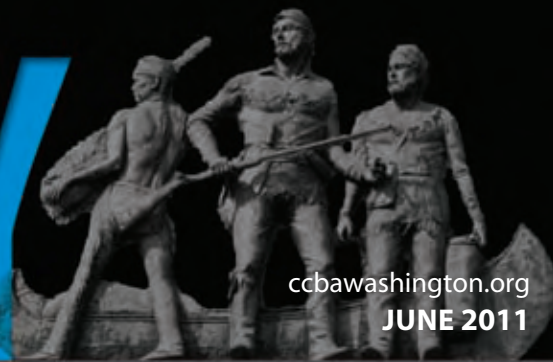


# HEARSAY



ccbawashington.org  
JUNE 2011

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION



## LAW DOGS

and the  
attorneys  
they own

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CCBA OFFICE HOURS: Monday through Friday, 8:00 a.m. to 4:00 p.m.

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# PRESIDENT'S MESSAGE

## A Tough Job



**KURT RYLANDER**

*CCBA President*

When I agreed to be nominated for President of the Bar, I had stars in my eyes, envisioning prestige and bright lights. Sure, there were all the speaking events, but I like public speaking—it's hard to get me to shut up. And certainly, I realized that there would be some work to do in relation to finishing up the health care plan terminations and dealing with the Department of Labor, but I knew what needed to be done, and how to do it. Ultimately, however, I perceived the position to be largely symbolic and glamorous. This perception could not have been more wrong.

Being President has turned out to be one of the toughest jobs I have ever had. First, on analyzing the financial materials I quickly realized, and notified the other board members, that our finances were in dire straits. Second, after multiple meetings over a two to three month period, it became clear that the Bar could not afford to have an executive director—that the most responsible course of action to return the Bar to financial stability was to eliminate the executive director position. This had the very sad consequence of necessitating the layoff of our long time hard working executive director, Diane Wheeler. Third, I had to break the news to her—which was even more agonizing in that I considered, and consider, Diane to be a friend.

I am not good at letting people go. I am much better at hiring people. Lowering the boom is not a natural act for me. In my eight years of trying felony cases, I did criminal defense, not prosecution. In my home life I am the softy, my wife the discipline enforcer. In college romances, I was the breakee, not the breaker. I give raises, not pay cuts. Thus, telling Diane that the Bar had to let her go was very difficult for me. I thankfully had the support of other bar officers who, I suspect, came with me just in case I was unable to go through with it.

We will miss Diane. She knew all the procedures, all the processes. She knew all the Bar members, all the judges. She frequently reminded me of the things that a President should be doing, or should have done. She was always a glad face at Bar events, and she staffed them at all hours. She knew the answer to almost any question. I sincerely hope that she finds equal or better circumstances. She deserves them.

Goodbye Diane and Thank you.

---

## Attorneys Sworn In



**ELENA QUINTANA**

*CCBA Member Services*

Honored guests and family members from infants to 90 years of age, filled Judge Melnick's court room on May 19th to congratulate and encourage 10 eager individuals as they took their final step in the long journey toward becoming attorneys authorized to practice law in Washington State. Judge Rich Melnick presided over the ceremony and introduced the candidates to some of our local VIP's, including Clark County Clerk Scott Weber, Prosecuting Attorney Tony Golik, CCBA President Kurt Rylander, and Family Law Section President Crystal Lambert. Judge Melnick called each candidate by name and invited them to step forward to take the oath. Judge Robert Lewis then

administered the oath of attorney to the group that included Robert Milesnick, Jeffery Ott, Erin Wright, James LeBlanc, Michael Sperry, Bjorn Hess, Jeffery Faught, Emily Pringle, Thomas Hackett, and Peter Rigsby.

As the last words of the oath were recited, the newly sworn attorneys received a large round of applause that filled the court room. Judge Melnick congratulated the newly sworn-in attorneys, and Judge Lewis stepped down to shake the hand of each new attorney, providing proud family members with impromptu photo opportunities.

The Clark County Bar Association is pleased to announce its

**Tenth Nuts and Bolts Lecture:**  
Navigating Your Way Through A Divorce Case:  
From Initial Consultation to Decree

*by Attorneys Nancy Retsinas and Juliet C. Laycoe*

**Wednesday, June 8, 3:00 – 5:00 PM, at the Red Lion at the Quay**

---

The cost is \$50 for CCBA members, \$70 for non-member attorneys, and \$25 for non-attorneys. This will get you 2 CLE credits and the speakers' prepared materials to download. There is an extra fee if you want to pick up the materials at the door.

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**NAME** \_\_\_\_\_,

**PHONE #** \_\_\_\_\_, **BAR NUMBER** \_\_\_\_\_,

**and EMAIL ADDRESS** \_\_\_\_\_.



**NANCY RETSINAS** is an attorney in private practice focusing on family law, collaborative law and mediation. She is a member of the Washington (1991) and Oregon (1992) bar associations. Her professional associations include: Collaborative Professionals of Washington, Association of Family and Conciliation Courts, and the International Academy of Collaborative Professionals. Active in her community, Nancy serves as a board member on the Clark County Emergency Medical Services Administrative Board, with the Children's Center and with Community Mediation Services.



**JULIET C. LAYCOE** received her B.A. from Pacific Lutheran University (1994) and her J.D. from Northwestern School of Law of Lewis & Clark College (1998). She is admitted to both the Washington State Bar and the Oregon State Bar. Juliet is a partner at Laycoe & Bogdon PC where her practice focuses on family law. She also practices in the areas of guardianship, estate planning and probate. Juliet currently serves on the board of directors for the Vancouver Rotary Foundation and is active on the education and marketing committees associated with the Fort Vancouver National Trust.

