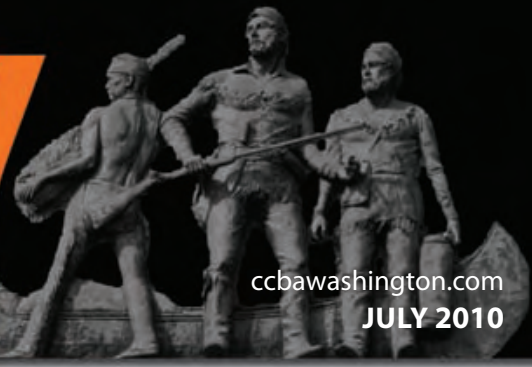


HEARSAY



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JULY 2010

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION

ART CURTIS

set to hang 'em up
after 30 years
as Prosecutor

page 4



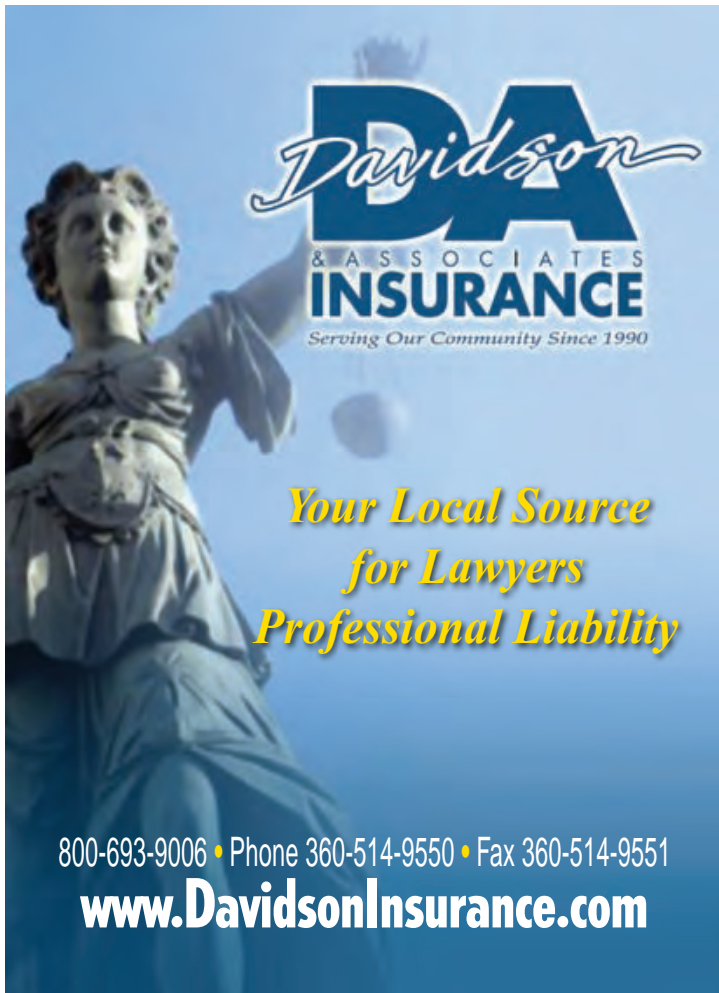
THIS MONTH'S ISSUE

President's Message	3	Superior Court Bench/Bar Meeting	21
Art Curtis to Retire as County Prosecutor	4	CCBA Monthly Board of Directors' Meeting	22
How To Go From Iceland To Cancun In A Blink Of An Eye	9	Clark County Volunteer Lawyers' Program.....	23
Judge Rulli Recognized as "Jurist of the Year"	13	Law Library News	24
Before They Were Lawyers	14	News You Can Use.....	25
Election 2010	17	Attorney Bookkeeping Tips	25
CCBA Program Corner.....	18	Legally Drawn	25
Double Hearsay: What CCBA Members Are Doing About Town	19	Upcoming Events.....	26
Family Law Section Meeting	20	SW Washington Lawyer Referral Service.....	26
Inns of Court Year-End BBQ.....	20		

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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.

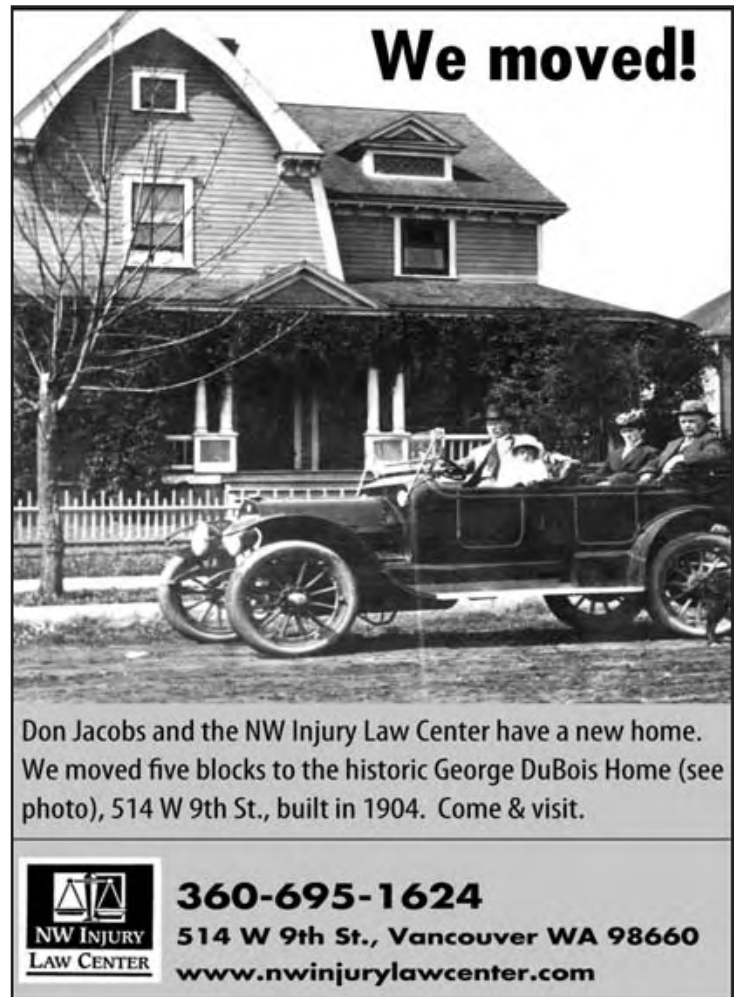
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The Committee for Respectable Rubber Stamps

PART TWO



DAVID W. RIDENOUR
CCBA President

I write these little puff pieces hoping that people will find a little humor to brighten their day. I never know whether the few serious thoughts will be taken as jokes, or whether the jokes will be taken as serious statements. Both happen. Last month's column poked fun at the small rubber stamps being used to conform orders by Superior Court Judge Rich Melnick. I didn't think anything would really come of the article, and began thinking about a new topic for this July issue of Hearsay.

But something unexpected did happen... I received an email within a few hours of the electronic distribution of the newsletter. The email was from Terry Greenen, asking where her firm could send its donation for the "CRRS", (Committee for Respectable Rubber Stamps). They wanted to donate \$4.00; one dollar for each attorney in their office. Later that day, as I was walking back to my office after leaving the courthouse, District Court Judge Vern Schreiber drove by and handed a dollar to me out of his car window!



I started thinking, maybe people really do care. Maybe a groundswell of support will feed on itself and turn into a veritable charitable tidal wave! I began to see the real possibilities for how big this generous outpouring could be -- I might actually be able to pay for dinner and drinks for all my friends at Island Café, too!

Our judges should be gratified to know that the local bar is working hard to stamp out stamp envy on the bench. Scott Horenstein even offered to foot the entire bill for the new stamps, (but only if we agreed to use his name on the stamp instead of Judge Melnick's, so we declined). Here are the donations received to date:

David Ridenour, \$1.00 (Just priming the pump for grub!)

Therese Greenen, \$1.00

Ron Greenen, \$1.00

Lisa Toth, \$1.00

Jeff Simpson, \$1.00

Judge Vernon Schreiber, \$1.00

Judge Jim Ladley, (retired), \$1.00

Scott Matthews, \$1.00 + 2 first class stamps.

Raisa Judicata, \$1.00 (Mystery Hearsay correspondent)

Judge Robert Harris, (retired) \$1.00

Erin Wasley, \$0.52 (She donated all the change in her purse.)

Scott Anders, \$1.00

Marvin Benson, \$1.00 (He said the check will probably be good if we hold it for a few days.)

Judge Kelli Osler, \$2.00

Karen Webber, \$1.00

Rachel Brooks, \$1.00

Megan Peyton, \$1.00

Christie Emrich, \$1.00

Aaron Ritchey, \$1.00

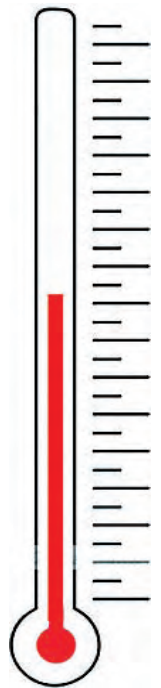
Victoria Blachly, \$2.00 (Of attorneys with the Portland firm of Samuels, Yoelin, Kantor, Seymour & Spinrad, LLP – we take back all of the bad things we've said about Portland attorneys!)

