

# HEARSAY



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OCTOBER 2009

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION



## CCBA Members Active as Summer Ends

**Golfing for Glory**  
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**Running in Relays**  
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**Dancing for Donations**  
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**Biking for a Break**  
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### ON THE COVER

Mark Muenster casually strolls off the picturesque 16th green after sinking a long putt in the CCBA's Annual Golf Tournament at The Cedars.

**CORRECTIONS:** A photograph of Judge Roger Bennett was incorrectly identified on page 3 of the September edition. We apologize for the error.

The CCBA can accept credit card payments for any charge other than health insurance premiums. Last month's issue incorrectly indicated at page 4 that credit cards could be used for that purpose.

HEARSAY is published 12 times per year and is edited by: **JEFF GOUGH, Creative Director • GOUGH CREATIVE GROUP • 360-818-4GCG • [director@goughcreative.com](mailto:director@goughcreative.com)**

An annual subscription is included with annual membership dues. Members may purchase additional subscriptions for \$40.00 each. Letters, news items, upcoming events and announcements are welcome. Articles by members are accepted. Submissions should be presented in Microsoft Word and may be edited for length, clarity and style. Submissions by members are published at the editor's discretion and space available. Views expressed in articles represent the authors' opinions, not necessarily the CCBA's. The publication does not purport to offer legal advice.

CCBA OFFICE HOURS: Monday through Friday, 8:00 a.m. to 5:00 p.m.

## PRESIDENT'S MESSAGE

# Exercise

## Apparently it's not for everybody...



**DAVID W. RIDENOUR**

*CCBA President*



Mila Chase and her Hood-to-Coast Team of local attorneys inspired me to start running a couple months ago. Just maybe, I thought, the team will lose a member at the last minute and need somebody to fill in and be the hero. I was determined to

be ready if called upon to save the day. Well, I discovered that I don't run as much as I jog. Okay, it's not jogging as much as it is shuffling along hunched over gasping for oxygen. The end of the dream came a few weeks ago when I ate a fly and a neighbor's dog bit me on the foot.

As it turned out, Team Law & Odor needed no savior. All team members showed up ready to go, and ran like the wind in splits that seemed impossibly quick. As fast as they were, I understand they spent much of the race eating dust kicked up by the sneakers of Judge Scott Collier's team. Read all of the details in Mila's article on page 8.

Even more sobering was the workout Phil Foster received while touring the nation on his recumbent bike. (The idea of a sabbatical sounds wonderful, Phil, but a sabbatical where you have to work that hard?) Phil shares some of the highlights of his amazing trip at page 11.

Then we have member Lisa Lowe, who last month charmed the judges while Dancing with the Local Stars – a charity fundraiser supporting the Pearson Air Museum. Thank you, Lisa, for working to break the stereotype of lawyers as stiff and boring bookish types. We don't all dance like Al Gore, right?

Lisa certainly didn't, and you can read about her experience in the article at page 10.

I decided that I would get my exercise for the year by just playing in the annual CCBA Golf Tournament. This is a sporting event, after all, and golfers are athletes. I was attracted by the scramble format which guaranteed that I would rarely have to leave the golf cart, other than to take my turn on the tee to take three swings at a soon-to-be-lost-in-the-woods golf ball.

Fortunately, golf is as much a mental game as it is a physical one. Aha! I can raise my game to a competitive level merely by hitting the books! I stayed up all night Thursday before the tournament, cramming like in law school, highlighting the key chapters of my Duffer's Handbook:

- Chapter 1 - How to Properly Line Up Your Fourth Putt.
- Chapter 2 - How to Hit a Nike from the Rough After Hitting a Titleist from the Tee.
- Chapter 3 - How to Avoid the Water When You Lie 8 in a Bunker.
- Chapter 6 - Using Your Shadow on the Greens to Maximize Earnings.
- Chapter 9 - How to Rationalize a 6-Hour Round.
- Chapter 10 - How to Find that Ball that Everyone Else Saw Go in the Water.
- Chapter 12 - How to Let a Foursome Play Through Your Twosome.
- Chapter 14 - How to Relax When You Are Hitting Three Off the Tee.
- Chapter 15 - Spirituality and the Meaning of the Birdie-to-Bogey Three Putt.

The cramming didn't improve my game enough to assure victory for our team. Even Tim Talkington's laser-beam approach shots and Mark Muenster's keen eye for reading greens couldn't make up for my distracted play. My teammates designated me social director, quickly realizing that my strength was in representing the team when the drink-cart-girl came by.

But the competition among average and better golfers was close, and the tournament was great fun for all who participated. Once again The Cedars on Salmon Creek Golf Course hosted a first-class event, with a terrific dinner and awards ceremony following play. You'll get all of the details from Tournament Director Mark Carter's recap on the next page.



As the summer draws to a close, I think I've decided to just stop pretending to exercise at all. Hey, a few extra pounds will keep us warm when the rain and cold weather returns, right?

See you next month!  
— David



The geese on the course got plenty of exercise running away from errant tee shots by CCBA members.



But these cute little rabbits we saw playing near the 16th fairway weren't bothered at all by our play.

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# 2009 CCBA Golf Tournament at The Cedars



**MARK CARTER**  
Golf Tournament Section Chairman

Forty six members of the Clark County Bar Association enjoyed a warm sunny Friday afternoon of golf on September 18, 2009 at The Cedars on Salmon Creek golf course. The annual four person scramble has two divisions – “A” Flight & “B” Flight - that play for fun and prizes. The top prize - for the “A” flight champion - are the coveted winner’s jackets. Each year the winners add their names and the year of their victory to the jackets. The 2008 winners – John Holtmann, Randy Printz, Steve Leatham and David Christel - added yellow “wings” in a creative twist to adorn the jackets.

