms, the phrase refers to situations in which unrelated third parties obtain authority to administer the estates of people who die without a will and then personally profit from the sale or disposition of estate assets. Washington’s existing probate laws left room for that authority to be abused, sometimes at significant cost to the decedent’s heirs.

In June, the Legislature sought to address that problem by enacting Engrossed House Bill (EHB) 2445, “Ending Probates for Profit.” The new law makes significant changes to Washington probate law, particularly for intestate estates (without wills) and those seeking appointment to administer them. The goal of this article is to help lawyers understand this fundamental shift in the estate administration landscape and, most importantly, how they can help clients avoid some of the pitfalls, costs, and delays that can arise when someone dies intestate.

One important point to note, many practitioners (myself included) argue that this new law goes too far, likely making some estate administration processes unnecessarily more complicated and time-consuming for attorneys and their clients. As one of the people involved in shaping this legislation, I set out to help craft this law into a fine scalpel to fix a problem. However, I believe we have instead created a cannon to kill a mosquito. I can only hope (as I know others do as well) that the Legislature will take up revisions to the law in future sessions.

HOW WE GOT HERE

Due to limited space, I will summarize how we got here: A bad man (John B. Elliott) and his band of merry bad people (Shanelle Sunde and Sunde and Elliott’s companies) administered over 200 estates, selling at least 90 homes and swindling unknowing families out of their inheritances.[1]

Washington’s attorney general believed that existing laws may have helped facilitate the actions of these individuals and that if various reforms were enacted, this type of scheme could be prevented from occurring in the future. The original bill drafted by the attorneys in the Consumer Protection Division of the Attorney General’s Office was shared with various interested parties. The first draft of the proposed bill was summarily rejected by all who understand the estate administration process. One person likened the proposal to a new heart valve replacement process created by podiatrists. The subsequent bill proposed to the Legislature was by no means perfect, but many of the requested changes had been implemented. EHB 2445 passed the Legislature, was signed by the governor, and was enacted on June 11, 2026. The bill itself was 27 pages long and included 15 separate sections of modifications, revisions, and/or additions to existing statutory language. This article cannot address every change.

Many practitioners are worried about inconsistent applications and unintended consequences already being reported across different counties. The bill has been in effect for only 10 weeks as of this writing, but some of its practical effects are already becoming clear.

LEARN MORE

If you are interested in more on this topic, an online CLE jointly presented by the WSBA Elder Law Section and the Washington Academy of Elder Law Attorneys (WAELA) is taking place Sept. 25, 2026. Both the author of this article and a King County commissioner will be presenting. For more information, visit **www.mywsba.org/PersonifyEbusiness/Default.aspx?TabID=1356&productId=28996328**.

(Mostly) Business as Usual: Testate Estates

Much to the delight of the attorneys and others who advised the AGO and the Legislature, not much has changed for testate estates (estates with a will). Mainly, this is because even wills created through free

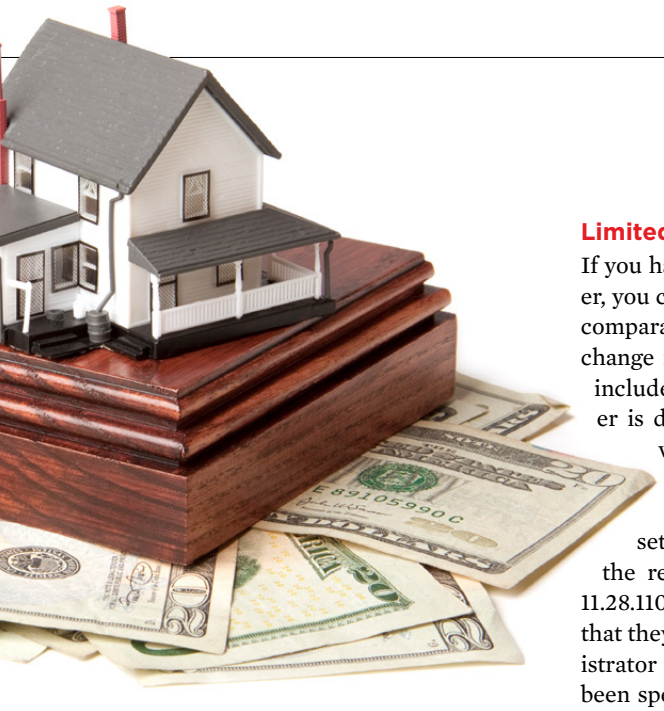


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online resources commonly include a provision allowing the court to grant nonintervention powers (NIP), which permit a personal representative to manage an estate without court supervision. Furthermore, if the testamentary document does not request but also does not prohibit NIP, a court can grant it upon request.

One minor change to note is that "Interested Person/Person Interested" has been added as a defined term to RCW 11.02.005(10).[2] Small victories!

Significant Changes: Intestate Estates

Nearly every intestate estate going forward will be affected, at least in part, because the Legislature used EHB 2445 to implement standard code revision and integration, or "code reconciliation." Practitioners should review their intestacy forms and verify the current statutory location of any referenced section or subsection.

One important result of these revisions is the delineation of rights and duties for those appointed to administer an estate under RCW 11.28.120(1)-(3). These appointees are being called Sub-1, Sub-2, and Sub-3 petitioners. Sub-1 petitioners are divided into further sub-parts (a) through (f). Examples of a Sub-1(a) petitioner are a surviving spouse or a state registered domestic partner. An example of a Sub-1(b) petitioner is next of kin (limited to child, parent, sibling, grandchild, and nephew or niece of the decedent). A Sub-2 petitioner can be a contract service provider with the office of public guardianship and conservatorship under chapter 2.72 RCW or a guardian ad litem. A Sub-3 petitioner is "any suitable person."

Limited Changes: Sub-1 Petitioners

If you have an estate with a Sub-1 petitioner, you can rest a little easier knowing that, comparatively, not much has changed. One change is that the petition must now also include the basis upon which the petitioner is declaring that the decedent passed without a will. RCW 11.28.110(1)(b). Though these petitioners need not list out the major probate assets, they are still required to detail the reasonable search for assets. RCW 11.28.110(3). The petition must also state that they are entitled to serve as the administrator under RCW 11.28.120 and have not been specifically excluded from being able to serve as set forth in RCW 11.36.010. RCW 11.28.110(1)(e).

A New Complication: Consent and Waiver

Many practitioners have used "consent and waiver" documents signed by family members to allow another person to serve as executor or administrator with NIP and without posting bond. Though the language of the statute did not change, the recodification has drawn attention to the fact that the power to nominate someone to serve as executor or administrator rests only with the surviving spouse or registered domestic partner, or Sub-1(a) petitioner. Already there have been reports of courts refusing to allow an attorney to serve as executor of an estate without bond and with NIP even though all identified family members have signed a consent and waiver to allow them to serve. Under the statute, only a Sub-1(a) petitioner has the power to designate someone else to serve.

This will likely be among the first revisions considered for EHB 2445, as many practitioners argue that Sub-1(b) petitioners have the same need as Sub-1(a) petitioners to nominate someone to serve in their stead.

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Substantial Changes: Sub-3 Petitioners

The changes become much more substantial for Sub-3 petitioners. The focus of EHB 2445 was the "suitable person" catch-all. With the code reconciliation, this catch-all is now codified as RCW 11.28.120(3). Under the new law, a petition may not be filed until at least 90 days have passed since the date of death. In counties where you need to book advanced notice, the new language suggests that you cannot even file a petition to hold a date for a hearing, as the statute specifically states, "If the persons entitled as set forth in this section shall fail for more than 90 days after the death of the decedent to present a petition for letters of administration... ." This would indicate that part of the petition has to include the statement that 90 days have elapsed since the date of death and no eligible person has presented a petition to the court. A separate issue already seeing varied application is whether advance notice of a hearing is required. Under RCW 11.28.131, a petition may be heard "forthwith" provided that notice is given to the surviving spouse, domestic partner, or their designated representative. However, reportedly not all judicial officers agree with this interpretation and some have denied requests for lack of notice to other heirs even though there is no surviving spouse or domestic partner. Notice of hearing on petition is only required when a petitioner is seeking appointment with NIP. Because a Sub-3 petitioner is prohibited from requesting NIP, their hearings should be allowed without advance notice.

As referenced above, the intestate petition must include a basis of the petitioner's knowledge that the decedent died without a will. The petition must also include the names, ages, and addresses of the decedent's heirs, and the petitioner's reasonable search for those heirs. Under the new law, there must also be a general description of all major probate assets of the estate, including real property, motor vehicles, and any known property or interest estimated in good faith to exceed $10,000 in value, and the petitioner's reasonable search to identify such assets. The petition must also include the specific value, location, provenance, and condition of each major asset to help determine the value of the bond.

