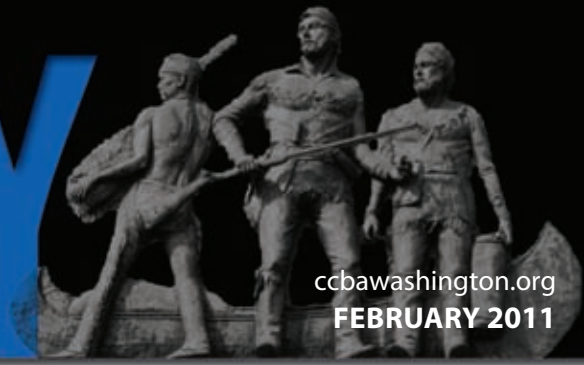


# HEARSAY



ccbawashington.org  
FEBRUARY 2011

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION

## Mock Trial Season Arrives

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## PRESIDENT'S MESSAGE

# Groundhogs, Love and Politics



**KURT RYLANDER**

CCBA President

Since this month we celebrate President's Day, January 21, it is worth pointing out that there are only 22 more months until the next Presidential election. No doubt we all eagerly await the nonstop punditry. As is clearly shown by numerous maps, frequently colored red and blue, we may not all love each other. But it cannot be a coincidence that President's Day is juxtaposed so closely to Valentine's Day, February 14, or even Groundhog Day, February 2. Perhaps we should combine them all. If the President comes out of the White House on February 2 and doesn't see his shadow, he will get no love the coming year.

What thread ties these holidays together? Politics. Obviously, being President is all about politics. Groundhog Day too is politically connected. Groundhog Day's most notable star is Punxsutawney Phil, the long lived groundhog of Gobbler's Knob, Punxsutawney, Pennsylvania. Not only has he visited

with Presidents (President Reagan in 1986), but he threatened to impose 60 weeks of winter during Prohibition if he wasn't allowed a drink. Valentine's Day also has political connections. It arises, in some traditions, from Emperor Claudius II who cancelled all marriages in order to increase his army. St. Valentine and St. Marius aided people to get secretly married in defiance. For this he had to die.

This president, however, looks forward to a wonderful and non-rancorous year, nevertheless filled with change and excitement. We have a new clerk and all eagerly wait to see what changes and improvements will occur in the Superior Court Clerk's Office. We have a new Prosecuting Attorney who is excited to bring his vision to his elected office, and note many changes already taking place in that venerable institution. We may even have a golf tournament this year, I am informed by those in the know, that is earnestly awaited by all.

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# Photo Album

## New Prosecutor & Judge Sworn In



# Mock Trial Season Arrives



**JILL H. SASSER**

*Hearsay Special Correspondent*

One of the “biggest” cases of the year will be tried in the Clark County courthouse at the end of February. You probably haven’t heard about State v. Officer Kenley Kadich—but your teenage son or daughter may have. The fictitious Kadich case is the focus of the annual YMCA Mock Trial Competition. In this year’s case, the defendant, a police officer, tracked an arson suspect into a dark alley and shot him, apparently believing that the suspect had just fatally shot the officer’s canine partner. It turned out that the dog actually died of heart problems. Further, the shiny object held by the suspect was actually a cell phone. The high school students will argue whether the officer acted on a reasonable good faith belief that the use of deadly force was justified by fears that the officer was in imminent peril.

The Mock Trial program was founded in 1987 and is part of the YMCA Youth & Government Program. The Honorable Robert Lewis is the chairman of both the Washington State and Clark County Mock Trial programs. Mock Trial gives students the opportunity to participate in a “hands on” learning experience. High schools students form teams to prepare the case for trial. During the trial, the students portray attorneys, witnesses and court bailiffs. The students engage in multiple rounds of competition, serving alternately as prosecution and defense. Local attorneys rate the teams on their presentations, while the presiding judges rule on the motions, objections, and the merits of the case. The burden is on each team to know the Rules of Evidence and to be able to use them to defend or advance their case. The students are also expected to know courtroom procedure and decorum. Several local attorneys are currently volunteering as coaches for Clark County teams, including Craig Schauer mann (Hudson’s Bay), and Stefanie Ellis, Joe Vance and Chris Horne (Ridgefield).

Stefanie Ellis practices family law at Green & Ritchie, PLLC. She has served as a coach for the Ridgefield team for the past two years. Stefanie became a coach because she has always enjoyed teaching and working with students. “It’s so much fun to watch the students get ready for trial and to see how appreciative they

## COP SHOOTS POI



Washington State’s YMCA Youth & Government

2011 Mock Trial Case  
By Hon. William L. Downing

are. They hang on every word as you help them with trial strategy. It’s nice to watch young people work so hard at something and be so excited about what they are doing,” says Stefanie. Stefanie also enjoys the opportunity to serve as a role model for the young women involved in Mock Trial and to encourage them regarding their educational and professional goals.