An outline appears on the next page.

# NUTS AND BOLTS

## Navigating Your Way Through A Divorce Case: From Initial Consultation to Decree

June 8, 2011, 3:00 – 5:00 p.m. , Inn at the Quay  
Juliet Laycoe and Nancy Retsinas

1. Initiating Representation
  - a. Initial consultation
  - b. Informed consent
  - c. Client selection & engagement
2. Filing the Action
  - a. Content of a petition for dissolution of marriage
  - b. Service of the summons and petition for dissolution of marriage
  - c. Defaulting a non-responsive party
3. Motion Practice
  - a. Motions: ex parte relief, temporary orders, contempt, revision
  - b. Managing oral argument
4. Evidentiary Issues
  - a. Content of Declaration(s)
  - b. Hearsay and child statements
  - c. Relevance
  - d. Discovery and disclosure of documents
5. Preparing for Settlement
  - a. Court-ordered mandatory settlement conference
  - b. Voluntary settlement process options
6. Preparing for Trial
  - a. CR 16 conference
  - b. Pre-trial motions
  - c. ER 904
  - d. Exhibits
  - e. Trial memorandum
  - f. Presentation of evidence and proof
7. Entry of final orders
8. Closing the case



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If you are interested and qualified, please contact **Martha Olsen**, Office Administrator, for further information on the application process.

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



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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.

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A black and white photograph of a large bridge spanning a body of water. The bridge has a tall tower and a flagpole on top. The sky is cloudy.

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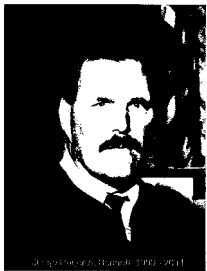
# It All Started with Department One...



**JEAN MCCOY**

*Hearsay Special Correspondent*

I don't get to the law library much at all anymore, but in the early 90's, before internet research was king, the Clark County Law Library was a happening place where attorneys conducted a lot of treatise work and out of state research. If you spent any time there, you may recall some of the old pictures on the wall, with stern judges staring down at you. It was around this time, in 1994, that the Clark County Historical Society celebrated the 135th anniversary of Clark County. The Superior Court Bench was asked to participate in gathering information to contribute to the historical review of the County governmental agencies. Judge Roger Bennett, appointed to Department One in 1990, volunteered his time and talent to what turned out to be a seventeen year commitment as the historian of Superior Court.



Judge Bennett began in 1994 reviewing all the historical documents that came with the office. Since Department One was the first judicial department created, some very old historical documents were included with his furnishings when he moved in. Transcripts, old pictures, early newspaper articles, and personal interviews of the 19 living Judges were part of Judge Bennett's research trail.

The result of countless hours of his personal time was *A History of The Superior Court Judges of Clark County, Washington*, By Hon. Roger A. Bennett (1994). This Spring, Judge Bennett updated his historical review. A copy of this publication can be found in the Law Library.

For those of us who always wondered who those grouchy looking gentlemen in the Law Library were, Hearsay is proud to present some of Judge Bennett's hard work for your enlightenment. Our presentation will be made in three parts. The first part will cover Department One's history from its inception in 1889 through the creation of Department Two in 1945. The second and third parts will move forward up to and including the creation of Department 10! For history buffs, we will not do justice to the detail contained in the original work, so check it out yourself!

## The Creation of Department One

Nathaniel H. Bloomfield was the first judge elected to the Superior Court for Clark County in 1889. At that time the Judge's district covered contained Pacific, Wahkiakum, Cowlitz, Clark and Skamania Counties. The election of Judge Bloomfield came on the year Washington attained statehood. The prior judicial



system for the area had been established when the Territory of Washington was created by act of Congress on March 2, 1853. At that time the Territory was divided into three judicial districts with a Supreme Court, District Courts, along with probate courts and justices of the peace. Clark County was included in the Second Judicial District.

Twenty-one men served statewide as justices of the Supreme Court and District Courts. Vancouver's first Courthouse was built in October 1855 to serve the Second Judicial District Court when it sat in Clark County. This Courthouse was located at what is now the East end of the Hudson's Bay High School football field (9th and Reserve). In 1883 a new three-story courthouse was built on the present Courthouse site at 11th and Franklin. Unfortunately for Judge Bloomfield, on February 24, 1890, the Clark County Courthouse burned to the ground, taking with it all court records and land ownership records. Litigation over title to real estate lasted for many years thereafter. Judge Bloomfield left the bench after one term and resided in Seaview, Washington until his death on September 7, 1922 at the age of 72.

## The Turn of the Century

Beginning in 1893 Department One was held by Elmer A. Wiswall. Judge Wiswall presided over Department One for less than two years. In the Summer of 1894, Judge Wiswall drowned in the surf's undertow at Seaside where he was camping with his family and friends. When Judge Wiswall drowned, Vancouver attorneys joined in petitioning then Governor McGraw to appoint Abraham Lincoln "A.L." Miller to the bench. Miller was Judge Wiswall's competitor for the bench in the 1892 election, and upon Judge Wiswall's death received an almost unanimous endorsement from members of the Bar for the District. At the time of his appointment Judge Miller was 31 years old. Judge Miller held the position for ten years and left office at the end of his



term in 1904. Judge Miller practiced law after his retirement from the bench with his son, Hap Miller, the All-American football player at the University of Washington, and was reputed to be one of the best trial lawyers in the area.



### An "Oregon" Judge?

Judge W.W. McCredie was elected to Department One in 1905. Judge McCredie had been a law partner with Elmer Wiswall, and was the prosecuting attorney of Clark County for one term beginning in 1894. The Columbian was very supportive of Judge McCredie's candidacy, and after his election. In 1908 The Columbian reported

that during an eleven day session, Judge McCredie presided over six criminal trials and eight civil trials. Judge McCredie sat on the bench until his election to Congress in 1909. Judge McCredie was criticized for his business interests in Portland, and specifically his financing of Portland's professional baseball team. During the 14 years Judge McCredie owned the baseball club it won the Pacific Coast League championship five times.



