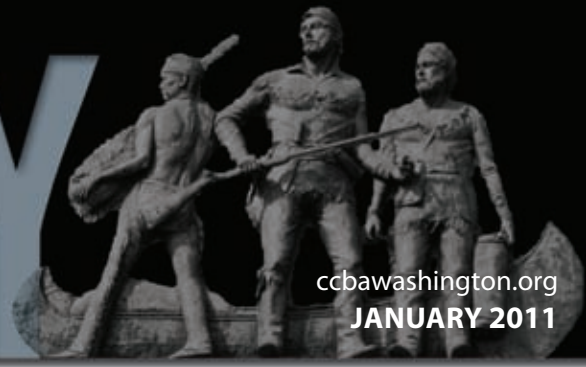


# HEARSAY



ccbawashington.org  
JANUARY 2011

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION

# 2011

HAPPY NEW YEAR



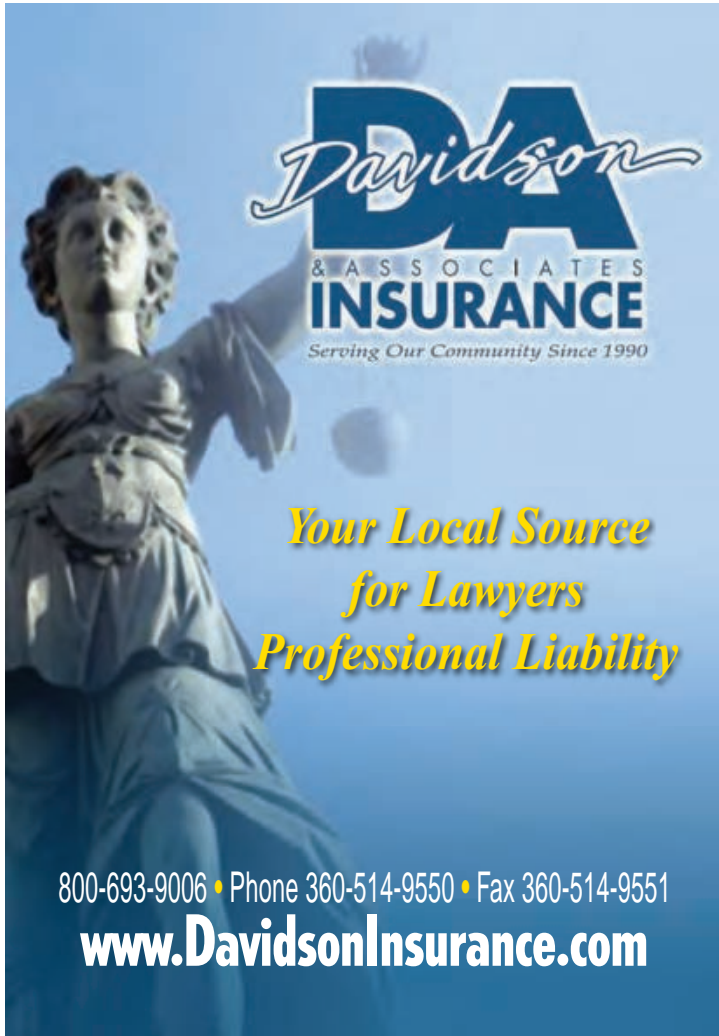
# THIS MONTH'S ISSUE

President's Message .....	3	Superior Court Clerk's Alert .....	17
Upcoming CLE Calendar .....	3	Family Law Section .....	18
A Hearsay Manifesto .....	4	Double Hearsay: What CCBA Members Are Doing About Town .....	20
Retirement Parties for Curtis and Eisland .....	5	Getting to Know: Paula Martin .....	21
NEGOTIATION STRATEGIES: Part 2 in a three-part series .....	7	Clark County Volunteer Lawyers' Program.....	23
Nuts & Bolts CLE Calendar.....	9	Law Library News .....	25
Emerging Legal Issues Related To Internet Use .....	11	Attorney Bookkeeping Tips .....	25
Nuts & Bolts Lecture: Basic Criminal Law Practice .....	14	News You Can Use.....	25
Homeless Court Benefits Community, Improves Lives of Share Clients ....	16	Upcoming Events.....	26
CCBA Monthly Board of Directors' Meeting .....	17	SW Washington Lawyer Referral Service.....	26

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

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.

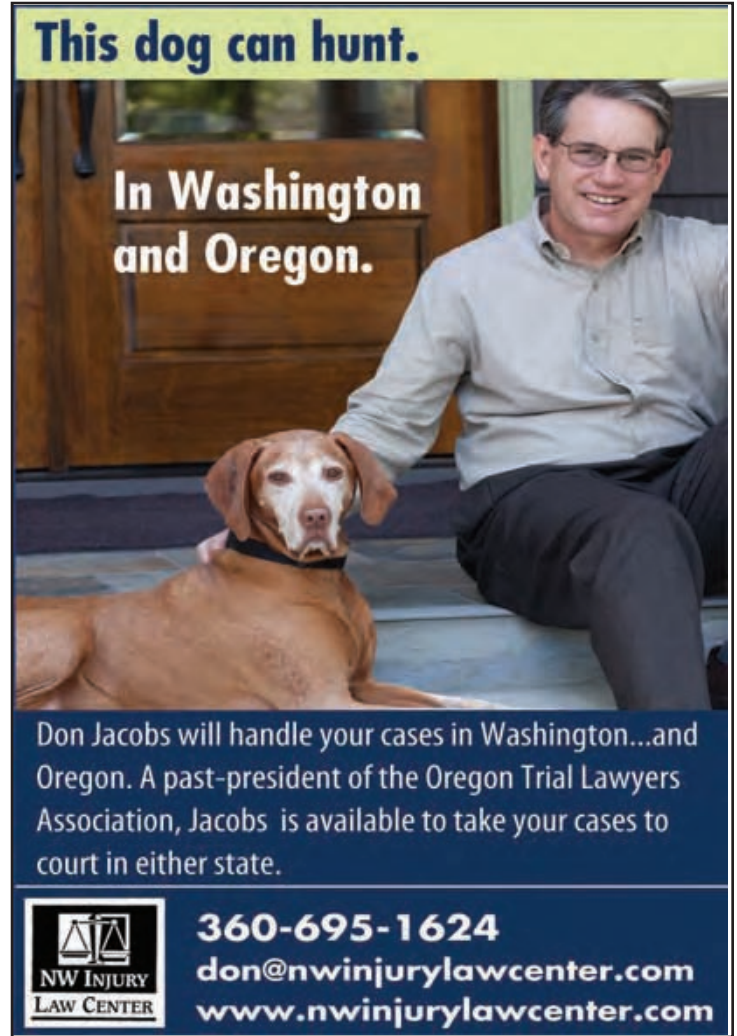
CCBA OFFICE HOURS: Monday through Friday, 8:00 a.m. to 5:00 p.m.



**DAVIDSON**  
*Davidson*  
**& ASSOCIATES**  
**INSURANCE**  
*Serving Our Community Since 1990*

*Your Local Source  
for Lawyers  
Professional Liability*


800-693-9006 • Phone 360-514-9550 • Fax 360-514-9551  
[www.DavidsonInsurance.com](http://www.DavidsonInsurance.com)



**This dog can hunt.**

**In Washington  
and Oregon.**

Don Jacobs will handle your cases in Washington...and Oregon. A past-president of the Oregon Trial Lawyers Association, Jacobs is available to take your cases to court in either state.

 **360-695-1624**  
[don@nwinjurylawcenter.com](mailto:don@nwinjurylawcenter.com)  
[www.nwinjurylawcenter.com](http://www.nwinjurylawcenter.com)

**CCBA Conference Room available to rent**  
The CCBA's office conference room is available for meetings and depositions at reasonable rates.  
**Call Diane Wheeler at 695-5975 to schedule**

# PRESIDENT'S MESSAGE

## Holiday Cheer and A Happy New Year



**KURT RYLANDER**  
CCBA President

Christmas is coming and the goose is getting fat. Who'll put a penny in the old lawyer's hat? Yes, 'tis the time for cheer and the season to be happy. But if that's the case, why do I have so many new clients wanting to sue somebody. It never fails. There is a lull in Summer and early Fall, and then after Thanksgiving all the disputes seemingly erupt.

But my clients notwithstanding, the Bar is well and improving. We are on the way to resolving health care insurance filings issues. One of our own, Chuck Buckley, received an award for being a hero lawyer. The unofficial word is that the Golf Tournament is on, and has only been delayed rather than cancelled, with date still yet to be set. We have a solid Board, excited members, and the best bar publication in the State.