Jacy Thayer practices criminal defense at the firm of Steven W. Thayer, P.S., but her first courtroom experience occurred when she participated in the Mock Trial program as a student at Fort Vancouver High School. Jacy was also co-founder and coach of the Camas High School Mock Trial team and she has also coached the Fort Vancouver team. After receiving her law degree, Jacy returned to practice law in Clark County and currently volun-



## MOCK TRIAL

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

teers for the Mock Trial program as an attorney trial rater. Jacy says, "I am a huge supporter of the Mock Trial program because it is the primary reason I decided to pursue a legal career. I really developed a passion for criminal law as a result of the program and most importantly, I developed a sense of confidence in myself that I didn't have before. I am still really close with most of my old teammates from high school and a handful of them have gone on to become attorneys. I've also learned that a few of my former students have gone on to law school. That is a testament to the Mock Trial program and the way it continues to inspire and empower high school students to do great things with their lives."



During the 2010 Clark County tournament, Camas, Fort Vancouver, Hudson's Bay, Ridgefield, and Stevenson High Schools all sent teams to the local county competition. At the state level competition, Camas placed fifth, Fort Vancouver 16th, Hudson's Bay 17th and Ridgefield 19th. In addition, Camas attorney Emma Spurlock was one of two students named "Best Attorney" at the state tournament. Although several Clark County schools have had success at the state tournament, Fort Vancouver in particular has had a very successful history with this program. 2010

was the 19th straight trip the team has made to the state tournament. In addition, the Fort Vancouver team has placed 1st or 2nd overall at the state tournament six times. During the 2011 tournament, the same schools will battle again, along with Columbia (White Salmon) and Seton Catholic High Schools.

According to Judge Lewis, "Mock trial is the most rewarding civics program for high school students in Washington State. Students learn about our justice system, wrestle with meaningful current issues, and learn how to become better thinkers, speakers and citizens. It helps them no matter what career they choose -- and it's fun! All attorneys should support this program in every way they can, especially by working directly with students, and rating and judging mock trials."



Judge Robert Lewis

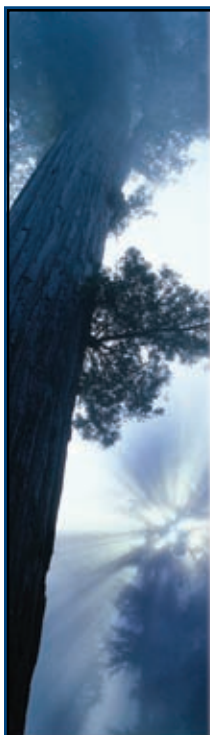
The Mock Trial committee is currently seeking volunteer raters and judges. The Clark County tournament will be held on Wednesday and Thursday, February 23 and 24, 2011. The rounds will start at 12:30pm, 2:45pm and 5:00pm both days.

Please contact Judge Lewis or email Jill Sasser (jill.sasser@landerholm.com) if you are able to volunteer.

For more information:

<http://www.youthandgovernment.org>

<http://www.courts.wa.gov/education/mock/>



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# NEGOTIATION STRATEGIES:

## Third 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 3 - Preparing your clients for settlement negotiations.**

#### ***Preparing Plaintiffs***

Preparing your client for settlement negotiations can be a challenging process, particularly when representing plaintiffs. On the one hand you want to maintain your role as being a strong advocate for and believing in the case. On the other hand you need to be realistic with your client regarding what the likely outcome is of the trial and what lies in store if the case does not settle. One thing that is certain is that the outcome of a trial is uncertain. Clients need to understand this and all you can do is give them your considered opinion as to the likely range of outcomes if the case does not resolve. It is then for the client to decide whether they want to “roll the dice”.

Attorneys often have problems with clients who have unrealistic expectation with regard to outcome. Some clients simply do not want to accept or acknowledge that they may get less than \$200,000 on a whiplash case or that the failed root canal and need for 4 other procedures is not worth \$500,000 because they could not eat for three months. All you can do is to educate and advise your client as to likely value with a plaintiff verdict at trial and represent the percentage risk of a loss at trial with no recovery, explaining that this has to be factored into the settlement process.

It is a useful tool, before discussing settlement with your client to have formed an opinion as to the likely verdict range in the event of a plaintiff verdict with an evaluation of the percentage likelihood of prevailing at trial. As a starting point, if it is a case with a likely value of \$40-\$50,000 with a 50/50 change of prevailing at trial, you may represent a reasonable settlement range to be \$20-\$25,000. Be prepared to discuss your rationale with your client.

Having discussed the acceptable settlement range, you should then discuss with your client, what demand you should make to allow sufficient room to negotiate down to your range. Oftentimes, this

will depend on the nature and value of the case and the nature of your relationship and prior dealings with opposing counsel.

If you have not agreed the settlement range with your client before making a demand and explained to them the reason for making a demand higher than the settlement range you run the risk of having a client who is upset with you for having “sold them short” in settlement. You want to avoid a situation where, having achieved what you consider to be a great settlement for your client, they are unhappy because “you told the defense in the demand that my case was worth \$100,000 so why did we end up settling for \$50,000?”. This can be avoided if you communicate your reasoning to the client ahead of time.