The jackets have been passed down to the subsequent winning team each year starting with the 1995 (and 1996 and 1997) winning team of Bill Boettcher, Hugh Potter, John Holtmann and David Christel. Holtmann and Christel won the jackets in 1998 and 1999 as well with other players added to their roster. In 2000 the string of Holtmann/Christel victories was finally broken by the team of Barry Brandenburg, Seeley, Jim Senescu and Jim Mayhew. A 2001 victory by the Tim Dack, Hill, Smith & Jeff Kunkel team is the only victory by another team in the 15-year run of the winners’ jackets.

In the “B” flight, the team from Bullivant Houser, (Russ Garrett, Kevin Sampson, Scott Anders and Todd Mitchell), had a very strong round of 66. The 2010 Super Secret Selection Committee will have to give strong consideration to moving the Bullivant team up to the “A” flight for next year. A team that will definitely move up to the “A” flight will be the team of Steven Sowards, Roger



2008 A-Flight Champs show off their addition of “wings” to the jackets: l to r, Steve Leatham, Randy Printz, and John Holtmann. Not pictured - David Christel.



2009 A-Flight Champs JD Nellor, Tim Dack, Matthew Philbrook and Mark Carter.



Russ Garrett receiving the Kunkel memorial award from Tim Dack. KP on 17 wins the award named after Jeff Kunkel from Starting Point. Jeff passed away five years ago and played in the tournament many times including being on the 2001 winning team.

Knapp, Shawn Macpherson and Michael Lehner who finished with a startling "B" flight score of 62. Well done - we look forward to expanding the number of teams playing in the "A" flight next year!

Since 2001, the "A" Flight has been an annual battle between two teams. The foursome of John Holtmann, Randy Printz, Steve Leatham and David Christel has won the revered winners' sport jackets four times while the team of Barry Brandenburg, Jim Mayhew, Judge John Nichols and Jim Senescu has donned the jackets three times. It was presumed by many that the A flight would be a fight between these two teams yet again - but a dark horse team emerged victorious. Both of the teams put up strong scores - tying at 60 with the Brandenburg team winning the tie breaker - but it was the team of Tim Dack, JD Nellor, Matthew Philbrook and Mark Carter that shocked the world with a 58 and the crown of A Flight champions for 2009. Following the mandatory drug testing, the score held up and the new champs will have to determine how to properly adorn the winner's jackets before next year's tournament.

With the support of our sponsors we were able to have lots of prizes for KP's and long drives - plus a raffle prize for each player. Special thanks to this years sponsors: Davidson Insurance - who gave away a new driver; Attorney Bookkeeping - who gave away a nice bottle of wine; Schmitt & Lehman; Bullivant Houser; Clark County Title; and Scott LeMaster from Biggs Insurance.

It was a fun event and a great time to spend a relaxing afternoon with other members of the Bar Association outside of the daily grind of the law. The tournament was followed by a wonderful dinner and awards ceremony. If you were unable to spend the afternoon golfing with us this year - hopefully you will be able to make it next September.



2009 B-Flight Champs (and A-flight team for next year) Roger Knapp, Michael Lehner, Shawn MacPherson and Steven Sowards.



2009 A-Flight 2nd place Team: Barry Brandenburg, Jim Mayhew, Judge John Nichols, and Jim Senescu.

## GREEN & RITCHIE HAS MOVED

*Effective October 1, 2009 the law firm of Green & Ritchie, PLLC has relocated to 1601 Lincoln Avenue, Vancouver, WA 98660. The new office is located just north of Mill Plain on the corner of 16th and Lincoln – only a few blocks from the courthouse. All other contact information will remain the same:*

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**JACK GREEN, AARON RITCHIE AND KRISTEN PARCHER**



# Judicial Evaluation Completed

## HEARSAY STAFF

Six applicants met the September 1, 2009 deadline to apply for the Department 5 Superior Court judicial position being vacated by Judge Robert Harris at the end of the year. Local attorney Peter Fels entered the fray after press time of our last edition and joins other applicants District Court Judge Richard Melnick, Superior Court Commissioners Carin Schienberg and Dan Stahnke, and attorneys David Gregerson and Mark Baum. CCBA members were honored to hear from each applicant at the Annual Meeting held at the Quay on September 14, 2009.

The Governor's appointment process is quite rigorous and includes interviews with a number of groups around the state, as well as a County Bar Association Judicial Evaluation Poll. The areas surveyed by the poll were Legal Ability, Judicial Temperament, Integrity and Relevant Legal Experience. Candidates

were rated as Exceptionally Well Qualified, Well Qualified, Qualified, Not Qualified, and Insufficient Knowledge to Rate.

By the time this edition of Hearsay is delivered, Clark County Bar Association Members will have turned in their responses to the Judicial Evaluation Poll and the results will have been tallied and delivered to the Governor. Keep watching future editions for further information.

The Governor's office is reportedly committed to choosing a candidate with sufficient time for that person to be ready to take the bench in January, 2010. The successful candidate will inherit some interesting criminal cases pending in Department 5 and large shoes to fill.

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# Hood to Coast, 2009!

“Law & Odor” Runs Neck and Neck with Judge Collier’s Team “No Name”



**MILA CHASE**

*Hearsay Special Correspondent*

“Law & Odor”, a running team sponsored by the CCBA Young Lawyers Section for the second year, ran the Hood to Coast race on August 28 and 29, 2009. The team, primarily made up of Clark County Bar Association members, included attorneys Chad Sleight, Andrew Wheeler, Mila Chase, Christopher Boyd, Jennifer Nugent, Rachael Probstfeld, Greg Gonzales, John Fairgrieve, Sean Riddell, and our returning youngster, Shaun Smith (a WSU student), Vancouver Police Department’s Matt Bachelder, Coffee Lounge’s Jennifer Selga, and Honorary Member, Judge Harris. Each person ran three different legs in the relay from Mt. Hood to Seaside, Oregon. On average, each member ran approximately 17 miles.

