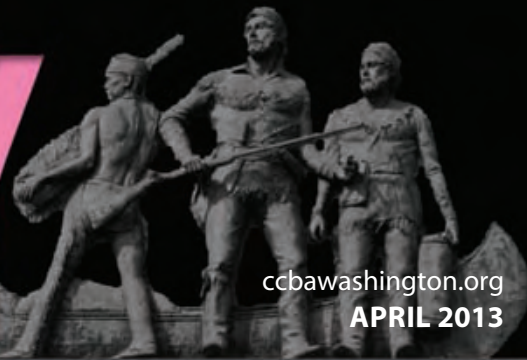


# HEARSAY



ccbawashington.org  
APRIL 2013

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION



## Judge Woolard bids farewell

*page 4*

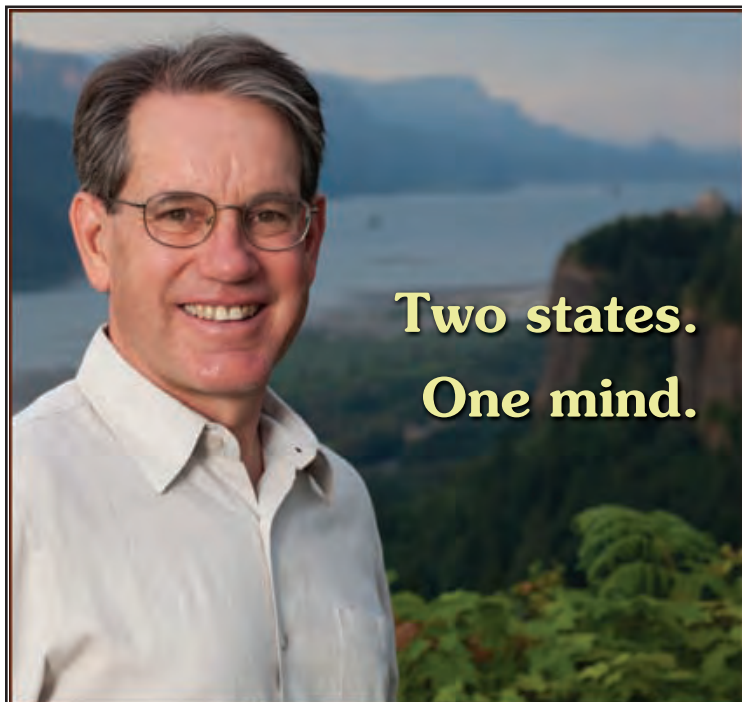
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CCBA OFFICE HOURS: Monday through Friday, 12:00 p.m. to 4:00 p.m.



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# PRESIDENT'S MESSAGE



**SUZAN CLARK**  
*CCBA President*

I love Spring, just not the sneezing allergies that accompany the season. After spending ten glorious days in Provence over Spring Break, I am home contemplating all the things Spring should inspire a person to do. A favorite colleague of mine once told me he always fires his worst client before going on vacation. I thought the concept was a little harsh at the time, but with each passing year I see the wisdom.

Spring should be the time to clean house—at home and at the office. So a few days ago I tackled the hall closet at home. Mind you this is a bit of surreal experience when you decide to start the job during a 3:30 a.m. bout with jet lag when you have grown tired of the PBS story on [www.artisanalpencilsharpening.com](http://www.artisanalpencilsharpening.com) (I kid you not).

My favorite charitable thrift store is now the recipient of two knock off purses purchased in Mexico, a blazer with a black velveteen collar (no, I don't know what I was thinking), a pair of soccer cleats purchased circa 1991, and a dress made out of a fabric that could survive a nuclear winter. The recycle bin gained an Eddie Bauer catalog circa 1998 and a manila envelope full of information about planning a trip to China through the communist government's travel agency (guessing from around 1995?) I also found a lovely bottle of cabernet sauvignon that a former client gave me about 2002 that appears to have aged nicely.



As for the office, I am busily trying to clean out the catacombs (i.e. the drawers of my desk). My friend who uses a library table with one petite drawer in the middle for pencils may be on to something. Three drawers in to this project and I have found lit-

tle of real value. My office went to digital storage of client files, receipts and most paper things a few years back. My assistant frisks my briefcase for superfluous papers after I return from court. She looks truly askance when I bring home multiple copies of jury instructions. With cloud backup, I have found it easier to locate things like copies of insurance policies, equipment warranties and service contracts. So what is with all of this junk I manage to squirrel away in my desk?