In situations where your valuation of the case is different to that of your client and you consider your client to have unrealistic expectations, you may want to consider bringing in a mediator whose role in part will be to educate your client. An attorney with a lot of experience in the relevant field of law involved in the case or a retired judge will make excellent mediators in this kind of situation.

When you get into the negotiation process - whether it be direct negotiation or mediation - warn your client to expect low offers at the beginning and not to be offended. I will never let my client walk out of a mediation until at least 4 or 5 exchanges have taken place. Early on in the negotiations the parties are testing the waters and to disengage from the process at this stage is not to be recommended. Tell your client “you will likely be offended by the first offer”. That way when they are offended they are expecting it and are not so offended by it.

#### ***Preparing Defendants and Insurers***

Where there is insurance available, the defendant is often not involved or engaged in the negotiation process. Remember however that the defendant is still your client and entitled to be

involved and consulted if they so wish. In some case e.g. medical malpractice cases, the defendant will have a say in whether the case settles and therefore should be involved in the process. Of course, in cases where the restitution sought is something other than monetary compensation e.g. reinstatement in an employment case, the defendant will be very actively involved in the process as will the parties in a divorce case.

The primary rule again is to ensure that your client is educated as to what to expect, the possible outcomes at trial and the percentage chance of a favorable verdict at trial. If you are dealing primarily with an insurance company - ensure that you have followed all their procedures and provided to them the information and documentation they need to come up with appropriate authority. If you fail to provide key information and authority is granted not having taken that information into account, the case may not settle and the client and insurer may be compromised at trial.

If you are engaged in direct negotiations, consider asking the insurer to give you authority up to a certain amount so you do

not have to go back to them with each offer. Whether the adjuster will do this will depend on the nature and size of the case and your previous dealings and relationship with them. Some adjusters want to take more control over the negotiations than others. Some may even prefer to do the negotiation direct with plaintiff's counsel. If the case proceeds to mediation, it is preferable that the adjuster or person with authority is present. If they are only available by phone-they are not getting the benefit of the communication of information that may impact how they view and evaluate the case.

### Conclusion

Negotiation is a skill that comes with practice. Do not be afraid of it. Remember the basic rules:

1. Be prepared;
2. Have integrity and credibility
3. Listen to your opponent
4. Advocate for your client
5. Be realistic

# CCBA Meeting



**DAVID GREGERSON**  
*Hearsay Editor*

The CCBA convened its regular meeting on January 12, 2011 at the Inn at the Quay. President Kurt Rylander called the meeting to order.

The Treasurer's report was given by Suzan Clark. A review of the Treasurer's report indicated concern about running at a loss for the month of December, which to some extent reflects some normal anticipated seasonal fluctuation. The CCBA presently holds reserves of \$24,883, down from approximately \$40,000. However, the CCBA is eagerly seeking ways to boost revenue in 2011, such as more CLEs with greater member participation. The CCBA voted to take 20% of the Family Law Section dues to help defray the administrative costs of the burdens imposed by said program.

David Gregerson reported on HEARSAY magazine and summoned any and all members who are willing to help compile and write for the magazine on a regular or sporadic basis.


J.D. Nellor presented the proposed amendment to the CCBA bylaws. The resolution basically changes the definition of the majority necessary to conduct CCBA business by the board from a majority of 8 board members to a majority of the quorum present at any given meeting. Upon motion brought by Charles Buckley and duly seconded, said motion PASSED.

The CCBA noted the upcoming CLEs on the horizon and encouraged registration and participation.

Barrister's Ball is to be held on January 29, with auction funds to go to the Volunteer Lawyers Project this year. Last year's Barrister's Ball gave its charitably raised funds to SHARE.

Respectfully submitted,

David E. Gregerson

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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
February 9, 2011	Personal Injury Claim – Motor Vehicle Accident	Jane Clark Mickey Thompson	Jane Clark
March 9, 2011	Flying Solo: Starting & Managing your successful law practice	Kathy McCann Elizabeth Christy Scott Horenstein	Scott Matthews
April 13, 2011	Evidence: Criminal and Civil		Suzan Clark
May 11, 2011	Family Law		Emily Sheldrick
June 8, 2011	Consumer Protection		Scott Matthews
July 13, 2011	Setting up and Advising the Small Business		Emily Sheldrick Mark Beatty
August 10, 2011	Wills and Estates		Carol McCaulley
September 14, 2011	Criminal Trial		Suzan Clark
October 12, 2011	Bankruptcy		

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.

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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.

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## **CCBA General Meeting**

**Wednesday, March 14, 2011**

12:00 – 1:30 PM  
(sign in begins at 11:45)

### **Red Lion at the Quay**

Located at  
100 Columbia Street, Vancouver

**This meeting will be followed by a one credit CLE from  
12:30 to 1:30 titled**

**"What Private Investigation Can Do For You"**

In an effort to better accommodate our members  
pre-paid registration is mandatory for lunch.