Chris Rounds, \$1.27

Anonymous, \$1.00.

Brian Parker, \$2.68 (All in pennies kept in a desk drawer cup!)

Dick Matson, \$1.00



Continued on page 25

A LEGACY OF SERVICE

ART CURTIS TO RETIRE AS COUNTY PROSECUTOR: 30 years of making a difference

BRADLEY ANDERSEN

Hearsay Special Correspondent



“If you do the right thing, for the right reasons, you will generally get the right results.” Or, as you will find posted on the wall of his office: “Justice will be achieved only when those who are not injured by crime feel as indignant as those who are.” These are some of the ideals that Art Curtis has lived by over the course of his nearly 30 years as the County’s Prosecuting Attorney. But after eight terms in office, Art has decided to hang-em up and retire.

Perhaps most widely known for his successful prosecution and execution of child molester/killer Westley Allen Dodd in 1990, Art is described by his colleagues as a prosecutor’s prosecutor---a steady, no-nonsense leader who strives to serve his community by protecting its citizens. Under his leadership, the office has grown from about 13 deputy prosecutors to over 40. He has shown an ability to adjust to new challenges and demands by using cutting edge ideas to improve the prosecution of crime and the sentencing of those who are convicted. Always a strong advocate for the innocent victims of crime, Art has worked with others in the system to create effective and strategic programs designed to improve Clark County’s law and justice system.

Amongst his colleagues, Art has earned the reputation as being one of the finest prosecutors in the State of Washington. And only his good friend, David McEachran of Whatcom County, has currently served longer as a county prosecutor than Art. “There is just no way that I will be able to catch Dave—I swear that guy was in office during Watergate.”

So how did Art come to be the elected Prosecuting Attorney in the fourth largest county in Washington? Art’s mother was a Methodist minister (maybe this is where Art learned how to give such eloquent closings) and his father worked for the Boy Scouts (their motto, “Be Prepared”). Indeed, Art’s grandfather, Arthur Schuck, was the Chief Scout Executive for the Boy Scouts of America during the 1950s and early ‘60s---Art reports, however, that he and his brother proved to be a disappointment when it came to earning their merit badges.

In reflecting on growing up in a service-oriented family, Art says that he was, early on, “instilled with the idea that whatever we chose to do with our lives, we should try to make a difference in the world and to make the world a better place.”

Art graduated from Lake Oswego High School in 1966 and went on to obtain a Psychology Degree from the University of Oregon in 1970---Art bleeds yellow and green and swears he loved the Ducks long before Duck loving was cool. Art returned to Portland and graduated from Northwestern School of Law at Lewis and Clark College in 1974.

While in law school, Art interned for Dean Morgan at the Clark County Legal Defender’s Services. Art considered Morgan, who became a Superior Court Judge and was later elevated to the Court of Appeals, an important mentor. After graduating law school, Art took a fulltime job as a Public Defender and quickly earned a reputation as being a very good and effective trial attorney. Judge Roger Bennett, who served as Art’s Chief Criminal Prosecutor for many years, reports that “Art won all 10 of his felony jury trials as a defense attorney.” So, tired of losing cases to him, then Prosecuting Attorney Jim Carty decided to recruit Art in 1977 to work for him as a Felony Prosecutor. Art later became Carty’s Chief Deputy Prosecutor where he served until 1981, when he was appointed, and later that year elected, as the Prosecuting Attorney.

So why did Art first decide to become a criminal defense lawyer? He went to college and law school during the Vietnam era, at a time when there was a strong anti-government sentiment. Art was influenced by these events. “I went to law school and decided to become a public defender to help people who had been wrongfully charged by the government.”

So why did Art later decide to become a prosecutor? Because, for the most part, he found that most of the people he was defending were guilty. And while he appreciates and respects those who are committed to defending those that are charged with a crime, he simply did not feel good, personally, about helping to “get them off.” And he also realized, pretty quickly, that the prosecutor holds most of the cards and that having an honest, fair, and hardworking prosecutor was vital to making sure that criminals were properly charged and punished. He felt he could do more to help his community as a prosecutor than as a defense attorney.



Art recalls one particular case that caused him to rethink his career. He successfully defended a rapist who, after he was let go, committed another rape in another state. "While being a criminal defense attorney is an important part of our criminal justice system, I decided it wasn't for me. I found that I was using my legal skills to get guilty people off rather than people who were actually innocent." He therefore decided to use his talents to "make our community a safer place" by becoming a Deputy Prosecutor.

But he adds, "Defense attorneys are an important part of the criminal justice system, and there are many fine defense attorneys in our legal community. However, due to my own personal experience, it was just no longer something I wanted to do in my professional life."

So how did Art become the Prosecuting Attorney? When Carty left in 1981, four local attorneys, all with strong ties to the Democrat party, stepped forward to be considered for the position. Art, who Judge Bennett described as being non-political, got the appointment -- much to the dismay of the politicians -- because of his good work as a Criminal Prosecutor. In fact, even today, Art does not understand why the Prosecuting Attorney's position should be a partisan office. "I don't see how the fact

that you are a Republican or Democrat affects your job as a Prosecutor." "The Prosecuting Attorney's office should be run in a professional manner, with little or no regard for politics." Art ran unopposed later that year, and, until a few years ago, never faced an opponent in any of his elections.

How has the Prosecutor's office changed over the past 30 years? When Art became Prosecutor in 1981, he had 13 Deputies. Each Deputy was assigned to a particular court or judge, and prosecuted whatever case was assigned to that judge. Until this year -- where because of budget cuts he had to cut several Deputies, the Prosecutor's office had 46 Deputies, making the office the largest firm of lawyers in Clark County.

Art adds, prosecution has become much more specialized. We have domestic violence, drug, juvenile, child abuse, and major felony units with Deputies that specialize in these areas of prosecution. "Certain crimes have become so complex, in terms of the law, their investigation and prosecution, that it makes good sense to have attorneys become specialists." But Art is quick to point out that he prefers to have his Deputies take turns working the various units to avoid burn-out and to keep them well-rounded.

Art also takes pride that he has recruited, trained, and maintained "career prosecutors." The Clark County Prosecutor's office has established a strong statewide reputation for being one of the finest in the State. In fact, according to Judge Bennett, Art enjoyed one year where his office obtained 104 convictions in 110 cases. This is an extraordinary conviction rate.

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But when asked, Art says that because conviction rates can be misleading and he never gives them too much consideration. “While winning cases is important, focusing too much on your conviction rate might mean that you don’t take those cases that, while tough, need to be prosecuted. As long as you believe the person committed the crime, and you feel that you have more than a reasonable likelihood that a jury will convict, then you should be willing to take the case. Worrying about conviction rates can be a deterrent to doing what is right.” He adds that he often tells his Deputies to “do the right thing for the right reasons and things will turn our right.”

In addition to his administrative role, Art maintained his own caseload and prosecuted some of the office’s most important and serious cases. Judge Richard Melnick, who also worked under Art, describes him as an “in the trenches” Prosecutor who never shied away from hard work or difficult cases.

While he was involved in many serious and notable cases, including three death penalty cases, Art will always be known as the man who convicted the notorious Westley Allen Dodd. Art convicted Dodd of having raped and killed three young boys in 1989. Even before we had the 24-hour a day news services, Art’s prosecution of this case drew national and even international attention because of the heinous and despicable nature of Dodd’s crimes. Dodd’s 1993 execution was also notable because it represented the first legal hanging in the United States since 1965.

In addition to his leadership on the Clark County Law and Justice Council and other committees in Clark County, Art served on several state and national associations, including the Washington State Sentencing Guidelines, President of the Washington Association of Prosecuting Attorneys, Washington State Law and Justice Advisory Board, and Vice-President of the National District Attorneys’ Association. Art has also spent countless hours testifying before the Washington legislature and other agencies on criminal justice matters and issues affecting the citizens of Clark County.

The Washington Association of Prosecuting Attorney’s Executive Director Tom McBride says that the Association will “really miss Art—he has been a strong and well respected voice in Olympia, and an invaluable resource for the rest of the prosecutors in the state.” WAPA’s Nancy Isham adds that people probably don’t know that Art is also a wonderful dancer. He apparently dazzled an audience of fellow prosecutors many years ago with the “Alligator” dance.

Why did Art choose to remain the Prosecutor for 30 years? On more than one occasion, people have attempted to entice Art to become a superior court judge. In fact, at one point, the Governor’s office approached Art about an appointment. Art said he “respectfully declined” because, as he told the Governor, “I can make a greater overall positive impact to help society in my present position.” He feels that, as a prosecutor, you have a greater ability to decide how to proceed with a criminal proceeding, and how to dispose of criminal cases, than you would as a judge. “I get more satisfaction by helping innocent victims than in putting guilty people in jail.”



Art is well respected by his Deputies, judges, and defense attorneys. Judge Bennett says that Art “took a very good office and made it into a great one. Art’s staff of good prosecutors has grown exponentially under his leadership and is recognized as one of the finest offices in the State.”

