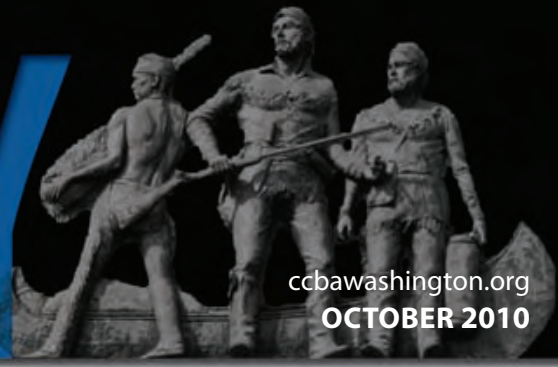


HEARSAY



ccbawashington.org
OCTOBER 2010

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION

Lawyers as Coaches

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An annual subscription is included with annual membership dues. Members may purchase additional subscriptions for \$50.00 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.

THE CLARK COUNTY BAR ASSOCIATION 2011 Directory

The Clark County Bar Association will be sending out the new directory to all current members in January.

We intend to have several pages of advertisements in the directory this year. If you are interested in advertising in the directory, please contact Diane Wheeler at the Bar Association office.

Advertisements will be sold on a first come first serve basis. All advertisements must be pre-paid to go into the directory. Advertisements must be in Word format. The deadline will be December 10, 2010.

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PRESIDENT'S MESSAGE

Tomatoes and Torches



KURT RYLANDER
CCBA President

Fellow members of the Bar, the torch again has been passed. We bid goodbye to President David Ridenour and Vice President Jolene Sell who have contributed so very much and have earned a, hopefully brief, respite.

As I returned from running a marathon in Reykjavik, Iceland, I took somber reflection upon the coming year and the upcoming challenges. The previous year saw many changes to the Bar, hopefully ultimately all for the good. The CCBA Newsletter underwent a dramatic change, from a paper mailing to the premier lawyer magazine in Southwest Washington, Hearsay. The response from the Bar has been unanimous and approvingly enthusiastic.

The Bar learned of previously unknown filing requirements for the Department of Labor concerning the Bar's sponsorship of health care plans and after much deliberation, professional counsel, and approval of the Bar, the Bar regretfully terminated its sponsorship.

We also roasted the venerable and Honorable Judge Robert Harris at his retirement from the position of Presiding Judge, Superior Court of Washington, Clark County. The event was well attended and very successful. We were regaled by many humorous anecdotes, including those of the new Presiding Judge, Barbara Johnson, who gave us insight into Judge Harris' creative mentoring techniques. Master of Ceremonies Judge John Nichols rendered a performance worthy of Academy Award night.

The year also saw new judges: Superior Court Judge Rich Melnick, and District Court Judge Kelli Osler. Excellent jurists that we hope to appear before for many years to come.

The year ahead presents new and continuing challenges. The health care filing issues have not been completely resolved, but are being diligently worked upon. Budget issues from the recession, and also the changing nature of CLE's in Southwest Washington, are and will remain a focus of the Bar, and the Bar is open to any suggestions that members may care to forward. The motto going forward in my presidency will be: No suggestion too trivial; No criticism taken personally.

Luckily, as I am no doubt ill prepared to be President in these trying times, the Bar wisely chose to elect along with me persons of stout heart and superb skills. John Fairgrieve, the august tough but fair prosecutor, will undoubtedly bear a large load as the Vice President. Suzan Clark, who embodies objective and professional advocacy, takes upon herself the Herculean role of Treasurer. Some may say that with such notables, perhaps I should step aside immediately and let the real workers come forward. Alas, the bylaws are clear and the Bar is stuck with me for a year. As I close this, my first presidential message, I request from my fellow members a mutual compact: I will give it my all, and you give patience...and refrain from throwing tomatoes.

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Coaching as a lawyer pastime

GRANT BROER

Hearsay Special Correspondent

We all have hobbies and interests apart from the practice of law--travel, fine wine and dining, modern art, jazz festivals, and other exotic and sophisticated endeavors. I hope to be part of that group someday. Instead my down-time for the past ten years has been spent coaching my three sons (now 14, 12, and 10) at various times and ages in soccer, baseball, football and basketball. Along the way, I have crossed paths on fields and in gyms across Clark County with many other local members of the bar who, based on their wild-eyed stares, beet-red faces, and fiery intensity, share this same passion and/or condition.

To be an attorney, one must attain advanced college degrees and then pass a rigorous exam to receive certification. To be a coach for youth sports, one must..... volunteer (and pass a criminal background check). No special training, skill or experience is necessary (other than the patience of Job for the kids and the political savvy of Obama for the parents). I learned this lesson early on when I was asked to coach my oldest son's 5 year old soccer team even though I had never played, nor watched, soccer in my entire life. I took on the challenge and studied for the soccer-bar exam--the history, rules, positions, strategies--within five days I was ready to unleash my newfound expertise on my unwitting squad with a full practice plan including charts, diagrams, and numbered plays. Within the first hour of my very first practice-- which included 2 potty breaks, a snack break, 2 injury timeouts, 3 meltdowns, random butterfly sightings, running from bumblebees, and very little soccer-- I learned perhaps the most important lesson of coaching youth sports: it's all about the kids. Patience, kindness, encouragement, and sportsmanship are more important than hitting a curve ball, demoralizing your opponent, or reliving your glory (or not so glorious) days.