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RCW 11.48.020 also establishes that a Sub-3 executor may not (a) purchase or acquire any estate asset or (b) personally benefit from the sale of an estate asset. If a Sub-3 executor wants to personally benefit, they are required to obtain the blessing of the court through a hearing with at least 14 days' notice to all heirs, devisees, legatees, beneficiaries, and transferees. The law states that "the petition ***shall be denied*** unless the executor establishes clearly and convincingly that the requested purchase, acquisition, or receipt is consistent with their duty of loyalty and all applicable laws, and would not be voidable by any heir, legatee, devisee, beneficiary, or transferee of the estate." (Emphasis added.) RCW 11.48.020(2). An executor who violates or attempts to violate (a) or (b) of this subsection **may be sanctioned by the court up to three times the value of the relevant asset or proceeds**, in addition to any other sanction or remedy. RCW 11.48.020(2).

Three New Restrictions for Sub-3 Petitioners

In addition to these changes, EHB 2445 imposes three restrictions on Sub-3 petitioners that will directly affect the overall time and cost of administering an estate.

First, a Sub-3 petitioner, that is not otherwise exempt pursuant to RCW 11.36.010(2) or (3), is prohibited from obtaining NIP. RCW 11.68.011 creates a double prohibition: A non-exempt Sub-3 petitioner may not ask the court for NIP, and the court may not grant it.

Second, all Sub-3 petitioners are required to post bond. If a Sub-3 petitioner is not exempt by RCW 11.36.010(2) or (3), the statute states that in all cases bond shall be required in an amount commensurate with the major probate assets contained within the petition.

Third, revisions to RCW 11.96A.050 now state that any Sub-3 petitioner that is not otherwise exempt must file the petition to probate in the county where the decedent resided at the time of death. If the decedent was not a Washington resident, the petitioner must file in the county in which any part of the probate estate might be. Prior to EHB 2445, it was a major benefit for attorneys to be able to file a probate in any county in Washington. This helped compensate for areas known as legal deserts, where there are fewer attorneys.

A New Limit on Appointments

In the Elliott Scheme, Elliott and his colleagues were appointed as executors or administrators (or were the de facto managers) of 213 probates filed around Washington state. Under the newly enacted provision of RCW 11.28.120(3), unless the petitioner is an exempt entity detailed in RCW 11.36.010(2) or (3), there is a cap of two appointments under this subsection per year. There are no exceptions other than those detailed by RCW 11.36.010(2) and (3). This has caused some concern among those who practice in the professional guardianship or personal injury spaces, as those practitioners frequently have reason to be appointed and are not presently exempt from the new limitations and prohibitions. I anticipate that this will be another nuance that will be ironed out in future legislative sessions.

Three Reporting Requirements

EHB 2445 also identifies three reporting requirements for estates administered without NIP. Each of these requirements is codified under RCW 11.76.010, so only probates that have not been granted NIP are subject to these reports. This could become an area that is amended through subsequent legislation or could become the subject of a case on appeal. Right now, colleagues are focusing on RCW 11.68.090(2)(b) which states as follows:

> Except as otherwise provided in this chapter, a personal representative with nonintervention powers has the same duties, restrictions, and liabilities as a personal representative without nonintervention powers and shall act for the benefit of all persons interested in the estate, as defined in RCW 11.96A.030(6) relative to a decedent's estate, ***except that***:
> ...
> (b) A personal representative with nonintervention powers has no duty to follow the procedures of RCW 11.76.010 through 11.76.080 or chapter 11.56 RCW.

RCW 11.68.090(2)(b) (emphasis added).

Each of the mandatory filings is detailed below:

A **FILING 1: Declaration Confirming Notice to Third Parties.** For those estates that are being administered without NIP, the first new filing is set forth by RCW 11.76.010(1), which requires that not later than 30 days after appointment, the personal representative provide confirmation of notices to third parties (heirs, devisees, legatees, beneficiaries, and transferees) as well as the details of the personal representative's search to identify such persons, and the date and manner in which notice was provided. The statute has a template form that shall be "substantially in the following form."

B **FILING 2: Declaration Regarding Estate Financial Account.** The second new filing is set forth in RCW 11.76.010(2) and relates to the establishment of financial accounts on behalf of the estate. The statute provides that not later than 30 days ***after opening any financial account*** to collect and pay out sums on behalf of the estate, the personal representative shall make, verify by his or her oath, and file with the clerk of the court a report of the estate financial account. The report shall contain the date the account was opened, the financial institution holding the account, and each signatory on the account. Like with the first new filing, the statute provides an exemplar that "shall be substantially in the following form."

C **FILING 3: Annual Estate Status Report.** The third filing is not new but has been recodified as RCW 11.76.010(3)(a) and relates to the annual status report to be filed with the court. The only change to this report by EHB 2445 is that it should be filed at least annually, by the date of appointment. The rest of the reporting requirement remains the same.

COURT OVERSIGHT AND ENFORCEMENT

To give these reporting requirements some teeth, RCW 11.76.010(5) establishes procedures and sanctions for addressing non-compliance.

If an executor fails to comply with any of

the reporting requirements set forth in RCW 11.76.010, then the court or any interested party may request that the court hold "a formal proceeding" within 14 days in which the executor "shall appear and provide sworn testimony regarding the facts that would be contained within the report." The first issue raised by this new section is: What is a "formal proceeding"? This is not a defined term, and depending on the county, the judicial officer that handles probate matters may not be set up to take live testimony. Therefore, could an executor "appear and provide sworn testimony" via an affidavit? It is unknown how this will be practically implemented, especially in larger counties.

The new provision in RCW 11.76.010(5) continues by stating that an executor's "failure to appear at the formal proceeding, failure to testify truthfully and completely at the formal proceeding, or repeated failure to timely file a report under this section, ***shall*** result in the court taking any action it deems just and proper to protect estate assets and rights of interested persons... ." (Emphasis added.) The available remedies outlined in the statute include, but are not limited to, imposition of sanctions against the executor and revocation of the executor's letters. Once there has been a finding, the executor or the court shall provide a copy of the court's order to each known heir, legatee, devisee, beneficiary, and transferee of the estate.

LOOKING AHEAD

Some say that the Probate for Profit law is one of the largest single updates to Title 11 since 1999 when the TEDRA statute (RCW 11.96A) was first enacted. What is certain is that these changes will impact every probate filing going forward. As noted previously, there are already multiple requests for revisions and amendments as the law's effects are felt across the state. If and how the Legislature will respond to these requests remains to be seen. BN

NOTES

1. See the AG's press release at: www.atg.wa.gov/news/news-releases/washington-holds-probates-profit-defendants-accountable.
2. RCW 11.02.005(10) defines these terms as "an heir, devisee, beneficiary, legatee, or creditor whose claim has been duly served and filed, or an attorney or fiduciary for the same."





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FEATURE

WHEN GOOD LAW PRODUCES BAD SCIENCE

Compelled examinations under Civil Rule 35

BY ANDRÉ M. PEÑALVER

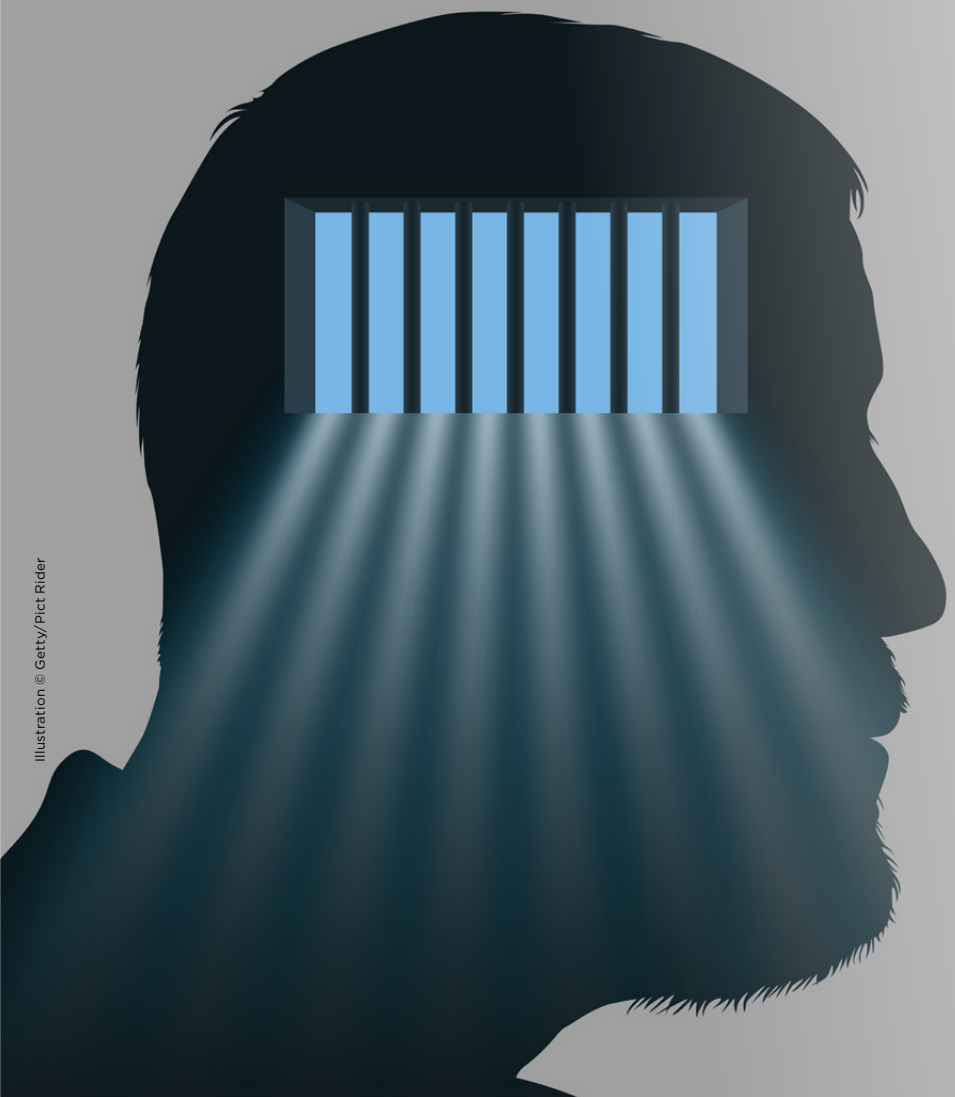


Illustration © Getty/Pict Rider

This piece comes from a longer article entitled, "Adversaries and Experts: Legal Tradition Versus Empirical Science" (2026), Seattle University Law Review Online 39, available at ***https://digitalcommons.law.seattleu.edu/sulr_supra/39****.*