Pasta Buffet \$25.00 with CLE \$50.00

#### **General Meeting registration**

**March 14, 2011**

Name & Telephone Number	Lunch	Lunch w/CLE

**Clark County Bar Association**  
500 W. 8<sup>th</sup> Street, Suite 65 (by Courier) or  
P.O. Box 61815 Vancouver, WA 98666 (by Mail)  
Phone: (360) 695-5975 or Fax: (360) 737-6891

# SUPERIOR COURT BENCH/BAR COMMITTEE MEETING MINUTES

DECEMBER 14, 2010



**JOHN FAIRGRIEVE**  
*CCBA Vice President*

The meeting began shortly after noon. Persons present were Judge John Nichols, Judge Robert Lewis, Ann Christian, Kurt Rylander, Jolene Sell, Clark Fridley, Tom Phelan, Clay Spencer, Suzan Clark, Emily Sheldrick and John Fairgrieve.

## OLD BUSINESS:

1. Appointment of Counsel in Criminal Cases: There was some discussion of the Supreme Court's decision to amend CrR 3.1, CrRLJ 3.1 and JuCR 9.2. Ann Christian mentioned that she planned on investigating some of the issues related to the amendments and would report to the committee at the January meeting.

2. Appointment of counsel forms for indigent defendants in criminal cases: Ann Christian stated that she would follow up on this issue and give a report at the January meeting.

3. Defense interviews of State's witnesses in criminal cases: It was mentioned that witnesses in two recent cases, one at the Children's Justice Center, the other at the Domestic Violence Unit, had refused to allow their interviews to be recorded. However, both cases were working their way through the system and it appeared that the problem could be resolved.

## NEW BUSINESS:

1. Competency evaluations being conducted on out-of-custody criminal defendants by Western State Hospital (WSH): Ann Christian passed out copies of a letter dated September 13, 2010 from Jess Jamieson, PhD., chief executive officer of WSH, titled "Notification to Defense Counsel". The letter informs defense counsel that in the future once WSH has been ordered by a court to perform a competency evaluation on an out-of-custody criminal defendant the assigned examiner will contact defense counsel to set up a time and date for the evaluation which will take place at WSH which is located in Tacoma. The letter states that defendants are expected to make travel arrangements personally and/or with counsel. The letter goes on to state that if the defendant has extraordinary circumstances such as an unstable medical condition alternative arrangements will be considered, but transportation costs will remain the responsibility of the defendant.

Ann told the committee that she spoke to Phyllis Knopp, PhD., who told her that she is the only psychologist who is currently conducting out-of-custody competency evaluations at WSH. She stated that the reason for the change in policy is due to budget cuts and the availability of staffing. She further told Ann that WSH's plan is to have defense counsel buy bus tickets for their clients and that they will be reimbursed by WSH.

There was some discussion about whether it was ethical for defense counsel to buy bus tickets for their clients, and also some concern about the capability of criminal defendants whose competency is in doubt to successfully make an unaccompanied journey by bus from Clark County to WSH and back. Judge Nichols noted that this problem is a funding issue that needs to be addressed by the legislature.

2. WiFi access in the courthouse: Clay Spencer asked if there was general public access to the internet in the courthouse. It was noted that while some parts of the courthouse have a wireless local area network this is a county network and free access to the internet is not available in the courthouse.

Emily Sheldrick suggested that the Bar Association could explore the possibility of installing a wireless hotspot in the attorney work room to give attorneys wireless internet access. Kurt Rylander noted that internet access can be purchased through a cellular telephone network.

3. Next Bench Bar committee meeting: The committee will meet next on Tuesday, January 11, 2011 at noon in Judge Nichols' jury room.

Respectfully submitted,

John Fairgrieve

# Upcoming CLE Schedule

Date	Area of Law	Topic	Speakers	Committee chair
February 22, 2011 11:30 am – 1:00 pm 1.5 credits	Criminal/Civil	OR Practices and Procedures	*Jane Clark	
March	Family Law	Ethical Issues in Family Law Attorney Perspective Judicial Perspective		Suzan Clark
April (2 day CLE)	Guardian Ad Litem		Josephine Townsend	Diane Wheeler
April		Legal Implications of New Health Care Laws		
May	Real Property	Loan Modification		
June (2-3) hours	Civil	Discovery		Jim Sellers Carol McCaulley
July	Intellectual Property			Michael Beatty

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## Scott Staples Named Partner

The Law Firm of Schauerermann, Thayer and Jacobs has a new partner/shareholder Scott A. Staples.

Mr. Staples started work as a law clerk initially with Schauerermann, Thayer and Jacobs while attending law school at Willamette University. He obtained his undergraduate degree in English from WSU Vancouver in 2002. He is a life-long resident of Clark County, having attended Hudson's Bay High School. Scott and his wife, Lesley, have two children.

Scott will continue to practice in the areas of wrongful death, automobile, motorcycle, trucking and pedestrian accidents, dangerous and defective products, construction accidents, dog bites, slip and falls and insurance claims.