Curt Welch

I started coaching on a regular basis in the early 90s and "retired" last October 2009. The great satisfaction from coaching, including the belief that you are helping young athletes, makes worthwhile the long hours and the work required. I have had many memorable moments. The humorous ones include the following: 1) A five-year old soccer goalie who early in the season spent much of the time picking clover or dandelions in the goal area; 2) A very young baseball player just learning how to swing the bat, who after missing two or three of the balls thrown to him, tells me to "throw



the ball closer to the bat"; 3) A seven-year-old baseball outfielder whose habit while in the outfield was to string a wad of chewing gum from his mouth and stick the other end on the top of his baseball cap, forming a thin line of gum in front of his face; 4) A nine-year old soccer player borrows a jersey from her Dad's men's team and puts it on her golden retriever, who from then on becomes her team's mascot; and 5) A high school basketball player in a Fall league game against a rival high school, who despite instructions to the team during a time-out that the only shot to take is an open lay-up because we had a 2-point lead very late in the game, decides that a 3-point shot is close enough and shoots it (and fortunately made it). The inspirational memories include 1) A young soccer player who has a bad case of stage fright and nerves in every game for an entire season, stays with the sport, and ends up being a key player on her high school team that wins the Washington 3A Girls State Soccer Championship; 2) A baseball player who has not played any organized baseball since he played T-Ball as a five-year old, decides to try baseball again at 12 years old in a very competitive league, spends extra time in practice, and ends up helping his team win games and reach the playoffs, both with his hitting and fielding. 3) One of the smallest players on a 7th-8th grade football team catches and hangs onto an on-side kick that is kicked to him late in the 4th quarter, with two opposing players almost twice his size running at him full speed to knock the ball loose. His recovery of the kick despite a very hard hit, ensured a win for his team; 4) An 8th grade player on a tournament basketball team handles the pressure of high expectations on him, goes on to play for a prestigious high school program, and then accepts a basketball scholarship to play for the University of Washington; and 5) The many athletes who worked so hard in practices and games, as well as in the offseason.

Judge Edwin Poyfair

I coached for seven or eight years and was one of those who yelled at the referee. I later became a referee for about eight years and realized what a pain I had been! I still see many of those that I coached and we have good memories!!

Judge Scott Collier

I only helped coach for a couple of years, but later my kids obtained their certification as grade 9 soccer referees, which allowed them to referee the younger kids and be assistant referees

for the older kids games. I was driving them to their assigned games anyway, so I became a referee as well to help out and to be able to referee games with them. The one lesson I have experienced again and again is that the kids just want to play and have a good time. More often it's the parents that make too big of a deal out of the games and get overly wrapped up in the competition and who wins and loses. I recently was the center referee for a game of 13 year old girls. The game was uneventful from a refereeing standpoint with no controversial calls. No parent or coach showed the slightest disagreement with the game I had just called. After the game I was walking off the field and a gentleman standing with a group of parents just started screaming at me. He obviously recognized me from being a family law Judge because he kept yelling "Isn't it enough that you control our lives with your horrible rulings, you now have to come and control our children's lives as well. What are you, some kind of control freak!" I have no idea who he was or what case he was upset about.

Jennifer Snyder

I told my minor girls softball team I would get them pizza if they turned a double play. When they accomplished this, they chanted "PIZZA PIZZA" during the game and the other team was very confused. I think that was the most excited they were all season. They knew I had a trip to Hawaii planned a few weeks later. After the game, one of them asked me if I would take them all with me on my trip if they turned a triple play. I had to decline.

A Mom's Can Coach Boys story: Last basketball season my husband was coaching 2 boys basketball teams and a girls

team. There were often scheduling conflicts, and fill in coaches were needed. I filled in for all teams, as did a couple of dads from each team. The last game of the season the boys (5th and 6th graders) needed a fill in coach. They were told to pick who they wanted to coach them since it was the last game. I was pretty proud to be chosen – and yes we won.

Irritating parents: "Please don't order bobble head trophies this year. They are not nice enough to display in the living room." "My daughter indicates you told her to foul the player she is guarding. Is that really necessary?"

Trent Kunz

A learning moment for an over-zealous sports dad...

My son played football for the first time last year. I purposefully did not participate in coaching his team because I knew I was too competitive and Lombardi-esque to be officially involved in 4th/5th grade football. I chuckled to myself and a sense of pride swelled within from how self-aware I was being and from the fact that I vowed to myself (after countless reminders/lectures from my wife) not to "coach" my son after practices and games were over-- like I had done in his other sports to excess. I am proud to report that I did not "coach" my son after football practice for the entire ... first



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two practices.

I tried to justify my actions after the third practice by calling my fault-finding and correcting “Dad’s Football Secrets.”

“Here’s a secret I learned when I played football...” Ten minutes, two nine-year-old glossy eyes, slumped shoulders and dejected countenance later, my secret-telling was over. Despite my best efforts, I couldn’t help but give my son advice after every practice. I even became an assistant coach after the first game. I mellowed out slightly on sharing my football secrets with my son over the season—very slightly.

Somehow, my son overcame my unsolicited and voluminous advice and enjoyed quite a bit of success. After school one day, my son told my wife out of the blue, “Mom, I have football in my blood.” I, of course, was delighted beyond words when my wife told me and, wasting no time, started talking football seriously with my son the next day. We needed to win the next game to make the play-offs. I talked to my son for several minutes “win..yaddayad-dayadda... football... yaddayaddayadda ... win... yaddayaddayadda,” my son nodded dutifully, glossy eyes, slumping shoulders. Then he perked up suddenly and cut me off unintentionally, “Dad, football is just a game...like UNO...right?”

After a longer pause than he expected, and fighting every inclination I had to say the opposite, I answered, “Yeah bud, football is a game [gulp] like UNO.”

“I guess that’s why it’s so much fun then,” he said with a huge smile of pride and realization. A short silence was replaced by my son explaining for 15 minutes how he just passed the next level of Zelda. Dad’s eyes glossy, shoulders slumped...

I would never “coach/critique” my son on his UNO or Monopoly skills. Why then, as parents, do we criticize our children when they are playing what they call a fun game – the same fun game that we as parents call football, baseball, soccer, basketball.

I wish I could report that the conversation I shared with my son completely cured my addiction/disease to “coach” my son at every opportunity...I relapse more often than I’m going admit, but I have improved tremendously and will continue to do so.

Joseph Vance

Here is my little league parent experience. Our team lost 1-0. The single run scored by the other team was an unearned run following a dropped fly ball by the center fielder. Following the game the center fielder’s mother sends me a nasty email complaining about the lack of offensive production from our team and that her son should be moved up higher in the batting order based on the fact that he had two hits the prior game. Of course she ignored the fact that it was her son’s error that led to the winning run scored by the other team. She also ignored the fact that the two hits her soon



had the game before were the first two hits he had all season. Up to that point in the season his on base percentage was .060. The email bugged me enough that I couldn’t sleep and finally at 2:00 am I got out of bed and decided to respond. I attempted to be as positive as possible (ie, telling her that her son was lucky to have a mom that cared as much as she did . . .) but also set forth all of the facts on why her son was batting in the line up where he was batting including the fact that he had an on base percentage of .060. The mother responded by writing: “Thanks for the response. Spoken like a true lawyer!”