The motion before the court was routine. In a personal injury case, the defense moved under Civil Rule 35 to compel a neuropsychological examination. The plaintiff alleged psychological injury. The defense retained a neuropsychologist who proposed a standard battery of tests—with one condition: the testing portion could not be observed or recorded.

The objection was just as familiar. Plaintiff's counsel argued that a CR 35 examination is an adversarial proceeding and that fairness requires observation by counsel or a representative. Washington case law supported the position. The legal argument was sound.

But so was the science. The neuropsychologist submitted peer-reviewed literature explaining that third-party observation measurably compromises testing. Even small departures from standardized conditions risk invalidating results. The presence of an observer—whether a lawyer, a paralegal, or a camera—can alter performance in ways that undermine reliability.

The court was left with two internally coherent positions. One spoke the language of legal fairness. The other spoke the language of empirical validity. Both were right within their own systems. And yet the court had to choose.

That choice—between legal process and scientific truth—is not rare. With more and more evidence-based tools at our disposal, it is increasingly routine.

TWO THEORIES OF KNOWLEDGE

Legal process and scientific methodology arrive at truth in two different ways, developed in different eras of Western thought. Our legal tradition, rooted in medieval dialectics, assumes that truth will emerge from a process of dialogue: one party presents a thesis; the other party presents an antithesis; and the court synthesizes the two in the form of a ruling. The law therefore gives great weight to process in the form of transparency, equal footing, and safeguards against abuse—values that are especially salient in compelled examinations.

Scientific validity, rooted in Enlightenment empiricism, locates truth by measurement. It concerns itself with standardization, reliability, and

CONTINUED >

control of variables. In fields such as neuropsychology, even modest departures from established protocols can affect the accuracy and interpretability of results.

As a result, a legal procedure may fully satisfy the demands of adversarial fairness while diminishing the usefulness of the resulting data. Conversely, a method that preserves scientific rigor may violate procedural fairness—simply trusting the expert's work, for example. When courts confront disputes involving scientific testing, they are often asked, implicitly, to navigate this tension without being asked to resolve it directly.

If the scientific consequences of procedural choices are not squarely presented, courts will naturally resolve the issue using the legal tools most readily at hand, often at the expense of the science.

WHY LEGAL FAIRNESS ALONE FALLS SHORT

CR 35(a) states, in part:

(1) **Order for Examination.** When the mental or physical condition ... of a party ... is in controversy, the court in which the action is pending may order the party to submit to a physical examination by a physician, or mental examination by a physician or psychologist ...
(2) **Representative at Examination.** The party being examined may have a representative present at the examination, who may observe but not interfere with or obstruct the examination.
(3) **Recording of Examination.** Unless otherwise ordered by the court, the party being examined or that party's representative may make an audiotape recording of the examination, which shall be made in an unobtrusive manner. A videotape recording of the examination may be made on agreement of the parties or by order of the court.

CR 35 case law is well developed on questions of attendance, observation, and safeguards against abuse. What it does not answer is whether a test, particularly a mental examination, still works under those conditions.

That gap matters. An invalid test does not simply harm the party who requested it. It distorts settlement discussions, expert reports, mediation outcomes, and trial testimony. A result that appears neutral and authoritative—but is methodologically compromised—can mislead everyone involved.

Courts are not hostile to science. They are simply asked to resolve scientific disputes using procedural tools that were never designed to assess empirical reliability.

If counsel does not understand the science, it is unlikely the court will.

Faced with competing assertions, judges do what the system trains them to do: they apply precedent, protect rights, and resolve the motion before them.

When lawyers frame disputes entirely in terms of legal process, courts have little choice but to attend to the legal process, even when the real issue is scientific.

HOW LAWYERS ACCIDENTALLY MAKE IT WORSE

These conflicts are rarely the result of bad faith. More often, they stem from how lawyers are trained to argue.

Scientific objections are treated as litigation tactics rather than threshold concerns. Lawyers argue about access and observation without engaging the underlying question of validity. Experts are expected to handle the science, relieving counsel of the obligation to understand it.

This approach carries risks.

First, experts are expensive. Reliance on expert testimony as the sole gateway for scientific understanding advantages repeat players and well-resourced litigants. Second, judges—acting as gatekeepers—must assess competing expert claims without independent tools to distinguish reliable science from flawed methodology. Third, when science is filtered entirely through adversarial advocacy, it becomes just another thing to win.

The result can be procedurally correct outcomes that rest on empirically unsound foundations.



André M. Peñalver serves as a Pierce County Superior Court judge. The opinions in this article are his alone.

THE CR 35 PROBLEM

CR 35 disputes illustrate this tension vividly. The rule authorizes compelled examinations precisely because certain claims cannot be evaluated without them. But when the conditions imposed to protect adversarial fairness undermine the validity of an examination, the purpose of the rule is defeated.

Ordering an examination that produces unreliable data does not advance truth. It merely creates the appearance of neutrality.

Courts sometimes attempt pragmatic compromises—limited recording, conditional observation, or creative safeguards. These solutions may be necessary, but they are often improvised, unsupported by clear scientific guidance, and treated as case-specific exceptions rather than acknowledgments of a deeper problem.

The problem is not CR 35. It is how scientific disputes are framed.

WHAT LAWYERS CAN DO DIFFERENTLY

Lawyers play a central role in helping courts navigate conflicts between legal procedure and scientific validity. A few modest shifts in approach can materially improve outcomes.

1 ***Take Scientific Claims on Their Own Terms.*** When a dispute turns on data, persuasion alone is not enough. Lawyers should ask whether a scientific claim is empirically supported, how it was tested, and what its limitations are. This does not require advanced training, but it does require familiarity with basic concepts such as reliability, error rates, and study design.

Experts may be helpful, but they should inform—not substitute for—counsel's understanding. A lawyer who can independently assess an expert's methodology is better positioned to present credible testimony and to identify flawed opinions. If counsel does not understand the science, it is unlikely the court will.

Effective advocacy begins with engaging

the data itself. Arguments built from the evidence, rather than arguments searching for evidence after the fact, are more durable—particularly when faced with competing experts or a judge who is closely engaged.

2 ***Make the Empirical Stakes Clear to the Court.*** Judges are often asked to choose between legal arguments and scientific objections without a clear framework for evaluating the latter. In the absence of formal training in empirical reasoning, courts rely on how lawyers frame the issue.

Counsel can assist by explaining not just *what* the scientific objection is, but *why it matters*: what is lost when protocols are compromised, how reliability is affected, and what downstream consequences follow from invalid data. Scientific validity is not an abstraction; it directly affects the accuracy and usefulness of the court's decision-making.

3 ***Propose Procedures That Protect Both Fairness and Validity.*** In discovery disputes, evidentiary hearings, and motion practice, lawyers should consider whether proposed safeguards enhance or undermine the underlying science. Procedural fairness and empirical rigor are not inherently in conflict, but courts often need help seeing how to protect both.

That may require creativity—stipulations, alternative safeguards, or tailored limitations that preserve adversarial protections without breaking the science. When lawyers offer courts practical options rather than binary choices, better solutions are more likely to emerge.

BETTER QUESTIONS, BETTER OUTCOMES

Scientific evidence will continue to shape litigation across practice areas, from personal injury and family law to criminal trials and sentencing. Courts will continue to rely on lawyers to frame these disputes.

When we reduce scientific questions to procedural ones, we ask courts to answer the wrong questions. The result may be good law, but bad science.