### McMaster the "Scot"

Upon Judge McCredie's election to Congress, Vancouver attorney Donald McMaster received a telegram that he was wanted in Olympia to speak with then Governor May. The result of that meeting was appointment of Judge McMaster to Department One as replacement for Judge McCredie in 1909. Judge McMaster was

born in Glasgow, Scotland and his family immigrated to Canada when he was three. McMaster's family moved to Camas at the age of thirteen. He worked in a saw mill, and then the Camas paper mill. He studied Civil Engineering while working in the paper mill and became a surveyor, then worked in the family store in Camas, and took correspondence courses to become a lawyer. Judge McMaster was the prosecuting attorney between 1903 and 1905. Judge McMaster found that he preferred to actively try cases as an advocate, and did not run for reelection when his term ended in 1912. Judge McMaster was a member of the prestigious firm of McMaster, Hall and Schaefer, and at the time of his death in 1922, was the President of the Clark County Bar Association.



### The Judge That Made the Least Impression

Not much is known about the sixth person to hold the position in Department One. Roscius Harlow Back won the election in 1912, and took the bench in 1913. Judge Back was the Vancouver City Attorney in 1907 and 1908, and practiced law in Clark County prior to election. Judge Back

presided over Department One for two terms, having run unopposed in his second term. Following his retirement from the bench, Judge Back returned to private practice and during World War II was the chairman of Clark County's Legal Advisory Board.

### The Honorable George B. Simpson

Clark County's seventh Judge is also one of the most highly



regarded Judges in the history of Clark County. Judge George B. Simpson was elected judge of the Superior Court beginning in 1921, and served until 1937 when he was appointed to the Supreme Court by Governor Martin. While living in Vancouver, Judge Simpson was very involved with civic work both locally and statewide. As Justice of the Supreme Court, Justice Simpson held the office for thirteen years. During these years, Justice Simpson wrote 362 opinions for the Court, including many landmark decisions. One of Justice Simpson's most important contributions to the law was the drafting of a revision and compilation of the Rules of Court, after a review of practically all appellate court rules in the United States. His draft included rules of appeal, procedures in superior court, Canons of Ethics and lawyer admission and discipline rules. Justice Simpson's compilation was the forerunner of the Court Rules in use today. After retirement from the Supreme Court, Justice Simpson was appointed as a member of the State Highway Commission and served until his death in 1954. Justice Simpson's son, Donald Simpson, also practiced law in Vancouver, following his clerkship with Justice William O. Douglas of the United States Supreme Court. Donald Simpson, who some of you may remember, was regarded as one of the finest probate lawyers to practice in this County.



### Ned Hall's Uncle

The last Judge to serve solo in Clark County was Charles W. Hall. Judge Hall began his career as a High School teacher, and after receiving his law degree in 1906 began a private practice with A.L. Miller, and then with Donald McMaster, both mentioned above. Judge Hall was very involved in the community and served two terms as a state

representative and two terms as a state senator. Judge Hall's most interesting contribution was sponsorship of a bill correcting the spelling of Clark County, which had been spelled "Clarke" in the state statutes for some prior years due to a clerical error that had endured. Judge Hall was appointed to Department One in 1937 by Governor Charles D. Martin. Up until 1946 when Department Two was created, Judge Hall bore the burden of all major litigation during the hectic years of World War II. This period saw an explosion of Court cases as the area saw the influx of thousands of war workers and their families, and the region was thrust into the role of an industrial giant. Judge Hall would try cases continuously, and have impromptu motion dockets on other cases whenever three or more lawyers would congregate at the Courthouse. Judge Hall's brother, Joseph E. Hall, and his son, Ned Hall, were also prominent attorneys in Vancouver. Judge Hall died in 1955 shortly after his retirement from the bench.

Coming next month: Creation of Department Two, and Judges Cushing, Langsdorf and McMullen.

# SUPERIOR COURT BENCH/BAR COMMITTEE MEETING MINUTES

MAY 10, 2011



**JOHN FAIRGRIEVE**  
*CCBA Vice President*

The meeting began shortly after noon. Persons present were Judge John Nichols, Judge Robert Lewis, Ann Christian, Heather Beasley, Suzan Clark, Emily Sheldrick, Therese Lavallee, Tom Phelan and John Fairgrieve.

## OLD BUSINESS:

1. Competency evaluations being conducted on out-of-custody criminal defendants by Western State Hospital (WSH): Ann Christian told the committee that the current backlog of out of custody criminal defendants waiting to be evaluated for competency, diminished capacity or insanity is about 210 cases, reflecting an increase of ten over last month. 28 of the cases are from Clark County. Out of custody criminal defendants bear the responsibility to make their way to WSH for their evaluation unless a medical condition prevents them from doing so, in which case WSH may send an evaluator to Vancouver. Ann will continue to monitor the situation.

2. Newton pleas in criminal cases: John Fairgrieve explained to the committee that the Prosecuting Attorney's (PA's) office policy concerning Newton pleas is that they are acceptable absent a specific agreement as part of plea negotiations that the defendant will not enter a Newton plea and will make a factual statement of what the defendant did that makes him or her guilty. John told the committee that deputy prosecuting attorneys (DPAs) would negotiate for non-Newton pleas in situations where such a plea would further a societal goal such as establishing guilt for a future civil suit by the victim or requiring that the defendant accept responsibility for his or her illegal acts. John asked that if defense counsel knows that the defendant will enter a Newton plea that counsel notify the assigned DPA as early as possible so that a detailed factual summary can be prepared for the DPA handling the docket. Suzan Clark asked that

DPAs be reminded of the importance of sending offers, a statement of the defendant's criminal history, and copies of amended informations to defense counsel in a timely fashion.