More good cheer will come from the exciting CLE's that Jane Clark intrepidly works tirelessly to put on. We are frequently regaled with wis-

dom and interesting topics. I highly recommend that our members jump on the chance to take these CLEs as way of supporting the Bar, to perhaps learn something entirely new, and to get the always needed CLE credits. Sometimes they are put on by our very own judges.

Speaking of rockstars, planning for the Barrister's Ball is in full swing, and several great auction items have been donated by enthusiastic sponsors. Like the jamming toy of the year signed by the inventors. Or a silk screening hobby kit. And more, much, much more. The gala comes quickly, so mark January 29, 2011 on your calendars. This is a ball you're not going to want to miss.

Yes, 2011 is going to be a great year for the Bar, and for our City and County and Country. See you after New Years!



### Upcoming CLE Schedule

Date	Area of Law	Topic	Speakers * committee chair
January 28, 2011 2.5 credits .5 Ethics	Internet Law	Emerging Legal Issues in Internet Use	* Richard McLeod
February	Criminal/Civil	OR Practices and Procedures	*Jane Clark
March	Family Law	Ethical Issues in Family Law	*Suzan Clark
April (2 day CLE)	Guardian Ad Litem		* Diane Wheeler Josephine Townsend
May	TBD		
June (2-3) hours	Civil	Discovery	*Jane Clark



# A Hearsay Manifesto



**DAVID GREGERSON**  
Hearsay Editor

Happy New Year to all!

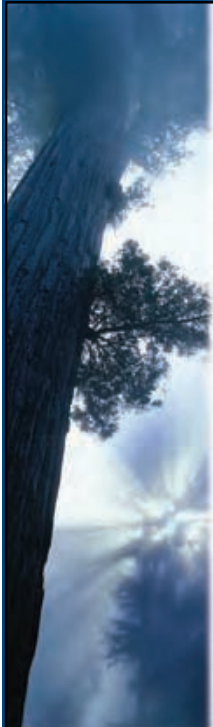
It's been my pleasure to serve as de facto editor of HEARSAY during the past year. We receive a lot of positive feedback about the tabloid format, glossy color, and oh yeah... content. You may recall feature stories throughout the past year, including two new judges (Melnick and Osler), specialty courts in District Court, new leadership of the CCBA in August, the retirements of District Court Judge Ken Eiesland and Prosecutor Art Curtis, and some favorite lawyer pasttimes including motorcycling (OK, I'm biased on that particular one), youth sports coaching, and running Hood-to-Coast. And as always, our clandestine gossip reporter Raisa Judicata keeps her (his?) finger on the pulse of all the scuttlebutt around town.

Besides feature stories, we try to maintain our regular columns to demonstrate how the Clark County Bar Association and its affiliated organizations are serving you and your community.

I view the mission of HEARSAY as follows: to inform, educate, and entertain. Toward that end, I welcome any input from our readers of what you would like to see us cover in 2011. I'll even listen to any gripes. This is your newsletter, and the energy and participation of our membership are what make it go. Like any organization which risks becoming stale, we welcome anyone who is willing to contribute to us on either a regular or sporadic basis. There are plenty of opportunities, large and small, for the interested. Come forth, fresh blood!

Best wishes in the New Year,

David E. Gregerson



**ELLIOTT  
OSTRANDER &  
PRESTON, P.C.**

*Guiding Clients in  
the Pacific Northwest*


- Business
- Employment
- Intellectual Property
- Entertainment and New Technologies
- Tax and Estate Planning
- Immigration and Nationality
- Litigation and Appellate Practices

**PORTLAND:**  
707 SW Washington St., Suite 1500  
Portland, OR 97205  
Phone: (503) 224-7112

**WOODLAND:**  
131 Davidson St., Suite AA  
Woodland, WA 98674  
Phone: (360) 225-0608

[www.eoplaw.com](http://www.eoplaw.com)

**We are creative about protecting  
intellectual property**



Patents

Trademarks

Copyrights

Trade Secrets

Unfair Competition


Litigation

Licensing

Counseling

Due Diligence

406 West 12th Street  
Vancouver, WA  
(360) 750-9931  
[www.rylanderlaw.com](http://www.rylanderlaw.com)



**RYLANDER  
& ASSOCIATES PC**

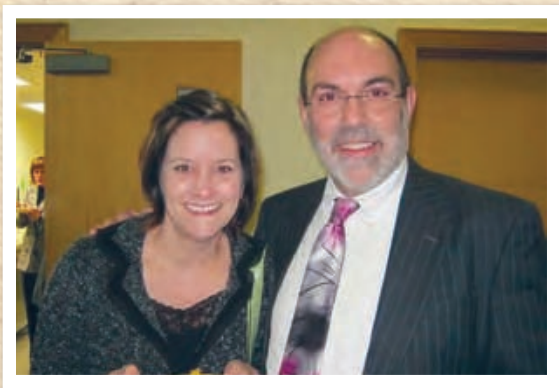
Trial & Patent Attorneys

# Photo Album

## Retirement Parties for Curtis and Eisland







**Entertainment Books are here!**  
**They continue to offer great deals on restaurants, hotels, rental cars, and much more. Cost per book is \$25**

# NEGOTIATION STRATEGIES:

## Part two in a three-part series



**JANE CLARK**

*Hearsay Special Correspondent*

*Jane Clark is a partner with the Vancouver law firm of Baumgartner Nelson and Price and exclusively represents plaintiffs in Medical Malpractice, Personal Injury and Wrongful Death cases. She is a member of the United States Arbitration and Mediation Panel and is licensed to practice law in Washington, Oregon, England and Wales. During her 20 years of practice she has gained experience practicing in multiple jurisdictions, and has represented both plaintiffs and defendants as well as serving as a mediator and arbitrator. This experience has given her a wide ranging perspective and experience with negotiation strategies and techniques.*

### **PART 2 - Negotiation Tips and Tactics**

#### ***Credibility and Integrity***

The first rule in negotiation is maintain your credibility and integrity. As soon as you lose your credibility you lose your ability to negotiate effectively from a position of strength. Therefore throughout the case and even before you reach the point of starting negotiations, do not make promises or threats you cannot follow through on. Of course it can and does sometimes happen that witnesses do not testify as you expect them to testify and the face of your case can change during the litigation process. However, if you make representations to your opponent that you cannot fulfill they will not trust you in negotiations and any information you communicate as part of the negotiation process will be regarded with suspicion. This makes it very difficult to argue a strong case and maximize your client's position in settlement negotiations. Cases are far more likely to settle when the opposing attorneys trust and respect each other and are willing to listen to each other's positions.

#### ***Listen and advocate***

The key to successful negotiations is listening and advocating. You must listen to what your opponent is saying about his case, evaluate that information and then advocate your client's position. Your opposing attorney may give you information during settlement negotiations that could impact your view of the case and its settlement value. Therefore hear what he is saying and acknowledge that you have done so. If your opponent believes that you have heard and understood his position and you have maintained your credibility during the case in terms of exchange of information and representations of facts and evidence, he is more likely to listen to and understand your position when you advocate for your client. The more credible you have been during the case, the more credible will be your arguments supporting your offer or demand.

You must also be prepared to advocate your client's position - in much the same way as you would do during a closing argument. If you represent a plaintiff and want the defendants to increase their offer, you have to be able to explain and justify why you believe the case has a higher value with reference to the facts and the evidence.

Sometimes attorneys are unprepared for settlement negotiations. If you are not prepared, do not be afraid to delay discussions until you are. If for example you get a call out of the blue one day from your opposing counsel wanting to discuss settlement and making a demand or an offer and asking for your evaluation of the case and reaction to the offer, do not be afraid to put off such a discussion until you have had time to formulate a response. Of course, you generally cannot respond to any demand immediately without consulting with your client (unless you already have authority to settle up to a certain amount). However, without giving the matter some thought, you likely will not do your case justice. Before calling your opponent back, consider making a list of all the points you want to make regarding your case and your response to the points he made to ensure that you do not forget anything.

When making your counter demand or offer - be prepared to justify your response by reference to your evaluation of the strengths and weaknesses of the case.

#### ***Disclosure of authority***

The defense will typically have a limit of authority placed on the case by the insurer. Oftentimes the insurer will give the attorney authority to negotiate a settlement up to a certain amount. Sometimes additional funds are available in addition to that authority but the insurer most increase the authority. If you are defense counsel and are asked the limit of your authority - how do you respond? Oftentimes you will not want to give this away earlier in the settlement negotiations. Just because you have



authority up to a certain amount does not mean that you have to offer the complete amount of your authority. However, you cannot lie to your opponent and advise that you have authority less than you do - this would be wrong ethically and goes to the issue of credibility discussed earlier. Be prepared for this question and know how you will respond. An answer such as "I am not at liberty to disclose that at this time" or "that is information is confidential at this stage of the negotiation" will usually suffice. Your opponent cannot force you to disclose your authority.