If we want outcomes that are not only fair, but accurate, we must help courts engage with empirical reality directly. That begins with asking better questions, earlier in the process, and recognizing that sound legal process is not always the same as truth. BN



FROM ISOLATION TO NORMALIZATION

The WSBA Well-Being Task Force looks to enhance the mental health of Washington's legal institutions

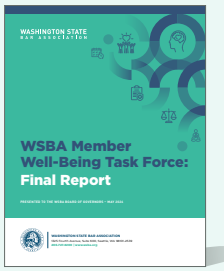
BY KEVIN PLACHY, DAN CRYSTAL, AND JUSTIN BINGHAM

In 2017, the American Bar Association's (ABA) Commission on Lawyer Assistance Programs issued The Path to Lawyer Well-Being, a 73-page report that depicts how the legal profession falls far short in lawyer wellness and offers recommendations for the future. Instead of simply improving the counseling and educational features of state bar wellness programs, the ABA proposed broadly improving legal institutions. Included in its recommendations were well-being pledges for law firms; better mental health oversight for law students, judges, and public law practitioners; and court rules that are mindful of the pressures they place upon attorneys. Gradually states began forming committees to answer this call, and in 2024, Washington followed suit.

The WSBA's Well-Being Task Force was formed by the WSBA Board of Governors for a two-year tenure. Out of 42 applications, the task force's 11 members were drawn from big law, small law, the judiciary, including the Washington Supreme Court, and public members with mental health and other related backgrounds. Spokane City Prosecutor Justin Bingham, who has extensive experience supporting criminal practitioners throughout his career, chaired the task force. The endeavor was massive. In addition to 24 task force meetings, nine work groups focused on particular segments and issues within the legal profession. The work groups, which consisted of task force members as well as 19 additional ad hoc members appointed for their expertise, met twice a month to design surveys, hold feedback sessions, and issue findings. The ultimate goal was to submit a final report to the WSBA with tangible steps toward enhancing well-being among WSBA members and the broader Washington legal community.

What follows are short summaries of the findings and recommendations from each work group.

The WSBA Well-Being Survey Work Group. This five-member work group engaged Matthew S. Thiese, Ph.D., MSPH, from the University of Utah, to help design a comprehensive 40-question survey that was administered by the National Business Research Institute (NBRI). Sent to 10,000 WSBA attorneys, the survey received 903 responses. This yielded a 99.8 percent confidence level and 5 percent margin of error. The findings are too varied to summarize here, but largely reflected a daunting rate of burnout, depression, anxiety, and suicidal thinking among the membership. To read more about the survey results, please review the final report at **www.wsba.org/well-being-report**. The survey report can be found at Appendix C, p. 44.



MORE ONLINE

Access the WSBA Well-Being Task Force Final Report at **www.wsba.org/well-being-report**.

If you would like to learn more about the WSBA Member Wellness Program and the services we provide, please visit **www.wsba.org/wellness**.

Kevin Plachy is the WSBA Advancement Department director.

Dan Crystal, PsyD, is the WSBA Member Wellness Program manager.

Justin Bingham is the Spokane city prosecutor and chair of the WSBA Well-Being Task Force.

Law Students and New Attorneys Work Group. This work group surveyed a small sample of law students and new members within Washington using law school channels and the WSBA New Member List Serve. The work group also leveraged information from the larger survey conducted by NBRI. The findings indicated that law students and new practitioners face acute stress during their transition into the profession, often exacerbated by intense workload expectations and a lack of early-career support. Many reported that the pressure to perform during their initial practice years contributed significantly to burnout and anxiety. The task force recommended integrating well-being programming directly into new lawyer orientations and 1L curricula to establish sustainable habits early. Additionally, the report advises providing students and new members with anonymous, low-barrier access to mental health resources and a structured mentorship program.

Private Practice Work Group. This work group examined private practices, including solo/small firms, mid-size firms, and big law. Feedback surveys were also completed by participants at the Solo and Small Firm Conference. The group also drew upon the findings of the membership survey that sought to address the pressures driven by the billable hour. Findings highlighted the significant impact of the billable hour model and a culture that often equates long hours with professional dedication. This environment can lead to social isolation, high rates of substance use, and a persistent stigma that prevents attorneys from seeking help. The report's primary recommendations focus on leadership accountability, urging firm leaders to demonstrate a personal commitment to well-being and to incentivize participation in wellness activities rather than leaving them as purely voluntary options.

The Government and Public Interest (GPI) Work Group. This work group found that GPI attorneys often contend with heavy, unmanageable caseloads and high exposure to vicarious trauma, which were identified as significant occupational hazards. Recommendations from the work group sought to create mentorship, mutual support programs, resources to address the unique

challenges faced by GPI lawyers such as secondary trauma and compassion fatigue, and improved court rules and caseload reduction.

The Judiciary Work Group. This work group engineered a survey of all judges in the state that received a dramatically high 23 percent response rate. In addition to 28 survey questions, 46 pages of qualitative responses were provided. Key struggles included profound professional isolation, exacerbated by the nature of the bench and the pressure to maintain an appearance of constant neutrality. Findings suggest that this isolation can deter judges from acknowledging mental health challenges or substance-use issues until they reach a crisis point. The task force recommended that courts develop specific policies for managing impairment to ensure both judicial well-being and public trust. Special attention was given to the impact of after-hours warrant duty, the pressures of the evaluation and election cycle, and threats made to judicial officers and their families online. Crucially, the report calls for judicial leadership to actively destigmatize help-seeking by openly communicating that well-being is a core judicial priority. Regular, anonymous judicial well-being surveys were proposed to better track progress and identify emerging needs within the courts.

The Suicide and Addiction Work Group. This work group researched Department of Health statistics on attorney fatalities by suicide. A 14-question survey was administered through WSBA sections, county bar associations, and affinity bar associations and offered opportunities for qualitative responses. The 195 responses provided over 18 pages of candor about the challenges of alcoholism, mental health distress, and burnout among WSBA attorneys. The work group's findings revealed that nearly 10 percent of Washington legal professionals experienced suicidal ideation or engaged in self-harm within the prior year, roughly double the rate found in the general adult population. Furthermore, approximately 85 percent of those affected stated that their legal work environment directly contributed to these thoughts. Regarding substance use, 20 percent said they feel concerned about how often they drink alcohol, compared with 10.9 percent reporting concern in the general U.S. adult population. To combat this, the task force recommends expanding fully confidential, low-barrier clinical evaluation resources and peer-led intervention frameworks. Additionally, the work group advocates for mandatory education on recognizing early warning signs of impairment.

The Diversity Equity and Inclusion Work Group. This work group reviewed research, analyzed WSBA survey data, and identified systemic barriers impacting well-being. The work group reviewed literature and gained information from key sources. Findings indicated that members from historically marginalized groups—including attorneys of color, LGBTQ+ practitioners, and lawyers with disabilities—face disproportionately higher rates of professional isolation, identity-based bias, and burnout. These systemic inequities directly compound existing occupational stressors, which often drive talented, diverse practitioners out of the profession prematurely. The report's primary recommendations focused on building a structured well-being resource hub and embedding mandatory equity-focused well-being education into standard professional development. The work group advised that the WSBA continuously track intersectional demographic data to identify, isolate, and address ongoing disparities in member wellness.

Ultimately, transforming the legal culture in Washington requires a unified effort to dismantle systemic barriers.

The Member Wellness Program Work Group. This work group found that while various individual wellness resources currently exist, they are underutilized due to lack of awareness or concerns over confidentiality. Crucially, many members expressed concerns that turning to the WSBA's Member Wellness Program for help could compromise their confidentiality or jeopardize their law license. This fear persists despite the fact that Admission and Practice Rule (APR) 19 explicitly ensures the confidentiality of these services and establishes a strict regulatory firewall between disciplinary counsel and the Wellness Program. To address this barrier, the task force recommends expanding the pool of available free or low-cost mental health consultations while educating members about the confidentiality protections of APR 19.

The Rules and Regulatory Work Group. This work group focused on institutional policies to support and avoid stigmatizing applicants and members facing mental health or substance use challenges. A key finding indicates that the current framework lacks structured, supportive entry pathways for applicants with a history of impairment, creating barriers to entry into the profession. To address this, the work group supports the implementation of a conditional admission process in Washington, with clear eligibility criteria and monitoring mechanisms. Additionally, the task force recommends exploring structural models like Oregon's State Lawyers Assistance Committee (SLAC) to provide a confidential and rehabilitative alternative to discipline designed to support lawyers whose performance or conduct may be impaired due to mental health challenges, substance use disorders, or other behavioral health issues. These targeted reforms aim to shift aspects of the regulatory environment from a reactive, disciplinary model toward programs focused on early intervention and restorative rehabilitation.

Ultimately, transforming the legal culture in Washington requires a unified effort to dismantle systemic barriers. By prioritizing the normalization of help-seeking to reduce stigma and building deeper community connections, we can counter the isolation experienced across various practices. Concurrently, addressing the structural drivers of stress through workload and regulatory reforms, while integrating equity and inclusivity into all strategies, ensures that systemic pressures are alleviated for all members. Finally, expanding access to holistic resources provides legal professionals with the comprehensive tools needed for long-term health and sustainability. The Board of Governors accepted the final report of the Well-Being Task Force at its May 2026 meeting with the goal of collaborating with WSBA staff and leadership to review and identify the recommendations for implementation. That process is underway. BN

On Board

NEWS FROM THE BOARD OF GOVERNORS & THE WSBA

JULY 24-25, 2026

A Summary of the Board of Governors Meeting

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

MEETING TAKEAWAYS

1 **Financial Updates.** Governor Alain Villeneuve was elected as incoming WSBA treasurer, to assume office at the beginning of the new fiscal year in October. The Board also looked at the first draft of the FY 27 budget, which proposes a planned spenddown of about $1.2 million in the general fund, in alignment with the Board's reserve-fund safeguards. (Note: The 2027 license fees were already set last year using the Board's license fee policy.) The Board is expected to approve a final FY 27 budget in September.