Matt Philbrook

I’m currently coaching U-7 girls soccer. I’ve been doing it since U-5. Our team is The Thunderbolts. The name resulted from a group effort by the girls, who decided on The Thunderballs (I took the liberty of tweaking it a little bit). I’ve had mainly the same girls for three years, have seen a lot of growth, and some great friendships formed.



The first thing I’ve confirmed about coaching kids is; you don’t need to know a thing about the sport in order to be a good coach. The key to coaching young kids (and probably older ones) is organization.

Games are a blast. Practices are tough on the coach. Even when the girls were 4, I always had a practice plan written out. I plan on spending no more than 5 minutes on a drill. This is sometimes difficult because you have to keep the drills simple so that they understand. But 5 minutes is key, because they get bored fast. It’s a lot like riding a horse. If you keep the kids focused and moving forward, you’ll maintain control.

When I was coaching U-5 a kid chose to practice in a full Darth Vader helmet. The same kid loved to hug. This led to every kid wanting to give coach Matt a hug after every goal. By the end of the year I was hugged out.

The best thing about coaching is being the decision maker for practice place and time. I hold practice in my front yard. The only drawback is, on several occasions I have been hard at work on the practice field, only to notice that the other dads were standing in my garage drinking my beer.

One of the funniest stories I have concerning the girls was when I questioned one of them about not paying attention during a drill. She held out her hand and showed me the tooth that she had just pulled. This caused a lot of excitement from the other girls. We heard stories of the tooth fairy leaving \$5 a tooth. By the end of practice two other girls had pulled teeth on the soccer field.

I don’t have any unusual stories concerning parent involvement, other than the parties in my garage during practice. I have learned that the parents care about winning and losing much more than the girls do.

Candidates for Clerk sound off

HEARSAY invited the candidates for Superior Court Clerk, Sherry Parker (D) and Scott Weber (R), to respond to an identical set of questions. Scott Weber did not respond.



DAVID GREGERSON
Hearsay Editor

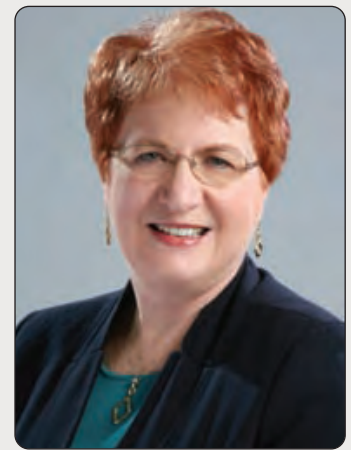
Personal biography:

My name is Sherry Waltz Parker. I am 63 years old. My husband Philip and I have been married for 41 years. We moved to Vancouver in 1978 from Florida, by way of Texas and California. We raised our two sons, Jeffrey and David, in the Minnehaha area where we lived until 2009, when we moved to Battle Ground. Both of our sons graduated from Washington universities, both are married and we have four grandchildren.

I received a Bachelor's degree in Education from the University of South Florida, an Associate's degree from Clark College in computer programming and master's level classes in

library/media education at Portland State University. I have taught at every level of education, from pre-school through college.

I began my career in the Superior Court system as a full time temporary in the Clerk's Office in 1987, filing documents and pulling files for court. After working in the advertising arena for several years, I took a position with the Juvenile Court in 1991. I worked there for eight years as a legal secretary/accountant and for the next seven years in the Clerk's Office as a Clerk's Judicial Proceedings Specialist (a courtroom clerk). I was elected County Clerk in November 2006 and took office in January 2007.



Sherry Parker

1. What are the greatest short and long term challenges facing the clerk's office and how do you plan to address them?

The greatest short term challenge is continuing to offer quality customer service and access to records with a smaller budget. During the last biennium, we reduced our budget significantly. Much of this was accomplished by finding efficiencies such as going paperless in some types of cases. This saved staff time and reduced costs for paper files. However, we also reduced staff by the equivalent of 7.5 FTE. We reduced staff work hours by 2-1/2 hours per week so that we would not have to cut more jobs. However, that has put a strain on the remaining staff, who must now try to complete more work in fewer hours.

2. Why are you the best qualified candidate for the position in contrast to your opponent?

I believe the citizens of Clark County want and deserve a County Clerk who is independently elected and answerable only to the public. My opponent does not have legal experience, management experience or financial experience and has not been educated in the areas needed for this position. I have experience in all of those areas and have worked in the Superior Court system since May 1991, almost 20 years. I know the challenges the office faces and I have a plan to meet those challenges.

3. What type of relationship would you seek to establish and maintain with the following:

A. Attorneys – Our office strives to provide the attorneys with efficient, professional customer service. I have provided improved methods for filing documents at our counter and an innovative document access subscription program available on a 24/7 basis for relatively low cost. I write articles for Hearsay whenever there are new procedures that impact attorneys, I report at the Bar Association meetings and have participated in CLE presentations. I will continue to seek new ways to share information of interest to attorneys and save them time and trips to the courthouse so that they can better serve their clients.

B. Judges – The Superior Court has 13 judicial officers who work with varying types of caseloads. Their workflow needs are also varied and our office tries to meet those needs whenever possible. Our office works closely with the judges and they depend on us to protect their neutrality by keeping an independent record of proceedings and holding all of the court's funds in trust. This is an important role and one we all appreciate and protect.

C. The public – We have requests for documents and services from individuals at our counter, on the telephone, by e-mail and by mail from Clark County and around the world. We now accept debit and

credit cards which allows us to fill those requests almost immediately. We now accept debit/credit cards for all of our services at our counters, on the telephone and on our website. This has saved the public time and trips to the courthouse. One of our employees developed a new process so that we can electronically certify documents. In the future, we would like to provide kiosks or other innovative ways to serve the public in other parts of the county.