### ***"Bottom line" representations***

Attorneys commonly represent an amount as being the "bottom line" and then go beyond the bottom line. Sometimes this is not unreasonable. Bottom lines can of course change as the litigation proceeds and information comes to light that change the evaluation of the case. Sometimes a client will refuse to go beyond a certain figure and represent that as the bottom line but change their mind after further consideration.

Again - from a credibility perspective, be wary of consistently going beyond your bottom line - if you do this you will lose credibility in future negotiations. Your opponent may well say "Of Jo always says \$100,000 is his bottom line but always end up settling for 50% of that". If you do so, and on the day you have that case where \$1000,00 really is your bottom line, you may be unable to settle it!

### ***Initial demands and offers - how to position them***

Most cases have a settlement range. That is a figure within a range that the defense will be prepared to pay and the plaintiff will be prepared to accept to avoid the risk of trial. If the case has such a range, the case will likely settle within it irrespective of the opening demand and offer amount. However, how long it takes to reach that figure in settlement negotiations and how much credibility the attorneys maintain during the process will depend on the amounts of the opening demand and offer.

As a general rule, if the opening demand is excessively high the opening offer will be unreasonably low. That is because the defense will want to leave sufficient room to increase offers during the negotiation process but still ending up in the settlement range. For example, if the settlement range on a case is \$50-\$60,000, parties will likely reach that range much more quickly if the opening demands and offers are realistic closer to than range.

However, the risk of making a demand close to that range - particularly if you have not worked previously with your opposing counsel, is that your opponent will believe that as you have made a demand of \$80,000, you probably value it at around \$20,000. It is only with experience and ongoing relationships with your opponent can you reach a point where you have sufficient credibility to be able to make a demand close to the settlement range and know that it will settle within this range as your opponent knows from experience that you are credible and realistic in your negotiations. Until you reach that type of relationship, make initial demands sufficiently high to give yourself plenty of room to negotiate but not so high that the defense is not even willing to engage in discussions believing there is no possibility of settlement. You also lose credibility if you demand \$500,000 and ultimately settle the case for \$30,000.

On the defense side - the same rules generally apply. As the defense holds the purse strings, their position is a little easier. When you are at your authority and there is not more money there is no more money and plaintiff must then take it or leave it. If that take it or leave it offer is in the settlement range the case will likely settle. If however your opening offer is unreasonably low plaintiff may be reluctant to engage in negotiations and simply prefer to take his chances and spend his time preparing for trial.

### ***Direct Negotiation or Mediation?***

There are advantages and disadvantages to direct negotiation versus mediation. One advantage is that it is cheaper - you avoid the mediator's fee, which is more of a factor in smaller value cases. Oftentimes, defense counsel will put the authority out there on the table and it will be a take it or leave it situation with mediation unlikely to be effective in changing what the insurer will pay. There are cases however where mediation is justified both in terms of the value of the case and efficiency of the process. Oftentimes during direct negotiation, parties will go back and forth over a number of weeks, sometimes even months. That whole process can take place with mediator over the course of a few hours.

Another advantage of mediation is that many mediators are "evaluative" mediators. This means that they evaluate the case and give feedback to the parties during the course of the mediation process. Oftentimes, having a neutral party with experience in the relevant legal field mediate and evaluate the case can help

### **Best office space in the Vancouver east side at Tech Center**

Class A business executive offices available for sublease within a 2,527 square foot, well-appointed office suite occupied by two business attorneys. We have four window offices available ranging from 144 to 159 square feet. \$800 per month per office, full service. Share kitchen space, conference room, and un-staffed reception area.

Ample parking available.

**Contact Michele Faulk at 503-598-5530 to arrange a tour of the space**

### **LOCATION LOCATION LOCATION**

Sole practitioner looking for small executive suite office space? Would you like to be across the street from the Clark County Courthouse? Here is the perfect location for you! One year lease includes: Reception/waiting area for clients, free conference room use, copy machine availability, fax machine availability, separate 7 x 10 storage space available for lease, kitchen/break room. Utilities and janitorial included.

**Contact Teresa at 360.693.4111**



in change the positions of the parties and reach a faster settlement. This is particularly so where the parties and/or the attorneys perhaps have an unrealistic view of the case in terms of its strengths or valuation. A mediator who has experience in handling personal injury cases either as an attorney or judge, may be useful in helping to educate a plaintiff who has unrealistic regarding the value of the case and what they will likely recover at trial. The same may be true of an insurance adjuster who is taking an unrealistic position and failing to understand the issues in the case.

The parties must agree on the identity of the mediator and the personality of the mediator will often be a factor in the selection process. Some mediators are very "let's get down to it and move this forward" others like to talk about other cases and their other experiences and others are willing to listen. Many good mediators

will do any or all of these things depending on the case. If however you have a case where you represent a plaintiff who really wants to tell her story and you know a particular mediator wants to get down to business- that person may not be the best mediator in the case. The case is more likely to settle if the parties trust the mediator and feel that their side of the case has been heard and communicated by the mediator to the other side.

Typically the cost of mediation is split between the parties - although sometimes one party is willing to pay the cost. Sharing the cost typically engages both parties in the process - rather than just coming along for the ride because the other side is paying with no real willingness to settle the case.

*Stay tuned for Part 3 in next month's edition of HEARSAY.*

## ✦ **Nuts and Bolts - 2011** ✦

Here is the developing schedule for the Clark County Bar Association's popular series for *new practitioners* OR those looking for insight into a *new or unfamiliar practice area*. Watch for our flyers in your email's inbox, and for the monthly ads in Hearsay.

<b><u>DATE</u></b>	<b><u>TOPIC</u></b>	<b><u>SPEAKER</u></b>
January 12	Basic Criminal Law Practice in Clark County	Suzan Clark Andrew Wheeler
February 9	Personal Injury	Jane Clark Mickey Thompson
March 9	Flying Solo: Starting & Managing your successful law practice	Kathy McCann Elizabeth Christy
April 13	Evidence: Criminal and Civil	
May 11	Family Law	
June 8	Consumer Protection	
July 13	Setting up and Advising the Small Business	
August 10	Wills and Estates	

# You're invited to the 2011 BARRISTERS' BALL

January 29, 2011, At The Red Lion at the Quay

Invitations will be mailed  
soon to CCBA Members

Friends, Family, Support Staff are  
all invited to celebrate this occasion

Join us as we honor members  
of the Clark County Bar for:

“50 YEARS OF SERVICE”

KEN WEBER AWARD

DONALD SIMPSON AWARD

VOLUNTEER OF THE YEAR AWARD

AND THE ALAN HARVEY AWARD

Other Events include:

Silent Auction to benefit the  
Volunteer Lawyer's Program

50-50 Raffle

Music & Dancing

Tickets for this event are available from the Bar Office. \$55.00 for members  
Call Diane Wheeler at 695-5975 to reserve your tickets today!



**The Clark County Bar Association Presents a CLE:**  
**~ Emerging Legal Issues Related To Internet Use ~**

**by RICK Mc LEOD and STEVE GLISTA, Attorneys at Law**

**Friday, Jan 28, 2011, 9:00 – 12:00 (Sign In at 8:45)**  
**Public Service Center, 1300 Franklin St, 6<sup>th</sup> Floor Training Room**  
**⇒ Coffee and Pastries Provided! ⇐**

2.0 general CLE Credits and ½ Ethics Credits are offered at \$35.00 per credit for a total of \$87.50. Oregon credits pending.

There is an **Early-bird discount** of \$5 per credit, for a total of \$12.50 off, for registering on or before Wednesday, Jan. 19th.

**To register contact Diane Wheeler**  
**(360) 695-5975, [diane@ccbawashington.org](mailto:diane@ccbawashington.org)**

As the Internet evolves, the ways that it is used (and misused) continually present new legal challenges for individuals, businesses, and lawyers. Social networks, blogs, and search engines have changed the way people communicate in radical ways. Technological progress is rapid, but the legislatures are not nearly as agile. Thus, lawyers and judges are often on the front lines of conflict, and the lines are constantly moving.



**Rick McLeod** has been a *netizen* since the early 80s (when the whole Internet could be mapped on a single piece of paper). He is Of Counsel at Klarquist Sparkman LLP, a firm specializing in intellectual property law in Portland OR. He holds a J.D from the University of Texas and an LL.M. in Media, Communications and Information Technology law from the University of New South Wales, in addition to technical degrees from the University of Houston and Stanford University. In addition to the more typical intellectual property practice, Rick actively supports the activities of the Electronic Frontier Foundation, particularly its Patent Busting and Copyright Defense initiatives.<sup>1</sup> He like cats, motorcycles and things that go bump in the night.