2 **CLE Credit for Mock Trials (and Colorado)!** The Board accepted a recommendation from the MCLE Board—which will now go to the Washington Supreme Court for consideration—to amend APR 11 to establish MCLE credit for lawyer volunteers who judge or evaluate student participants in approved high school or undergraduate mock trials; and to establish MCLE comity with Colorado, which has reporting requirements and cycles that align with Washington's.

3 **Legal Technology Task Force Implementation**. The WSBA Legal Technology Task Force delivered its final report in September 2025. The report organizes 10 key points and includes operational recommendations (for staff implementation) and policy recommendations (for Board implementation). The Board considered several recommendations about how to move forward with policy recommendations and heard updates about how staff have begun implementing operational work.

4 **Reconsidering Change to "Approved Law Schools" to Sit for the Bar.** In May, the Board changed the definition of "approved law schools" that is used to determine applicant eligibility to sit for the bar exam in Washington. The change in the WSBA Admissions Policies expands the definition beyond "ABA-approved" law schools to include law schools that are approved in any other state for bar-exam eligibility and admissions. The Washington Supreme Court already licenses practitioners from these schools through its admissions by motion process. At the July meeting, law school deans and law students spoke for and against the change; several asked the Board to push out the effective date from September to a later time to consider more feedback and information. One governor informed the Board that he intends to bring a motion to rescind the new definition at the September meeting.

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

The amendments:

- Establish a new lawyer license type to comply with the U.S. Servicemember Civil Relief Act.
- Change the filing deadline for testing accommodation requests for the NextGen Uniform Bar Exam.
- Eliminate the expiration of bar exam scores and remove the bar exam requirement to return to active status for WSBA members who previously passed the exam.
- Eliminate outdated and exclusionary language and reduce the active legal experience required for a lawyer from a common law jurisdiction to sit for the bar exam in Washington.
- Declined to take action on a proposed change to the definition of "active legal experience" (used primarily as a requirement for someone who is applying for admission by motion) to gather more information for consideration in September.

6 **RPC Comments Regarding Artificial Intelligence.** The Board approved a proposal by the Committee on Professional Ethics (CPE) that the WSBA serve as co-proponent with the Washington Supreme Court clerk in submitting RPC amendments regarding the legal ethics of artificial intelligence (AI). The amendments to the commentary to RPC 1, 3, 5, 7, and 8 were initially developed by the Supreme Court, after which the clerk and the CPE collaborated to refine the drafts. The comments are meant to assist lawyers in the responsible and ethical use of AI

MORE ONLINE

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

SAVE THE DATE

The next regular meeting is Sept. 24-25 in Spokane. To subscribe to the Board meeting notification list, email barleaders@wsba.org.

technologies in legal practice; they cover use, disclosure, firm policymaking and supervision, fees, bias, and accurate review of AI in providing legal services.

7 **ATJ Board Seeking to Update Its Authorizing Order**. The Board heard an update about the Access to Justice (ATJ) Board's efforts to evolve its mission and work to support and expand civil legal aid. ATJ Board leaders recently completed a community-centered strategic planning process and collected substantial input from stakeholders. It became clear that the board's Authorizing Order, originally adopted in 1994, needed an update. Board members are now modernizing the order and clarifying the ATJ Board's function as a statewide convener, partner, and supporter of civil legal aid. They will present a proposed order to the Washington Supreme Court this fall. To learn more, email atj@wsba.org.

8 **New Charter for the Washington New Members Committee**. The Washington New Members Committee is the evolved form of the former Washington Young Lawyers Committee—and that evolution has required a new charter to fit its new vision and purpose: to support the professional development of new members of the WSBA through mentorship, leadership opportunities, and resources that address critical challenges such as student debt, practical skills gap, and pro bono opportunities. The Board approved the committee's proposed new charter.

THE BOARD ALSO

- **Approved** a recommendation from the Budget & Audit Committee to reallocate $150,000 from the unrestricted reserve to the facilities reserve.
- **Discussed** proposed changes to admissions application fees. The Board expects to vote in September. BN

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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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3S Network, Inc. v. Zenisco, Inc., 2026 WL 1290185 (2026) (affirming summary judgment dismissal on statute of limitations grounds)

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

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

Estate of Janet Wilder v. Aegis Senior Communities, 2026 WL 1134703 (2026) (arbitration agreement unconscionable)

J.M.I., et al. v. State of Washington, __ P.3d __, 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, 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)

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

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

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

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In Remembrance

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

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

Craig Campbell,
#440, 3/13/2026

Thomas Coe,
#23689, 4/6/2026

Janet George,
#5990, 6/27/2026

Charles Hamilton III,
#5648, 6/15/2026

James Hamilton,
#9630, 4/5/2026

Montell Hester,
#121, 4/21/2026

Keith Johnson,
#25179, 12/1/2025

Ulysses Jones,
#26712, 4/8/2026

Scott McJannet,
#41658, 7/10/2026

Patrick Mulvihill,
#33699, 7/12/2026

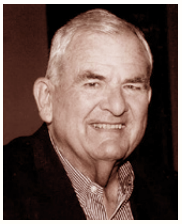
John Payne,
#11707, 6/24/2026

Jay Sayles,
#55268, 6/18/2026

John Wood,
#39120, 5/22/2026

MORE ONLINE

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

#2862, 7/18/2026

Bryce Dille earned his undergraduate degree in political science and economics from the University of Washington in 1961 and his law degree from Gonzaga University School of Law in 1966. Dille focused his legal practice on real estate, business, construction, and health care law. He also had many years of experience handling estate planning and probate matters. Dille and his wife, Gretchen, lived in Pierce County and had three children together. Dille enjoyed football, golf, skiing, fishing, and all water activities. He had extensive volunteer experience, including serving on the Good Samaritan Hospital Board of Directors, the Mary Bridge Hospital Foundation Board, and the Puyallup Valley Chamber of Commerce. Dille was also a longtime volunteer with the WSBA. He was a current member of the Board of Bar Examiners and the Legislative Review Committee. He also served on the Real Property, Probate & Trust Section Executive Committee from 2021 to 2023, as a member of the Limited Practice Board from 2005 to 2008, as a member of the WSBA Board of Governors for District 9 from 2001 to 2004, and as a member of the Disciplinary Board from 1996 to 1999. Dille was a member of the Elder Law, Real Property, Probate & Trust, and Senior Lawyers Sections. He died on July 18, 2026. BN

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- BONDED TITLES & SURETY BONDS
- TITLE TRANSFERS / ESCROW SERVICES
- STANDARD PRESUMPTIVE VALUE (-$)
- MECHANICS LIEN SERVICES
- AUCTION TITLES / LOST TITLE ISSUES
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Need to Know

NEWS & INFORMATION OF INTEREST TO WSBA MEMBERS

WSBA NEWS

Volunteer With the Washington State Bar Foundation

The Washington State Bar Foundation (WSBF) has openings for its Board of Trustees for terms starting Oct. 1. Positions are open for attorneys and non-attorney community members. The WSBF is a 501(c)(3) nonprofit that serves as the fundraising arm of the Washington State Bar Association and advocates and fundraises for its public service, pro bono, and equity and justice programs. Visit **www.wsba.org/about-wsba/washington-state-bar-foundation** for more details, or contact Laura Sanford (lauras@wsba.org).

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

Save the Date for Bench-Bar-Press Committee Luncheon

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

Work at the WSBA

The WSBA has new job openings for those interested. We currently have an opening for Ethics, Wellness, Practice Program Manager & Counsel II, within the Advancement Department. We review candidates on a daily basis. If your skills and experience appear to be a good match for a position, and you meet the minimum requirements of the position you are applying for, our HR representative may be in touch with you to discuss next steps. Visit **www.wsba.org/career-center/work-at-the-wsba** to apply.

THE BAR BUZZ

Seeking Volunteers for Immigration Clinics

In the aftermath of an unprecedented lawyer discipline case, there are many, many former clients who need legal help with immigration issues. The WSBA is working closely with Washington's chapter of the American Immigration Lawyers Association (AILA), legal aid organizations, and the access-to-justice community to support clinics and provide other resources. Would you be willing to help? If you are interested, please visit **https://bit.ly/4wQ3FUl** to fill out a brief Immigration Clinic Volunteer Interest Form and we will connect you with opportunities throughout the state. Immigration law experience and Spanish-language proficiency are great, but all levels of legal experience are more than welcome; training will be offered for discrete tasks.

Notice of LSC Grant Funds Available

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

CLJ Data and Document Portal

Re:SearchWA is the new public case records portal for Courts of Limited Jurisdiction Case Management System (CLJ-CMS) courts. If you already have an eFileWA account, you can use those same credentials when using re:SearchWA. If not, new users will need to click "Register" on the top toolbar on re:SearchWA to create a new free account. Once logged in, you can begin searching for cases right away. Visit **https://researchwa.tylerhost.net/CourtRecordsSearch/ui/Home** for more information including user guides and a list of participating courts.