3. PA's office policy concerning the use of the Residential Drug Offender Sentencing Alternative (Residential DOSA): John Fairgrieve explained that a meeting was planned for May 18 between members of the PA's office and Judge Nichols, the drug court judge, Brad Finegood, the drug court coordinator, and other interested parties to discuss the PA's policy concerning Residential DOSA and the possibility of dismissing certain types of drug cases upon successful completion of drug court.

4. Changes in the PA office's approach to petitions for relief of the duty to register as a sex or kidnapping offender: John explained the legislature had passed a new statute addressing the burden of proof certain juvenile petitioners must meet to be relieved from their registration requirements (reducing the burden of proof from clear and convincing to a preponderance of the evidence). The legislation was awaiting the governor's signature at the time of the meeting and John stated he was waiting for the governor to sign the legislation prior to modifying the forms given to the petitioners.

5. Clerk's office policy concerning having certain older physical case files in court only in certain situations: It was reported that all superior court case files from year 2007 and earlier are stored at a location other than the court house. As was discussed last month, the Clerk's office plan is to stop retrieving files over a year old for hearings, and rather to print off the pertinent clerk's papers from Liberty for the hearing. Additionally, documents filed with the court in such cases will be scanned into Liberty, kept in the Clerk's office for 90 days, and then recycled.

## NEW BUSINESS

1. Emily Sheldrick asked what the superior court judge's policy is for citing a civil matter in to court when the assigned judge is not available. Judge Nichols stated that routine matters such as supplemental proceedings, non-contested matters, and motions to amend the complaint should be cited onto the next available docket. Substantive matters should be cited on to the assigned judge's next docket. In an emergency matters should be cited before the next available judge.

In a situation where opposing counsel has cited a matter before a judge other than the assigned judge an attorney should contact opposing counsel and try to reach an agreement on how the matter will be handled. If this is not successful the attorney should contact the judicial assistant of the judge the case has been cited in front of and explain the situation.

2. Emily Sheldrick asked whether clerk's notes could be referred to by counsel as evidence of what actually occurred in court. Judge Nichols stated that the clerks' notes should be viewed as a reminder of what occurred, and that the true evidence of what actually occurred at a hearing or trial is a DVD of the proceeding.

3. Judge Nichols and Ann Christian announced that the legislature had recently passed a bill which had been signed by the governor that reduced the maximum penalty for a gross misdemeanor from 365 days in jail to 364 days in jail. This legislation was in response to federal immigration statutes that make conviction of a crime punishable by 365 days in jail or more a potential basis for deportation.

4. Ann Christian told the committee that the Department of Immigration and customs Enforcement (ICE) is in the process of rolling out its "Secure Communities" initiative. Under this program fingerprints of individuals arrested by the police are electronically forwarded to ICE and a match with fingerprints of illegal aliens in the ICE database will result in an electronic detainer being filed with the arresting agency. Only communities that want to join the program will be participating and Clark County is not signed up for the program at this time.

5. Persistent Offender cases: Ann Christian asked that the PA's office give notice to as soon as possible when we believe that a defendant is facing a charge that may constitute a third strike offense. Ann mentioned that she has a list of attorneys who are specifically identified to handle such cases.

Ann also asked if the PA's office had a policy about asking the assigned judge to make a pre-trial determination about whether certain prior convictions constituted strikes for sentencing purposes. John Fairgrieve stated that he did not believe so but would address the issue and report back to the committee.

6. Next Bench Bar committee meeting: The committee will meet next on Tuesday, June 14, 2011 at noon in Judge Nichols' jury room.

Respectfully submitted,

John Fairgrieve

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May 18, 2011

**Notice of Judicial Vacancy  
Clark County Superior Court**

On May 6, 2011, Hon. Roger A. Bennett announced his retirement from the bench effective September 1, 2011. Governor Christine Gregoire is now seeking interested and qualified members of the Washington State Bar Association to submit applications to fill this position. The Governor's application for judicial appointment, the Uniform Judicial Evaluation Questionnaire, is also accepted by several minority bar associations for evaluation purposes and can be downloaded from the URL address below.

Narda Pierce  
General Counsel  
Office of the Governor  
Legislative Building  
P.O. Box 40002  
Olympia, WA 98504

<http://www.governor.wa.gov/judicial/default.asp>

To be considered for this vacancy, applicants are strongly encouraged to promptly submit their completed applications and schedule judicial evaluations with the statewide minority bar association judicial evaluation committees as soon as possible. Applicants for this vacancy must be a resident of Clark County. All applications must be completed and submitted to the Governor's Office by June 30, 2011, with all judicial evaluation ratings submitted to the Governor's Office of General Counsel by July 18, 2011.

Narda Pierce  
General Counsel  
Governor Christine O. Gregoire

# Law Dogs and the Attorneys They Own



**DIANA TEHRANI**  
*CCBA Special Correspondent*



There's a phenomenon in the Vancouver legal community, pets who practice. Many attorneys in town have dogs that regularly come to work with their owners and many of the owners have discovered benefits not only for the dog, but for the office as a whole.

Perhaps the best known law dog is Don Jacobs' 10 year old Vizsla named Verne. Verne is extremely photogenic and has appeared, reportedly without compensation, in ads for Northwest Injury Law Center. Besides being photogenic, Don says Verne is a keen judge of character who gets along well with staff and clients.