**Steve Glista's** solo practice is focused on helping clients understand the risks -- and rewards -- that come with doing business on the internet. He's also representing defendants and John Doe targets in the current series of online file sharing lawsuits. Prior to law school, Steve worked in biotech, finance, and professional services for several large companies in the SF Bay area. Steve earned his JD from the University of Oregon and his bachelor's in biology from the California Institute of Technology.

[A brief outline of the talk appears on the next page.](#)

<sup>1</sup> See <http://w2.eff.org/patent/> and <http://www.eff.org/uscg/> respectively.

Emerging legal issues related to internet use.

Major topics likely to be covered:

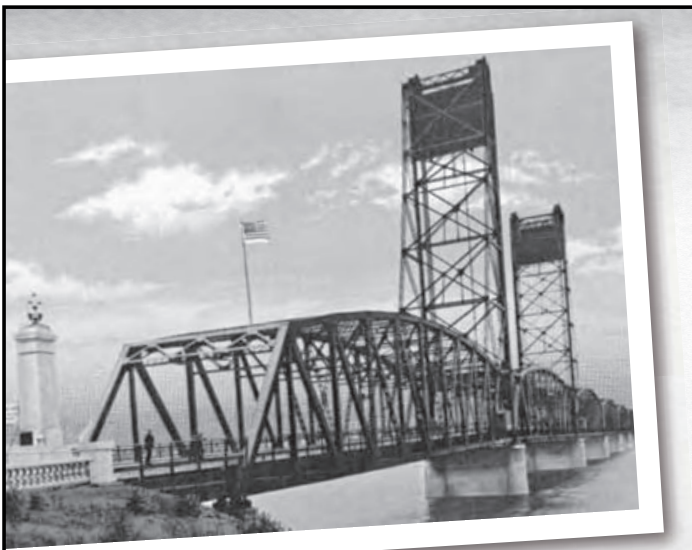
- I. Anonymity, Free Speech, Defamation and Cyberbullying
  - a. Is There Anonymity (or even Pseudonymity) on the Internet?
  - b. Social Media: The Death of Privacy?
    - i. Evercookies
    - ii. Cookie-less Browser Tracking
    - iii. “Firesheep”
  - c. Computer Fraud and Abuse Act: 18 U.S.C. § 1030
    - i. “Terms of Service” Violations
    - ii. Cyberbullying to the extreme: The Lori Drew case
    - iii. Anti-harassment initiatives
  - d. Estate Law: Who gets the Facebook account when tragedy strikes?
  - e. Labor Law: Criticizing An Employer On A Blog May Be Protected Speech
- II. Jurisdiction Issues
  - a. How to identify a tortfeasor
  - b. Does personal jurisdiction exist?
  - c. Service via the Internet?
- III. The Rise Of The Copyright Troll
  - a. Reposting news on a blog: Infringement or fair use?
    - i. The Righthaven cases
  - b. Peer-to-Peer Filesharing
    - i. “RIAA v. The People”
    - ii. The Profiteering Model
      1. U.S. Copyright Group
      2. Copyright Defense Agency, Adult Copyright Group
- IV. Evidentiary Issues
  - a. Authenticity: Every computer document is forgeable...
    - i. Personal computers in domestic disputes
  - b. Forensic Evidence Collection
  - c. Spoliation: “Delete” Doesn’t Mean What You Think
  - d. Protective Orders For Computer Data
- V. “Phishing” – How Responding To An Email Can Devastate A Law Practice



## MOCK TRIAL

The Clark County District Mock Trial Tournament will be held at the courthouse on Wednesday, February 23, and Thursday, February 24, 2011.





*If you're facing a divorce,  
we protect what's important... without a commute.*

Representing clients in  
Oregon and Washington

S.W. Washington office  
805 Broadway Street, Vancouver  
(360) 823-0410  
GevurtzMenashe.com

**GEVURTZ** Attorneys at Law  
♦ **MENASHE**  
The firm you want on your side  
*family law*

## Significant changes in bankruptcy procedural laws may not stop your client from achieving their goal of a fresh start.



STANLEY F. HORAK  
ATTORNEY AT LAW  
www.shorak.com  
1104 Main Street, Ste 300  
Vancouver WA 98660  
(360) 695-1497

If you have questions about how  
bankruptcy will affect your clients'  
divorce, personal injury claim,  
preservation of your legal fees, retainer  
agreement, or other legal matters, call to  
get advice to protect the benefits of your  
legal work for your clients.

I have 28 years of bankruptcy experience  
and knowledge in the Western District of  
Washington to assist you and your clients.

If your client needs representation in a  
bankruptcy or a contested matter arising  
in their bankruptcy, I can represent them.

Accepting referrals and consultations

## MEDICAL MALPRACTICE CALL 360.694.4344

With combined litigation experience  
of more than 60 years, William F. Nelson and Jane E. Clark  
are available for referral and/or association in medical  
malpractice and wrongful death cases.



WILLIAM F. NELSON  
wnelson@bnplaw.com

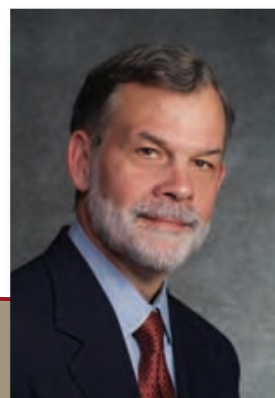


JANE E. CLARK  
jclark@bnplaw.com  
Licensed also in OR, England & Wales

### BAUMGARTNER, NELSON & PRICE, PLLC

112 W 11th Street, Suite 150 • Vancouver, WA 98660  
(360) 694-4344 • (360) 694-6075 fax

[www.BNPLaw.com](http://www.BNPLaw.com)



## CHUCK CORRIGAN

MEDIATION  
ARBITRATION

503.241.0677

**REAL PROPERTY** purchase/sale, development,  
construction, HOAs/CCRs, boundaries/easements,  
condemnation

**BUSINESS** formation, sales contracts, employment,  
insurance, non-competes, dissolution

**TORTS** injury, death, malpractice, civil rights

Washington admissions:  
Washington, 1977;  
USDC-Eastern District, 1977;  
Western District, 1979.  
Member CCBA since 1979.

[www.corrigan-law.com](http://www.corrigan-law.com)  
1000 SW Broadway, Suite 2130  
Portland, OR 97205

The Clark County Bar Association is pleased to announce its

*fifth* **Nuts and Bolts Lecture:**  
~ **Basic Criminal Law Practice** ~

by Attorneys Andrew Wheeler and Suzan Clark

Wednesday, Jan 12, 3:00 – 5:00 PM, at the Red Lion at the Quay

---

This series is designed for those new to the practice of law and more senior practitioners interested in trying out something new. Our speakers will present the core concepts and insights needed to negotiate the tricks, traps and deals of criminal defense. During the first hour, Andrew Wheeler will present his **Practice Tips for District Court**, followed by Suzan Clark covering **Felony Practice in Clark County**.

The cost is \$50.00, which will get you 2 CLE credits and Andrew and Suzan's prepared materials to download. There is an extra fee if you want to pick up the materials at the door. **Call Diane Wheeler, (360) 695-5975, or email: [diane@ccbawashington.org](mailto:diane@ccbawashington.org), at the CCBA to register.**

We provide an acclaimed snacks buffet with coffee and beverages during the talk. The Red Lion's bar is a good place for a drink afterward, and if you sneak a beer into the talk you will be celebrated, not judged. Outlines of the talks follow. We hope to see you there.

---



**Andrew Wheeler** is a lifetime resident of Clark County. A graduate of the Idaho College of Law, he is a founding partner of Wheeler, Montgomery, Sleight & Boyd in Vancouver, where he focuses primarily on defense of DUI's. Andrew has handled hundreds of DUI cases in Clark County, filed and prevailed on countless suppression motions and argued hundreds of administrative hearings before the Washington Department of Licensing. In 2008, Andrew served as lead attorney on the largest breath test suppression motion in Clark County history, lectured on the role of the Criminal Defense Attorney to young lawyers and conducted the annual DUI defense presentation to the Clark County Bar

Association. He is an active member of the Washington State Bar Association, and serves on the executive board of the Clark County Bar Association.



**Suzan Clark** obtained both her bachelor's degree and law degree from the University of Oregon, making her a proud "Double Duck." She began her legal career as a deputy district attorney in LaGrande, Oregon and later worked as a deputy prosecuting attorney in both Cowlitz and Clark Counties. In 1994 she entered into private practice emphasizing criminal defense, appellate work and family law. She has tried over 150 felony jury trials in Oregon and Washington as a defense attorney and she tried over 50 felony cases to a jury as a prosecutor in both Oregon and Washington. She has briefed and argued over 150 appeals to the Washington Court of Appeals, Divisions II and III, the Washington Supreme Court and the Oregon Court of

Appeals. She served as a bar examiner for the Washington State Bar for 7 years. She has served on numerous bar committees and as president of the Clark County Criminal Defense Bar. She volunteers regularly with the YWCA Legal Clinic. She has traveled to 84 countries and is an avid basketball fan.