## Race Basics

The race starts from majestic Mt. Hood and runs 197 miles to the Pacific Ocean in Seaside, Oregon. Begun 29 years ago, Hood to Coast has grown to be the largest relay race in the world with 12,000 participants. The event raises funds for charity, and brought in \$361,929 for the American Cancer Society this year.

## The Training

We started training late in the spring, and continued through the scorching summer days.

## The Beginning of the Race

The goal of the event is to get through the physical and mental challenge, and to finish. However, as part of the fun and chaos, teams always have substitutions, last minute details, and some mishaps along the way. For those who have never done the event, transportation details are important to sort out months in advance. While gearing up the night before the big event, Law & Odor learned a Portland team of attorneys swiped the vans



Andrew Wheeler passes the wrist-band “baton” to teammate Chris Boyd.

reserved for Law & Odor. How this issue was resolved cannot be disclosed as part of the settlement agreement between the two teams.

Once resolved, Law & Odor started on Thursday evening, August 27, 2009, loading up on spaghetti. Race time began at Mt. Hood on Friday at 2:30 p.m., in surprising windy and cold conditions. Shaun Smith, who is known for the shortest running shorts, started the team flying down the high elevation. Then Chad Sleight set a team record running a shocking 6:23/mile-pace during his first leg down the mountain.

Law & Odor was cruising through the race. Then . . . Judge Collier, almost unrecognized without his mustache, was spotted by a Law & Odor member. He was part of a team of friends whose team was without a name; hence “No Name”. After chatting with Judge Collier, exchanging running times and other bragging rights, his team took off in front of Law & Odor. Did we mention Judge Collier’s team started 15 minutes after Law & Odor?



## The Middle of the Night

During a short break, Law & Odor gorged on pizza and pasta, and some members even got massages. (Doesn't sound so bad, does it?) Then they were off running again literally in the middle of the night. Law & Odor ran through the night and the wee hours of the morning, gained some ground, and successfully passed Team No Name. Law & Odor then slept for an inadequate, but invaluable amount of time either squished inside the vans or outside in the rain.

Aside from the typical cliff bar and granola meals, artificial sports drinks, and sleep deprivation, the greatest part of the challenging event was the team camaraderie, encouragement, and good sense of humor. Our fearless Greg Gonzales, a.k.a. Gonzo, is known for his even temperament, his jokes (some might call them pranks) and sense of humor. To keep pace with some of the more outrageous outfits observed this year, Greg promised to wear a bright yellow unitard next year. Surely to be a sight!

## The Finish Line - Next Day

Through the fun and delirium during the last hours of the race, Law & Odor had been passed again by Team No Name, with Judge Collier saying, "We'll see you at the finish!"

A few moments later . . . or maybe several, Law & Odor had an excellent finish, with John Fairgrieve bringing the whole team across the finish line in the sand. What a successful race! Nobody was injured, lost, or left, and the team ran well! They should be proud of their hard-earned medals.



The entire team joins final runner John Fairgrieve as he approaches the finish line on the beach in Seaside.



Half the team poses for a photo after completing the 197 mile relay race.

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# Lisa Lowe Dances in Local Charity Event

**JEAN MCCOY**

*Hearsay Special Correspondent*

*“What was I thinking?”*

On the evening of August 22, 2009 at the Pearson Air Museum, these were the words running through Lisa Lowe’s mind as she waited for the music to begin. Lisa Lowe, a shareholder at the local office of Schwabe, Williamson & Wyatt, couldn’t say no when asked to be one of the Local Stars tapped to dance in a benefit for the Pearson Air Museum. The fundraiser, named “Dancing with the Local Stars”, raised over \$72,000.00 that evening to benefit the Air Museum’s programs. Over 500 people gathered to watch the dancers perform. The winner was not based on technical dancing performance, but on the amount of pledges collected.

Lisa began a practice schedule in May through the Arthur Murray Dance Studio and danced the waltz in competition. Her dance instructor had to withdraw the week before the event, so not only did the publicity-shy attorney face dancing in front of a packed crowd, but with a partner she had met with the first time only the week before! Kudos to Lisa for her hard work and for all the benefits such selfless actions bring to our community.



Lisa Lowe performs the waltz to raise money for the Pearson Air Museum.

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# Phil Foster Takes On the Trans-America Trail

HEARSAY STAFF



CCBA member Phil Foster recently completed a trip across the United States on a recumbent bike. Hearsay sat down with Phil to ask him about some of his experiences during the trip.

**Hearsay:** I understand you rode a recumbent bike across the United States. What was that like?

**Foster:** Fun.

**Hearsay:** Did you meet interesting people?

**Foster:** Yes.

**Hearsay:** Okay, name one.

**Foster:** Sure. I met the drummer for the Stockholm symphony, going the other way. Then there was the Danish statistician, again going the other way. He was measuring the average feet gain in elevation, per mile, state by state. By that reckoning, Missouri was much more mountainous than Colorado. (He was right.)

**Hearsay:** Okay. Any others?

**Foster:** A farmer, in overalls, in Missouri, in a Dairy Queen. He came over to tell me about how, twenty years ago, he had made a raft out of “free” used telephone poles, and rafted down the Missouri River for three weeks, Huck Finn style. He had no engine on the thing, and people were so disbelieving they’d ask to come aboard to look for the hidden outboard they thought he must have had. It was his ‘trip of a lifetime’, he said. He was buying his grandkids root beer floats. Then, there were the two math professors ...