Judge Melnick added that Art was a great boss. “He always took the time to work with his staff and would challenge us to do our best to serve the public. He encouraged us to get involved in the community and provided deputies with wonderful opportunities. He also had a great sense of humor and while we had a serious job, he never took himself too seriously.”

Art also takes pride in the quality of his attorneys. At the recent swearing in of Judge Melnick, Art looked around the room at all of the judges and joked that he was glad to see so many of his former deputies on the bench. “I think we have done a good job of recruiting and training good and honest attorneys.”

The Defense Bar also has high praise for Curtis’s professionalism. One notable defense attorney commented, during the Dodd case, that “Art Curtis is the kind of guy who could walk into a Baskin Robbins 31 flavors and order vanilla ice cream on a plain cone. That’s refreshing in a profession that seems to attract prima donnas.”

So what will be in store for the next Prosecuting Attorney? Art says “the most significant challenge today is the lack of adequate resources to do what the public expects us to do.” As with other County departments, Art had to recently cut several deputy prosecutors and other staff, yet the caseloads and demands of the office have increased.

Art has given his endorsement to Tony Golik as the next Prosecuting Attorney. He believes it is important that the elected Prosecuting Attorney be a person who is an experienced trial attorney, a proven leader and has the respect of those within the criminal justice system. ”

As many of the local attorneys know, Art’s wife Sheila Homchick is also a local attorney and, for a period of time, served as Battle-ground’s City Prosecutor. When asked what it meant to be married to an attorney, Art said that she was always a great sounding board. “It is nice to be able to talk to Sheila about issues, and she was always good to listen and point out things that I had missed. She also understands the pressures I have faced and has been tremendous in her support.”

Art and Sheila live on five acres in Hockinson. They have two daughters, one granddaughter, and another on the way. When asked what he has in store after he leaves office in January, Art says that everyone tells him he needs to have a plan for retirement. His ‘strategic plan’ is to “enjoy life, enjoy his wife, and to enjoy his family.” An avid golfer- but not yet with an established handicap- Art plans to golf, work out at the gym, and work around the property.

So what does Art believe to be some of his most important accomplishments? In addition to his reputation as a great trial lawyer and Prosecutor, Art led the effort to improve upon Clark County’s entire law and justice system. But in a recent speech he gave to the Clark County Rotary Club, Art said he is most proud of the following:

1. “HELPING TO BUILD A CAREER-ORIENTED PROSECUTOR’S OFFICE: Over the years we have built here in Clark County a career-oriented Prosecutor’s office. We now have career Prosecutors in our office, several having retired as such. Career Prosecutors provide more expertise, professionalism, and dedicated service to our citizens, thus making Clark County a safer place to live.”

2. CREATION OF THE CHILD ABUSE INTERVENTION CENTER: In February 1990: CAIC was established as a joint venture between Clark County and the City of Vancouver creating an organization dedicated to investigating and prosecuting felony child abuse cases in our County. Its goal was to reduce the trauma to victims and their families that typically accompanies these type of cases as they proceed through the criminal justice system. The National Children’s Alliance, which is affiliated with the United States Department of Justice, has accredited our Center as one of 700 Children’s Advocacy Centers in the nation that are deemed model response programs for child victims of abuse. Art was honored in 2008 when the Child Abuse Intervention Center was re-named the Arthur D. Curtis Children’s Justice Center.

3. BRINGING A CRIME LAB TO VANCOUVER: For many years, evidence in criminal cases would have to be driven up I-5 to Kelso, Tacoma, or Seattle for processing. This included evidence such as drugs for analysis, trace evidence, ballistic testing, blood testing, etc. Hundreds of hours of police time were con-



sumed in this process of driving up and down the freeway. In 2005 we were successful in getting the Washington State Legislature to authorize \$2.94 million for completion of a crime lab here in Vancouver which opened in August 2005. Employed by the WSP, there are presently 17 fulltime employees including 10 DNA forensic scientists and three drug chemists who work out of our crime lab. I am glad to have been a part of making this dream come true for our law enforcement community. Better and more efficient processing of evidence means better prosecution of cases and more potential convictions, thus making Clark County a safer place to live.

4. ESTABLISHING A DOMESTIC VIOLENCE PROSECUTION CENTER: In 2001, the City of Vancouver and the Clark County Prosecuting Attorney’s office created the DVPC. A total of 21 staff members from the Prosecutor’s office, the City Attorney’s office, Vancouver police, and the YWCA make up the team. Attorneys, advocates, support staff, and investigators from these various agencies are all working towards the goal of offender accountability and victim safety in domestic violence cases. The model for this Center is very similar to that of the Children’s Justice Center. Focused and dedicated resources are expended solely on domestic violence investigation and prosecution.

Although there are other such Centers in other counties in our state, ours is the only Center that cross-designates Assistant City Attorneys to prosecute both misdemeanor and felony cases.

5. ESTABLISHING A VULNERABLE ADULT TASK FORCE FOR CLARK COUNTY: Clark County’s population of people age 60 and older is growing and projected to nearly double by the year 2025. In addition to this increase in the elder population, over the past several years communities across the country have become increasingly concerned about the growing problem of elder abuse and its impact on elder victims and society as a whole. For too long, vast numbers of our country’s elders had silently endured physical trauma, financial devastation, and emotional distress because they had been victimized by

anonymous criminals--or even worse, by once trusted caretakers or family members. As a direct result of this growing population and concern, we formed a task force dedicated to addressing these shortcomings. The concept was to create a multi-disciplinary team comprised of the various governmental agencies charged with the care and protection of vulnerable adults and give them a forum to educate, network, discuss, and enhance the overall system to protect and better meet the needs of vulnerable adults. Exploratory monthly meetings began in November 2004 and the Clark County Vulnerable Adult Task Force was formally created in July of 2005.


Art then closed his speech to the Rotary by saying that he enjoyed serving Clark County and thanked everyone for allowing him to "engage in this worthy public service."

Art may not have become an Eagle Scout or won enough merit badges to satisfy his dad, but he certainly made Clark County a safe place to live, work, and play. On behalf of the Clark County Bar Association, and the Hearsay Staff, thanks for making a difference and for your outstanding leadership on law and justice issues. Our hat is off to you and we wish you and your family the very best as you enjoy your retirement.



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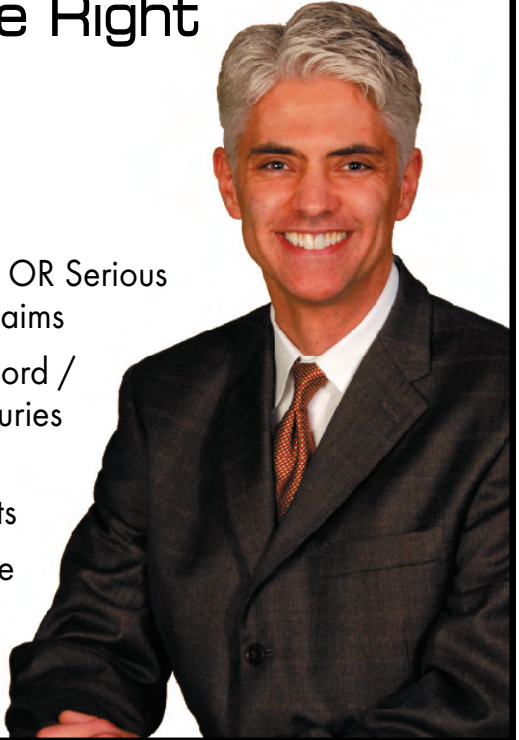
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CONFESSIONS OF A WORLD TRAVELER: How To Go From Iceland To Cancun In A Blink Of An Eye

JESSICA DIMITROV

Hearsay Special Correspondent

Let's go somewhere sunny! The plan was loosely hatched over happy hour in late February. The grey, wet weather was getting us down. The thought of sitting on a beautiful beach, drinking a tropical drink with a tiny umbrella and getting bronzed (OK, just not getting sunburned) was enticing indeed. But how many times had simple things like getting together for lunch or drinks been waylaid by the simple routines in our lives? Kathryn and Jean had young children and husbands after all. This was not just a couple of hours after work. They were talking about international travel. Yeah, right. A week later, just as I was emailing them about a travel deal to Hawaii that came from travelzoo.com, a travel alert came in: Iceland \$500/round trip. Having never been to Iceland, I immediately forwarded the email to them and asked them if they were interested

in going to Iceland, fully expecting a resounding "NO!" To my absolute surprise, not only did they say "YES!!" we had booked the trip within an hour: \$828 per person round trip from Seattle to Reykjavik with 5 nights in a 4 star hotel. This was back in March.

As luck would have it, on April 15, a volcano in Iceland that had been dormant for 205 years sprang to life, disrupting a trip I had planned to Vienna, Austria by closing down European airspace. Being ultra-uberly self-absorbed, I assumed the eruption had less to do with geological "stuff", and more to do with Vulcan's (the god of volcanoes) personal goal to keep me from going to Vienna. You cannot imagine how grateful I was that I was going to Iceland in a few weeks' time and could personally sacrifice one or both of my



Jessica Dimitrov, Jean McCoy and Kathryn Holland at the Kukulkan Pyramid, one of the new seven wonders of the world.

friends to the volcano and appease Vulcan once and for all. Since the volcano was only spewing out ash, I figured the worst that could happen when I pushed them into the mouth of the volcano, they would get really dirty and perhaps skin a knee or two.