D. Staff of the clerk's office – My relationship with my employees is built on trust and respect. They know that I have worked in most of the positions they hold, so I understand the challenges they face. I respect them as individuals and care about their welfare. I want to provide them with the tools and training they need to do their job well. I strive to treat all our employees fairly and keep the lines of communication open. We now have written policies and procedures so they know what is expected of them, but I try to take individual differences into account.

4. What are some of the most significant changes you would make to the clerk's office and how would you go about making said changes?

The most important change that could be made to our office would be to complete the process of transferring microfilmed documents to a digital format. If all records back to 1890 were available for court only in a digital format, we could institute a paper on demand process. This would allow our docket clerk to use her time for other duties. The project currently being completed makes documents available digitally back to 1985, which is 85% of the most commonly accessed documents. I have researched a less expensive system that would allow us to complete the transfer at a much lower cost.

Putting a paper on demand process in place would require us to find an efficient way for the judges to view their files electronically rather than as a paper file. A few other counties in Washington are experimenting with this and have had some success. When the budget allows, I plan to pilot a similar program here.

We also have plans to promote and expand the electronic process for delivering documents to the Sheriff's Department to include warrants and protection orders. We are currently piloting a process with the Division of Child Support to transfer documents electronically between our agencies. If it is as successful as we think it will be, it will probably be expanded to other counties in the state.

5. In a time of increasing demands and decreasing budgets, what are your best ideas of how to get "more from less" within the Clerk's office?

We have already done a great deal. In the last biennium, our staff was reduced by the equivalent of 7.5 FTEs. That resulted in a reduction of office hours by ½ hour a day. Since the number of documents filed and the number of hearings held continues to grow, the stress on the staff is increasing.

We have streamlined processes, gone paperless in several areas and created new procedures to save on supplies and mailing costs. We work with other departments and outside agencies to develop

procedures to transfer documents electronically rather than by paper. We are working with the Prosecutor's office to insert bar codes along with the case number to speed the scanning process and hope to expand that so that attorneys can use this system also.


6. What does the Clerk's office presently do best? In contrast, what is its most glaring shortcoming?

Our best asset is our employees. They are dedicated to offering the best customer service to the public, the judges, attorneys and other departments. The people who come to our counter, call on the telephone, or e-mail us are usually facing some type of crisis in their life. Our staff is very patient when answering their questions and are always willing to help them find resources that can help. They have faced the budget challenges with a positive attitude and have found ways to keep the level of customer service high, even when resources have been reduced.

If I have to name a shortcoming, it would be a lack of space. Our lobby is small and currently poorly arranged. We are hoping to alleviate some of this difficulty when the microfilm cabinets are removed, but that may be several more months. When the project is complete, there will be more public computers available and we hope to acquire the resources to re-locate the cashier's cage so that it is closer to the front counter.

7. What book or books have you read most recently?

Other than historical fiction, which I read for pleasure, the most recent books I have read that are related to my professional life are *Outliers*, *The Story of Success* and *The Tipping Point*, both by Malcolm Gladwell.



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Hood-to-Coast: Inside Report

Ordinary folk, extraordinary feet.

by **RUNN FROHM DeLAW**

The letters HTC may mean “head to court” or “hearsay that counts” for some members of the Clark County Bar, but for at least four bar members HTC means Hood To Coast as in the 197 mile running relay. The 29th annual Hood to Coast Relay took place on August 27th and 28th. The relay starts at Timberline Lodge on Mt. Hood and ends in Seaside on the Oregon coast. Physical exertion coupled with minimal sleep and moderate body odor makes this relay a maximum accomplishment. Hearsay caught up with Mila Boyd, Juliet Laycoe, Lawrence Merrifield and Judge Scott Collier for interviews about their respective experiences:

Mila Boyd

Q. How many years have you run HTC?

A. 3 years (editorial note: Mila, being a die-hard runner, also has participated in the Cascade Lakes Relay for the past two

years; her husband and fellow lawyer, Chris Boyd, participated this past year with her).

Q. Was there anything memorable for you about this year’s HTC experience?

A. Yes. Our team won the best team name for “Wii Not Fit.”

Q. How is HTC a metaphor for law school?

A. It is similar to law school in that during the experience, you might wonder why you are doing it. Then when you are finished, you’re glad it’s over and think that maybe the experience wasn’t so bad. The difference between law school and HTC is that I would do HTC again.

Juliet Laycoe

Q. How many years have you run HTC?

A. This was my first year running HTC. I’ve participated in the Portland To Coast walking relay twice before.



Mila Boyd greets the dawn.



Juliet Laycoe makes her rookie HTC run.

- Q. Was there anything memorable for you about this year's HTC experience?
- A. Because I had never run HTC before, the whole experience was memorable, rewarding and fun. I can say fun now because it is over.
- Q. What was your team name?
- A. Trail Nuts. Each team member was a different nut. I was a cocoa-nut.
- Q. How is HTC a metaphor for law school?
- A. Like with different moments in law school, you have to put mind over matter in HTC. Determination really can prevail over fatigue. I like running more than I liked law school though.

Lawrence Merrifield

- Q. How many years have you run HTC?
- A. This was my 27th annual HTC.
- Q. Was there anything memorable for you about this year's HTC experience?
- A. This was the first time I had ever run the race injured – more than just aches and pains. My knee was a swollen, sore mess.
- Q. What was your team name?
- A. Willamette Dental which was the team sponsor (editorial note: Larry's team placed 9th out of 1,000 teams with a cumulative time of 19 hours and 55 minutes).
- Q. How is HTC a metaphor for law school?
- A. You have to be at your best when you feel your worst. Sleep deprivation and running don't mix well.



Lawrence Merrifield on the down slope.

Judge Scott Collier

- Q. How many years have you run HTC?
- A. I think this was my 8th or 9th HTC. I previously did 4 walking PTCs.
- Q. Was there anything memorable for you about this year's HTC experience?
- A. Memories -- great people in our van having a lot of fun. I also had no problems with my knee and was only 5 months post ACL replacement (I must have received good cadaver parts).
- Q. What was your team name?
- A. We are team "No Name." No one in our group ever comes up with a team name
- Q. How is HTC a metaphor for law school?
- A. If you just keep plugging away and put some attention to detail you get through it just fine with no glitches.