**Hearsay:** Enough with the interesting people. Tell us about how far you went?

**Foster:** 4,591 miles, lengthwise. 11,529 feet up, elevation-wise. 15 pounds lighter, weight-wise. I generally followed the Trans-America Trail, which starts in Astoria, Oregon. It took 75 days averaging about 66 miles a day. Generally, it went down the coast from Astoria to Lincoln City, then over to Eugene, across to Sisters, straight east to Baker City, northwest through Idaho to Lolo Pass and Missoula, Montana, then southeast through Wyoming to Breckenridge and Pueblo, Colorado. Then straight east through eastern Colorado, Kansas, the south part of Illinois, Kentucky, and Virginia, ending in Yorktown, where the Revolutionary War ended. The trip back was faster – I took a plane.

**Hearsay:** How was traffic, scary?

**Foster:** Nope, someone has told every commercial truck driver on a US highway to stay far away from bicycles, so that worked well, except on no-shoulder roads, where I figured they could have the highway, and I could inspect grass, until they passed.

**Hearsay:** Where did you stay along the way?

**Foster:** Starting in Wyoming and all the way to Virginia, many small towns let bicyclists camp in their city parks, which are usually next door to city pools. If the city pool has two water pipes going into the showerhead, it means a warm shower. Otherwise, I stayed at churches, one fire station, the back yards of two restaurants, state or private campgrounds, and every now and then (particularly during thunderstorms) a motel, (\$45 being “high” for a small town motel).

**Hearsay:** Why did you do it?

**Foster:** Plead the 5th. Then again, maybe you should ask Terry Lee, who’s also crossed the US on a bike. Twice.

**Hearsay:** Hmmm. Back to work now?

**Foster:** Yes, full-time.

**Hearsay:** Do you plan to take more of these trips in the future?

**Foster:** No. You interested in buying a nice recumbent bike?

**Hearsay:** We’re asking the questions here. So, is riding a bike across the US like practicing law?

**Foster:** Not at all. For instance, not once did I hear the phrase: “Counsel, not in my courtroom”.



Phil (far left – kneeling) with a group of fellow riders near Syringa, Idaho.



Preparing dinner at the side of the road in Idaho.



Route of the ‘Trans-America Trail’, established in 1976 to celebrate the U.S. Bicentennial.



Pausing at the Kentucky state line before the second half of the trip.

# Judge Harris Receives Lifetime Service Award

## HEARSAY STAFF

The Washington State Bar Association has honored Judge Robert Harris with its 2009 Lifetime Service Award. WSBA President Mark Johnson presented the Award to Judge Harris at the state association's Annual Awards Dinner on September 24, 2009, in Seattle.

"Judge Harris was instrumental in creating and fostering an atmosphere of competency and professionalism amongst his fellow Clark County judges," wrote WSBA Governor Loren Etengoff in his nomination letter. "The majority of his 50-year legal career has been spent serving the public. He is especially deserving of this recognition for his lifetime of service."


The WSBA recognized Judge Harris' three decades of service to Clark County citizens in a variety of capacities. He is a past-president and member of the Washington State Superior Court

Judges' Association, and has served on the Board of Judicial Administration in a number of roles. He was also president of the St. Joseph Community Hospital and chairman for the merger committee for the area's two county hospitals from 1975 to 1977.

Since 2005, Judge Harris has served as president of the Washington Judges Foundation, which supports programs that advance public understanding of the law and the role of the judiciary. The WJF funds several youth programs, including We the People, the YMCA mock trial competition, and Street Law, a partnership with the WSBA Council on Public Legal Education that uses volunteer judges as instructors in high school classrooms.

Congratulations to Judge Harris on receiving this prestigious and well-deserved award.

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# John Foster Loses Battle With Cancer



**MARIA SOSNOWSKI**

*Law Librarian*

## JOHN FOSTER 1959-2009

John Foster, who ran the snack shop in the Clark County Courthouse, had a smile and a kind word for all of his regulars. Those of us who work in the courthouse, and many attorneys as well, were among the people who ate lunch there, or got our morning caffeine buzz. John knew everyone's food favorites. All I had to do was say "hi" to him in the morning, and he would ask if I needed my Coke.

"John was a wonderful person to do business with," said Judge Roger Bennett. "Although he never saw me, he recognized my voice immediately every time I talked to him. I had him convinced that I was tall and slender, with thick dark hair. He, his wife and children were very gracious and friendly and were a tremendously valuable component of the courthouse family." Judge Bennett ate a chicken salad so regularly, it became known as a "Bennett" and others ordered it by name.

Judge Robert Harris got popcorn in the mornings, and they made a batch while they made breakfast sandwiches so he could get it fresh. Attorney Tana Bieniewicz likes her sandwiches grilled, and they were always happy to serve them hot or cold, whatever your preference.

John handled the cash register and the business end of things – ordering products, dealing with taxes, and maintaining the books. His wife Jeanette shopped for supplies and prepared food. They had various helpers over the years, most recently Doreen. And their children learned how to make coffee drinks and helped out before school.

On August 17, 2009, after a battle with cancer, John died. He endured multiple surgeries in the last few months, including having his entire leg amputated in an effort to stop the cancer.

While in the hospital he heard about a young woman in her early twenties who was hit by a car. She lost one leg and her other foot was crushed, and she will spend the rest of her life in a wheelchair. He told his wife that he realized he could be much worse off, and he was glad the cancer happened to him rather than their daughter Jeneva, who was about the same age as the woman.



John Foster owned and operated 'Jack's Snacks' in the Clark County Courthouse for many years.

Despite being blind, John was able to see the bright side of things. He always wanted to be a counselor, but couldn't find anyone willing to hire a blind therapist. However, he willingly gave up that dream to work in the snack shop to support his children. He was quietly proud of his kids, and made sure they had the chance to fulfill their dreams with music and sports lessons.