Entity Regulation Pilot Project Accepting Applications

The application portal for the Entity Regulation Pilot Project is open. This is a time-bound, data-driven, carefully supervised process authorized

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by the Washington Supreme Court to determine whether changes to certain regulatory rules can meaningfully expand access to legal services for Washingtonians. The pilot project allows businesses and nonprofits (not just individually licensed lawyers/LLLTs/LPOs) to seek authorization to offer legal services for the first time in state history. Learn more at **www.wsba.org/about-wsba/entity-regulation-pilot**.

Explore the WSBA Lending Library

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

Please Complete Your Confidential Demographics Form

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

VOLUNTEER

New! Nominate a Volunteer to Spotlight

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

DISCOUNTS AVAILABLE

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

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

RESOURCES

All the Ways to Access Deskbooks

WSBA Deskbooks are trusted, practice-ready legal guides written by Washington lawyers for Washington lawyers. Members can purchase or subscribe to Deskbooks—and now they can also explore the entire catalog online for free through Washington's law libraries, making it easier than ever to put authoritative Washington law at your fingertips! Visit **www.wsba.org/deskbooks** to learn more.

Have You Reviewed Your Group Health Options?

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

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

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

WSBA MEMBER WELLNESS

WA Lawyers Assisting Lawyers

Washington Lawyers Assisting Lawyers is a nonprofit that offers free and confidential services. WALAL is separate from the WSBA and is not affiliated with any 12-step organization. WALAL's trained lawyer volunteers serve as peer counselors to lawyers, judges, and law students facing substance use and other mental health challenges. To learn more visit **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.

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

Sept. 2026 Usury

The usury rate for September 2026 is 12.00%. The auction yield of the Aug. 3, 2026, auction of the six-month Treasury Bill was 3.986%. The interest rate required by RCW 4.56.110(3)(a) and 4.56.115 for Sept. 2026 is 5.986%. The interest rate required by RCW 4.56.110(3)(b) and 4.56.111 for Sept. 2026 is 8.75%. BN

DO YOU HAVE SOMETHING NEWSWORTHY TO SHARE?

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

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- **Legal Immigration Services of Olympia**
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- **QLaw Foundation of Washington**
- **Sandy Williams Justice Center**
- **The Way to Justice**



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WASHINGTON STATE BAR FOUNDATION

Notices

DISCIPLINE & OTHER REGULATORY NOTICES

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

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

Disbarred

Shakespear N. Feyissa (WSBA No. 33747, admitted 2003) of Seattle, was disbarred, effective 6/18/2026, by order of the Washington Supreme Court. Francesca D'Angelo, Nate Blanchard, and Benjamin Attanasio acted as disciplinary counsel. Anne I. Seidel represented respondent. Janice Sue Wang was the hearing officer. James D. Hicks was the settlement hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.4 (Communication), 1.5 (Fees), 1.15A (Safeguarding Property), 4.1 (Truthfulness in Statements to Others), 8.1 (Bar Admission and Disciplinary Matters), 8.4(a) (Violate the RPCs), 8.4(b) (Criminal Act), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), and 8.4(l) (ELC violation).

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

Feyissa was found to have violated the Rules of Professional Conduct by 1) making false statements to one or more insurance providers and/or third parties personally or through a paralegal; 2) failing to give one or more clients reasonable and fair disclosure of material elements of the fee agreement, misrepresenting the amounts of subrogation liens against one or more client's recoveries, and/or making one or more misrepresentations as to whom the "Mahler" and/or other fees would be paid; 3) charging and/or collecting unreasonable fees; 4) failing to maintain disputed funds from a client's settlement in trust until the dispute with the insurance company was resolved; 5) submitting false evidence to ODC during a grievance investigation; 6) lying to a third person about what a client's insurer was offering to settle the client's case; and 7) failing to promptly pay to a third person what the third person was entitled to receive.

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

Shannon Marie McMinimee (WSBA No. 34471, admitted 2003) of Outlook, was disbarred, effective 6/22/2026, by order of the Washington Supreme Court. Francisco Rodriguez acted as disciplinary counsel. Shannon Marie McMinimee represented themselves. Randolph O. Petgrave III was the hearing officer.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.2 (Scope of Representation and Allocation of Authority Between Client and Lawyer), 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 3.2 (Expediting Litigation), 3.3 (Candor Toward the Tribunal), 3.4 (Fairness to Opposing Party and Counsel), 4.1 (Truthfulness in Statements to Others), 8.1 (Bar Admission and Disciplinary Matters), 8.4(b) (Criminal Act), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), 8.4(d) (Prejudicial to the Admin of Justice), 8.4(j) (Violate a Court Order), 8.4(l) (ELC violation), and 8.4(n) (Unfitness to Practice Law).

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

McMinimee was found to have violated the Rules of Professional Conduct by 1) representing clients on a contingent fee basis without having a written fee agreement signed by the clients which sets forth how the fee will be determined; 2) filing suit on behalf of a client without authorization to do so; 3) failing to exercise reasonable diligence and failing to make reasonable efforts to expedite litigation, including by failing to appear at a scheduling conference, failing to comply with deadlines, failing to make initial disclosures, failing to timely respond to requests for discovery, failing to timely communicate with opposing counsel and their staff, failing to timely respond to a motion to dismiss, and failing to monitor a client's age during the representation; 4) making a false statement to the court regarding respondent's reasons for failing to attend a scheduling conference; 5) failing to timely provide initial disclosures in violation of a court order and court rule and failing to timely respond to discovery requests; 6) failing to communicate with clients regarding the status of their case, failing to inform them of discovery requests, and failing to explain developments sufficiently to allow informed decisions regarding the representation; 7) withholding information from clients regarding the status of their case and making false and misleading statements regarding the reasons for terminating the representation; 8) making false statements to disciplinary counsel in a written response to a grievance; 9) providing false deposition tes-

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MORE ONLINE

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

timony regarding provision of a dismissal order to clients; 10) representing clients on a contingent fee basis without having a written fee agreement signed by the clients that set forth how the fee would be determined; 11) continuing to represent a client after the client reached the age of majority without obtaining authorization to do so; 12) failing to act with reasonable diligence and failing to make reasonable efforts to expedite litigation, including by failing to comply with deadlines, respond to motions, cooperate with discovery requests, timely communicate and confer with opposing counsel and staff, file required status reports, avoid scheduling conflicts, serve a pretrial statement, submit mediation materials, respond to a show cause order, file a proposed pretrial order, motions in limine, a trial brief, proposed voir dire questions and jury instructions, monitor a client's age during the representation, serve dismissal orders, and file proof of service; 13) failing to comply with deadlines established by court order and court rule and failing to comply with court orders relating to required filings and procedures; 14) failing to communicate with clients regarding the status of their case and failing to explain developments sufficiently to permit informed decisions concerning the representation; 15) withholding information from clients regarding the status of their case and making false statements regarding the reason the matter was dismissed; 16) making false statements to a mediator regarding a client's authority to act on behalf of another client; 17) providing false deposition testimony regarding actions taken during the representation; 18) representing a client on a contingent fee basis without having a written fee agreement signed by the client that set forth how the fee would be determined; 19) filing an appeal on behalf of a client without authorization to do so; 20) failing to exercise reasonable diligence in federal court litigation, including by failing to appear at a scheduling conference, make initial disclosures, cooperate with discovery demands, timely communicate with opposing counsel and staff, respond to a motion for summary judgment, and seek additional time to respond; 21) failing to timely provide initial disclosures in federal litigation; 22) failing to exercise reasonable diligence in a federal appeal, including by failing to file a mediation questionnaire, opening brief, excerpts of record, maintain a current email address with the court, and monitor the court docket; 23) failing to communicate with a client regarding the status of one or more cases and failing to explain developments sufficiently to permit informed decisions; 24) withholding information from a client regarding the status of a case, failing to disclose the filing of an appeal, making false and misleading statements to the client, and making false statements to family members regarding the status of the litigation; 25) failing to exercise reasonable diligence in an administrative proceeding by failing to respond to a motion for summary judgment and to an inquiry from an administrative law judge; 26) failing to exercise reasonable diligence and failing to make reasonable efforts to expedite an administrative proceeding, including by failing to timely prepare and file declarations, timely respond to a motion, and ascertain client availability before making representations to the tribunal; 27) making false statements to an administrative law judge regarding declarations, client attestations, and hearing availability; 28) failing to communicate with a client regarding the status of an administrative proceeding, failing to promptly respond to inquiries, and failing to explain developments sufficiently to permit informed decisions; 29) making false statements in a reply brief submitted in an administrative proceeding; 30) failing to respond to a motion for summary judgment in an administrative proceeding; 31) failing to appear at one or more administrative hearings; 32) failing to exercise reasonable diligence by failing to appear at hearings, failing to notify the tribunal in advance of a possible inability to appear, and failing to timely explain the reasons for the failure to appear; 33) failing to cooperate with a disciplinary investigation by failing to timely respond to requests for information, provide written responses, produce subpoenaed records, submit to deposition, respond to investigative inquiries, and provide requested credentials; 34) making false statements to disciplinary counsel regarding receipt of correspondence, responses allegedly sent, communications received, and personal medical and dental conditions; 35) failing to serve an affidavit of compliance as required by the disciplinary rules; 36) representing clients on a contingent fee basis without having a written fee agreement signed by the clients that set forth how the fee would be determined; 37) filing an appeal on behalf of clients without authorization to do so; 38) failing to exercise reasonable diligence, including by failing to communicate with opposing counsel and staff, make initial disclosures, provide discovery, cooperate in scheduling depositions and medical examinations, respond to motions, comply with deadlines, maintain current court contact information, notify the court of a change in law firm affiliation, and monitor the court docket; 39) failing to timely provide initial disclosures and failing to immediately notify clients in writing of the dismissal of an appeal as required by court orders; 40) failing to communicate with clients regarding the status of their cases, failing to explain developments sufficiently to permit informed decisions, and failing to provide requested updates; 41) withholding information from clients regarding the status of their cases, making misleading statements regarding the status of an appeal, making false statements to a third party, and making a false statement to opposing counsel regarding initial disclosures; 42) making false statements to a court regarding receiving medical treatment; 43) testifying falsely under oath concerning counsel status and purported medical treatment; 44) failing to cooperate with a disciplinary investigation by failing to respond to requests for information, provide requested medical information and releases, produce subpoenaed records, and submit to deposition; 45) feigning impaired speech during a deposition; 46) making false statements to the Washington Supreme Court during a show cause hearing and in a declaration submitted to the Court; 47) failing to exercise reasonable diligence by failing to file an answer to a counterclaim, timely file a motion to dismiss, timely file an opening brief, and respond to an order to show cause; 48) failing to timely file an opening brief or motion and failing to respond to an order to show cause; 49) making false statements in a written response to a grievance regarding clients' purported strategic decisions concerning litigation; and 50) engaging in conduct that demonstrated an unfitness to practice law.