The Vizsla is a working breed, and apparently has very expressive eyes because Verne convinced Don to bring him to work by giving him "this look that makes you feel guilty for leaving him alone. I do take him to a doggy spa two times a week, but this breed is extremely needy and craves company". Don says that the breed is nicknamed "the shadow" because they follow you around the house looking for any sign you might take them somewhere. Verne is a purebred upland bird dog. "I take him hunting but, being a terrible shot he rarely gets his teeth into a bird. He does go on point instinctively in the field and this is a beautiful thing to see. However, he has been known to point at hawks, owls, cranes, butterflies and the occasional Horizon shuttle."

Don has been bringing Verne to work with him on and off for ten years and finds that the only downside to inclusion of Verne in his practice is occasional barking while Don is on the phone with a client. When asked for comment Verne stated that the only downside to coming to work with Don is that Don talks on the phone too much.

Another well-known law dog is Bosley, a nine year old Springer Spaniel owned by Margaret Madison Phelan. Margaret has been

bringing Bosley to work with her since he was 8 weeks old. She acquired Bosley to be an office dog and reports that the Spaniel breed, which was bred for hunting and to be companion dogs to the Spanish king, are generally larger in size, have a more relaxed temperament and make for excellent companion dogs.

"Most clients love him. Some clients come in and are disappointed when he is not here".

Margaret's best 'Dog at Work' story involves small bone shaped treats which were kept in each conference room. After a client mistakenly thought they were people treats they were switched out for kibble and stored in jars marked "Dog".

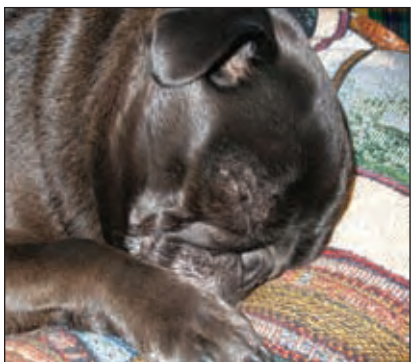
When Bosley is not performing his duties at the office he enjoys odor training. "It's a new sport where dogs are taught to use their sense of smell. They start with treats, then train on birch oil, then on to anise oil, then on to a third scent. Bosley has mastered treats and birch oil".

Bosley has an additional talent, he has a bell that he can ring when he needs, or wants, to go outside.

An additional benefit Margaret has discovered about bringing Bosley to work is that Bosley has a talent for selecting a client who is nervous or uncomfortable and sidling up to that person during a meeting.

Winner for most dogs at work goes to Ali Greene who brings Sassy, 9, Pookie, 9 and Sushi, 15 (breeds not disclosed) to work with her at Weber Gunn on days that the dogs are going to the





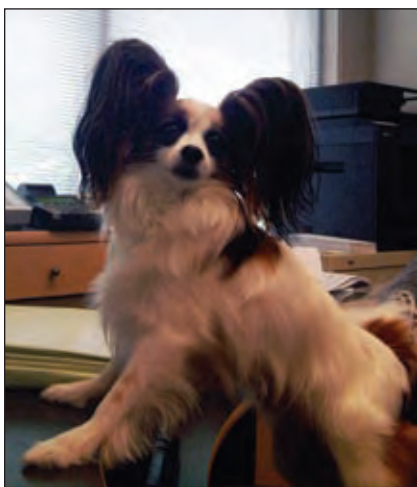
groomer. "They are completely spoiled and extremely demanding! They love to come to work."

The 'girls' as Ali refers to them, have a piggy bed in the office. Although Pookie has control over toys, Sassy is the soundest sleeper, "During one of our member meetings, Sassy was asleep on my lap. During a silent moment, all you could hear was Sassy snoring!"



Being an office dog is a second career for Sushi who used to be a pet therapy dog for the Humane Society.

When asked about challenges to bringing the girls to the office Ali reports "They always want to be with me, so when I have a client, if they are not with my assistant, they can be very loud!" When given the opportunity to respond to the noise allegation, the girls had no comment.



Another lucky working dog is Figley, a 3 year old Papillon owned by Lou Baran. Lou has been bringing a pet to work with her since opening her practice in 1995. Her first office dog was a cocker spaniel named Katie. "Katie, the dog from hell. She was elderly and did not have any redeeming value other than I no longer got complaints about barking from the neighbors.

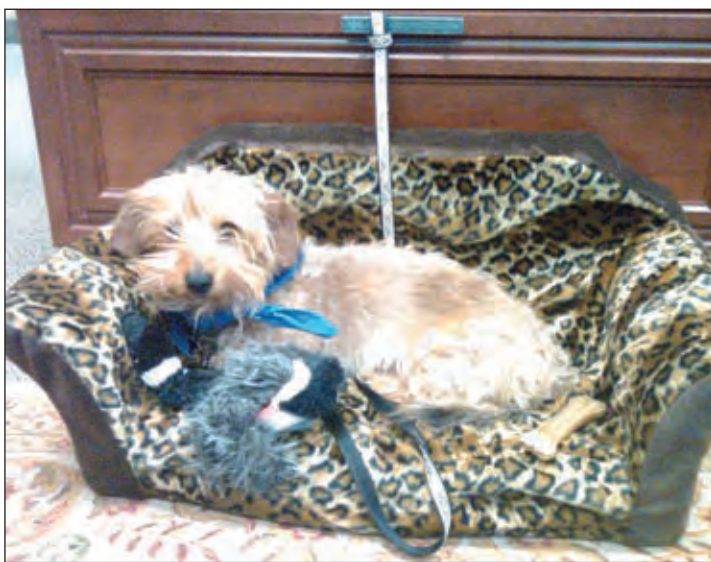
However, the clients loved her". Katie was followed by Lindy, a black Labrador retriever. "Lindy did not like the water and refused to play fetch, but could be counted on to comfort anyone who needed it."