John and his family worked hard, but were unable to afford health insurance. The medical bills will force Jeanette to file for bankruptcy. She also needs to find a job, as she spent the last 21 years helping John run the snack shop. Jeneva started a graduate program in September, and their son Jess will hopefully be able to begin college in the fall. If you can help Jeanette by either providing pro bono legal assistance for her bankruptcy, know of a job she can apply for, or can help with cash assistance, please contact Maria in the law library at 360-397-2268 to be put in touch.

**2009 Entertainment Books are Here!**

Available until December while supplies last. They continue to offer great deals on restaurants, hotels, rental cars, and much more. **Cost per book is \$20.** Checks may be made out to the CCBA. Books may be picked up at the Clark County Bar Association: 500 W. 8th Street, Suite 65, or Sent by Courier in Vancouver.

# CCBA Monthly Board of Directors' Meeting



**ANDREW WHEELER**  
*CCBA Secretary*

The September 3rd 2009 Clark County Bar Association Board meeting found the Board looking toward technology to streamline the workings of CCBA. The Board has been exploring the use of web-based surveys, an initiative spearheaded by John Fairgrieve. The Board considered positive feedback from bar associations throughout the state about the implementation of programs such as "Survey Monkey" and the related security issues involved. The Board's discussion was mixed with excitement and reservation at the implementation of this new technology.

Continuing in the technology vein, an "electronic" option for our Bar newsletter Hearsay was also discussed by the Board, with the

associated printing and distribution costs at the forefront of the discussion. The Board also discussed the relative costs of advertising and the added benefits to advertisers of our full-color edition. It was agreed that CCBA members will continue to get priority both in terms of their advertising dollar and positioning within the newsletter. Getting new advertisers on-board and offering discounts for those who subscribe or advertise during the infancy of Hearsay were also discussed.

The next Board of Directors' meeting is scheduled for Wednesday, October 7, 2009, at the CCBA's offices, and is open to all members.

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## Family Law Section Meeting



**ELIZABETH CHRISTY**  
*Family Law Section President*

The Family Law Section had its first meeting of the year on September 10 and opened with an amazing turnout of almost 60 people. The new president, Elizabeth Christy, introduced the new board members; Kirsten Samwell - Secretary; Kristen Parcher - Treasurer; and Kathy McCann - FLEC liaison. She also introduced a new blog created for the Family Law Section members. Visit the blog at <http://ccbafamilylawsection.blogspot.com>. Dayann Liebman and Jolene Sell presented to the group about the new child support guidelines being implemented in October 2009.

Among other issues, the presenters discussed whether or not the implementation of the new child support guidelines constitutes a substantial change in circumstance that would justify requests for modification. Judge Rulli, Judge Collier, Commissioner

Stahnke, and Commissioner Schienberg, who were present at the meeting, indicated that they are scheduled to meet September 22, 2009 to discuss the family law bench's position on this issue. Any guidance offered by the judges following their meeting will be posted on the blog. (Judge Rulli reminded the group that the Judges will also be checking the blog!)

The Family Law Section's next meeting will be October 8, 2009 from 11:30 p.m. to 1:00 p.m at Tommy O's. Laramie Roberts from Advanced Diagnostics will give a presentation about the latest in drug testing. As usual, we plan to seek CLE credit for those present for the program. Those interested in attending the meeting should RSVP by contacting Treasurer Kristen Parcher of Green & Ritchie at 694-8718 by the Monday prior to the meeting.

# Historical Perspective Graces CCBA Annual Meeting



**ANDREW WHEELER**  
*CCBA Secretary*

Can you imagine the Clark County court system with only one day of court proceedings a week? How about a uniform fee structure, mandatory for all attorneys? Add in that the single day of court began at 10:30 a.m. and the Bar Association of 50 practicing attorneys monitored their fees, and you would have the Clark County court system at the arrival of Judge Harris in September of 1959.

With stories about beginning his practice in Clark County earning \$400 a month and working part-time, (saving his Wednesdays for golf), Judge Harris regaled a captivated CCBA audience at the 2009 Annual Meeting held on September 14 at the Quay. The Judge traced the rise of sentencing guidelines, the development of the juvenile court system, family law parenting plans and the continued reconfiguration and remodeling of the courthouse over the past fifty years.

With the keynote presentation of Judge Harris imparting wisdom and educating the gathered members, the 2009 Annual Meeting served as the turning of a page in Clark County legal history. The meeting opened with outgoing CCBA President Mila Chase introducing brief speeches from the six candidates for the Department 5 Superior Court position, (Judge Melnick, Peters Fels, Mark Baum, Commissioner Schienberg, David Gregerson and Commissioner Stahnke), and closed with newly ratified CCBA President David Ridenour introducing retiring Superior Court Judge Robert Harris to reflect upon the last 50 years of legal practice in Clark County. In between, another year flowed past.

Judge Johnson provided the Superior Court report, followed by the District Court report from Judge Hagensen, and the Clerk's Office report from Sherry Parker. The theme of the reports was 'doing more with less'. It was clear to the gathered audience from the outset that budget cuts have impacted every level of the court system. Judge Johnson reviewed the amount of each cut and how the Superior Court has coped. Both Judge Hagensen and Ms.

Parker discussed personnel reductions and the hard work being accomplished by the court's staff. Despite budget shortfalls, each presenter shared staggering numbers with the membership regarding the volume of work being performed, including District Court processing 66,749 cases last year and the Clerk's Office handling 93,000 civil pleadings.

Following Committee reports, the CCBA honored outgoing President Mila Chase and past President Jean McCoy for their tireless service to the CCBA. Newly ratified President David Ridenour spoke of the benefits of CCBA membership and the continued work of the CCBA Board to expand and join together attorneys throughout Clark County.



Judge Robert Harris addresses the annual meeting of the Clark County Bar Association.