## FELONY PRACTICE IN CLARK COUNTY

1. **PRE TRIAL ISSUES**
2. **1<sup>ST</sup> APPEARANCE**
  - a. When does a client make 1<sup>st</sup> appearance?
  - b. Defendant arrested, Defendant summonsed, Defendant bailed out
  - c. Probable cause determination
  - d. Bail or release considerations
    - i. bail schedule, supervised release , increase in bail
  - e. Assignment of counsel/retention of counsel
3. **BETWEEN 1<sup>ST</sup> APPEARANCE AND ARRAIGNMENT**
  - a. Confirming as counsel
  - b. Discovery
  - c. Drug court screening
  - d. Diversion referral
  - e. Affidavit of prejudice
  - f. Indigent defense services for the non indigent client
4. **ARRAIGNMENT**
  - a. Speedy trial issues - Waiver of speedy trial, speedy arraignment
  - b. Omnibus hearing
  - c. Affidavit of prejudice
  - d. Bail reconsideration
  - e. Setting of trial date and readiness hearing
5. **ARRAIGNMENT TO OMNIBUS**
  - a. Plea offers
  - b. Change of plea dockets
  - c. Mandatory PSI cases
  - d. Mandatory remand into custody cases
  - e. Delaying sentencing
  - f. Omnibus hearing
6. **PREPARING FOR TRIAL**
  - a. Readiness hearing and continuances
  - b. Investigation and interviewing witnesses
  - c. Retaining or seeking appointment of expert witnesses
  - d. Pre trial motions
  - e. Witness list
  - f. Knapstead motion
  - g. CrR 3.5 motions
  - h. CrR 3.6 motion
  - i. Motions in Limine
  - j. Other motions
7. **TRIAL**
  - a. Client expectations and testimony preparation
  - b. Jury instructions
  - c. Learn in advance judge's specific voir dire procedure
  - d. Pre mark exhibits
  - e. Clothing for client in custody
8. **WHAT HAPPENS AFTER TRIAL**
  - a. Advising the acquitted client
  - b. PSI and Defense PSI
  - c. Sentencing

## DISTRICT COURT PRACTICE TIPS

1. **UNDERSTAND THE LOCAL COURT RULES- ARRAIGNMENT/ WARRANT CANCELLATION**
  - a. When an attorney can appear on behalf of a District Court client (LCrRLJ 4.1)
  - b. When the client must appear (DUI, Domestic Violence charge)
  - c. Cancellation of a warrant (FTC vs. a pending case)- involvement of the state, proof for the judge
2. **DISCOVERY PLUS**
  - a. Availability of the Police Rpt prior to Arraignment (cold charged vs. officer cited cases)
  - b. CRESA 911 tapes
  - c. CCSO Dispatch Logs
  - d. Washington State Patrol Dispatch Reports
  - e. Washington State Patrol Datamaster Logs <http://breathtest.wsp.wa.gov/welcome.htm>
3. **OFFICER/ TROOPER INTERVIEW TIPS**
  - a. WSP communication directly with Trooper-District #5, on shift preference
  - b. VPD City Attorney's Officer Yvonne Taylor, Stephenie Urick
  - c. CCSO prosecuting attorney's office
  - d. Use of a digital recorder/ transcription
4. **MITIGATING STEPS FOR THE CLIENT**
  - e. Alcohol evaluation/ victim's panel
  - f. Domestic Violence/ Anger Evaluation
  - g. License reinstatement process (DOL contact) <https://fortress.wa.gov/dol/dolprod/dsdDriverStatusDisplay/>
  - h. Civil Compromise (WalMart vs. Private Party)
5. **PROSECUTOR/ CITY ATTORNEY NEGOTIATION**
  - a. State v. City guidelines
  - b. Staffing process
  - c. Interns- no discretion
6. **SUPPRESSION MOTIONS**
  - a. Briefing schedule (set before Judge)
  - b. Cross of the Officer/ Witness
  - c. Presence of the Officer/ Trooper
  - d. Case law check (State and City Briefs)
7. **TRIAL**
  - a. Client communication/ discussion of options, benefits
  - b. Pre-Trial Motions (what not to do the morning of trial- record certification, marking of exhibits)
  - c. Jury Selection
  - d. Determining your style, what is your client's story?  
How can it best be expressed?
  - e. Rules of Evidence, objections, preparation
8. **SENTENCING**
  - f. PTA's (what to watch for)
  - g. PSI
  - h. "Free to Argue Agreed"

# Homeless Court Benefits Community, Improves Lives of Share Clients

## HEARSAY STAFF

For someone who is homeless, a growing list of worries is a daily companion: finding a warm meal to eat, finding a safe place to sleep, finding a job, finding a way to move forward and escape homelessness. Imagine that, on top of trying to address your most basic daily needs, you have a misdemeanor charge hanging over your head – like camping, public intoxication or driving without insurance. In Clark County, our community is fortunate to have both the Clark County Volunteer Lawyers Program (CCVLP) and Homeless Court to assist the homeless with legal matters.

“It is the only program of its kind in the state of Washington and one of only 26 programs in the entire United States,” said Susan Arney, Director of the CCVLP.

For someone who is homeless, they lack the funds to buy nutritious food or a new pair of shoes, much less a citation. When the fine isn’t paid, the debt goes to collections and gains interest, leading to bad credit reports and making it difficult to secure housing or a job.

“We had one client who completed 600+ hours of community service to pay off \$20,000 in fines,” said Susan. “Even if he had been working, he wouldn’t have been able to pay down that kind of debt.”

Here’s a quick description of how the program works: a client must contact a participating agency (Share, Open House Ministries, list others), who will establish homeless status. A shelter representative will then fax a referral to the CCVLP, where it will be determined if the offense qualifies for the program. If the offense qualifies, the client will be assigned a lawyer who will determine how many hours of community service will cover the original fine. And then the client and lawyer go to court. Once the hours are completed, the client goes back to court and graduates.

On average, 15 volunteer lawyers are available to assist clients. Only misdemeanors committed in Clark County qualify for the program. The CCVLP is collaboration between District Court, local shelters and volunteer lawyers which began in 2004; Susan is the only paid staff at the CCVLP. The program is funded annually by Clark County Community Services.

CCVLP holds 15 clinics each month that give clients 30 minutes of free legal advice. Most of the clinics deal with civil cases, particularly family law. Some attorneys also give coaching on court procedures and preparation of legal documents.

“The program is great in that it saves the county time and money, both in trying to collect funds they likely wouldn’t collect anyway, in addition to the cost of jail time,” shared Susan. “Plus, the community benefits by community service hours performed by the clients.”

Anita is one such client. A life-long resident of Vancouver, Anita, age 46, is currently homeless, but staying at the home of a close friend.

“Thank God for friends,” she shares, with a smile in her voice.

In addition to being homeless, Anita has struggled with drug abuse and the mounting debt of unpaid tickets.

“I realized it was time to clean up my life,” said Anita. “I had been visiting Share Outreach on a regular basis and it was through Connie that I heard about Homeless Court.”

Anita was assigned legal representation through the Volunteer Lawyers Program. On her court date, the judge pulled her seven tickets (most of which were driving with a suspended license), which totaled in excess of \$4,000. After removing interest and penalty fees from the collection agency, the total was reduced to about \$2,000, which was converted by the judge to 243 hours of community service.

She has been working off her hours at Share House and is half way finished. “It has been a success, because the fines are now gone, plus I have my license back.”

Anita has also tackled her drug abuse issues; she underwent drug treatment and is now one and a half years sober. “After getting involved with Share and Homeless Court, it would definitely recommend it to anyone. The program works very well.”



And volunteer attorneys for the program agree.

“It is such an important contribution to the community,” says Brian Parker, Committee Chairperson for the Volunteer Lawyers Program. “And it’s a great opportunity for new attorneys to get both face time in court and to hone their legal skills.”

Brian has been involved with the program for one and half years, after moving to Vancouver and opening his legal practice. He commends the program for helping to remove barriers to re-entering society for the homeless.

“We can either have a homeless person, unable to pay fines and court fees and unable to move forward with their life or we can

help them to make a major contribution to society and take those first steps toward a stable future.”

And he is very proud of the program’s 25% rate of graduation for homeless clients. “The program is so well organized that a small amount of time on the part of a volunteer lawyer can achieve a great deal for a client.”