Figley began coming to work with Lou when he was just 3 months old. "He received extensive on the job training from Lindy and takes his reception duties very seriously." Figley even gets to attend depositions! During one deposition the opposing party picked Figley up and held onto him throughout her depo-

sition. "We worried she was going to take Figs home with her after the deposition".

In addition to his ability to calm a nervous participant in the legal process, Lou reports that the best thing about having Figley at the office "is that he is always happy to see me, grateful for his treats and never complains or thinks I should have done something better, faster or cheaper".

I was recruited by Hearsay to write this article because I bring my own dog to work. Tanner is my ten year old wire-haired dachshund. He's headstrong, stubborn and not unlike Lou's 'dog from hell'. After opening my practice in Vancouver nearly three years ago, Tanner ran away from home one evening in protest over long hours. I let him outside and he worked a fence board loose to escape. I found him two blocks away and he refused to come



when I called him. When I caught up with him to take him home he growled at me and I realized that I needed to come up with a different solution for Tanner during working hours.

I brought Tanner to work with me, initially hiding him in a kennel under my desk to keep him on the 'down low', but little by little we both became more comfortable with his being an office dog. Now he spends his days on an orthopedic dog couch by my file cabinet. He has 'aunties' who babysit when I go to court, attend a deposition or have a new client who hasn't been vetted as dog-friendly. At this point if the office was on fire and my co-workers could only save one of us, I'm pretty sure that Tanner would be the one to make it out.

When Tanner isn't hard at work napping on his mini-couch he enjoys sunbathing, bullying his cat and long car rides.

One benefit to having Tanner with me at work is that I don't feel pulled to go home. If I need to work late I can do so without worrying about him. I'm reasonably certain that my husband won't chew up my shoes if I'm not home by 7, but then, I've had 27 years to train him and only 10 years to work things out with Tanner.

# CCBA Monthly Board of Directors' Meeting



**ANDREW WHEELER**  
*CCBA Secretary*

The Clark County Bar Association (CCBA) Board met twice in May on the 4th and 18th, respectively. Due to the elimination of the CCBA Executive Director position, the Board focused on allocating the duties previously required of that position amongst the Board members. The goal of the Board was to create a transition that would not significantly inconvenience the membership and would continue to maintain all existing CCBA programs and responsibilities.

Both of the May Board meetings dealt with the CLE processing as currently performed by the CCBA. The Board is attempting to provide clear timeframes and obligations to CCBA sections which sponsor CLE's to better ensure the proper application for

CLE credits to the WSBA as well as the avoidance of additional financial penalties.

Finally, the Board discussed whether going "green" for membership packets was a possibility. The Board believes that all necessary forms can be conveyed electronically, with enrollment and payments also taking place online. The Board is discussing maintaining the availability of the traditional membership packets to accommodate members who do not use computers.

The next Board of Director's meeting is scheduled for Wednesday, June 1, 2011, at the CCBA offices and is open to all members.

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## Family Law Section Meeting



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

The Family Law Section's May meeting was on "Building Bridges, Managing Conflict: What we can Learn from Neuroscience" with Lydia Byhardt Bollinger, a licensed clinical social worker and Erin Ruff, a mediator. They taught us what happens in the brain when a person experiences conflict and how we can use this information to facilitate conflict resolution.

Our next meeting is our last meeting of the 2010-2011 term. If you are a member, please be sure to attend this meeting as we will name our officers for the year and talk about the future of the FLS with regard to the status of the CCBA.

The next meeting will occur on June 9, 2011 in the lounge at Tommy O's in downtown Vancouver from 11:30 a.m. to 1:00 p.m. per usual. The topic is "When Your Client Needs Financial Planning: how an investment firm, a bank, and an independent financial planner can help." Helping family law attorneys offer options to our clients will be Andy Nygard with Edward Jones, Jennifer

Rhoads, Director of Wealth Management with First Independent Bank, and Mark Martel with Martel Wealth Advisors Inc.

Please consider volunteering for an officer position. We have three positions, President, Secretary, and Treasurer. Serving as an officer is a great way to connect with your colleagues. Please let me know if you are interested in serving the FLS.

If you would like to attend a CCBA FLS 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

# What CCBA Members Are Doing About Town

**RAISA JUDICATA**  
*Guest Gossip Columnist*

Local divas Jessica Dimitrov, Kathryn Holland, Dru Horenstein and Jean McCoy held a “princess party” on April 28, 2011 and into the wee hours of April 29, 2011 at the Hilton, Vancouver. If you ask “Why?”, then you are not yet sick of hearing about the royal nuptials of England’s Prince William and his new bride Catherine, Duchess of Cambridge. These ladies watched the



wedding of Prince Charles and Lady Diana thirty years prior, and while at lunch together decided to host their own “wedding watch”. This was tricky, however, as the wedding procession began at 1:00 am Pacific time, with the wedding at 3:00 am, and the “royal kiss” at 5:25 a.m. on Friday, April 29, 2011. A room was rented, little sleep was had, and champagne uncorked at 3:30 am. With just a little drama, Dru and Jean then put on their battle gear and were in Court by 9:00 am. The self-proclaimed princesses wore ball gowns from Gala Gowns at 1703 Broadway, here in Vancouver and caused quite a buzz at the Soroptimist’s convention, also being held at the Hilton

Not to be outdone by the new Duchess of Cambridge, just days after viewing the historic wedding Jessica Dimitrov accepted a proposal of marriage while visiting the Pantheon in Rome, Italy.



It is reported that Kathryn, Dru and Jean will wear their royal gowns to this sure-to-be-televised event.