## GETTING TO KNOW:

# BARRY BRANDENBURG

*"Getting to Know" is a monthly feature designed to better acquaint the membership with our local attorneys, judges and other people of interest to the Clark County bench and bar. This month's subject is Barry W. Brandenburg, whose practice emphasizes criminal defense and personal injury.*

### **What got you interested in the practice of law?**

I was one of those kids that was always argumentative; something about being a little guy, I am sure. I was the type of kid who often heard from people, "you ought to be a lawyer". I am sure this was not always a positive response. Growing up, I liked the certainty of rules. And I loved Perry Mason.

### **Who influenced your practice style and the way you carry yourself as an attorney?**

Craig Schaurmann on the personal injury side; Bill Thayer, Steve Thayer and Tom Phelan on the criminal side; and Judge Jim Ladley.

### **Proudest moment in a legal forum?**

State v. Cashdollar. Two counts of vehicular homicide - no deals from the State. Gary Rice's investigation established that a phantom vehicle set the accident in motion and resulted in the death of two children. It was a very sad case. The jury acquitted Ms. Cashdollar. It was not a victory. There was no happiness in that regard. The victory was in that an innocent woman did not go to jail and that Ms. Cashdollar's six-year-old didn't lose his Mom because of our jury process.

### **What is the toll a case like that takes on your practice?**

That is why I don't do murders. I'm not on a murder list. The client's risks of long prison sentences, all Class A felonies, regardless of the work you do there are dead people and traumas everywhere. It affects you. You cannot leave any stone unturned. It's hard. The financial impact to your practice is also significant.

### **Favorite part of being an attorney?**

Making people accountable who think they have power, or people who think the rules don't apply to them. I think doing good legal work reminds those people that they will be accountable in a legal forum.

### **What would you be doing if you were not an attorney?**

Probably financial planning. I was an insurance agent for 10 years before law school. I probably would have continued on the financial planning track.

### **What is your passion outside of the law?**

The outdoors, golf, soccer. Things that are active require some focus to redirect your mind away from what we think about

everyday. This business is difficult. As all attorneys know, when we have some quiet time we often start doing a mental checklist on our caseload. We all need a distraction that requires enough of our attention to focus on the distraction and not the business.

### **Any regrets when it comes to your legal practice?**

That I didn't start sooner.

### **What is the biggest change you have seen since you began practicing?**

Probably less professionalism; less civility than when I came into the business. On the criminal side of my practice, I learned that the caseload for the prosecution is so significant that they are deprived of the opportunity to fairly evaluate their cases.

### **What would be your advice for young attorneys or attorneys starting out?**

Get involved with Inns of Court. Identify a mentor attorney or a senior attorney who can help you understand this business. Especially as a younger attorney all fired up and running on adrenaline, they need to understand this job is more like a marathon than a sprint. Your reputation means everything in this business. That is all you really have in a small town like this.

### **How would you define your practice style?**

My goal is to make clients happy. Attorneys with clients who have unreasonable expectations or improper or malicious goals must be controlled. Clients want their problems solved. It is our job to properly educate our clients about the cost of achieving their goal and to help them understand what this process is really about.

### **Did you want to be an attorney growing up?**

Yes, I was a feisty little rat bastard. I really didn't know though what it meant to be an attorney. Lots of people think being a lawyer is a ticket to some gold mine which we know is not the case.

### **What is your favorite food?**

Three-inch fat, rib steak - medium rare.

### **Favorite place to vacation or get away?**

Puerto Vallarta, Mexico.



# SUPERIOR COURT BENCH/BAR COMMITTEE MEETING MINUTES

SEPTEMBER 8, 2009

The meeting began shortly after noon. Persons present were Judge Robert Lewis, Judge John Nichols, Kurt Rylander, Clay Spencer, Ann Christian, Jolene Sell, and Scott Jackson.

## OLD BUSINESS:

1. Jury Pooling Procedure. Scott Jackson noted an e-mail from John Fairgrieve regarding concerns from the Prosecutor's Office as to the way jury pooling had significant effects on a couple of recent criminal trials. Feedback had been received from attorneys in the Prosecutor's Office about problems with scheduling witnesses and being unable to plan the orderly presentation of their cases as a result of the pooling program. In response to these concerns, Judge Nichols said the program is still a work in progress. He noted that Jeff Amram had responded to some of the criticism and brought up the fact that the recent complaints primarily focused on issues raised by the voir dire practice of an out-of-county judge on a recent case, as well as the demands placed on the program by two sexual assault cases going forward at the same time (since excused jurors from one trial may well not be appropriate jurors for the other trial). Judge Lewis commented that all parties need better communication. Another comment indicated that jury pooling, in most instances, will only be used if there are three or more cases going to trial on the same date. The jury pooling process is a result of budget reductions.

2. Obligatory Omnibus Hearings on all Criminal Cases. Ann Christian raised this issue, noting that it appears that obligatory omnibus hearings on all criminal cases no longer seems to be the practice. Scott Jackson noted that requesting omnibus is now being left to the individual prosecutor on a case by case basis.

3. Protective Orders on Children's Justice Center (CJC) Cases. Judge Lewis brought up this subject, indicating that his experience so far to date has been that the issue seems to be working out as both parties have been reaching agreement on protective orders regarding CJC discovery concerns.

## NEW BUSINESS:

1. The meaning of "known" as it is used in CrR 4.7(a)(1)(vi). Clayton Spencer brought up this topic. He indicated that concerns as to the meaning of "known" in this context arose in a recent omnibus hearing before Judge Nichols. He posited his opinion that the obligation on the prosecutor is to do an NCIC check on all of their witnesses and to provide the results to the defense. However, he also noted that he is simply requesting a sound, reasonable approach to the issue in the hopes that some compromise can be reached. Case law and related matters were discussed. Ann Christian noted that requiring a defense investigator to check on state witness criminal convictions would be duplicative in some instances, thus adding unnecessary costs and that defense investigators do not have access to the NCIC. It is anticipated that the Prosecuting Attorney's Office will respond to this issue at the next meeting.