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Medic! CCBA Holds Annual Softball Game

Senior Lawyers Battle the Young and the Restless in a Slim 17-15 Loss in the Annual Softball Game



MILA BOYD

Hearsay Special Correspondent

Disclaimer: The last time I was a sports reporter was when I was a junior in high school, so I cannot confirm or deny the accuracy of the article below . . .

On Saturday, September 11, 2010, the senior lawyers and young lawyers played a friendly, yet competitive, game of softball. The annual softball game is put on by the Clark County Young Lawyers Section, and was sponsored this year by Wheeler Montgomery Sleight & Boyd, PLLC, and Lambert Law, PLLC.

This annual game is serious business. With the softball game occurring in September this year, the softball players had to stake out Nautilus field hours earlier, and shove off the pint-size little league footballers and cheerleaders.

The senior lawyers started off the first inning with a bang, scoring four runs, and a home run hit by Rob Russell. With this start, it appeared it would be a quick and painful game for the young lawyers. But, the young lawyers ended the first inning up, 4-5. The young lawyers played strong even without their lead hitter, Tonya Riddell. Riddell sat this one out on the side lines with a broken finger caused by a recent mishap during a shoe-shopping expedition. The senior lawyers benched all-stars Ernie Nicholson and Scott Horenstein due to serious Achilles and hamstring injuries from the previous game in August, 2009. The return of these players is unknown at this time.



Junior lawyers team.

By the end of the 4th inning, the young lawyers were ahead 7-14. Young lawyers Matt Philbrook, CJ Montgomery, and Dan Lloyd, each had home runs, quickly changing the morale of the game. The 4th inning may have also been the inning when the senior lawyers were caught with seven outfielders. My knowledge of softball is not extensive, but that may be three players more than they were allowed. The game continued without penalty.

The senior lawyers stepped up their game in the 5th inning, bringing in eight runs to take the lead 15-14. One theory is, the game ended here, with the senior lawyers taking the victory, but they gave the youngsters some freebie innings.

The young lawyers eked out a 17-15 victory over the senior lawyers.

It was a perfect day for softball in the sunny weather of September, and thank goodness, a far cry from the injuries sustained last year. After last year's chain of senior injuries, young lawyer Crystal Lambert supplied injury-relief bags this year.

Until next year . . .

Thank you to the firms of Wheeler, Montgomery, Sleight & Boyd, PLLC and the Lambert Law Firm for co-sponsoring the Young Lawyers versus Old Lawyers Softball game.



Senior lawyers team.

CCBA holds annual meeting, changes guard



ANDREW WHEELER
CCBA Secretary

The 2010 Clark County Bar Association Meeting began with a look back by outgoing CCBA President David Ridenour. The look back focused on the development of Hearsay the CCBA newsletter, the successful Roast for retiring Superior Court Judge Harris and the winding down of the CCBA administered health insurance program. Mr. Ridenour closed his remarks on a lighter note, stating that the Stamp Committee had raised the revenue necessary (\$72.25) to purchase larger signature stamps for Superior Court Judge Melnick.

Incoming CCBA President and current CCBA Treasurer Kurt Rylander then presented the Treasurer's Report. Mr. Rylander pulled no punches when he referred to the Bar Association's financial outlook as "grim" referencing a total budget deficit of \$26,000 for the previous fiscal year. Mr. Rylander outlined the major contributors to the deficit which included the termination of the CCBA health insurance plan (and the associated costs of that undertaking), as well as the dwindling revenue from CCBA sponsored CLE's. Mr. Rylander closed his remarks soliciting ideas

from the gathered membership for revenue ideas and encouraged members to attend the monthly CCBA Board meetings.

Committee presentations began with Hearsay Committee and editor David Gregerson asking the Association for ideas and feedback regarding future content and feature story ideas. Jane Clark presented on behalf of the CLE Committee and requested the assistance of additional members on the committee, member input on future CLE topics and finally encouraged members to register early as CLE's are often cancelled when the pre-registered participants fall below a certain level. It was announced that a GAL section headed by Meredith McKell-Graff is forming. It was noted that the Golf Tournament had been postponed and the softball score was announced (Young Lawyers 17- Senior Lawyers 15).

Sherry Parker presented the report from the Clerk's Office. Ms. Parker outlined the three rounds of budget cuts which had resulted in the termination of 7 ½ positions. Ms. Parker stated the forecast for 2011 did not provide an improved outlook for

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revenue. It was reported that the Clerk's Office has now made 85% of the records available digitally and is continuing to improve paperless options.

District Court Presiding Judge Hagensen presented the District Court report. Judge Hagensen's presentation also began with a discussion of budget cuts (20% cut to support staff) the realization of the court that cuts are likely going to be a permanent situation. Judge Hagensen explained that while budget cuts were impacting District Court that it was the goal of District Court to minimize the affect of the cuts on court participants. In support of his point Judge Hagensen cited the impressive number of cases processed through District Court in 2010 (8,000 civil cases, 17,000 criminal case and 37,000 infractions).

The Superior Court report was presented by Presiding Judge Johnson. Judge Johnson began her presentation updating the changes in Superior Court including the re-naming of the Juvenile Justice Center for Judge Harris and the appointing of Judge Melnick to Judge Harris' position. Judge Johnson touched on the budgetary constraints imposed on Superior Court but was able to inform the membership that no positions were termination due to a Commissioner position remaining vacant, a 20% cut overall, and a limiting of specialty court funding and opportunities.

Following the District and Superior Court reports the membership approved an increase in CCBA membership dues from \$125 to \$135 per year. Emeritus dues remain at \$40 and members of the Judiciary will continue to not be assessed bar dues.

The Annual Meeting proceeded with the nomination of officers by the CCBA Nominating Committee. Kurt Rylander was nominated for the position of President, Jolene Sell was nominated for the position of Vice President, Suzan Clark for the Treasurer position, Andrew Wheeler as CCBA Secretary, and David Gregerson as a Trustee. Jolene Sell declined the Nominating Committee's nomination and nominated John Fairgrieve in her place. The nomination carried and Mr. Fairgrieve will serve as CCBA Vice President.