The firm was renamed, as of January 1, 2011, to reflect Scott's new status. *The firm is now called "Schauerermann, Thayer, Jacobs & Staples."*

# SUPERIOR COURT BENCH/BAR COMMITTEE MEETING MINUTES

JANUARY 11, 2011



**JOHN FAIRGRIEVE**  
*CCBA Vice President*

The meeting began shortly after noon. Persons present were Judge John Nichols, Judge Lewis, Ann Christian, Kurt Rylander, Jolene Sell, Clay Spencer, Suzan Clark, Emily Sheldrick and John Fairgrieve.

## **OLD BUSINESS:**

1. Appointment of Counsel in Criminal Cases: Ann Christian handed out copies of a multi-page document that outlined the recommendations of the Subcommittee of the WSBA Council on Public Defense for Standards for Indigent Defense Services. Ann summarized the recommendations and noted that individual attorneys would only be asked to certify that they met the standards for areas that they have control over. She further mentioned that she believed that adoption of the standards would help counties improve the quality of the indigent defense services they are providing. She stated that the comment period for the recommendations ends on January 22, 2011 and that the next step would be for the Council on Public Defense to decide what recommendations to make to the Supreme Court.

2. Competency evaluations being conducted on out-of-custody criminal defendants by Western State Hospital (WSH): Ann Christian mentioned that there were continuing problems with WSH's policy of requiring criminal defendants to travel to WSH for their evaluations, principally concerning providing bus tickets to the defendants. Ann also mentioned that the trip and evaluation takes a significant amount of time, with a defendant who catches a bus in Portland at 8:00 am not arriving back until 10:30 pm. Ann stated that she was continuing to work with WSH representatives on the matter.

## **NEW BUSINESS**

1. Felony criminal defense contracts restricted to only class B and C felony cases: Judge Lewis told the committee that he was concerned about felony criminal indigent defense contracts that were limited to only class B and C felonies. He noted that it made it

difficult for the judges to determine who to assign certain levels of cases to and placed a burden on the rest of the attorneys who have indigent defense contracts to handle all of the more serious cases. Ann Christian noted that only four of the felony contracts have such a limitation, and that the reason was that the attorneys involved were not currently qualified to handle class A felony cases. Ann further stated that the goal was to increase the skills of the four attorneys to the point where they would be qualified to handle a regular contract including class A felonies.

2. Emily Sheldrick raised the issue of using settlement judges in civil cases. She stated that King and Pierce counties had each established such programs, the procedures for which can be found on their websites. Judge Nichols asked whether there is a need for it with so few civil trials occurring in Clark County. Emily stated that she believed that the use of settlement judges in civil cases would become more widespread in the future.

3. Kurt Rylander noted that a general meeting of the Clark County Bar Association was scheduled for Wednesday, January 12 at 2:00, to be followed by a CLE starting at 3:00. He also stated that the 2011 Barrister's Ball would occur on Saturday evening, January 29.

4. Plea agreements in criminal cases: Judge Lewis told the committee that he had conducted three change of plea dockets in the last week and that on three occasions deputy prosecuting attorneys or defense counsel had claimed that the other party was violating the plea agreement. Judge Lewis mentioned that this situation raised three issues: First, if counsel is not asking the court to take some specific action after claiming the other party was breaching the plea agreement, why raise the issue in the first place? Second, Judge Lewis said he had concerns about the language in some plea offers made by the State which prohibited a defendant from making a Alford or Newton plea, noting that a criminal defendant has a constitutional right to enter such a

guilty plea. Third, he was concerned about defense counsel striking off sentencing options from the Statement of Defendant on Plea of Guilty that are statutorily authorized but that the defendant had agreed not to request as a part of the plea negotiations.

John Fairgrieve stated that one of the reasons for prohibiting Alford and Newton pleas was to avoid placing deputy prosecuting attorneys who are simply covering a docket and thus not familiar with the facts of a certain case in the position of trying to read through the file during the docket in order to lay an adequate factual basis to support the plea. John stated that he would look at the issue and report back to the committee.

The committee agreed that while a criminal defendant could agree not to ask a judge to impose a particular sentencing option as part of a plea agreement the court still retained the authority

to impose any sentence allowed by law, and that striking the language about applicable sentencing options from the Statement of Defendant on Plea of Guilty was not proper.

Clay Spencer made a request that any modifications to plea agreements be noted in writing on the plea offer form itself to avoid confusion at the time a change of plea is entered.

3. Next Bench Bar committee meeting: The committee will meet next on Tuesday, February 8, 2011 at noon in Judge Nichols' jury room.

Respectfully submitted,

John Fairgrieve

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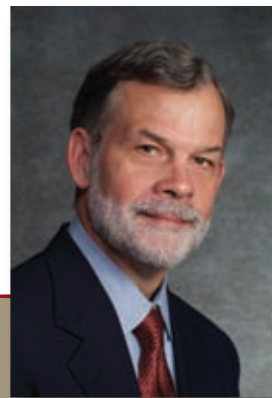


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# Family Law Section Meeting



**ELIZABETH CHRISTY**

*Family Law Section President*

The Family Law Section has continued to have large turnouts at their monthly meetings!