2. Hearsay. All attendees agreed that the new county bar publication, Hearsay, looks very good.

3. Next Bench / Bar Committee Meeting: The committee will meet next on Tuesday, October 13, 2009, in Judge Nichols' jury room.

Respectfully submitted,  
Scott Jackson

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## DISTRICT COURT BENCH/ BAR COMMITTEE MEETING

The District Court Bench / Bar Committee met on September 9, 2009. The committee discussed a variety of new forms including Deferred Prosecution forms. Formal minutes of the meeting are awaiting approval, and will be published next month.

The next meeting is scheduled for November 11 at noon and will be held in Judge Zimmerman's Courtroom. The meetings are open to all attorneys and judges.

Clark County  
**VOLUNTEER**  
 Lawyers Program

Susan Arney, *Executive Director*  
 Susan DePasquale, *Program Coordinator*  
 Administrative: 360-823-0423  
 E-mail: [susana@ccbavlp.com](mailto:susana@ccbavlp.com)

Statistics for August include 76 clients seen in advice clinics, 36 in Family Law, 19 in Family Law paperwork review clinic, 9 in the DV clinic, and 12 in General Law. We placed 3 cases with an attorney for direct representation.

One of our volunteer attorneys asked one evening "What do you need for the program?" She wanted to donate materials to us. We came up with a long list. Some of the items included office supplies such as pens, paper clips, binder clips, file folders, yellow pads and copy paper. Other items we can use include magazine subscriptions for our clients, toys and coloring books and crayons for the kids, a large picture for our wall, a computer, a printer and books for our law library. For more ideas contact Dru Horenstein as she is the one who came up with the list. Anything you can donate is greatly appreciated as we are seeing increased client needs and decreased funding.

Thanks to Dru for the coloring books, crayons and toys she gave us. Also, thanks to Tom Withers, one of our interpreters, who gave us an office chair for our office where we meet clients. Our goal is to weather this economic downturn without affecting client services. Your help is always appreciated.

Thanks, Susan

**MANY THANKS TO ALL THE ATTORNEYS AND PARALEGALS WHO STAFFED THE ADVICE CLINICS, HOMELESS CLINICS, PROVIDED REPRESENTATION, AND VOLUNTEERED IN THE HOMELESS COURT IN THE MONTH OF AUGUST:**

*April Brinkman, Marisha Childs, Suzan Clark, Tessa Cohen, David Feeney, Peter Fels, Martha Finn, Philip Foster, Leylan Greb, Lincoln Harvey, Larry Holzman, Dru Horenstein, Evan Hull, Shelly Krebs, Michael Langsdorf, Brian Leahy, Janna Lovejoy, Howard Marshack, Stewart Martin, Alison Milne, Kristen Parcher, Brian Parker, Megan Peyton, Millie Roberge, Kirsten Samwell, Jill Sasser, Kate Shaw, Eulalia Soto-Esquivel, Diane Sweet, Ryan Taroski, Diana Tehrani, Todd Trierweiler, Anna Waendelin, Jean Waller, Gerry Wear and paralegals Kathy Folkers and Lisa Peterson.*

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- Motorcycle collision -- \$500,000
- Rear end MVC. Soft tissue injury -- \$230,000

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# News You Can Use



**DIANE WHEELER**  
CCBA Executive Director

**Beau Harlan – HARLAN LAW FIRM, PS** is now located at 211 E. McLoughlin Blvd. Vancouver, WA 98663. Phone, fax and e-mail will remain the same.

The correct e-mail address for **Philip Andrews** is [pandrews@mbavancouverlaw.com](mailto:pandrews@mbavancouverlaw.com).

**Candice E. Jackson**, Attorney at Law; 5514 N.E. 107th Avenue, Suite 202, Vancouver, WA 98662; Telephone: (360) 609-2994 or (818) 481-4565; Fax: (360) 397-8291; E-mail: [CEJacksonLaw@aol.com](mailto:CEJacksonLaw@aol.com).

Effective October 1, 2009 the law office of **Green & Ritchie, PLLC** will be relocating to 1601 Lincoln Avenue, Vancouver, WA 98660. Telephone and fax numbers will remain the same.

**Janet Anderson**, Attorney at Law; P.O. Box 5346, Vancouver, WA 98668-5346; Telephone: (360) 907-6265; E-mail: [JanAnd712@aol.com](mailto:JanAnd712@aol.com).

**CCBA Business Law CLE** – “What’s Immigration got to do with it” and “Where’s my Money? Unique Issues in Collection and Lending” has been postponed. We will update you as soon as possible with the new date and time.

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## CCBA CLE'S FOR OCTOBER 2009

### October 12th and 13th

**Family Law CLE – 12 CLE credits – 8:00 am to 4:30 pm both days**, Including the following Topics and Speakers:

#### Day 1

**GAL reports and investigations** – Panel of GALS

**Hiring, helping and discharging the difficult client** - Terry Lee

**Parenting plans in high conflict cases** - Terry Vetter

**Mediation in Family Law Cases** - Mary Hatzenbeler and Dana Greyson

**Family Soft and Child support worksheets** - Steve Sooter, Family Soft Ethics – TBA

#### Day 2

**Bankruptcy and its impact on the dissolution process** - David Feeney

**Presenting your case- what to plead and how to plead it** - Dayann M. Liebman

**How can the children be heard** - Dr. Kirk Johnson

**Case law update and child support changes** - Commissioner Carin Schienberg

**Post Secondary Support – who pays** - Commissioner Carin Schienberg

**Deviations – how to ask and when you will get them** – Commissioner Dan Stahnke

### October 19, 2009

**Criminal Law CLE – 5 CLE credits – 8:30 am to 2:15 pm**

Including the following Topics and Speakers:

**Moderator:** Ann Benson, Directing Attorney, WA Defender Association's Immigration Project

#### Immigration enforcement

Anthony Ho, Group Supervisor, Immigration & Customs

#### Effective assistance of counsel

Michael H. Bennett, Immigration Judge

#### The definition of “conviction” under immigration law

Joseph Justin Rollin, Attorney at Law

#### Strategies for ameliorating the immigration consequences of criminal convictions

Jessica Boell and Jennifer Rotman, Attorneys at Law

*For more information on these CLE's please contact  
Diane Wheeler at 695-5975  
or by e-mail at [diane-ccha@qwestoffice.net](mailto:diane-ccha@qwestoffice.net)*

# LAW LIBRARY NEWS

## *Washington Practice Volumes Available for Checkout*

### **MARIA SOSNOWSKI**

*Law Librarian*

The Law Library has the complete set of Washington Practice available for your use while you are in the library. The main set is in row 12, is fully updated, and does not check out. These are marked with pink tape and a purple sticker indicating that the material does not circulate. We make these unavailable for checkout so that they are always there when you need them.

Next to it is a second partial set, which is available for checkout.

We've been accumulating these volumes for your convenience. Those are slightly out of date, and are either current editions with prior pocket parts, or an earlier edition. Those are marked so that you know if the actual hardcover is current with an old pocket part, or if the entire volume has been replaced.

There has been confusion about which volumes are available for checkout, so we hope this will clear things up. Please check for the purple sticker on the spine, which tells you the book cannot be checked out.

And as always, just ask if you have any questions.

---

## **ATTORNEY BOOKKEEPING TIPS** *Limits for 2009 Retirement Plans*

### **EMANUELA SANDRI**

*Attorney Bookkeeping Services, Inc.*

The maximum deferral limit a 401k plan participant may elect is \$16,500 for individuals under 50 and \$22,000 for individuals age 50 and over. Maximum plan contributions to a participant's account is 100% of pay or \$49,000, (\$54,500 for those with 'catch-up').

The current deduction limit for profit sharing plans is 25% of compensation. The retirement compensation limit is \$245,000.

Simple Plan Limits: The maximum deferral contribution is \$11,500 for 2009. The catch-up for individuals age 50 and over is \$2,500.

# INNS OF COURT

## **HEARSAY STAFF**

Rain forced most of the members indoors, but the Inns of Court meeting and Barbecue scheduled for September 16 went forward as planned at the offices of Inns President Tom Phelan. The meeting was primarily social, designed to welcome members back from the group's summer hiatus.

Officers circulated materials among the members regarding potential ethics program topics for the remainder of the year. The next regular meeting is scheduled for Wednesday, October 21, at a location to be announced.

**Reserve November 20th  
on your calendar for  
Judge Robert Harris'  
Retirement Roast!**

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# UPCOMING EVENTS

**October 7, 2009**

CCBA Board meeting, CCBA office, at noon

**October 8, 2009**

Family Law Section meeting; Tommy O's - 801 Washington Street at 11:30  
1 credit CLE - Laramie Roberts from Advanced Diagnostics will give a presentation about the latest in drug testing.

**October 12th and 13th, 2009**

CCBA Family Law CLE: Red Lion at the Quay, 100 Columbia Street. 12 CLE credits. See article for details or contact us at the Bar Association.

**October 13, 2009**

Superior Court Bench/Bar meeting; Judge Nichols' Jury Deliberation Room - noon

**October 15, 2009**

CCBA Web Site committee meeting; Nellor|Retsinas|Crawford at 1201 Main Street at noon

**October 19, 2009**

Criminal Law CLE - 8:30 - 1:45 - Public Service Building. 5 CLE credits.  
See ad on page 20 for details or contact us at the Bar Association.

**November 5, 2009**

Pre-License Seminar

**November 16, 2009**

All Day General Topics CLE

**November 20, 2009**

Dinner and Roast for Judge Robert Harris. Watch for your invitation!

**December 11, 2009**

All Day Last Chance CLE

**December 15, 2009**

8:30 - 12:30 Mediation Process CLE



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*The Lawyer Referral Service's telephone number is (360) 695-0599. This number is dedicated solely to lawyer referral services, giving your clients a direct line to the services they require. For more information, please contact Elena Quintana at the Bar Association, 360-695-5975, or e-mail her at: elena-ccba@qwestoffice.net.*

**THE SWLRS REFERRED 274 CLIENTS IN THE MONTH OF AUGUST**

Administrative Law .....	2
Bankruptcy .....	11
Business and Corporate.....	4
Consumer .....	1
Criminal .....	19
Debtor/Creditor .....	13
Family Law .....	51
General Litigation .....	72
Intellectual Property .....	2
Labor and Employment .....	22
Real Property.....	45
Taxation .....	3
Wills and Trusts.....	14
Workers' Compensation .....	14
International Law.....	1

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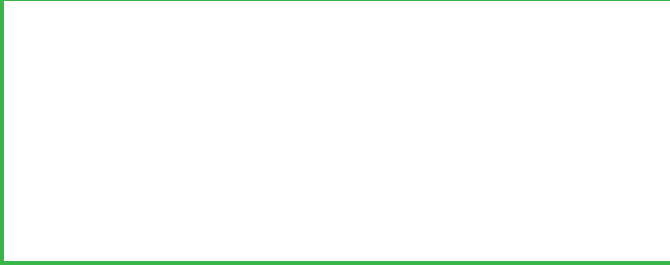
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