May 9 was Mother's day. We were leaving on the 11th and had been watching the volcanic activity with great interest. European and Icelandic airspace was opening and closing every other day. Kathryn exuberantly emailed Jean and me in the morning to tell us that the trip was a go. She had already packed and was ready for Iceland. Sweaters, thermal this and that, waterproof jackets, etc. We had defied the odds and I hadn't even had to sacrifice either of my friends in the process, which was nice. Two hours later, Jean responded by saying our flight had been cancelled due to volcanic activity. Heavy sigh. Was it truly possible that one stupid volcano in the middle of nowhere would actually disrupt two trips in 4 weeks? I called Jean to ask her if she wanted to give up or go somewhere else. There was no hesitation in her response: "ABSOLUTELY, let's go somewhere else." She hadn't dusted off her passport for nothing. Two hours later, we were booked for an all-inclusive trip to Cancun. Needless to say, packing for Cancun is a bit different than packing for Iceland.

Cancun, for those of you who are like me and had simply no idea where it was, is on the east coast of Mexico on the Caribbean side—on the toe of the boot that is Mexico. The city itself was purportedly built specifically to be a hotel/resort destination. ("Cancun" literally means "nest of snakes.") There really is nothing else there. Hotels, beaches, shopping (um, did I mention shopping? Who needs hotels and beaches?!?) The peninsula where the string of about 100 hotels is located is physically separated from the rest of the town by a lagoon. The beaches are white and pristine and the ocean is turquoise blue and clear. Humidity is high in May, the temperature is starting to crawl up to 90 degrees + and the wind is a near constant out of the east.



In flagrante delicto..... enjoying genuine flaming Mayan Coffees.

We were staying in an "all-inclusive" resort, which means all the food and beverages (including alcohol) that you "care to eat and drink" are included in the price of the room. What a totally awesome concept! It takes the work out of planning meals and parsing out hard-earned pesos for nutritional sustenance versus pretty

shiny baubles. Jean and Kathryn, if you know them and can imagine, are the PERFECT travel companions. They are up for anything, spending the bulk of their time turning lemons into lemonade. I, on the other hand, am busy turning lemonade into hard lemonade (if you know what I mean—it being all-inclusive, after all).



These little girls were irresistible and sold many more handkerchiefs than the older competition

In the 48 hours we had to plan this trip, suggestions flooded in from our friends, family and clients regarding things we "must do" while in Cancun. Both David Ridenour and Chris Babich suggested we go to Xel-Ha (shell-ha), a "blue lagoon" type place (really..... the movie *The Blue Lagoon* was filmed there), with snorkeling, scuba, bike riding, inner-tubing, cliff diving, dolphin petting (you get the idea).... Oh, and this place was also "all inclusive food and drinks". Russ Garrett suggested if we liked history we HAD to visit Chichen-Itza, the Mayan ruins located deep in the heart of the Yucatan. Since we had only allowed ourselves three full days to experience Cancun, we put our priorities in order and voted on first shopping.....then history.... and last, but not least, channeling Brooke Shields.

The first day we headed into town to the Mercado—the old market that is supposedly (yes, that is a Bushism) less touristy than the other market that is near the "Zoneria Hotelaria Tourista Extrema." Yeah, right! The ENTIRE place was CREATED to be the Extreme Tourist Zone. I mean, these guys have figured out how to separate tourists from their pesos. If all else fails, offer free shots of Tequila to shoppers. Kathryn wisely noted it was one of the best business plans she had ever seen put in place. Between haggling for baubles, fending off young would-be suitors looking for a way out of Mexico, and trying to resist the urge (in which we failed miserably) to buy more stuff than would fit in our luggage on the return trip, it was a total blast.

The second day was devoted to history. Being the adventuresome travelers we were, we originally resisted the urge to purchase our airport transportation at the time we booked our flight and hotel. Thirty dollars? This is Mexico, I am sure we can find a deal when we get there. On the day of departure all our flights went really well and were on-time, but we had arrived at the Portland airport at 3:45 AM that morning, so 10 hours later, we were beat when finally

emerged from the cool air of the customs wing of the Cancun airport to the blast of hot, moist air. Only two airport transportation professionals (cabs) are officially authorized by the government, so everyone else is there to rip you off. We finally found the Hertz boys after a bit of internal grumbling about why we had earlier been so cheap, and received a round-trip ride to our hotel for \$15.00 each – more money to spend on jewelry! This point of this little digression, however, is that we also received a bargain-basement deal on a trip to Chichen-Itza. If we called Amund from our hotel we would be whisked in a luxury van (the Mexican version) to the ruins, stopping at a Ceynote (underground spring) along the way, and treated to lunch and a free bottle of water, all for about half of what it would have cost elsewhere.

When traveling, I like to relax, sleep in, and soak up the ambiance. My traveling companions, however, have small children and are apparently used to early mornings, late evenings and non-stop activity. Except for that first morning, we were up and eating breakfast (all-inclusive!) before 7 AM (that is 5 AM Pacific Time to you and me), with our “three hour tours” picking us up prior to 8 AM. The good news on this particular day was that it took over two hours to reach the ruins so sleeping in the van would not be deemed a “spoil-sport.”

With a couple of stops, including a high-priced Mercado, we finally reached the ruins late morning. The entire area was fascinating, but we were hindered by a lack of knowledge about these particular ruins, or the Mayans in general. What we do understand, however, is the law of merchant – there had to be thousands of craft sellers crawling all over the grounds seemingly desperate to sell you their handiwork that each of them purported to make with their own hands to help support the cost of the heart transplant their aging mother needed to live. Before I could turn around I had my arms laden with packages (which I then had to lug around with me for the next two hours). Jean and Kathryn did their worst as well. When we returned to our van, our driver was amused that he needed to open the trunk to accommodate our purchases. Frankly, if we had known we had all that room back there, we could have picked up more!

The next morning, again we were up and meeting our bus at 7:45 AM. After a slight snafu with our tickets (we apparently were robbed by our “agent”, who took the tip we gave him, but undercharged us for the tickets!), we were rolling along the way in a luxurious bus with a bunch of hung-over Peruvians in the back. An hour or so later, after being held hostage by our bus driver trying to sell us underwater cameras before he would let us disembark, we were unleashed on the Blue Lagoon. Kathryn and Jean, being “green”, immediately purchased the bio-friendly sun screen, as traditional sunscreen is banned in order to keep the water “pristine”. The only problem with the sunscreen, however, was that it stuck not only to your skin, but also to your bathing suit and everything you touched, turned you a sickly shade of white, and began washing off the minute it hit the water. It soon became very clear who had been conned into purchasing the green-screen, as we walked amongst people (including Jean and Kathryn) who looked like albino aborigines.

We had some equipment failure with the snorkeling and frankly, the fish in Hawaii are more colorful and there is more variety, but it was a beautiful day and the facility was world-class. After snorkeling, we followed the path to the inner-tube area where you jumped in and floated down a canal covered by mangrove branches that created a cave-like covering over the waterway. There was no current in the little river so through the canal and out into the main portion of the waterway our out-of-shape triceps were flailing around like windmills. That was nothing, however, until we reached the open water and discovered the ocean current coming in. What started out as a leisurely float through beautiful surroundings turned into a fight to make it to shore as we were buffeted by the breeze and the current. Jean’s thrashing was more efficient than mine and Kathryn’s, so she left us in the dust the last 100 yards. Later she explained herself by claiming she wanted to make it to shore so she could get rid of her tube and come back to tow us to shore really she just didn’t want to be trapped in the middle of a lagoon for the rest of her life and was willing to sacrifice her friends (much like I was willing to sacrifice her to Vulcan, but that was entirely differentthis is me we are talking about).



Lost while looking for the Mercado we did find some Abogados (lawyers).



A five course meal at the Resort (wine inclusive!!)

We finally made it back to the bus and managed to sleep through most of the drunken Peruvian's ramblings until we stumbled back into the welcoming arms of our friends at our resort. This was our last night in Cancun (or so we thought), and it was a Saturday night. Now, Saturday night is a big night at the Discos. Since I can't stand dancing, and Jean and Kathryn agreed they would have little patience with the crowd we could only imagine we would encounter at Senor Frogs, we drank our flaming Mayan coffees, went to bed early and woke up on Sunday before 8 AM so Jean and Kathryn could hit the Spa.

Sunday was our return day and we had several hours to kill before Amund from Hertz would be back to collect us and take us to the airport. Out of desperation, because we had no time to visit the Mercado again, we visited the resort gift shop. Man, we should have checked it out first thing – after all the scamming and cons, we actually found a place that was committed to bringing you real silver (we think), at non-rip off prices. We saw identical jewelry to that we saw the first day in the Mercado in the City for 30% less. We had both employees working at our beck and call (and neither of them wanted to be our boyfriends), and made a serious dent in their inventory (and while there were no free tequila shots, since this was all-inclusive, we brought our own Gin and Tonics into the store).