When asked what he would say to other cities considering establishing a similar program? “Do it!” Brian shared emphatically. “They can be a hassle administratively to start up, but in the long term, it will reduce court work load, benefit the community and improve the lives of those who are homeless.”

---

## CCBA Monthly Board of Directors’ Meeting



**ANDREW WHEELER**  
*CCBA Secretary*

The December 15th Clark County Bar Association Board Meeting found the Board discussing a “Processing Fee” for CCBA sections who utilize the CCBA Director and staff for processing CLE credits. The Board sought in-put from Diane Wheeler on the time utilized for the task and the use of bar resources to accomplish the filings.

The Board additionally discussed the amending of CCBA Bylaws to streamline the ease of meetings and other CCBA business.

CCBA Trustee JD Nellor presented his amendments and changes to the existing Bylaws. The Board discussed the proposals and will bring the proposed changes to a vote of the membership at the Quarterly Meeting on January 12th at 2:00PM.

The next Board of Director’s meeting is scheduled for Wednesday, January 5th, 2011, at the CCBA offices, and is open to all members.

---

## Superior Court Clerk’s Alert



**SCOTT WEBER**  
*Clark County Clerk*

This is a brief introduction as I will be sworn in on January 3, 2011 and will serve as the County Clerk for Clark County.

My background is as a business man, and believe this will be a good basis for this administrative position. It is my intent that the office effectively serves the court, counsel, and all those who bring their concerns to the court for resolution.

I will be physically accessible to you and accessible to you by phone or e-mail to provide the best service that this office can

provide. Please do not hesitate to contact me either to set up an introductory meeting or to make suggestions regarding the Clerk’s office.

Baine Wilson will be my Deputy Clerk. She has 20 years of experience in the court system. Many of you may already know Baine. If not, you will find working with her to be productive.

Baine Wilson and I look forward to working with you.

**Visit us online at: [ccbawashington.org](http://ccbawashington.org)**

# Family Law Section Meeting



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

The Family Law Section had their annual holiday meeting last month. The meeting was entertaining and offered an opportunity for our members to bond over poking fun of their colleagues; all in fun of course! Some of the awards given include a harmonica for Dean Langsdorf so he can sing the blues in Court; marbles for Bob Vukanovich not because he lost his but because he's the guy everyone wants to play with at the playground; the Vancouver Gevurtz Menashe members received maps of Clark County and armor to protect them from their new colleagues here in Clark County; a large to heart was given to Jolene Sell to honor her ability to manage with heart; a remote control for Judge Collier so he can use the mute button (or parties may use the mute button on him); and even Santa received an award ... a cash register from Commissioner Schienberg to can keep track of all the fees he orders.

The next FLS meeting will be Thursday, January 13, 2011 from 11:30 a.m. to 1:00 p.m. at Tommy O's and will be on the topic of

“Reality of Residential Lending and Credit Practice” to further a discussion some of our members had at our September 2010 meeting. Jeff Bannan of Vancouver Mortgage who is a twenty year plus local mortgage broker will explain this dynamic area while dispelling the myriad of myths circulating in our community. Terry Lee has been generous enough to facilitate this topic.

The cost of lunch will be \$13.00. If you would like a CLE credit it costs \$5.00 for members and \$10.00 for nonmembers.

The FLS would like to offer congratulations to Kristen Parcher, a former FLS member, who has been appointed as a new District Court Commissioner!

Remember to visit the blog for updates and announcements:  
<http://ccbafamilylawsection.blogspot.com/>







**CCBA General Meeting**  
**Wednesday January 12, 2011**

2:00 – 3:00 PM  
(sign in begins at 1:45)

**Red Lion at the Quay**

Located at  
100 Columbia Street, Vancouver

**This meeting will include the adoption of  
amended CCBA bylaws and will be  
immediately followed by the Nuts and Bolts  
Series Criminal Law Practice CLE**

**With Suzan Clark and Andrew Wheeler**

(detailed CLE flyer attached as a separate flyer with this e-mail)

\$15.00 for General Meeting and Hors d'oeuvres

or

\$ 50.00 General Meeting,  
Hors d'oeuvres & 2 credit CLE

General Meeting registration	January 12, 2011
Name & Telephone Number	Buffet

## What CCBA Members Are Doing About Town



### RAISA JUDICATA

Guest Gossip Columnist

Retirements! Year end is always a popular time for retirement announcements, but our Bar had quite a few high profile retirements this past year. Judge Ken Eiesland retired from the District Court Bench after 24 years of service. Bench/Bar hosted a cake reception in his honor. Art Curtis retired after a lifetime with the County, and election winner Tony Golik will take over as County Prosecutor January 1. Curt Wyrick, Chief Deputy Prosecutor and Denny Hunter, Chief Criminal Deputy Prosecutor are also now retired from County service after long and honorable legal careers. Their shoes will be difficult to fill. And we are also saying farewell to Sherry Parker, our County Clerk. Sherry has run a tight ship over the last four years and has been a good friend to CCBA. She will be missed!



So with retirements come new opportunities. The domino effect of Judge Eiesland's retirement was the run and election of Sonya Langsdorf as the new District Court Judge, leaving her commissioner position open. Jeff Witteman has been appointed to fill Judge Langsdorf's former full-time position, and Kristen Parcher, of Vancouver Defenders, has been appointed to fill Jeff Witteman's part-time commissioner position. There were 11 candidates for the position, but Kristen was chosen in part because of her "calm, reasoned demeanor that is well-suited for the bench", stated Judge Hagensen. Great job, Kristen!

Now, a final update on the Campaign for Respectable Rubber Stamps, which was begun by immediate past CCBA President David Ridenour, to ensure equality in stamp sizes at the Clerk's Office. The Campaign collected sufficient funds to replace the minuscule signature stamps for Judge Rich Melnick, and those new, larger stamps are on display today at the Clerk's Office. Thank you to all who contributed. A standing committee has

been appointed to continue the oversight of stamp sizes in the face of continuing looming budget cuts that may threaten the size and quality of future stamps purchased.



Phil Janney from Landerholm snagged a big honor when he was elected into the American College of Trust and Estate Council (ACTEC) at the end of 2010. This is not just another "pay to be honored" type of membership, this is a peer-elected honor based on substantial contributions to the field of trust and estate law. Members are nominated by their fellows, and elected on the basis of their high level of integrity, commitment

to the profession, competence and experience as a trust and estate counselor. The State of Washington has 72 "fellows", and only two in Vancouver! Congratulations, Phil!

We are fortunate to live in a community where so many people give of their time and resources to those in need. The Second Annual Holiday Ball for The Free Clinic of Southwest Washington was held at the Heathman Lodge in December and saw Jim Holland, Kurt Rylander and Linda Frischmeyer donating. The Clinic raised over \$160,000 to fund its important work in giving free health care to uninsured residents of Clark County. There are 531 health care professionals in our community who donate their time to the Free Clinic. They are 98% community funded so consider this worthy charity the next time you have a few nickels to rub together.

And finally, for the 27th year Superior Court Judge Rich Melnick and his cohort, Chuck Chronis, served a free Thanksgiving dinner at Chronis' Restaurant. The first year they served dinner 79 people came in. This year they were prepared for 500, with any extras given to the women's crisis center. This year ham was on the menu for a change, but the pumpkin pie was still part of the grub.



## GETTING TO KNOW: PAULA MARTIN

*"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 Attorney Paula Martin.*

*She is a graduate of Clark Community College, Washington State University, Vancouver, and Willamette University College of Law and the Atkinson School of Management. Her memberships include the Oregon and Washington State Bar Associations, National Association of Social Security Claimant's Representatives (NOSSCR), Washington State Association for Justice (WSAJ) and the Clark County Bar and Multnomah County Bar Associations.*

*Paula lives in Vancouver's Westside with her wonderful 15 year old son, Michael, and housemate, Janice. She has served on the Board of the Children's Center and the Educational Opportunities for Children and Families. She is a Veteran, having served in the Army, and is a member of the VFW. Paula is a winner of the George Marshall Public Service Leadership Award in 1993 and the German Marshall Leadership Award in 2003.*



### **Where did you grow up and how did you end up in Vancouver?**

I grew up primarily in Salem, OR. Married a Vancouver native while in the Army and ended up here after discharge.

### **What or who inspired you to practice law?**

I did not enter law school with the intent to practice law; I was a business major and thought that a law degree would further that career. I did an internship with Marla Heikkala while attending law school/business school at Willamette. I realized that there was a way to earn a living while doing good, serving the underserved, disabled population. Then, I gave it a shot... and here I am.

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

I'd be on the rodeo circuit, of course! No really, I'd be an underwater geologist or in international business.