The Annual Meeting wrapped up with a presentation of a plaque from incoming CCBA President Kurt Rylander to outgoing President David Ridenour for his efforts and diligent work on behalf of the CCBA. CCBA Director Diane Wheeler concluded the meeting with a presentation to Danni Liebman for her assistance.

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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 will vary from one to three hours every second 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
October 13, 2010	Employment Law Tips and Traps	Emily Sheldrick	Jane Clark
November 10, 2010	Mediation	Nancy Retsinas	Scott Matthews
December 8, 2010	Civil Litigation Basics & Practice Tips for Clark County	Don Jacobs	Jane Clark
January 12, 2011	Criminal Law in Clark County	Suzan Clark	Suzan Clark
February 9, 2011	Personal Injury	Jane Clark Mickey Thompson	Jane Clark
March 9, 2011	Flying Solo: Starting & Managing Your Law Practice		
April 13, 2011	Evidence: Criminal and Civil		Suzan Clark
May 11, 2011	Family		Suzan Clark
June 8, 2011	Consumer Protection		Scott Matthews
July 13, 2011	Ethics : Advising the Small Business		
August 10, 2011	Wills and Estates		

Each one of the series is on \$50 or you can purchase a discount card and attend 6 of the 12 events for \$250. We'll meet at the Quay at 3:00 and be done in time for happy hour. Materials will be provided free for download for those who register three days before the seminar, or for a modest fee at the door.

Call 695- 5975 to register

For firms with new associates, this series is a great way to support your local bar association and provide new associates with an introduction to the community and a broad set of useful legal skills and information.



SUPERIOR COURT BENCH/BAR COMMITTEE MEETING MINUTES

SEPTEMBER 14, 2010

The meeting began shortly after noon. Persons present were Judge John Nichols, Ann Christian, Heather Beasley, Karen Dinan, Suzan Clark, Clark Fridley, Emily Sheldrick, and Kurt Rylander

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 e-mailed a copy of the new Prosecuting Attorney's policy on September 14th to the committee for review. The committee discussed the policy. Committee members still had some concerns and they will review the policy more closely. The Committee will review the implementation of the policy after it starts to see how it is working, and bring it back at the next meeting.

2. Housing Justice Project (HJP): Judge Nichols informed that there was nothing further to add on this and that no further issues have been brought to his attention.

3. Guardians ad Litem: Judge Nichols informed that Judge Lewis was working on the issues of increasing participation and training.

4. Appointment of Counsel in Criminal Cases: Ann Christian provided an update on the amendments to three Supreme Court rules that were adopted and effective September 1, 2010. Specifically, CrR 3.1, CrRLJ 3.1 and JuCR 9.2 were amended by the Court to add the following subsection and requirement as follows: "Before appointing a lawyer for the indigent person or at the first appearance of the lawyer in the case, the court shall require the lawyer to certify to the court that he or she complies with the applicable Standards for Indigent Defense Services to be approved by the Supreme Court." Ann reported that the "standards to be approved by the Supreme Court" have not been approved and from what she hears, they will not initially include caseload standards. The Supreme Court will be receiving recommendations for the standards and there will be a period for comment prior to approval of the standards. By order signed September 10, 2010, the Supreme Court suspended the effective date of the amended court rules until September 1, 2011.

NEW BUSINESS:

1. There was discussion about a felony defendant who was housed at the Work Release Center, making it more difficult for the defendant's attorney to visit the client. Ann Christian indicated this may be a co-defendant anomaly and that she will check on this. The Committee will track the issue

2. Judge Nichols informed that the Clerk's Office is now behind 5 days on scanning and that this was becoming an issue.

3. Clayton Spencer asked that the Judges look into how motions to revise commissioner rulings are being handled if the motion has a tangential connection to a family law case. Judge Nichols indicated that most such revisions should go to the family law judges, and he indicated he would bring it up to them.

4. Kurt Rylander announced that Don Jacobs was having an open house the Monday following next, on September 27.

5. Kurt Rylander announced that the Clark County Bar Association Golf Tournament had been postponed.

6. Kurt Rylander announced that the Clark County Bar Association had elected new officers: Secretary (again) Andrew Wheeler; Treasurer Suzan Clark; Vice President John Fairgrieve; President Kurt Rylander

7. Kurt Rylander indicated that since he was now the President of the Clark County Bar Association that he would no longer be serving as chair of the Superior Court Bench Bar Committee, but would continue to attend. Suzan Clark nominated Clayton Spencer. At the next meeting a new chair will be chosen

8. Next Bench Bar committee meeting: The committee will meet next on Tuesday, October 12, 2010 at noon in Judge Nichols' jury room.

Respectfully submitted,

Kurt Rylander

What CCBA Members Are Doing About Town



RAISA JUDICATA

Guest Gossip Columnist

For many of you with kids still in school, bank accounts get a little lighter in the month of September, as school clothes and supplies are purchased, and school fees and fundraisers are covered. Irwin Landerholm has been a volunteer “Lunch Buddy” at



Fruit Valley Elementary School for many years. While Irwin has retired from his Lunch Buddy duties, he and the other members of his firm held a school supply drive to collect supplies for Fruit Valley students who may have difficulty filling their backpacks.

The attorneys and employees of Landerholm were successful in collecting enough school supplies to meet the needs of more than five elementary students per grade level. That’s what buddies are for!

What is the draw with Iceland? After the Dimitrov/Holland/McCoy doomed trip earlier this year, the beauty of the country and the low, low travel prices are attracting others. Kurt Rylander returned from a buddy trip of his own recently where he



gazed upon waterfalls and covered himself in oozing mud from the Blue Lagoon. Go ahead and ask him about the crazy nightlife! Judge Barbara Johnson’s husband, Tom Ryll [famed Columbian

reporter (ret.)], also visited recently. Do you remember the 2004 article Tom wrote for the Columbian about the 33-year old store cashier in Reykjavik, Iceland who returned attorney Steven Memovich’s silver bracelet lost in 1944? Steve was fighting in World War II and his plane went down in Iceland. The

bracelet was lost for many years, but returned to its rightful owner 60 years later. Tom met with that good Samaritan who returned the bracelet on his visit to Reykjavik – it really is a small world!