Little did we know that we should have hung around the resort longer....about a day longer. After more than six hours hanging at the airport, we were finally told that our plane was broken, they had

no spare part, and we would be spending the night in Cancun. Oh, and it had just started raining with 90% humidity! After several hours of standing in line for the complementary lodging, and for replacement air fare for the following day (or two days later for some people!), we finally were delivered to the Marriott Cancun about twelve hours after we started our day. The hotel was quite efficient, however, they had only been told of our arrival an hour before, so our room's air conditioning had not quite caught up with the weather. The room smelled like a moldy sock and Jean had her only diva moment of the tour when she demanded pillows that did not smell like your camping tent when you open it in June (after you had put it away wet the September before) – it took two visits for the requisite number of pillows to arrive (and no tip was given either time – some things are just principle).

We finally escaped the rain the next morning, and were rewarded with a first class ride from Chicago to Portland (oh, did I forget to mention that we had to fly through Philly first, before we reached Chicago, before we had the luxury of first class?). It was a 17 hour day, but the cool rain in Portland never felt so good!

In the end, I came back from Cancun with my two best friends and a plan for our next trip together (Vegas, Baby!) with three general thoughts: (1) Someone needs to create the "travel funnel" so it is easier to transfer your duty-free booze into your little airport bottles; (2) all-inclusive really should be all you care to eat, not all you can eat; and (3) life is too short not to travel more and worry less! Adios!

The Clark County Bar Association Presents a 3 credit CLE:

Mortgage Loan Modification

Before, During, After and Instead of Bankruptcy

To be held Thursday, August 12, from 9:00 A.M. until 12:00 P.M.

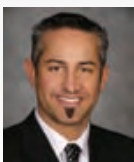
In the Public Service Center's 6th floor training room at 1300 Franklin

The cost will be \$ 105 for members and \$135 for non-members. Sandwiches and drinks provided.

If you would like to attend please contact the CCBA at (360) 695-5975



Robert C. Russell is an experienced Bankruptcy and Consumer Protection Attorney who has served families and businesses in the Vancouver, WA area for over 20 years. Rob's Northwest Loan Modification Center (www.NWLMC.com) assists homeowners and professionals with loan modification issues. Rob is a frequent speaker on the subjects of mortgage loan modification and real estate short sale negotiations.



William C. Black Jr. is the Business Development Director with the Law Office of Robert C. Russell, P.C.'s Northwest Loan Modification Center (NWLMC) and Northwest Short Sale Network (NWSSN). Bill is a Certified Mortgage Planner and Certified Distressed Property Expert, and a frequent speaker on the subjects of mortgage loan modification and real estate short sale negotiations.

Robert C. Russell, P.C. - Attorneys & Counselors at Law - www.robert-russell.com

Judge Rulli Recognized as “Jurist of the Year”

Clark County Superior Court Judge James Rulli has been named “Jurist of the Year” by the Family Law Section of the Washington State Bar Association. The honor was presented to Judge Rulli during a luncheon ceremony at the Vancouver Hilton on Saturday, June 19, 2010, as part of the WSBA Family Law Section mid-year meeting and seminar. More than 200 people attended the event.

Local family law attorney Scott Horenstein presented the award on behalf the state bar. In his remarks, Scott acknowledged Judge Rulli as a firm and tough jurist, ultimately and always prepared, while at the same time, remaining an incredibly compassionate human being. In Judge Rulli’s court, Scott explained, “you cannot compromise what’s best for children, pure and simple. It is going to be the children who come first”.

Scott also read a message of congratulations from Judge Edwin Poyfair, who was the first Clark County Judge to receive the award. Judge Poyfair reminded Judge Rulli “I got it before you!” and jokingly remarked how pleased he was that his mentoring of Judge Rulli had been so successful.

Those attending the ceremony were unanimous in their praise of Judge Rulli. One attendee agreed that Judge Rulli is extremely deserving of the honor, noting that he is an extremely thoughtful judge, careful with his decisions, and always bending over backward to protect kids. Another attorney remarked that sometimes in family law, there is a temptation to relax the rules of procedure and evidence, but Judge Rulli does not, and in the process, “he makes us better lawyers”.



Judge James Rulli and his wife Jeanie following presentation of the plaque honoring him as “Jurist of the Year” by the Washington State Bar Association.



More than 200 family law practitioners from throughout Washington and Oregon attended the ceremony.

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Before They Were Lawyers



DAVID GREGERSON
Hearsay Special Correspondent

In the spirit of “who would have guessed?” ... Hearsay proudly presents Part 1 of a continuing series on the surprising backgrounds of your fellow lawyers and judges.



1. MICHAEL SIMON

I worked in a zoo. Actually I started working with animals when I was in college. I worked at the Primate Lab in Madison, Wisconsin a few nights per week as an animal caretaker with rhesus and stump tail primates. I'd be there alone for 3 hours, work for 1 and study for 2. I was the only one there in the evening and didn't have to do much. Then I got out of college and decided to go to law school so I applied. In the meantime, an animal caretaker at the local Vilas County Zoo in Madison, who was 62, had a heart attack. Well I had the animal caretaker experience and I also knew the Zoo Director's daughter (that was the real in) so I got the job. Not only did I have the best job in the world but I had the best of the best jobs. I worked with the seals, otters and bears and in the summer I was also in charge of the bird yard. We had 2 polar bears, 2 kodiaks, 2 sun bears and a slew of black bears. The sun bears had a cub and it was placed in a separate pen. I'd go in with catch gloves on and play with him. He was just a little tike and lonely so he loved the company.

I fed the seals every morning a combination of vitamin and supplement filled fish and then regular fish. One morning after a day off, I was feeding them and noticed a baby seal. No one had said anything about it and I asked around and we finally realized it had just been born. No one even knew the mother was pregnant; how do you tell when a seal is pregnant? Who knows. But we had the baby and the experienced keepers decided to remove the mother and baby so they went in, separated the other adults from the two of them and then got the baby away from the mother and handed it up to me so I got to hold it in the van on the way to a separate cage. You wouldn't believe how soft a bay seal's fur is; softer than a (human) baby's butt. Now that's soft..



2. BARBARA JOHNSON

Really! Must be hard up for material. Motorcyclists are a lot more interesting.

My first job was working at the Walla Walla YMCA helping teach swimming lessons and other duties at the age of 14. I

made \$1.00 per hour. I went on to work there for 7 years, teaching swimming, life guarding, coaching little kids on swim team, and working at the front desk. At the time, the Y rented rooms to seasonal agricultural workers, as well as having all the usual sports activities we think of with a YMCA. It was a great place to work - a wonderful opportunity for a kid - better than working in a cannery, which many of my friends did - and I learned a lot.

In college I worked in a coffee & donut shop in the Architecture Building at the University of Washington while attending school. During my senior year, I was an advisor in a dormitory, McCarty Hall. I worked one summer for the Seattle Parks and Recreation Department in the swim program at Colman Pool in the incredibly beautiful Lincoln Park in West Seattle. After graduating from undergraduate school, I worked a year as a teaching assistant for an experimental residential learning program for freshmen students at the UW.



3. SCOTT STAPLES

Parking booth attendant at Vancouver Lake, evening assistant office manager at apartment complex, summer working as a grunt at aluminum smelter, production assistant at CVTV (local gov't cable TV), delivering TV's for Video Only, law clerk for my dad, and then my current employers.

At the Vancouver Lake and apartment jobs I often slept and watched TV (there was a lot of down time). When I worked at Vanalco my clothes occasionally caught fire and the soles of my boots were melted smooth after a few weeks. I credit that job with confirming for me (if I had any doubts) that heavy industrial work was not my thing. I worked at CVTV for many years, and when we were taping a history show down at the Vancouver Barracks, I got to tour the old abandoned hospital. If I remember correctly it had rooms for "bloodletting", and cages in the attic for the mentally ill. The operating rooms reminded me of the movie Saw. During the short time I delivered TV's I received a knife as a tip- twice. That was also around the year 2000, when 70-inch big screens did not come in "slim" cabinets. People always wanted these behemoths in the tightest spaces (which they had never measured), and there was usually a point where we had to lift it over our heads and maneuver up several flights of stairs, with instructions to take care not to damage the antique woodwork. We were usually successful.



4. SUZAN CLARK

Having been fortunate enough to be part of the first wave of young women that took shop rather than home economics in high school, I put those skills to work during summers in high school and college working as a welder. It was a somewhat unusual job for a woman in the early 1980's and it paid very well. In fact, union scale for a welder back then paid better (by far) than my first job as a deputy district attorney.



5. JIM HOLLAND, SR.

Was a bartender at Rusty's Tavern in Pullman Washington; a survey rear chain man in Dusty Washington; pulled the greenchain at Hambleton Bros. Lumber Co. in Camas and was a Professional Certified Ski Instructor at Mt. Spokane and helped run their ski school prior to law school at U of I starting in 1970. Played a little semi pro baseball in the summer for some extra spending money during my stay in Dusty.



6. JOHN NICHOLS

So before I before I was an attorney, I was a student. I attended Seattle U. and worked in the cafeteria washing dishes for a meal ticket. I did this for 4 years from 10:30 until 1:30 Monday through Friday with an occasional Sunday. I also was in ROTC which gave me a little spending money. In the summers I usually worked at lumber yards and one year at a printing company cleaning the presses and sorting/stacking product.