The monthly meetings are every second Thursday of the month. We have social time from 11:30 a.m. until 12:00 p.m. and then a presentation from 12:00 p.m. to 1:00 p.m. The meetings are typically held at Tommy O's in downtown Vancouver and cost \$13.00 for lunch. If you are a member of the CCBA and FLS the CLE credit costs \$5.00. For nonmembers, the CLE credit costs \$10.00.

On February 10 we will have Landon Poppleton, PhD speak about parenting coordinators. As some of you know, parenting coordinators are just starting to be used here and are quickly becoming a hot trend.

On March 10 we have Phil Margolin scheduled to speak about his interesting writing career, his system for writing a novel, and sources for some of his ideas.

On April 14 Joshua Foreman from King County will speak to the group about his specialty of the law and his theory for how to win a custody case.

If you would like to attend a meeting and do not currently receive the email updates, please email me at [Elizabeth@elizabethchristy.com](mailto:Elizabeth@elizabethchristy.com).

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

Best Regards,

Elizabeth E. Christy  
Attorney at Law  
1014 Franklin Street, Vancouver, WA 98660  
(360) 695-2005 (ph)  
(360) 695-1649 (fax)  
[www.elizabethchristy.com](http://www.elizabethchristy.com)

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# CCBA Monthly Board of Directors' Meeting



**ANDREW WHEELER**

*CCBA Secretary*

The January 5th Clark County Bar Association Broad Meeting found the Board ratifying a 20% fee for all CCBA sections processing CLE credits through the CCBA. The fee is meant to bolster declining CCBA funds which are used to maintain the varied functions of the CCBA that are relied upon by members including the Attorney Referral Service, the Barrister Ball, the CCBA Directory, the annual CCBA BBQ, and the continuing slate of CCBA sponsored CLE's.

The Board discussed the upcoming Barrister's Ball. Diane Wheeler informed the Board that a number of attractive donations for the silent auction had been gathered and that the Social Committee was working hard to ensure the Ball would be a suc-

cess. All proceeds from the Ball will benefit the Clark County Volunteer Lawyers Program.

David Gregerson requested that the Board and membership feel free to assist with the production, design and content of Hearsay. While praise for Hearsay is uniform across the membership, the assembling of the monthly newsletter could use an infusion of new perspectives, ideas and assistance.

The next Board of Director's meeting is scheduled for Wednesday, February 2, 2011, at the CCBA offices, and is open to all members.

# What CCBA Members Are Doing About Town

## RAISA JUDICATA

Guest Gossip Columnist



Scott Weber, Clark County Superior Court Clerk is sworn in by Judge Barbara Johnson

There was a lot of swearing going on at the Public Service Center on Monday, January 3, 2011, but it was the good kind of swearing. Our new Court Clerk, Scott Weber, Judges Darvin Zimmerman and Kelli Osler, and

our new Prosecutor, Tony Golik were all sworn in on the first work day after the New Year, with Judges John Hagensen, Vern Schreiber, Jim Swanger and Sonya Langsdorf sworn in the following week. Tony Golik had a huge crowd for his separate ceremony, and vowed to keep Art Curtis' motto alive to "Do the right thing for the right reason and you will get the right result." Words for all of us to live by in this business!

Did you purchase a Mega Millions ticket the first of the year to hopefully win some or all of the \$350 million dollar prize? Folks from the Vancouver office of Schwabe Williamson & Wyatt purchased lottery tickets in a pool and the rumor mill for about 24 hours had them winning half of the big prize. Turns out the win was about \$17.00 each, but still exciting ..... right? Keep those rumors flying!



Jane Clark is looking forward to the New Year, and a wedding!

With Valentine's Day approaching, everyone loves a happy ending (especially you family law attorneys), so the romantic engagement of Jane Clark, of Baumgartner, Nelson & Price, and her partner of five years, Art Kohn, is a great story. With the help of Jane's eight year old son Noah, and her mother and stepfather, on Christmas Day Art presented Jane with a sapphire and white gold engagement ring and

a poem stating all the reasons he wanted them to marry. Of course she said "Yes" and they are planning a service sometime this year. Jane has been instrumental in resurrecting the CLE committee for the CCBA, and is a treasured Board member. Best wishes for much love and joy!



Dustin Klinger will be one of several local speakers at the RPPT Mid-Year this summer.

If you are a Real Estate or Probate and Trust attorney, you have likely attended at least one of the WSBA's Real Property Probate and Trust Section Midyear seminars over a sunny June weekend. This year the seminar is at Skamania Lodge from June 10-12th. Those of you in the "dead zone" will be regaled with the intricacies of the Federal Estate Tax debacle, as well as a new proposed Trust Code in Washington from very smart, those-in-the-know speakers from Seattle. On the "dirt" side, we will have

the honor of hearing from some local folks, namely Don Russo from Schwabe (did you win \$17, Don?) with an ethics panel on managing the difficult client, Stevenson-native Dustin Klinger from Miller Nash speaking on lender opinion letters, and the very smart Shawn Elpel from Duggan, Schlotfeldt & Welch, with a presentation about real property title and lien issues. Support your local folks and sign up when you see the flyer!