Decision documents: Hearing Officer's Decision; Disciplinary Board Order Declin-

MORE ONLINE

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ing Sua Sponte Review and Adopting Hearing Officer's Decision; and Washington Supreme Court Order.

Jeremiah Spencer Styles (WSBA No. 49543, admitted 2015) of Edmonds, was disbarred, effective 7/16/2026, by order of the Washington Supreme Court. Henry Cruz acted as disciplinary counsel. Jeremiah Spencer Styles represented themselves.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.1 (Competence), 1.3 (Diligence), 1.4 (Communication), 1.16 (Declining or Terminating Representation), 3.2 (Expediting Litigation), 3.4 (Fairness to Opposing Party and Counsel), 5.1 (Responsibilities of a Partner or Supervisory Lawyer), 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of Law), 5.8 (Misconduct Involving Disbarred, Suspended, Resigned, and Inactive Lawyers), 8.1 (Bar Admission and Disciplinary Matters), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), 8.4(d) (Prejudicial to the Admin of Justice), 8.4(j) (Willful Disobedience of a Court Order or Rule), and 8.4(l) (ELC violation).

Styles stipulated to disbarment for: 1) failing to interview any state witnesses, failing to be prepared for trial, and failing to appear at multiple trial call hearings in a client's felony matter; 2) failing to explain an associate attorney's limited legal experience to the client; 3) failing to request the court's authorization to withdraw from the client's matter after trial was set; 4) assigning the client's trial to an associate attorney, ratifying the associate attorney's decision not to interview any state witnesses, and failing to supervise the associate attorney; 5) failing to provide competent representation to clients in immigration matters; 6) unreasonably delaying clients' immigration matters, preparing applications for immigration benefits for which the client were ineligible, and/or failing to investigate a client's immigration record; 7) failing to inform or timely inform clients in immigration matters of the denial of their application, their ineligibility for benefits, and/or respondent's failure to file an application; 8) failing to comply with all duties under ELC Title 14; 9) practicing law during respondent's suspension; and 10) making false or misleading statements in respondent's affidavit of compliance.

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

Resigned in Lieu of Discipline

Robert Patrick Brouillard (WSBA No. 19786, admitted 1990) of Shoreline, resigned in lieu of discipline, effective 6/12/2026. The lawyer agrees that they are aware of the alleged misconduct in disciplinary counsel's Statement of Alleged Misconduct and rather than defend against the allegations, they wish to permanently resign from membership in the Association. Henry Cruz acted as disciplinary counsel. Robert Patrick Brouillard represented themselves.

The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.15A (Safeguarding Property), 1.15B (Required Trust Account Records), 3.2 (Expediting Litigation), 4.1 (Truthfulness in Statements to Others), 8.1 (Bar Admission and Disciplinary Matters), 8.4(b) (Criminal Act), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), 8.4(d) (Prejudicial to the Admin of Justice), 8.4(i) (Moral Turpitude, Corruption or Disregard of Rule of Law), and 8.4(l) (ELC violation).

Brouillard's alleged misconduct includes: 1) misappropriating client funds held in respondent's trust account, 2) testifying falsely under oath at an ODC deposition, 3) making false statements in the written response to a client's grievance, 4) making false or misleading statements to clients, 5) making a false statement to a third party, 6) failing to perform most of the work in a client's matter when time was of the essence, 7) failing to respond to a client's requests for information and failing to inform the client of the status of the matter, 8) failing to promptly or accurately provide a written accounting to clients after distributing funds from trust or upon the client's request, 9) failing to promptly deliver funds to a client, 10) failing to hold client funds in a trust account, 11) failing to provide clients with written notice of respondent's intent to withdraw earned fees from the trust account, 12) withdrawing funds in excess of the amount clients had on deposit in respondent's trust account, 13) failing to maintain complete and accurate client ledgers, 14) failing to reconcile the check register to the bank statements and failing to reconcile the check register to the combined total of all client ledgers, 15) failing to comply with ODC's requests and subpoenas.

Decision document: Resignation Form of Robert Patrick Brouillard ELC 9.3(d).

Robert M. Keefe (WSBA No. 5222, admitted 1973) of Seattle, resigned in lieu of discipline, effective 6/16/2026. The lawyer agrees that they are aware of the alleged misconduct in disciplinary counsel's Statement of Alleged Misconduct and rather than defend against the allegations, they wish to permanently resign from membership in the Association. Francisco Rodriguez acted as disciplinary counsel. Christopher J. Mainard represented respondent.

The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 1.15A (Safeguarding Property), 1.15B (Required Trust Account Records), 5.3 (Responsibilities Regarding Nonlawyer Assistants), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), 8.4(d) (Prejudicial to the Admin of Justice), and 8.4(l) (ELC violation).

Keefe's alleged misconduct includes: 1) using client funds to cover checks respondent had issued to other clients and/or improperly collecting wire transfer fees from a client and/or improperly rounding respondent's fee upward; 2) disbursing funds from respondent's trust account before respondent received the corresponding deposits and/or disbursing funds to clients in excess of the funds the clients had on deposit in respondent's trust account; 3) commingling respondent's funds with client funds in respondent's trust account; 4) failing to maintain a complete and accurate check register for respondent's trust account; 5) failing to maintain complete and accurate client ledgers; 6) failing to properly reconcile the check register to the bank statements and/or failing to properly reconcile the check register to the combined total of all client ledgers; 7) failing to make reasonable efforts to supervise respondent's staff and/or the person handling respondent's trust account; 8) submitting one or more false statements to ODC regarding respondent's withdrawal of respondent's funds from respondent's trust account in 2016; 9) submitting one or more false statements to ODC and/or a Review Committee of the Disci-

CONTINUED >

plinary Board regarding respondent's practice of issuing post-dated checks to clients; 10) disbursing funds from respondent's trust account before respondent received the corresponding deposits during the period from Dec. 1, 2017, to Jan. 31, 2020; 11) disbursing funds to clients in excess of the funds the clients had on deposit in respondent's trust account during the period from Dec. 1, 2017, to Jan. 31, 2020; 12) failing to maintain complete and accurate client ledgers during the period from Jan. 1, 2024, to April 30, 2025; 13) withdrawing client funds from trust to which respondent was not entitled, for respondent's own use, during the period from Jan. l, 2024, to April 30, 2025; 14) failing to properly reconcile the trust account check register balance to the combined total of all client ledgers during the period from Jan. 1, 2024, to April 30, 2025; and 15) failing to make reasonable efforts to supervise person handling respondent's trust account during the period from Jan. 1, 2024, to April 30, 2025.

Decision document: Resignation Form of Robert M. Keefe ELC 9.3(b).

John Michael McWilliams (WSBA No. 44254, admitted 2011) of Bellevue, resigned in lieu of discipline, effective 6/22/2026. The lawyer agrees that they are aware of the alleged misconduct in disciplinary counsel's Statement of Alleged Misconduct and rather than defend against the allegations, they wish to permanently resign from membership in the Association. Henry Cruz acted as disciplinary counsel. Kenneth Scott Kagan represented respondent. Jeff H. Capell was the hearing officer. Timothy J. O'Connell was the settlement hearing officer.