Most retirees are happy people, pleased to put their working days behind them. Our own (currently immediately-past) President David Ridenour is no exception. David has worked hard for CCBA over the years, but was ready to retire. At the CCBA September General Meeting where he stepped down from office, he was given an honorary gavel to show for his troubles (a non-working model, for which his office mates are happy).



David Ridenour gets 'promoted' to CCBA Immediate Past President.

The elections will be heated this November, and two races have a more immediate impact on our practices than others. The race for Clark County Prosecuting Attorney is now between Brent Boger and Tony Golik. Tony led Brent in the primary elections by less than 4,300 votes, but it is a whole new race come November. From the Superior Court Clerk’s office, Sherry Parker trailed her adversary, Scott Weber, in the primaries by less than 3,000 votes after the August 17 race was certified. We remind our younger generation to be socially responsible – don’t forget to do your part and vote come November!

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.



GETTING TO KNOW: **LOREN ETENGOFF**

"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 Vancouver-based personal injury Attorney, Loren Etengoff.

What brought a young man from New York all the way out to Washington?

Well I graduated from college and was seeking an opportunity to leave the East Coast. I applied to law schools on the West Coast and was accepted by Gonzaga. It was a different culture in Spokane than what I was used to in Buffalo. I really enjoy living in Washington.

What or who inspired you to practice law?

I liked working with people. I wanted to be my own boss. I was looking for a way that I could help people, work for myself and feel I could make a difference. The legal profession fit those criteria and therefore I decided that being a lawyer was my career path.

What do you do when you are not practicing law?

Well, as you know I like to take motorcycle trips. Spend time with my family. I like to downhill ski and spend time in the outdoors. I really like to travel.

Did anyone inspire or influence how you run your practice?

When I started practicing I was helped significantly by Ben Shafton. What he inspired in me was that he was always prepared and that he spent a considerable of time thinking about a case before he actually started working a case. I also respect Ben for his down-to-earth style of practice.

What advise would you give an attorney beginning a practice?

Be prepared. Treat people with respect. Finally, that the practice of law is a long endeavor. Your credibility within the legal community is the most important asset that you have. Don't waste people's time.

What has been your greatest accomplishment in the Courtroom?

In reviewing my career, I don't know of any one single incident I can point to as my greatest accomplishment. I would like to think that the respect of the judges for not wasting their time is a great accomplishment.

I know that you are now serving as one of the governors on the Board of Governors for the Bar Association.

What is that and how do you get appointed?

The Board of Governors over sees the Bar Association. They oversee a 15 million dollar, 150 employee association. They make budget decisions, fee determinations and oversee the operation of the Bar Association. One thing that I would note is that the Board of Governors does not have any connection with the disciplinary process. Occasionally we are contacted by someone who is interested in disciplinary process and we just let them know that that is not an area that we are involved in. You are elected to the Board of Governors. I am from the Third Congressional District. That district is from Olympia to the coast to Vancouver. Each governor serves a 3 year term. I am serving from the Vancouver area and the next governor will serve will be from the Olympia area.

What do you see is the greatest challenge of law today?

I think outsourcing the financial issues is a big issue. New lawyers face extreme financial difficulties based upon the present economic conditions. It is so much more difficult today to open a practice then it was when I started. The young lawyers today have huge debt loads from their education and the cost of opening the practice and running an office is significant. Also the outsourcing of areas of the practice. This poses significant potential problems.

What is the best piece of advice you have received along the way?

I think, as I have mentioned earlier credibility is your most important asset. Your word is your bond. Never waste the Court's time because you do a disservice to the Courts and to the clients.

Family Law Section Meeting



ELIZABETH CHRISTY
Family Law Section President

The Family Law Section's first meeting of the 2010-2011 year was September 9, 2010 at the Family Law Annex. We kicked off the year with Judge Rulli; Judge Collier; and Commissioner Stahnke who gave advice and commentary to our members. The meeting garnered a large turnout and we hope to maintain the momentum throughout the year.

The next meeting will be October 14, 2010 and we are fortunate and honored to have Karl Tegland traveling from Snohomish County to present to the group. Mr. Tegland is the author or co-author of sixteen volumes of West's Washington Practice, including the Courtroom Handbook on Washington Evidence and the Washington Handbook on Civil Procedure. Mr. Tegland also writes and publishes Tegland's Litigation Today, a monthly newsletter for Washington judges and practitioners.

Since 1980, more than 880 Washington appellate opinions have cited Mr. Tegland's work as authoritative.

The October 14, 2010 meeting will be held from 11:00 a.m. to 1:00 p.m. at the Red Lion at the Quay. Mr. Tegland plans to speak from 11:00 a.m. to 12:30 p.m. and will take questions from 12:30 p.m. to 1:00 p.m. Lunch will be plated and served at about 12:00 p.m.

The cost of the meeting will be \$15.00 for lunch plus \$10.00 for two CLE credits.

Remember to visit the blog for updates and announcements:

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

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Statistics for August include 59 clients seen in advice clinics, 27 in Family Law, 22 in Family Law paperwork review clinic, 3 in the DV clinic, and 15 in Housing Justice Project clinic. We placed 12 cases with an attorney for direct representation. There were 171 hours of volunteer attorney time donated

September is my anniversary with the Volunteer Lawyers Program. I have been with the program six years. They have been fun, frustrating and rewarding years. I truly love my job. When I came to the program I knew nothing about the law. It has been a real learning experience.

Working with the volunteer attorneys is outstanding. I appreciate all you do for our program. It is a pleasure working with you. I came from a background of sales, where I had the phone hung up in my ear and the door closed in my face. You are all so nice when I call, even if you have to say no. You always invite me to call again. What a nice experience. You have taught me so much and you give so much of yourselves. It is a very rewarding job.