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 [raisajudicata@gmail.com](mailto:raisajudicata@gmail.com). 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: DENISE LUKINS

*"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 Denise Lukins.*

*Denise is a graduate of Leadership Clark County, an intense program designed to train effective leaders to serve the community. She is also an active member of the Vancouver Chamber of Commerce. Denise is a founding member of the Washington State Bar Association Animal Law Section in which she served as chair in 2004. Denise is a frequent speaker on issues involving animal owners and the law and serves as the hearing examiner for Clark County and the City of Vancouver.*



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

I grew up in Billings, Montana, but I went to college in Bloomington, Indiana. I got hired as a buyer for Meier and Frank, and they moved me out here. My sister lived in Clark County, so I moved to Vancouver.

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

I knew I wanted to be a lawyer when I was still in high school, maybe even earlier. I was on my high school debate team, and thought it would be fun to make a living by talking.

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

I'd be a large animal veterinarian.

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

Don Russo, one of my former partners at Blair Schaefer Hutchison and Wolfe. He is likable and relaxed, but effective, in the courtroom.

### **Is it possible to be friends with opposing counsel?**

#### **Why or why not?**

Yes. I have always believed that our clients don't pay us to air our personal issues with opposing counsel. The better we can get along with the attorney on the other side, the more efficient and cost-effective we are.

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

Hang in there and treat it like a business. On the other hand, don't forget our job is to help people. Don't be afraid to ask questions.

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

It's a small town, and your reputation matters. That's the answer to both those questions.

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

I like representing people with animal-related businesses. I think I already have my dream clients, because I represent a number of people with stable and kennel businesses.

### **If you could change one thing about the local court system, what would you change?**

Well, recently I went to set a half-day trial, and wasn't able to get a date until July. What this says to me is that the court system is understaffed. When I compared Clark County's system with Spokane County's, I found that Spokane has 12 judges and 6 commissioners. Clark County, with a similar population, has only 10 judges and 2 commissioners. I believe the court system is overburdened, and that burdens our clients.

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

Everyone makes mistakes. It is how you deal with those mistakes that matter.

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

If a case or client doesn't seem right to you, don't take it. And if you do take something you shouldn't have, don't be afraid to withdraw. Trust your instincts on this.

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

I think having something important to you outside of your career is essential. No matter what was going on work, my kids needed to be picked up at day care or school, or whatever. I couldn't help but have some balance in my life. My kids are in college now, but I have animals who also need care. No matter what else is going on in my life, the dogs, horses and chickens need to be fed.

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

Everyone who knows me knows that I like animals. I train and show Belgian Tervuren dogs and ride my horses quite a lot in the summer. In fact, I have taken a number of other lawyers out with me on trail rides. I like to travel, and have done bike trips and horseback riding trips in Europe. I also have a good group of friends and we explore various events in Portland and Vancouver on weekends.

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

That is a yes or no question, but I am going to assume you want me to tell you what they are. The truth is, I don't read much in a

conventional sense, but I listen to a lot of audio books. Charles Dickens is my all time favorite. Every lawyer needs to read Bleak House. I also like everything James Lee Burke has ever written.

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

I don't think it has, much, but I have only been practicing fifteen years. The players come and go, but the practice remains the same. Ask me that question again when I retire.

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

Florence, Italy is my favorite destination. My sister lives there, so it is a cross between being a tourist and visiting family. My dream vacation would be horse trekking in Africa.

**Favorite pastimes outside of practicing law?**


I have a small farm, and grow a lot of my own food. I have a big garden and poultry. I am also on the board of an organization called LOCALS that promotes local businesses and sustainability. I have enjoyed that quite a lot.

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# 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 December include 61 clients seen in advice clinics, 21 in Family Law, 12 in Family Law paperwork review clinic, 5 in the DV clinic, and 18 in Housing Justice Project clinic. We placed 2 cases with an attorney for direct representation. There were 310 hours of volunteer attorney time donated

As I write this column this month, I am looking forward to the Barrister's Ball next Saturday. My brother will be attending with me. I know it will be a fun and successful event. Thanks to all who attend and bid on the auction items. Thanks to the CCVLP board of directors for donating gift baskets.

Now, back to the business of staffing advice clinics. I really need your help. Remember those pesky sign up sheets I hand delivered to your office. You did not get a return envelope, so many of you did not mail them back to me. Please, find them and mail or email me. It really helps me if you commit ahead of time. I know you don't know what your schedule will be and it is ok if you need to call me and cancel or reschedule. But, if you don't sign up, I have to spend hours calling all of you to find someone for the next week. I know you love hearing from me and are always gracious and volunteer if you can. But please, make my job easier, and sign up ahead of time. I promise I won't quit calling you. I just won't call quite so often. To those who sent in the sign up sheet, thank you and please explain to your colleagues it is not as painful as they think.