I went immediately from Seattle U to the night law program at Gonzaga. During my first year and a half I worked a variety of

jobs: secretary at the ROTC department; stacking shelves at a small grocery store; custodian at the Cathedral; lumber yard work; sometimes all at the same time. My most interesting job was the summer of my first year where I passed out free samples of cigarettes for the Philip Morris Company. Not being a smoker myself – I wasn't a real good source of information but the pay was very good.

The last 2 ½ years I worked as an intern for an excellent small firm and learned invaluable lessons on the practice of law. Working during the day and classes at night seemed like a real grind at the time but looking back I'm amazed we still had time to kick back and have fun. Of course that was before kids and "being a real attorney".



7. MARLA HEIKKALA

In my prior life, I was a substitute teacher (after undergraduate and during law school) but the real way I supported myself during law school was working at Lucky Lager Brewery in Vancouver, WA. I worked on the line, kind of like "Laverne and Shirley." Worked uncasing returned bottles, filled the 6 pack machines, made boxes and worked on the filler. Had to lift 50 pounds or more. It was hot and hard work, but got paid \$14.00 an hour for regular time in the 70's. Many stories as one of two women working there at the time.



8. SCOTT MATTHEWS

Before going to law school, I received a Ph.D. in experimental Nuclear Physics. I worked for a university collaboration constructing a large beam-production and particle-detector package at the Department of Energy's Jefferson Laboratory in Newport News Virginia, then as a Senior Research Associate at OHSU's Oregon Hearing Research Center, primarily constructing and testing laser interferometers for inner ear motion studies.

The CCBA Needs You!

If you are interested in serving on the Board of Directors of the Clark County Bar Association, please contact Diane Wheeler at 695-5975. The nominating committee will meet in August, and a new slate of officers will be voted upon at the Annual Meeting in September.



CLARK COUNTY BAR ASSOCIATION CLE SERIES

Nuts & Bolts: What Every Practitioner Needs to Know

The Clark County Bar Association is delighted to announce that it will host a CLE series geared to the new members of the legal community titled **Nuts & Bolts: What Every Practitioner Needs to Know**. The series, which is currently scheduled to begin in September 2010, will vary from one to three hours every third Wednesday of the month. Each session will feature knowledgeable attorneys in a particular area of practice, and focus on the basic issues and procedures confronting an area of law. The current list of dates and topics are as follows:

Date	Topic	Speaker	Committee Member
September 8, 2010	Landlord/Tenant Basics	Phil Foster	Scott Matthews
October 13, 2010	Employment Law Tips and Traps		Jane Clark
November 10, 2010	Mediation		Scott Matthews
December 8, 2010	Civil Litigation Basics & Practice Tips for Clark County		Jane Clark
January 12, 2011	Criminal Law Basics		Suzan Clark
February 9, 2011	Personal Injury		Jane Clark
March 9, 2011	Networking & Building Your Practice		
April 13, 2011	Evidence		Suzan Clark
May 11, 2011	Family		Suzan Clark
June 8, 2011	Consumer Protection		Scott Matthews
July 13, 2011	Ethics Client & Office management conflicts		
August 10, 2011	Wills and Estates		

The Nuts & Bolts series will continue in 2011.

Sponsorship opportunities for firms and practitioners for each CLE of the series are available. Please contact Diane Wheeler for further information.

360.695.5975
diane@ccbawashington.com



Election, 2010

All Local Judicial Contests Unopposed This Year

The opportunity to file for candidacy to public office this year expired on June 11, 2010. Among local judicial races, not one incumbent candidate faces opposition this year. For the Superior Court Department 5 position, Judge Rich Melnick was the only candidate. Judge Melnick is therefore automatically deemed elected to the bench for the ensuing term pursuant to Amendment 41 of the state constitution, according to Tim Likness, Elections Department Supervisor. His name will not appear on the primary or general election ballot.

Clark County's six District Court positions also attracted only one candidate each. The District Court candidate names will appear on the general election ballot only.

The candidates for public offices of interest to the local bar are:

County Clerk:

Sherry Parker
Scott Weber

County Prosecuting Attorney:

Brent Boger
George Kolin
Tony Golik

County Sheriff:

Garry Lucas
Timothy Shotwell

Clark County Superior Court – Dept. 5:

Richard Melnick

Clark County District Court:

Position 1: Vern Schreiber
Position 2: James Swanger
Position 3: Darvin Zimmerman
Position 4: Sonya Langsdorf
Position 5: Kelli Osler
Position 6: John Hagensen

Court of Appeals, Division 2, District 3:

Jill Johanson
Joseph Daggy

Supreme Court Position 1:

Stan Rumbaugh
Jim Johnson

Supreme Court Position 5:

Barbara Madsen

Supreme Court Position 6:

Bryon Chushcoff
Charlie Wiggins
Richard Sanders

CCBA YOUNG LAWYERS' SECTION CHARLIE'S ANGELS' NEXT MISSION:

“Overcoming the Evils of Opening Your Own Practice”



Guest Detective:

ELIZABETH CHRISTY

Where:

Who Song and Larry's

Date:

Thursday, July 22, 2010

Time:

5:00 — 5:30 p.m. Social

5:30 — 6:30 p.m. Presentation

Cost:

\$15 per person (CCBA members)

\$20 per person (non-members)

Please RSVP to: ccbayounglawyers@yahoo.com

*An attorney is considered a "Young Lawyer" until the 31st day of December of the year upon which he or she turns thirty-six (36) or until the 31st day of December of the year in which five (5) years have expired from the date they were first licensed to practice law in any state of the United States, whichever is later.

CCBA CANCELS HEALTH INSURANCE PLANS

HEARSAY STAFF

The Board of Trustees of the Clark County Bar Association (CCBA) recently reviewed its sponsorship of health insurance for CCBA members and their dependents. The Board has concluded that the CCBA is organizationally, administratively, and economically unable to continue to sponsor any form of health insurance plan for its members and their dependents. Accordingly, the Board has determined that the CCBA will no longer sponsor health insurance for its members and their dependents effective August 31, 2010.

The termination applies to all current group agreements, including the "Traditional Plan", the "Deductible Plan", and the Dental Plan. Plan participants are encouraged to take immediate steps to obtain replacement health insurance coverage to be effective no later than September 1, 2010.

Kaiser Permanente, which currently provides health insurance to CCBA members, has informed the Board that individuals who are currently covered by Kaiser through the CCBA may continue to receive health insurance coverage directly through Kaiser. The Board understands that Kaiser will provide information explaining the rights of participants and their dependents regarding continuation or conversion of coverage as provided by Federal and State law.

The Board also understands that the Multnomah County Bar Association offers group health insurance plans that are available to attorneys in Clark County who are members of the Multnomah Bar Association, regardless of whether they are licensed to practice law in Oregon. Those interested can learn more about the availability of coverage through the Multnomah County Bar Association by calling Mr. Steve Doty of Northwest Employee Benefits, Inc. at (503) 284-1331. For information on membership in the Multnomah Bar Association, call (503) 222-1881 or view its website, www.mbabar.org.


The Board appreciates the inconvenience that termination of the plans may entail, but concluded that it had no choice but to discontinue the CCBA's connection to the plans. A special meeting of the CCBA to discuss the termination will be held at noon on Thursday, July 8, 2010, at the Clark County Public Service Center, 6th Floor Hearing Room. Please contact Diane at the CCBA offices for additional details about the meeting. Additional information on the termination of the CCBA's health insurance plans will be made available to participants as it is developed.

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- AHDI-Washington Association for Healthcare Documentation Integrity of Washington
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What CCBA Members Are Doing About Town

RAISA JUDICATA
Guest Gossip Columnist



As many of you may know by now, Judge Ken Eiesland is retiring at the end of the year after 24 years on the bench! Do you believe he is 72 years old? As his seat is up for reelection in November, one local District Court Commissioner has entered the race for Judge Eiesland's position. It is Sonya Langsdorf, who is only slightly junior in judicial experience to our newly crowned Queen of District Court, Kelli Osler. With the deadline

to enter the race closed and no challengers, looks like we are going from zero to two female District Court Judges in one year. Progress knows no limits. A relieved Meridee Pabst is calling off the CCBA Preference Poll Committee ballot counters... ..

There is a challenger, however, for Sherry Parker's position as County Clerk. Scott Weber has entered the race. Who is Scott Weber, you may ask? According to an interview with The Columbian (we are Double Hearsay, after all), he is a manufacturing engineering technician with no management experience and seemingly no legal experience either. It appears he didn't like the way our current Clerk was elected – with campaign donations from union contributors with ties to Sherry's husband – so he is running for the position to support a change from election to appointment. Now, you know that this column does not get political, but WOW.



And our final entrée into the land of politico, Chris Boyd has backed away from his run for U.S. Congress. What? Has the raven haired dissolution attorney and husband of Mila Chase been leading a secret life? No, just a case of mistaken identity. The only running Chris may

contemplate is the Hood to Coast run with our own Young Lawyer team Law and Odor.