Raisa was sorry to hear that CCBA’s budget woes was cause for a cut-back in personnel, and we say a fond farewell to Diane Wheeler, a well-known face at the Bar offices, and formerly with VLP. Our editor, David Gregerson, was contacted by several CCBA Members, wondering if they could pool their funds for wages and benefits and hire our cover model on last month’s edition of Hearsay, donating her time to the Bar Association as a tax write off. At press time, our mysterious model was not responding to requests for an interview.



The best old gossip that was gossip, but could not be confirmed for publication, and now is fact (what?), is the pending retirement of Honorable Roger Bennett from the bench effective September 1, 2011. Judge Bennett has been on the bench for 21 years and is the second longest standing (sitting mostly) judge in Superior Court. He was quoted by the Columbian as saying he wants to continue as a private practice attorney after retirement, doing “whatever I feel like”. Reputed contenders in the running for the future judicial appointment to his seat by Governor Christine Gregoire are Carin Schienberg, Dan Stahnke, Camara Banfield, Lou Byrd, Bob Yosef and David Gregerson. Your crack reporting team hear at Hearsay will be bringing you more as this story unfolds.

Finally, one of our own should be nominated for a bit role as the victim in a version of the TruTV show “World’s Dumbest Criminals”.



Denise Lukins, from Salmon Creek Law Offices, was enjoying some down time with friends when her purse was stolen from The Brick House Bar & Grill. The short story\* is that the criminal waited until everyone was distracted and took Denise's purse from under the table, but his image was captured on the security tape. He then left and hitched a ride on a C-Tran bus that kicked him off near Clark College because

he was being drunk and disorderly. Some members of Denise's group happened by, recognized the guy and coaxed him back to the Bar where they contained him and called the police for the guy to be arrested. The culprit was too drunk to recall where he left her purse, but Denise's identification and some of her credit cards were in his pockets. A Clark College student called Denise the following day, having found Denise's purse up in a tree, still containing most of the non-monetary contents. Denise thinks this partial happy outcome has to do with her good purse karma over the years. Once she spent 45 minutes walking around to find a lady who left her purse on a bench at the Uffizi Gallery in Florence, Italy. Notwithstanding good karma, Denise still had to pay a tidy sum to make a replacement key for her car, and get it out of hock from the towing company. \*If you are Denise's friend on Facebook, there is even more fun detail.

*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.*

## Lateral Partner

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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
June 8, 2011	Family Law		Emily Sheldrick
July 13, 2011	Setting up and Advising the Small Business	Mark Beatty & TBD	Emily Sheldrick Mark Beatty
September 14, 2011	Wills and Estates		Carol McCaulley
October 12, 2011	Criminal Trial		Suzan Clark
November 9, 2011	Bankruptcy		Scott Matthews
December 14, 2011	Collecting on Judgments		Mark Beatty

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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## GETTING TO KNOW: **MATT PHILBROOK**

*"Getting to Know" is a monthly feature designed to better acquaint the membership with our local attorneys, judges and other people of interest to the Clark County bench and bar. This month's subject is Vancouver Attorney, Matt Philbrook*

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

I grew up in Battle Ground. It was a lot smaller town in the 80's, and a great place to grow up carefree. Both sides of my family have been residents of Clark County going back to my great grandparents. I always wanted to come back home after college.

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

I've always been a competitive person, had strong ideas of justice, and wanted to make a positive impact with my career. I didn't know any attorneys while growing up, so didn't have a real clear path or plan. A couple of years into college I developed the academic confidence to commit to law school.

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

I would either teach and coach, or I would find another career where I could be self-employed. From the farmers in my family, I learned early on the freedom and intrinsic benefits of self-employment.

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

I've been very lucky to have several mentors in the past 10 years. Specifically I've always been impressed with Beau Harlan's ability to speak directly to a jury, Tom Phelan's critical thinking, and Steve Thayer's attention to detail and ability to maintain credibility with a jury. Ultimately I've learned from all three that success comes from bringing your best personal traits to the courtroom.

### ***Is it possible to be friends with opposing counsel? Why or why not?***

Yes. The most important part of successful dispute resolution is separating the people from the problems. By maintaining friendly working relationships we can focus on our clients' interests as opposed to hard line positions.

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

Begin with as little overhead as possible, and personally handle every aspect of every case. As your business grows you will have a firm understanding of what expenses are necessary and what is waste. You will also have an understanding as to each aspect of your business, and case management.

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

For me, Clark County has always been home. I feel the support of family, friends, mentors, and past clients on a daily basis. For all the support I receive, it is easy to stay focused on reciprocating to others. I also enjoy the size of our community and local court systems.

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

I've had opportunities to defend innocent clients in cases that were poorly investigated or wrongfully prosecuted. At the time these were stressful situations. However, justice has prevailed in each instance and the experiences were gratifying. Regardless of the case, my dream clients are those who are willing to do everything necessary to help themselves.

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

Court fines, costs, and monitoring fees are exorbitant. I see the State and Cities creating a revolving door of petty crime when a large section of defendants, who are acknowledged as indigent, are then stuck in the system with little way of getting out. This creates feelings of helplessness, surrender, people being forced into tough choices and crime.

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

Grant Gehrmann once told me as a Plaintiff's attorney, "If you can't explain your case to someone in one sentence; it's not a

good case". I'm positive that those words of wisdom have saved me a lot of trouble.

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

I'm a fairly dedicated golfer. I love the mental and physical aspects of golf, and the great friendships that are built on the course. I compete in several club and Oregon Golf Association events throughout the year. This feeds my competitive nature.

I also am still competitive in basketball, I exercise most days, coach my daughter in athletics, snowboard, wakeboard, bike, and take part in other outdoor activities. I'm pretty active.