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 DECEMBER

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Ed Dawson, Mark Didrickson, Sidney Dolquist, David Feeney,  
Peter Fels, Gavin Flynn, Lori Gascon, Ali Greene, Marlene Hansen,  
Lincoln Harvey, Evan Hull, Peter James, Vickie Kesala,  
Jeffrey Lindberg, Christie Martin, Stewart Martin, Scott Matthews,  
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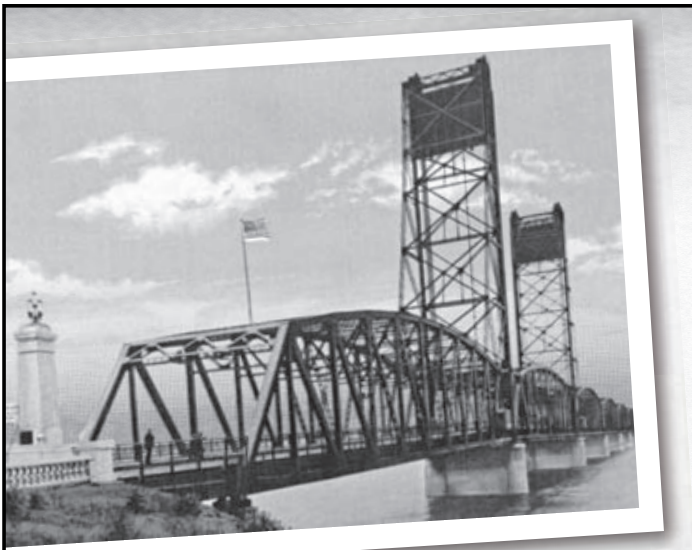
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CCBA Executive Director

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**Attorney Bookkeeping** is now located at 8316 SE Middle Way Vancouver, WA 98664

**Dolquist Law, PLLC** is now located at 900 Washington Street, Suite 805 Vancouver, WA 98660; Telephone: (360) 314-4028; Fax: (360) 314-4514; E-mail: sidney@dolquist-law.com

**Jamie Arledge** is now located at 308 SW 1st Avenue, Suite 200 Portland, OR 97204 Telephone: (360) 693-1111 or (503) 200-2723

The correct e-mail for **Chris Babich** is chrisbabich@comcast.net

**Karen Campbell** is now with the Vancouver NJP located at 500 W. 8th Street, Suite 275 Vancouver, WA 98660; Telephone: (360) 693-6130 ext. 201; E-mail: KarenC@nwjustice.org

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# LAW LIBRARY NEWS



**MARIA SOSNOWSKI**  
Law Librarian

## FOR SALE THROUGH FEBRUARY 2011

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

1. Washington DUI Practice Manual v. 32 2008-2009
2. Washington Handbook on Civil Procedure v. 15A 2008-2009
3. Cox & Hazen on Corporations 3 volumes plus 2009 supplement

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

I moved on the 23rd. Wow, is that a lot of work. But we have a bigger house with more bathrooms. I'm so excited to have more than one!

My poor cats were all freaked out, but they are starting to relax a little.

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# UPCOMING EVENTS

MEETING

**February 2, 2011**

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

MEETING

**February 2, 2011**

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

MEETING

**February 8, 2011**

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

MEETING

**February 9, 2011**

District Court Bench/Bar meeting; Judge Zimmerman’s Court Room - Noon

MEETING

**February 10, 2011**

Family Law Section meeting; Tommy O’s

MEETING

**February 15, 2011**

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

MEETING CLE

**February 16, 2011**

Inns of Court – Judge Melnick – Lust. Who song and Larry’s – 5:00 to 6:30

MEETING

**February 17, 2011**

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

**February 21, 2011**

Clark County Bar Association is closed in honor of Presidents’ Day

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.

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### THE SWLRS REFERRED 291 CLIENTS IN THE MONTH OF DECEMBER

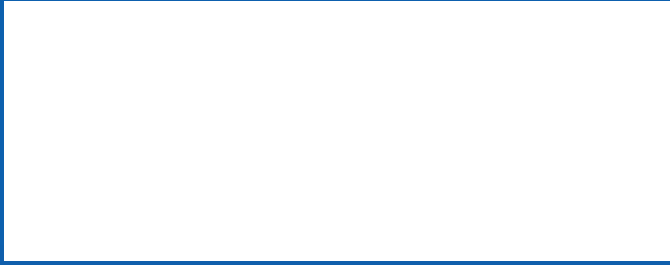
Administrative Law .....	23
Bankruptcy .....	10
Business & Corporate .....	2
Consumer .....	17
Criminal .....	15
Debtor/Creditor .....	13
Family .....	65
General Litigation .....	71
Labor and Employment .....	26
Real Property .....	21
Wills & Trusts .....	14
Worker’s Compensation.....	2
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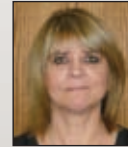
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