Members of the St. Helen's chapter of Washington Women Lawyers were out in force at the YWCA Summer Social held June 15, 2010 at the Pearson Air Museum. Crystal Lambert won the raffle for the basket entitled "Magical Imagination" which included four Park Hopper tickets to Disneyland (her favorite place in the whole world). Tony Golik, who is running for the County Prosecutor seat, was spotted greeting his constituents along with his campaign manager, Tonya Riddell. Judge Rulli and his lovely wife Jeannie have been long-time contributors to the YWCA and also attended. The goal for the Summer Social was to raise at least \$60,000 for the Y's Care preschool outreach program, which it appeared to accomplish based on the donation bidding.



Judge Rulli and Carolyn Drew discuss the fine YWCA programs.

When Bill Dudley from Landerholm talks..... the Columbian listens..... Bill has dished to Libby Tucker about his super secret marketing strategies (buy them lunch, go figure), and is being quoted on Tucker's new "Biztalk" Blog regarding his clients' acquisition strategies (buy low, sell high ... brilliant!) Bill is an Air Force Academy graduate who found his calling in the law, and has a knack for rainmaking. Why don't you call him and offer to buy him lunch? You may learn something.

Your esteemed colleague Raisa Judicata can't be everywhere. If you have a tidbit of news you would like the world to know, send a note to CCBA at diane-ccba@qwestoffice.net. Raisa usually checks in the first Monday of every month. Remember, it is your ethical duty to support your member organization with juicy gossip and goings on.

Family Law Section



ELIZABETH CHRISTY
Family Law Section President

The 2009-2010 CCBA FLS final meeting was on June 10, 2010 at Tommy O's. The topic discussed was sex addiction and if it affects parenting. Dr. Kirk Johnson of the Vancouver Guidance Clinic and Maggie Holbrook of the Vancouver Police Department Cyber Crimes Unit were the presenters and they made an already interesting topic quite entertaining.

Since I have been President for one year, I chose to finish the two year term and remain the President for the 2010-2011 year. I am excited to continue as President and look forward to finishing the projects I started. Our new Secretary is Robin Krane and our new Treasurer is Laura Mancuso.

High on the agenda were discussions regarding a Family Law Annex attorney workroom. The FLS formed a subcommittee to look into the anticipated cost of a workroom with a computer and relevant software. If you have a computer, printer, or software to donate, please let me know. Once we have a general idea of the cost the FLS will vote on whether or not to use our funds for the workroom.

In case you didn't read my previous column, Judge Rulli has been selected as Jurist of the Year by the Washington State Bar Family Law Section. Judge Rulli was recognized at the WSBA Family Law Section Mid Year CLE luncheon on June 19th, 2010. This award recognizes his 18 years on the bench, depth of knowledge and expertise in family law and his achievement at the primary architect of the Clark County Drug Court, a nationally recognized model.



If you are not a member of the CCBA FLS, you will not be able to vote next year! To be a member of the CCBA FLS you must be a member of the CCBA. The CCBA membership fee is \$125.00 and the FLS membership fee is \$25.00. The application forms will be included in the August 2010 newsletter. One big issue for next year is our potential meeting location. If anyone has locations suggestions or topic ideas, please let me know. I will continue to update the FLS blog over the summer so keep checking in! Please email me if you would like something posted or feel free to post yourself.

<http://ccbafamilylawsection.blogspot.com/>

Inns of Court Year-End BBQ

KRISTEN PARCHER
Inns of Court Chapter Secretary

Thank you to everyone who attended the year-end BBQ on June 16. Green and Ritchie were happy to show off their new building and our party planners put out a great spread. The weather was decent enough to sit outside – thankfully, since I believe I promised sun! Inns of Court will not be meeting over the summer months but will resume in the fall. Stay tuned for a beginning of the year get together. Please send anyone interested in Inns of Court to me (kristen@greenandritchie.com) or Scott Horenstein (scott@horensteinlaw.com).



Grill Master Judge Rich Melnick carefully supervises the burger-flipping technique of apprentice Jack Green.



Retired Superior Court Judge Robert Harris relaxes with a cold one, but notably without a tie.



Inns of Court President Tom Phelan shares a laugh with other members and at the group's year-end BBQ.



SUPERIOR COURT BENCH/BAR COMMITTEE MEETING MINUTES

JUNE 8, 2010

The meeting began shortly after noon. Persons present were Judge John Nichols, Judge Robert Lewis, Robert Bennett, Jean McCoy, David Ridenour, Kurt Rylander, Ann Christian, Clark Fridley, Heather Beasley and John Fairgrieve.

OLD BUSINESS:

1. Prosecuting Attorneys' obligation to provide evidence of the prior convictions of its witnesses to the defendant under CrR 4.7(a)(1)(vi): John Fairgrieve told the committee that the Prosecuting Attorney's Office had submitted its draft policy to the Criminal Justice Information Services Division (CJIS) of the Federal Bureau of Investigation (FBI) for review. He said he hoped that the PA's office would receive feedback on the draft policy soon.

Ann Christian stated that she believed that there were two issues that needed to be addressed by the policy: first, what the Prosecuting Attorney's Office is obligated to disclose as a matter of law under Brady v. Maryland and subsequent cases, and second, what the Prosecuting Attorney's Office should provide pursuant to applicable court rules and to simply improve the efficiency of the discovery process. There was also some brief discussion about the possible need for protection orders depending on the nature of some of the material that would be provided through discovery.

2. Proposed Local Superior Court Rule Concerning Review of Bail: Judge Nichols stated that after bail is initially set at first appearance it can be reviewed at arraignment without notice to the opposing party. After that point bail will only be reviewed after the filing of a motion giving proper notice (5 days) to the opposing party. This would include a request to review bail at an omnibus hearing. It was reviewed that this rule applies to both the defense and the prosecution.

3. Housing Justice Project (HJP) program. Jean McCoy and Robert Bennett addressed the committee with some of their concerns about the program.

Jean stated that the major stakeholders of the program have met once and that one of the main concerns was the inefficient use of time. She stated that landlords' representatives were often kept waiting for long periods while the tenants meet with HJP attorneys. She went on to say that if the goal of the program was to increase

the efficiency of the process, the program was not succeeding. However, if the goal of the program was to keep tenants in their current housing, the program was succeeding at the expense of landlords.

Judge Nichols stated that he was not opposed to bringing the tenants in earlier to allow them to meet with HJP attorneys and for the landlords' attorneys to come in at a later time. It appeared that Jean and Robert planned on contacting the HJP attorneys to see if a new schedule could be agreed upon. Jean summarized by saying it was in everyone's interest to get the parties in and out as quickly as possible.

The second issue raised by Jean and Robert was the conduct of hearings. She requested that the bench adopt a uniform approach concerning how the hearings would be conducted, and that perhaps a form could be used identify the issues in dispute. Judge Nichols suggested that Jean and Robert create an outline addressing the issues and circulate it among the judges. He also stated that he felt many of the issues raised could be addressed by working with the HJP attorneys to improve procedures such as having the tenants come in earlier, use of a sign in sheet, and having the landlords' attorneys come in at a later time.

4. Delay in the Scanning of Documents by the Clerk's Office. Judge Nichols indicated that a problem still exists but it is not getting any worse.

5. Guardians in probate cases: It was discussed that if a guardian is appointed it is usually a Guardian ad Litem. However, it was mentioned that half of those on the list of qualified Guardians ad Litem were not taking any new cases. Training is required and is offered periodically. It was discussed that if the number of qualified Guardians ad Litem does not increase with demand that it could have a negative impact on probate cases.

NEW BUSINESS:

1. Next Bench Bar committee meeting: The committee will meet next on Tuesday, August 10, 2010 at noon in Judge Nichols' jury room. There will be no meeting in July.

Respectfully submitted,
John Fairgrieve

CCBA Monthly Board of Directors' Meeting



ANDREW WHEELER
CCBA Secretary

The June 2nd Clark County Bar Association Broad Meeting focused on the termination of the CCBA organized health insurance plan and the steps necessary to end the plan with the interests of the greater membership, CCBA Bylaws and plan members in mind.


The Board began with the proposition that full disclosure, transparency and sufficient notice to all affected parties was of paramount importance. To that end, the Board focused on the steps necessary for existing plan members to be presented with viable insurance alternatives prior to the current policy's termination.

In addition, the Board discussed hiring outside counsel to assist with the termination of the programs and to ensure full compliance with complex federal regulatory requirements related to the plans. The Board also explored how best to navigate through the

termination process given the requirements of the CCBA Bylaws and the interests of the membership as a whole.

After significant discussion, the Board reached a consensus that the CCBA has for a number of years lacked sufficient expertise, staff and financial resources to properly administer and support its federally regulated health care plans. The meeting ended with the Board resolved to take all prudent and necessary actions to properly terminate the CCBA's involvement with any benefits plan administration, while working to protect the interests of those members who rely on the existing plan for their health care coverage.

The next Board of Director's meeting is scheduled for Wednesday, July 7th, 2010, at the CCBA offices, and is open to all members.




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Law Library News



MARIA SOSNOWSKI
Law Librarian

WESTLAW TRAINING

The Law Library has scheduled a Westlaw training on Monday, September 20. We have a 3 hour presentation planned, broken into two parts. You are welcome to attend just one or both. The first 90 minute session is Introductory Westlaw, running from noon until 1:30. The second 90 minute session is Intermediate Westlaw, running from 1:45 - 3:15.