### **Should the bar have a process for certifying specialists in certain areas of law? Why or why not?**

No, that is not the responsibility of the Bar Association. Specialty organizations, like for me, The National Organization of Social Security Claimant's Representatives (NOSSCR), are better equipped to certify specialties and set standards for their particular area of law, if that is really necessary.

### **Who inspired your practice style or courtroom demeanor?**

It's a combination of Marla and Columbo.

### **What advice would you give an attorney beginning a practice?**

- Associate yourself with a more experienced attorney in your practice area.
- Don't be afraid to try new things.
- Do your homework.

### **What are the best and worst aspects of practicing in Clark County?**

Since we primarily practice in the area of Federal Social Security and Washington Worker's Compensation, we don't really spend a lot of time at the local courthouse. This means that I don't get to meet many of the local practitioners or judges.

### **Describe your dream client/case:**

Already had it... two separate cases representing widows whose husbands both died in horrific accidents.

### **Favorite career moment as a lawyer?**

My last Social Security hearing of 2010 was a case where we were trying to obtain disability benefits for a young man with special needs, who has been cared for most of his life by his

grandmother. At the hearing, the judge, after announcing his fully favorable decision, commended the grandmother for her efforts and devotion stating, "there is a special place in heaven for people like you." This is why I work with the folks that I do.

Makes practicing law worthwhile. Winning when you are supposed to win!

**What has been the biggest lesson of your legal career?**

Justice doesn't always prevail but the system usually works in the long run. Good people don't always win, but if they don't have an advocate who will at least try, they don't have a chance.

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

When losing stops hurting, then you need a career change.

**How do you balance work with the demands of having a family?**

It's all in your perspective and priorities.

**What activities do you enjoy in your spare time?**

Boating, camping, fishing, reading, traveling, antiquing, spending time with my son, gardening/roses, home improvement projects (a woman and her power tools) ... and of course, long walks on the beach.

**Do you have a desert island "Top 5" books or music albums?**

Bette Midler, Pat Benetar, Martina McBride, Sugarland (I'm a little bit Country and a little bit Rock and Roll) and Patti LaBelle - Christmas

The Bookman Series, anything James Patterson, Middlemarch by George Elliott

**How has the practice of law in Clark County changed since you started?**

I know fewer people in the local Bar than I did when I started. The legal community has exploded!

**Favorite vacation destination (or dream vacation destination)?**

Bonaire, Netherlands, Antilles (a small tropical island off the coast of Venezuela) Google it and you'll see why it is a dream!


I also love Victoria, B.C. (visit at least once a year) and then, of course, there's Vegas (where as we all know, what happens in Vegas...)

**RIDER & ASSOCIATES, INC.**  
REPORTING & TRANSCRIPTION SERVICES

Rider & Associates Inc. provides superior court reporting services to the legal profession in Southwest Washington and the Portland, Oregon region. We have successfully served our clients since 1979 by offering many features and benefits tailored to your needs. We specialize in complex medical and technical terminology and offer the latest technology in both software and hardware applications to support the needs of a demanding industry. Rider & Associates, Inc. will guarantee the highest level of professionalism with personalized service and attention to detail.


**Our Services Include:**

- 7-10 day turnaround time without an expedite fee
- Full-Time Staff
- Realtime Reporting
- Computerized Transcription
- Caseview/Live Note
- e-Transcript
- Immediate Delivery
- Conference Rooms
- Scanning and Archiving of Exhibits
- Internet Realtime
- Realtime Captioning for Hearing Impaired



**Affiliations:**

- NCRA National Court Reporters Association
- WCRA Washington Court Reporters Association
- STAR Society for the Technological Advancement of Reporting
- MTIA Medical Transcription Industry Association
- AHDI Association for Healthcare Documentation Integrity
- AHDI-Washington Association for Healthcare Documentation Integrity of Washington
- AHDI-Oregon Association for Healthcare Documentation Integrity of Oregon



P.O. Box 245  
Vancouver, WA 98666  
Phone: 800.869.0864  
Fax: 360.693.1037  
E-mail: [Teresa@RiderandAssociates.com](mailto:Teresa@RiderandAssociates.com)  
Web: [www.RiderandAssociates.com](http://www.RiderandAssociates.com)

## Representing Injured Workers on Their Washington Claims

Busick Hamrick, PLLC



Steven L. Busick | Frances R. Hamrick | Douglas M. Palmer

# (360) 696-0228

1915 Washington Street Vancouver, WA 98660

Clark County  
**VOLUNTEER**  
Lawyers Program

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

Statistics for November include 54 clients seen in advice clinics, 24 in Family Law, 18 in Family Law paperwork review clinic, 3 in the DV clinic, and 3 in Housing Justice Project clinic. We placed 3 cases with an attorney for direct representation. There were 438 hours of volunteer attorney time donated

Our sincere thanks go this month to the Clark County Bar Association. They have designated the proceeds from the silent auction at the Barrister's Bar to go to the Clark County Volunteer Lawyers Program. We truly appreciate their support.

You can help. Check your calendar now and be sure to put the Barrister's Ball on it. Attend the event and bid on the auction items. Remember, it will help the CCVLP. We especially need the help this year as two of our grants were reduced from last year and we have had to cut the budget. We are dipping into our reserves. Your support is truly appreciated.

You can also help by donating an auction item. Get your items to Diane Wheeler at the Bar Association. Some ideas are gift certificates from your favorite place; a restaurant, a winery, a bakery, a museum etc; a gift basket of your favorite hobby such as gardening, golf, fishing; a dog basket, a cat basket, a wine basket, a piece of jewelry, something handmade. Be creative and be generous.

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 NOVEMBER**

*Shon Bogar, Chuck Buckley, Ivan Culbertson, Ed Dawson,  
Sidney Dolquist, Peter Fels, Todd George, Alison Greene,  
Lincoln Harvey, John Holtmann, Evan Hull, Stewart Martin,  
Scott Matthews, Kathy McCann, Amy McCullough, Brian Parker,  
Lisa Peterson, Bill Robison, Suzanne Ruiz, Mark Sampath,  
Kirsten Samwel, Jill Sasser, Jennifer Snider, Eulalia Soto-Esquivel,  
Susan Stauffer, Diane Sweet, Ryan Taroski, Todd Trierweiler.*



**PAUL L. HENDERSON**  
**360.699.1530**  
*Phender745@gmail.com*

**MEDICAL NEGLIGENCE  
PERSONAL INJURY • WRONGFUL DEATH**  
*Representative Jury Verdicts and Settlements:*

Failure to diagnose brain tumor — \$4.5 million  
Obstetrics malpractice — \$3.5 million  
Obstetrics malpractice — \$1.6 million  
Trampoline accident — \$1 million  
Electrocution at work -- \$900,000  
Motorcycle collision -- \$500,000  
Rear end MVC. Soft tissue injury -- \$230,000

*Available for referral or association  
on serious injury, wrongful death and  
medical negligence cases.*

**TOO BUSY TO GET THAT  
BIG CASE MOVING?**

The daily rigors in a solo or small practice can make it difficult to stay on top of a wrongful death or serious personal injury case. We have the experience and financial backing to help you do what it takes to litigate claims properly.

The three senior partners in our firm each have over 27 years of experience. Ask about our reputation, or give us a call to discuss your client's case.



**Schauermann, Thayer & Jacobs, PS**  
ATTORNEYS AT LAW

*AV Martindale-Hubbell Rating*  
1700 E. Fourth Plain Blvd. + Vancouver, WA

**(360) 695-4244**  
[www.stjps.com](http://www.stjps.com)



# Benefits of CCBA Membership

HEARSAY Monthly Newsletter  
(and discounted advertising rates)

Free copy of the Membership and  
Resource Directory

High-quality CLEs at discounted  
member rates; saving you travel time  
and money on your annual  
educational requirements

Access to the Southwest Washington  
Lawyer Referral Service

Social and networking opportunities  
throughout the year: Quarterly membership  
meetings, annual Golf Tournament,  
Winter Social, and the Summer Barbeque

The opportunity to participate in  
committees and sections pertinent to  
your interests and practice

**Call 695-5975 to become a member!**

## GOGREEN

Opt-in to receive digital PDF issues of HEARSAY via e-mail  
to help reduce waste and lower CCBA production costs.

**CONTACT DIANE WHEELER TO BE ADDED TO THE MAILING LIST!**

# LAW LIBRARY NEWS



**MARIA SOSNOWSKI**  
*Law Librarian*

## KEYCARD RENEWAL AND USE INFORMATION

The annual fee of \$36 for after hours library access keycards for the year 2011 is due January 31, 2011.

If you are a current keycard holder you can renew by sending a check of \$36 to the law library, and indicate the name of the attorney on the card you are renewing.