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

I've never thought of this, but just off the top of my head I'd probably go: 1) A Time to Kill; 2) The Match, but Mark Frost; 3) The Art of Racing in the Rain; 4) The Davinci Code; and 5) Silence of the Lambs. Anything by Grisham gets me fired up to do some good as an attorney. I've enjoyed a lot of the other books by these same authors also.

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

I've been to Vegas more times than I would like to admit, and can't comment on much of that. So I'd have to say Central Oregon. We bought a vacation house over there this Spring, so right now I'm pretty excited to spend a lot of time in the high desert.

**When's the last time you used profanity?**

I rarely use profanity out of anger. I do however enjoy having fun with colorful words.

**How many hours of sleep do you get (on average)?**

7. I'm very much a creature of habit, and love making good use of the morning. I'm routinely in bed by 10:00 and up at 5:00.

**What would you attempt to do if you knew that you could not fail?**

I've always been attracted to motor cycles, but have crashed every type of motorized and non-motorized vehicle I've ever attempted to ride at least once. So if I knew I could not fail, I would buy a motorcycle.

**What type of products do you never go cheap on, for the sake of quality?**

Because of my dimensions it's really hard for me to by suits and shirts off the rack. So I would have to say my tailored pants, shirts and suits. I've become a big fan of Tom James clothing. I also don't skimp on golf clubs, accessories, and attire.

**Describe a few pet peeves of yours.**

I understand that when people come to see me they are often stressed out and nervous, but I can't stand it when people ask me a question and then don't bother to listen to the answer before asking another question.

**Would you rather be gossiped about or never talked about at all?**

I'd rather be gossiped about. I like to be in the mix.

**Tell your mother how much you love her in a haiku.**

I'm on a 20 year haiku-less streak, and I'm not going to break it now. That said, my mom is a smart, caring, calm, and thoughtful person, who I owe everything to.



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# Clark County VOLUNTEER Lawyers Program

Susan Arney, *Executive Director*

Ashley Belisle, *Program Coordinator*

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Statistics for April include 58 clients seen in advice clinics, 23 in Family Law, 14 in Family Law paperwork review clinic, 3 in the Bankruptcy clinic, 2 in the General Law clinic and 23 in Housing Justice Project clinic. We placed 6 cases with an attorney for direct representation. There were 285 hours of volunteer attorney time donated.

The Board of Directors participated in a telethon for the Campaign for Equal Justice. Our thanks to the attorneys who answered our calls. I know I sound like a broken record, but it takes two things for our program to succeed – volunteer attorneys and financial support. The Clark County attorneys (and those from Portland) have done a wonderful job with the volunteering. I currently have about 230 attorneys who volunteer.

In these economic times the financial piece has been a struggle. We have cut our budget and have so far been able to maintain programs. If you have the time, please visit the Campaign for Equal Justice website at [www.c4ej.com](http://www.c4ej.com) as well as the Access to Justice web page on the Washington State Bar Association website to see all that is being done for low income people with legal issues in the state. Your support is welcomed.

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 APRIL.

*Lou Baran, Michael Borge, Chris Boyd, Chuck Buckley,  
Mark Carter, Tresa Cavanaugh, Ivan Culbertson, Erin Culver,  
Ed Dawson, Sidney Dolquist, Peter Fels, Gavin Flynn,  
David Gregerson, Brian Haaland, Lincoln Harvey,  
John Holtmann, Dru Horesnstein, Vickie Kesala, Dustin Klinger,  
Robin Krane, Juliet Laycoe, Christie Martin, Scott Matthews,  
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Dr. Jennifer L. Smith is a professor of psychology at the University of North Carolina at Charlotte. She has a Ph.D. in psychology from the University of North Carolina at Chapel Hill. Her research interests include the development of social skills in children and adolescents with autism spectrum disorders. She has published numerous articles in the field and is currently working on a book about social skills training for children with autism.

The Law Library is pleased to announce that we have catalogued most of our materials so that they are now searchable on the internet. Please visit the website, <http://www.librarything.com/catalog/ccl> and check it out! You can also find a link on the law library home web page to the catalog. Now you can browse our collection. Please note that not everything is included there - most notably, we have not catalogued all of the hundreds of CLE materials that we own.

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

1. Special Needs Trusts - NOLO
2. Neighbor Law - NOLO
3. Make Your Own Living Trust - NOLO
4. Evidence Rules Quick Reference - from Federal Practice and Procedure
5. Criminal Rules Quick Reference - from Federal Practice and Procedure
6. Civil Rules Quick Reference - from Federal Practice and Procedure
7. Criminal Caselaw Notebook 2010

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



## TAX & SELF-EMPLOYMENT TAX FOR 2011

The legislation signed into law on December 17, 2010, provides a 2 percentage point payroll tax cut for employees, reducing workers' Social Security tax withholding rate from 6.2 percent to 4.2 percent of wages paid. This cut in Social Security tax for employees is only effective for 2011 and it does not change the employer contribution.

The self-employment tax rate for self-employment income earned in calendar year 2011 has also been reduced 2% - from 15.3% to 13.3% (10.4% for Social Security and 2.9% for Medicare).

This reduction will not affect future Social Security benefits.

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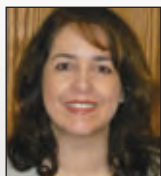
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## THE SWLRS REFERRED 321 CLIENTS IN THE MONTH OF APRIL

Administrative law: .....	19
Bankruptcy: .....	5
Business & Corporate: .....	5
Consumer: .....	18
Criminal: .....	20
Debtor / Creditor: .....	17
Family Law: .....	53
General Litigation: .....	74
Labor & Employment: .....	46
Real Property: .....	51
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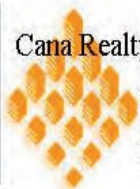
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