We are applying for CLE credit for the training. Cost is \$20 per session. Attorneys, paralegals, or other staff are welcome to attend.

While we are unable to provide laptops for attendees, those who would like to bring their own can do so - we will arrange for wifi access.

Due to the size of the room, we are limited to 20 attendees. Please let me know if you would like to attend and we will hold a space for you.

However, you **MUST** send in the registration flyer that will be in the August newsletter to confirm attendance.

THE LAUGHING LAW LIBRARIAN

Need a little humor in your day? Here are a couple of stories to make you appreciate being in the noble profession of law. (from the blog Lowering the Bar)

How to beat a circumstantial case. Dateline: England.

He wasn't peeping, he was suffering from a medical issue! A 30-year old man was accused of peeping in the changing area of a swimming pool. The evidence? A girl changing in one of the unisex cubicles saw a mirror that had been pushed under the wall. (did I mention that the cubicles had walls that didn't reach the floor?) She saw a man's reflection in the mirror. After telling her mother, who told the police, the police found the man not far away with a mirror in his possession.

Okay, nothing but circumstantial evidence here. He can explain it all! Here's his story: he went to the changing area to look for his lost cell phone. Suddenly, he suffered a pain in his mouth. He went into the changing room to gargle with mouthwash (which he was apparently carrying at the ready) but when he sat

down on the bench, his left leg began to spasm. Overcome with pain, he crouched down to massage his leg while simultaneously using the mirror to look into his mouth. The verdict? Guilty.

Facebook is not your Friend

A Canadian woman who has been on long-term leave from her job since being diagnosed with major depression had her benefits taken away after her insurer found pictures of her on Facebook having fun.

After Nathalie Blanchard's benefit checks suddenly stopped coming this fall, she called her insurer to find out why. Her insurance agent told her that they had determined she was no longer depressed after they found pictures of her on Facebook "having a good time." She said he described pictures of her at the beach, at her birthday party, and even at a Chippendales show. While she probably should have avoided the Chippendales for any number of reasons, it's ridiculous to think that just because a depressed person has managed to get out of the house, or even to get a stripper on their lap, that the depression must therefore be cured. Sure, those things may help, and Blanchard claimed she had been going out more partly because her doctor had recommended it.

In other words, this is not like a case where somebody claims he can't work because of a physical disability but then, let's say, is seen on TV running a 40-yard dash in a dress and high heels in order to win a contest. That can get you charged with workers' compensation fraud, and rightly so. But here, the pictures don't necessarily prove anything, and if the insurance company had any other evidence that Blanchard is no longer seriously depressed, it didn't mention that evidence to the CBC. "It's not as if somebody [claimed] a broken back and there was a picture of them carrying . . . a load of bricks," said Blanchard's lawyer, Tom Lavin. "My client was diagnosed with major depression." Lavin said he wasn't sure Facebook was a very good tool for "judging a mental state."

There is plenty of evidence now that Facebook can be a little bit risky. And for God's sake, do not "friend" your insurance company.

Maria Sosnowski
Clark County Law Library
PO Box 5000 • Vancouver WA 98666
360-397-2268

Shon Bogar, \$1.00 (Change is okay, but I think one of the quarters was Canadian.)

Beckie Pettis, \$5.00 (Holy cow, now we know where all of the paying clients have been disappearing to: These young new attorneys hanging their shingles!)

Crystal Lambert, \$5.22, (See what I mean? This was the largest single donation!)

C'mon folks! Don't be left out of this extraordinary movement! The Long Island Iced Teas alone are like \$8.00 each! Oops, I mean, we're only halfway to the goal of \$75.00 for the five new stamps! Check your pockets for coins! Break those piggy banks! Look under those couch cushions! Be able to tell your grandchildren that you were part of the CRRS!

[No advice is offered regarding the tax deductibility of your donation. The Hearsay editorial staff suggests you retain the tax advisor of your choice for that analysis.] – See you next month! David

NEWS YOU CAN USE



DIANE WHEELER

CCBA Executive Director

New member: **Erin Wasley** of The Law Office of Erin B. Wasley is located at 1014 Franklin Street, Vancouver WA 98660; Telephone: (360) 735-7490; Fax: (360) 993-0154; Email: wasleylaw@gmail.com.

New Associate member: **Penny Vian**, Guardian ad Litem is located at 1112 Daniels Street, Suite 23, Vancouver WA 98660; Telephone: (360) 980-3101; Fax: (360) 883-9361; E-mail: pvgallife64@gmail.com

Timothy Talkington, Counselor and Attorney at Law is now located at 1305 Main Street, Vancouver WA 98660; Telephone: (360) 213-1221; E-mail: tt@ttlaw.net; Web site: www.ttlaw.net

As of July 1, 2010 **Laura Mancuso** will be with Marsh, Higgins, Beaty & Hatch, PC located at 1112 Daniels Street, Suite 200, Vancouver WA 98660; Telephone: (360) 695-7909; Fax: (360) 694-1758; E-mail: laura_mancuso@marsh-higgins.com

New Associate member: **Betty Klise** of Legal AssisTemp, Inc. located at PO Box 871892 Vancouver, WA 98687-1892; Telephone (309) 472-1157; Email: bklise@mtco.com; Website: www.legalassistemps.com

Louis B. Byrd Jr. is moving. Byrd Legal Services will now be located at 1104 Main Street Vancouver, WA 98660. All other information will remain the same.

As of July 1, **Don Jacobs and the NW Injury Law Center** will have moved into the George DuBois Home at 514 W. 9th Street Vancouver, WA 98660.

The Law office of William H. Reed P.C. is now located at 1104 Main Street, Suite # 220 Vancouver WA 98660
Phone: 360-314-2426
Fax: 360-314-2316
email: bill@billreedlaw.com

ATTORNEY BOOKKEEPING TIPS

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If a bank no longer accepts federal 8109 tax deposit coupons for tax payments, an option to electronic payment through EFTPS (Electronic Federal Tax Payment System) is to mail the 8109 coupon with check payable to Financial Agent to

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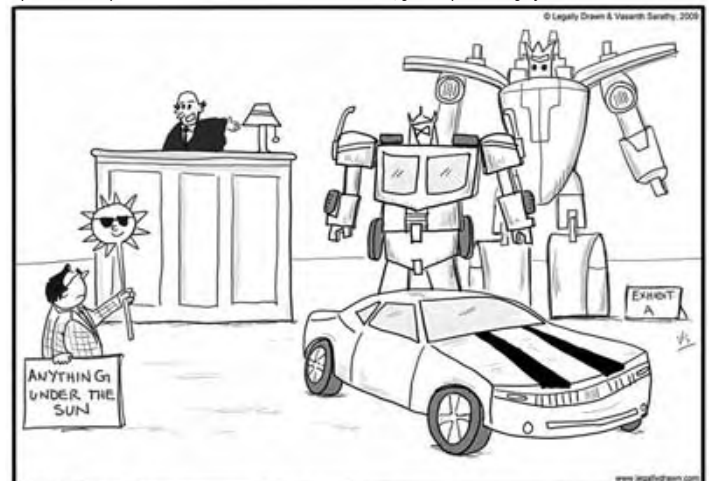
FYI - from the IRS regarding timeliness of deposits:

"Timeliness of deposits. The IRS determines whether deposits are on time by the date they are received by an authorized depository. However, a deposit received by the authorized depository after the due date will be considered timely if the taxpayer establishes that it was mailed in the United States in a properly addressed, postage prepaid envelope at least 2 days before the due date.

Note. If you are required to deposit any taxes more than once a month, any deposit of \$20,000 or more must be received by its due date to be timely."

LEGALLY DRAWN

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"I think the Patent Office's evidence is more compelling than yours, Mr. Bilski."

UPCOMING EVENTS

MEETING

July 7, 2010

CCBA Hearsay meeting; CCBA office, 500 West 8th Street, Suite 65 at 11:30 am

MEETING

July 7, 2010

CCBA Board meeting; CCBA office, 500 West 8th Street, Suite 65 at 12:00 pm.

MEETING

July 13, 2010

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

MEETING

July 13, 2010

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

MEETING

July 14, 2010

District Court Bench/Bar meeting; Judge Zimmerman’s Court Room – 12:00 to 1:30 pm; Elizabeth Godfrey from ICE back in to talk about immigration.

CLE

July 15, 16, & 17, 2010

WSBA Small Solo Firm CLE – Hilton Vancouver

MEETING CLE

July 20, 2010

CLE committee meeting Clark County Bar Association 500 West 8th St., Ste 65. Meeting will begin at 12:15

CLE

July 22, 2010

Young Lawyer Section: “Overcoming the Evils of Opening Your Own Practice” Who Song and Larry’s. 5:00 – 6:30

MEETING

August 11, 2010

District Court Bench Bar Special meeting. Carla Weaver from DOL will be back to talk about RCW impacts. Location TBD - Time: 12:00 – 1:30 pm

SOCIAL

August 13, 2010

CCBA Annual BBQ – Public Service Center Courtyard – Special guest chef - Judge Richard Melnick

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ELENA QUINTANA

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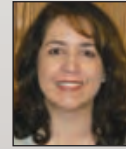
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