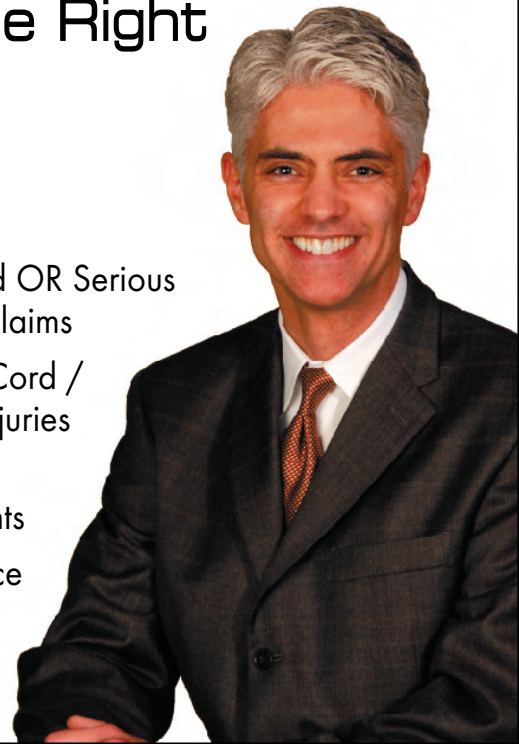
Thanks, Susan

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

Matthew Blum, Shon Bogar, April Brinkman, Chuck Buckley, Mark Carter, Elizabeth Christy, Micah Davis, Ed Dawson, Sidney Dolquist, Stefanie Ellis, Peter Fels, Lori Ferguson, Brian Haaland, Lincoln Harvey, John Holtman, Dru Horenstein, Evan Hull, Robin Krane, Dean Langsdorf, Brian Leahy, Terry Lee, Scott Matthews, Amy McCullough, Brian Parker, Lisa Peterson, Jeff Riback, Bill Robison, Rob Russell, Mark Sampath, Kate Shaw, Kathryn Smith, Eulalia Soto-Esquivel, Scott Staples, Diane Sweet, Anna Waendelin, Jean Waller

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LAW LIBRARY NEWS



MARIA SOSNOWSKI
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FOR SALE Through OCTOBER 2010

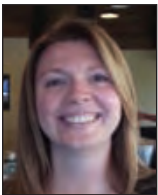
The law library is taking blind bids on the following item:

1. Immigration Law Sourcebook, 11th Edition (Kurzban).

Give your bid to the law librarian through the end of OCTOBER. Bids must indicate your name, phone number, amount, and item(s) on which you are bidding. Winners will be notified in early November. We reserve the right to withdraw an item from bidding.

Maria Sosnowski
Clark County Law Library
PO Box 5000
Vancouver, WA 98666
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Quick Reference Chart for IT Items

Washington Department of Revenue has an excellent quick reference chart for the taxability of IT (information technology). The link is <http://dor.wa.gov/docs/pubs/industspecific/quick-refchartit-services.pdf> If sales tax is not paid, this is a useful chart for calculation of use tax.

INNS OF COURT



KRISTEN PARCHER
CCRA Special Correspondent

Thank you to those who attended the BBQ!

Judge Nichols' group will be presenting at our October meeting. We will send out an updated group list and schedule for remaining presentations next week.

October 20, 2010
5:00 p.m. – 6:30 p.m.
Shanahan's (in the back room)
209 W. McLoughlin
Vancouver, WA
360-735-1440
Dinner is provided

Future meeting dates will be the third Wednesday of each month.

For more information about Inns of Court generally, please go to www.innsofcourt.org. For more information about joining our local Inn, please contact Scott Horenstein at scott@horensteinlaw.com or Kristen Parcher at kristen@greenandritchie.com.

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UPCOMING EVENTS

MEETING

October 6, 2010

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

MEETING

October 6, 2010

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

MEETING

October 12, 2010

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

MEETING

October 13, 2010

District Court Bench Bar Meeting; Judge Zimmerman’s Courtroom - noon

MEETING

October 14, 2010

Family Law Section meeting to be held at the Red Lion at the Quay at 11:00 am.

MEETING

October 19, 2010

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

MEETING

October 21, 2010

CCBA Web Site committee meeting; Nel-
lor|Retsinas|Crawford at 1201 Main
Street at noon

MEETING

November 1, 2010

CCBA General Meeting Red Lion at the
Quay – 100 Columbia at 12:00 pm

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Administrative Law	3
Bankruptcy	5
Business & Corporate	2
Consumer	20
Criminal.....	26
Debtor/Creditor	11
Family	69
General Litigation	61
Intellectual Property	2
Labor and Employment	14
Real Property.....	25
Wills & Trusts	7
Worker’s Compensation.....	2

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PRESIDENT
Kurt Rylander
(360) 750-9931
rylander@pacifier.com



IMMEDIATE PAST PRESIDENT
David Ridenour
(360) 906-1556
davidwr@copper.net



VLP REPRESENTATIVE
Charles Buckley
(360) 693-2421
cbuckley@cbuckleylaw.com



VICE-PRESIDENT
John Fairgrieve
(360) 397-2261
john.fairgrieve@clark.wa.gov



TRUSTEE
Jane Clark
(360) 694-4344
jclark@bnplaw.com



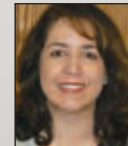
EXECUTIVE DIRECTOR
Diane J. Wheeler
(360) 695-5975
diane@ccbawashington.org



TREASURER
Suzan Clark
(360) 735-9434
sclark4224@aol.com



TRUSTEE
David Gregerson
(360) 906-1164
david@gregersonlangsdorf.com



MEMBER SERVICES
Elena Quintana
(360) 695-5975
elena-ccba@qwestoffice.net



SECRETARY
Andrew Wheeler
(360) 690-0064
awheeler@vancouverlaw.net



TRUSTEE
J.D. Nellor
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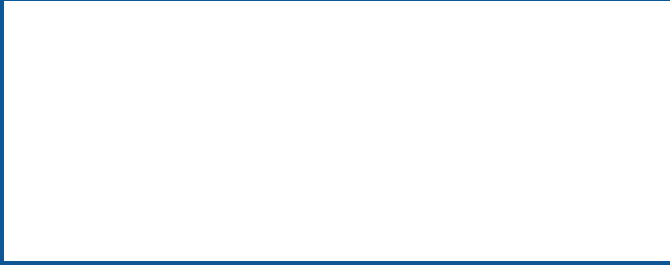


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