The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 1.4 (Communication), 1.5 (Fees), 1.15A (Safeguarding Property), 1.15B (Required Trust Account Records), 8.1 (Bar Admission and Disciplinary Matters), 8.4(b) (Criminal Act), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), 8.4(d) (Prejudicial to the Admin of Justice), 8.4(i) (Moral Turpitude, Corruption or Disregard of Rule of Law), and 8.4(l) (ELC violation).

McWilliams' alleged misconduct includes: 1) misappropriating estate funds, charging a client's credit card without authorization, and/or using the client's advance bond without authorization; 2) using and/or converting client funds held in trust; 3) failing to deposit the client's advance bond into a trust account and/or failing to hold estate funds in a trust account; 4) withdrawing funds from the trust account before fees were earned and/or failing to provide the client with written notice of respondent's intent to withdraw earned fees from the trust account; 5) failing to promptly and/or accurately provide a written accounting to the client after distributing funds from trust and/or upon the client's request, and/or failing to timely communicate with the client regarding fees allegedly earned; 6) failing to promptly deliver funds to the client for distribution to the heirs of the estate; 7) failing to maintain disputed legal fees in trust; 8) using estate funds on behalf of another client and/or disbursing funds in excess of the amount a client had on deposit; 9) failing to maintain a complete and/or current check register; 10) failing to maintain complete and/or current client ledgers; 11) failing to reconcile check registers with client ledgers; 12) collecting tens of thousands of dollars more than the amount earned in the relevant estate matter; 13) making false statements in connection with the disciplinary investigation; 14) testifying falsely under oath at a Jan. 23, 2025, deposition; and 15) failing to respond, and/or to respond promptly, to disciplinary counsel's written requests and/or subpoenas for records.

Decision document: Resignation Form of John Michael McWilliams ELC 9.3(b).

Suspended

Rebecca Sirius Fritch Flanagan (WSBA No. 39426, admitted 2007) of Portland, OR, was suspended for 30 days, effective 3/13/2026, 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/FLANAGANRebeccaSiriusFritch24-201.pdf*. Henry Cruz acted as disciplinary counsel. Nellie Quinn Barnard represented respondent.

Decision document: The Washington Supreme Court Order.

Paul F. Sherman II (WSBA No. 36091, admitted 2005) of Portland, OR, was suspended for 30 days, effective 5/01/2026, 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/SHERMANPaulF24-28.pdf*. Henry Cruz acted as disciplinary counsel. Paul F. Sherman II represented themselves. Decision document: The Washington Supreme Court Order.

Reprimanded

Robert R. Cossey (WSBA No. 16481, admitted 1986) of Spokane, was reprimanded, effective 5/21/2026, by order of the Chief Hearing Officer. Francisco Rodriguez acted as disciplinary counsel. Robert R. Cossey represented themselves.

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

Cossey stipulated to reprimand for: 1) in a dependency matter, failing to take reasonable steps to ensure the planned hearing to address visitation between a client and the client's minor child took place and failing to exercise reasonable diligence in reviewing proposed orders, 2) failing to file a notice of intent to withdraw and failing to otherwise notify the court of the termination of the representation.

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

Douglas Lawrence Losak (WSBA No. 24106, admitted 1994) of Ukiah, CA, was reprimanded, effective 6/01/2026, by order of the Washington Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of California. For more information, see *https://apps.calbar.ca.gov/attorney/Licensee/Detail/220443*. Henry Cruz acted as disciplinary counsel. Douglas Lawrence Losak represented themselves.

Decision document: The Washington Supreme Court Order.

Paul Andrew Petry (WSBA No. 23605, admitted 1994) of Seattle, was reprimanded, effective 6/08/2026, by order of the Chief Hearing Officer. Thea Jennings acted as disciplinary counsel. Todd Anthony Bowers

represented respondent.

The lawyer's conduct violated the following Rules of Professional Conduct: 1.15A (Safeguarding Property) and 1.15B (Required Trust Account Records).

Petry stipulated to reprimand for: 1) failing to maintain a check register for respondent's trust account, 2) failing to maintain complete and accurate client ledgers, 3) failing to reconcile a trust account check register to bank statements and failing to reconcile the trust account check register to the combined total of all client ledgers, 4) disbursing funds from a trust account before the client's deposit from which the fees were to be drawn had cleared respondent's trust account, and 5) disbursing funds from a trust account before respondent had fully earned those fees.

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

Interim Suspension

Eliseo Hidalgo Arebalos Jr. (WSBA No. 60504, admitted 2023) of West Hollywood, CA, is suspended from the practice of law in the state of Washington pending the outcome of disciplinary proceedings, effective 6/12/2026, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.***

Jenifer A. Robinson (WSBA No. 35326, admitted 2004) of Tukwila, is suspended from the practice of law in the state of Washington pending the outcome of disciplinary proceedings, effective 7/02/2026, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.***

Nathan J. St. Goddard (WSBA No. 43680, admitted 2011) of Browning, MT, is suspended from the practice of law in the state of Washington pending the outcome of disciplinary proceedings, effective 6/05/2026, by order of the Washington Supreme Court. ***This is not a disciplinary sanction.*** BN

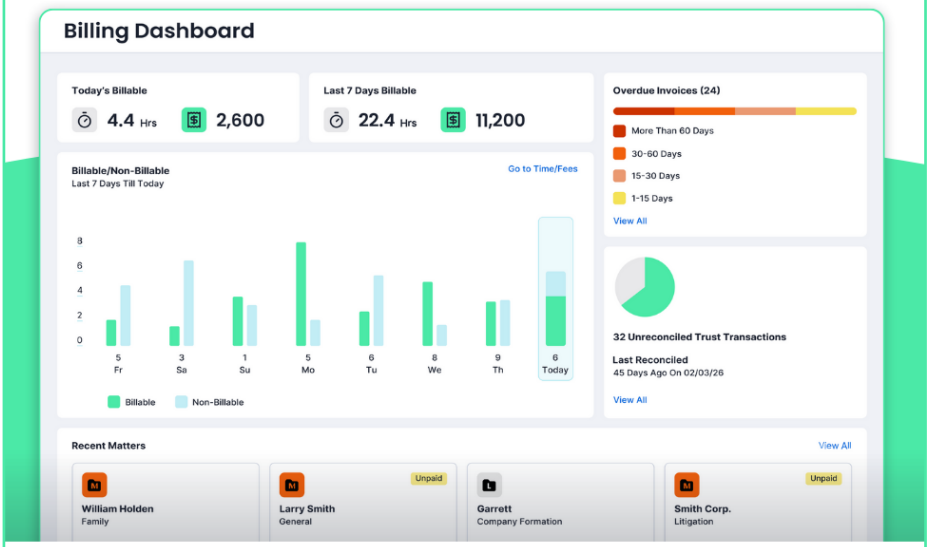
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LIGHTNING ROUND

Jennifer A. Gellner, LL.M.

BAR NUMBER: 30701

Jennifer A. Gellner is the attorney/owner of Gellner Law handling estate planning, probates, trusts, and tax controversy. She was the director of the Federal Tax Clinic and faculty member at Gonzaga University School of Law for 10 years (2008–2018). She was admitted to the Washington State Bar in 2000 and has been an executive committee member of the WSBA Taxation Section for 25 years.



What is the most interesting case you have handled in your career so far and why?
There have been several very interesting cases, but working with law students over four years and winning against the IRS in the Ninth Circuit Court of Appeals was extraordinary—and we were awarded and obtained attorney fees!

If you could change one thing about the legal system, what would you change?
The cost of law school.

How is being a lawyer different from the way you thought it would be?
I had no idea what to expect, but the most surprising thing to me is the broad range of people's reactions when I say I am a lawyer.

How did you become interested in your practice area?
I did not know what practice area I was interested in and was using the process of elimination when tax law picked me. My friends and I wanted to take a class together in our second year and the only one we could all attend was a corporate and partnership tax course, which turned out to be much harder than we anticipated. Both my professor and I were surprised that I was the student who earned the A+ that semester.

How do you define success as a lawyer?
I feel successful with every "win" for my clients and when they are so appreciative of my help.

At the end of your career, how would you like to be remembered professionally?
As an ethical and caring lawyer who helped many clients attain their goals. BN

If you had to give a 10-minute presentation on one topic other than the law, what would it be and why? Jewelry—before going to law school, I became a registered jeweler with the American Gem Society and passed all diamond examinations with the Gemological Institute of America.

If you could go back in time, where/when would you go? Maybe 1950s America.

What did you eat for breakfast this morning? One of my pre-made veggie egg bites.

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

What is one thing your colleagues may not know about you? I play the cello.

What is your favorite smell? Lavender.

What is your favorite podcast? *Brooke & Jeffrey*, Second Date Update.

What book have you read more than once? The *Outlander* series.

What is the last thing you watched on television? *Flip or Flop* on HGTV.

What is the best fictional representation (TV, movie, book) of a lawyer? I like watching Kathy Bates as *Matlock*.

What is your best random fact that you would share with others at a party? My biggest pet peeve is when people refer to their tax refund as their return—it's astonishing how many people talk about their return and mean their refund.

Staff illustration

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