If you do not currently have a keycard, you can apply for one in person at the law library with your photo ID.

And did you know that your staff are authorized to use your keycard? As long as they are permanent staff (no temporaries, please) they can use the keycard belonging to the attorney for whom they work.

Keycards allow the holder to enter the law library, and you can come in the building whenever the building is open. These hours are set by building security and are subject to change.

If you have any questions, please feel free to call the law library at 360-397-2268.

## NEWS YOU CAN USE



**DIANE WHEELER**  
*CCBA Executive Director*

As you may have noticed we have had a few recent changes in our technology at the CCBA with our new website and our new e-mail system. If you are currently using pacifier or a derivative of pacifier, you probably have not received CLE flyers and notices in a very long time. This was not because you were deliberately excluded, those e-mails continually bounced back as undeliverable. You will however now need to click on the link to get all of the details and information that you do not want to miss. We are working very hard to make sure that our members have everything the CCBA can provide them at their disposal at all times. I hope you have a wonderful holiday season and that you stay safe, warm and in good health.

Don't forget to mark your calendars; the Barrister's Ball is coming up on January 29th. Watch for your invitations after the first of the year. We will be holding the Ball on this side of the river this year, so I hope you will all join us at the Quay. We would like to make a record breaking silent auction donation for the Volunteer Lawyers Program this year. If you have anything that you would like to donate to help support the VLP, please feel free to contact me at [diane@ccbawashington.org](mailto:diane@ccbawashington.org).

## ATTORNEY BOOKKEEPING TIPS



**EMANUELA SANDRI**  
*Attorney Bookkeeping Services, Inc.*

### YEAR-END ITEMS

Holiday parties for staff are fully tax deductible (100%).

The 2011 IRS business mileage reimbursement rate is 51¢ per mile.

For 2010, the IRS reimbursement rate for business mileage is 50¢ per mile.

For 1099s, to eliminate mismatch notices from the IRS for sole proprietorships, if the firm has a dba, show both the individual's full name (first name, middle initial, and last name) as well as the dba on the 1099. If the RECIPIENT'S name box shows the person's name on one line and the business name on the other line, only one of the two lines needs to tie with the taxpayer ID number.

## LEGALLY DRAWN

Reproduced with permission. For more cartoons and information, go to <http://www.legallydrawn.com>.



# UPCOMING EVENTS

MEETING

**January 5, 2011**

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

MEETING

**January 5, 2011**

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

MEETING

**January 11, 2011**

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

MEETING

**January 13, 2011**

Family Law Section meeting; Tommy O's

**January 17, 2011**

Clark County Bar Association is closed in honor of Martin Luther King Day

MEETING

**January 18, 2011**

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

MEETING

**January 20, 2011**

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

SOCIAL

**January 29, 2011**

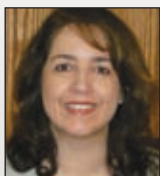
CCBA Barrister's Ball; Red Lion at the Quay. Watch for your invitation.

SOCIAL

**February 23 -24, 2011**

Clark County District Court Mock Trial Competition – Clark County Court House

## SW WASHINGTON LAWYER REFERRAL SERVICE



**ELENA QUINTANA**  
CCBA Member Services

The CCBA's Lawyer Referral Service is a program designed to help the general public find attorneys appropriate for their needs, while at the same time providing a source of new client business exclusively to our members.

To participate, members pay a small one-time annual fee. (The service is free to the public.) For more information, call Elena Quintana at 360-695-5975.

### THE SWLRS REFERRED 238 CLIENTS IN THE MONTH OF OCTOBER

Administrative Law .....	11
Bankruptcy .....	10
Business & Corporate .....	5
Consumer .....	15
Criminal .....	27
Debtor/Creditor .....	11
Family .....	52
General Litigation .....	53
Intellectual Property .....	1
Labor and Employment .....	14
Real Property .....	25
Wills & Trusts .....	8
Worker's Compensation.....	4
International Law .....	2



# 2011/2012 CCBA OFFICERS & TRUSTEES



**PRESIDENT**  
Kurt Rylander  
(360) 750-9931  
[rylander@pacifier.com](mailto:rylander@pacifier.com)



**IMMEDIATE PAST PRESIDENT**  
David Ridenour  
(360) 906-1556  
[davidwr@copper.net](mailto:davidwr@copper.net)



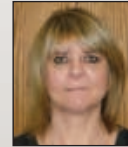
**VLP REPRESENTATIVE**  
Charles Buckley  
(360) 693-2421  
[cbuckley@cbuckleylaw.com](mailto:cbuckley@cbuckleylaw.com)



**VICE-PRESIDENT**  
John Fairgrieve  
(360) 397-2261  
[john.fairgrieve@clark.wa.gov](mailto:john.fairgrieve@clark.wa.gov)



**TRUSTEE**  
Jane Clark  
(360) 694-4344  
[jclark@bnplaw.com](mailto:jclark@bnplaw.com)



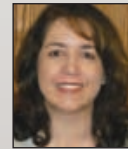
**EXECUTIVE DIRECTOR**  
Diane J. Wheeler  
(360) 695-5975  
[diane@ccbawashington.org](mailto:diane@ccbawashington.org)



**TREASURER**  
Suzan Clark  
(360) 735-9434  
[sclark4224@aol.com](mailto:sclark4224@aol.com)



**TRUSTEE**  
David Gregerson  
(360) 906-1164  
[david@gregersonlangsdorf.com](mailto:david@gregersonlangsdorf.com)



**MEMBER SERVICES**  
Elena Quintana  
(360) 695-5975  
[elena-ccba@qwestoffice.net](mailto:elena-ccba@qwestoffice.net)



**SECRETARY**  
Andrew Wheeler  
(360) 690-0064  
[awheeler@vancouverlaw.net](mailto:awheeler@vancouverlaw.net)



**TRUSTEE**  
J.D. Nellor  
(360) 695-8181  
[jd@nellorlaw.com](mailto:jd@nellorlaw.com)



**BOOKKEEPER**  
Jolene Renteria  
(360) 695-5975

**ATTENTION ATTORNEYS:**

## Hansen Appraisal Services, LLC

*When expertise matters.*

Your clients need properly supported, reliable documentation providing an accurate determination of property value for estate planning. Hansen Appraisal Services understands these needs and is experienced in working with all parties involved. We provide appraisal reports tailored to meet the requirements of your various clients and streamline your documentation.

You can rely on Hansen Appraisal Services, LLC. for the utmost in professionalism, credibility, and expertise. With more than 17 years of local experience, we stand ready to assist as you help your clients plan for their futures.

We look forward to building a partnership with you.

Larry Hansen

Hansen Appraisal Services, LLC.

**Office: (360) 666-9628**

**Cell: (360) 281-3927**

[Lhansen@BGwireless.com](mailto:Lhansen@BGwireless.com)

**Serving Clark County and the surrounding metro areas since 1992.**

[www.HansenAppraisal.com](http://www.HansenAppraisal.com)

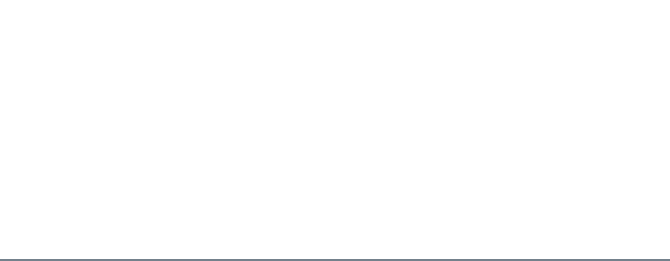


**CLARK COUNTY BAR ASSOCIATION**

500 W. 8th Street, Suite 65

Vancouver, WA 98660

PRSR STD  
U.S. POSTAGE  
**PAID**  
VANCOUVER, WA  
PERMIT NO. 620



**MESSINA-BULZOMI CHRISTENSEN**

**Areas of Practice**

- Automobile Collision
- Wrongful Death
- Highway Design
- Workplace Injury
- Medical Negligence
- Product Liability
- Government Liability

**Bring Us Your Tough Cases.**

**Office**

5316 Orchard St W  
Tacoma, WA 98467  
tel: (253) 472.6000  
(800) 992.9529  
fax: (253) 475.7886

Nationally recognized.  
We welcome referrals and associations.

**Attorneys**

- John L. Messina
- Stephen L. Bulzomi
- John R. Christensen
- Jeremy A. Johnston
- James W. McCormick



[www.MessinaLaw.com](http://www.MessinaLaw.com)

**PERSONAL INJURY & TRIAL ATTORNEYS**

**Advertise in HEARSAY**

**Does your business cater to the legal industry?  
Get targeted exposure to CCBA members and associates!**

**Reserve your ad space today! Call Diane @ 695-5975**