My grandmother lived through the Great Depression and never thought you should throw anything away. Being mechanically inclined, my dad could bring any failing appliance, lamp, or piece of equipment back to life. Having no such talent, I try to donate old functioning office equipment to local charities or at least to recycle the items.

Over the years I have tried to evaluate prospective clients at the initial consult and weed out the unrealistic folks. Occasionally I withdraw on a case where the client is not realistic about resolving the matter. I am happy when the good ones come back needing legal services for the next issue in life or refer their friends to me for help.

In summary, I have come to the conclusion that clients can neither be “recycled” nor “donated” to a worthy cause. Interview clients carefully (and vice versa) to help assure a good working relationship. Store the receipts, etc. in the Cloud to keep a tidier life. Evaluate the things you hold on to carefully and when the occasion arises, sit back and enjoy that lovely, aged bottle of cabernet sauvignon.

# Judge Woolard bids farewell



**DON JACOBS**

*Hearsay Special Correspondent*

Judge Diane Woolard stepped down from her post on the Superior Court bench in March of this year. Judge Woolard served Clark County for almost thirteen years. She was appointed by Governor Gary Locke to her seat in July of 2000. Her resignation was unexpected and surprised many given her recent election victory. After Judge Woolard was first appointed in 2001, she immediately drew a challenger in the next election. She won and then ran unopposed in 2004 and 2008. Last year she drew a challenger and had her first contested campaign in over a decade. She easily outpaced her opponent in the Clark County Bar poll, winning 87% of the vote. She was endorsed by law enforcement, the county DA and a host of other judges and local attorneys. She also received the backing



of the Columbian. Its editorial board described her as the “clearly superior choice”. Then the voters gave her an almost 62% margin of victory. Though the voters were pretty clear about wanting her to stay, running for public office can be stressful. Her health

began to deteriorate during the campaign. Some attorneys may recall Judge Woolard suffered a very serious illness over a decade ago. She was able to recover and continue her career. However, the condition apparently leaves one susceptible to the onset of epilepsy later in life. Stress plays a role. In a classic case of bad timing, the condition chose to surface in the heat of the campaign. She was advised of the diagnosis shortly after the election. It became progressively worse. Despite receiving treatment she came to the realization her declining health would make it very difficult to keep up with her obligations. She elected to step down.

Her resignation will be a negative for Clark County on several counts. One, her experience on the bench will be difficult to replace. Judge Woolard had a wide range of civil and criminal experience before she put on the robe. She served as a deputy prosecutor, handled criminal defense and represented clients in family law cases. She practiced criminal and divorce law in private practice with Judge Rulli before he became a judge. She also practiced with the firm of Morse & Bratt, doing divorce, criminal defense and general civil work. Before law school she

spent twelve years of her life working for the Department of Social and Health Services in child welfare and child protective services. She acted as an expert witness in the area of standard of care for placement of children and adoptees. Her legal knowledge was broad and although she liked presiding over criminal trials more than civil cases, her expertise in both was welcomed by local attorneys.



Two, she had a real passion for looking out for disadvantaged people. Vulnerable adults, kids and abuse victims were people she went out of her way to protect. Judge Woolard’s tenure as judge might best be remembered for her zeal in protecting these at-risk people. In fact one of her plans for the future is volunteer work in this area. She currently sits on several statewide boards for guardianship cases and has spoken to community and professional groups about protecting vulnerable adults. She also has a history of helping with the Volunteer Lawyers Association and was the recipient of an appreciation award from the program.

Finally, she was the only woman on the Superior Court bench other than Judge Johnson. Granted we now have the nice addition of Judge Osler and Judge Langsdorf down in District Court, but with Judge Woolard leaving, Judge Johnson remains as the lone female on the Superior Court bench. Since Judge Woolard was appointed in 2000, Clark County has seen five men sworn in as judges. Without any argument over their qualifications or expertise, it would be nice to have a little more gender diversity.

Judge Woolard will also be remembered for time serving as presiding judge in drug court. She served in this capacity for over five years and says it was nice to see people who went through this program do well afterwards. She was given an award by the Superior Court for her service in drug court.

When asked about any highlights she’ll recall as she moves on she spoke of the time she was able to vacate the convictions of two men freed after 17 years in prison. They were exonerated as a result of the Innocence Project.

Judge Woolard says she's probably not going to do anything legally related now that she's off the bench. She looks forward to doing some volunteer work. Then there's the retired judges association. Or she might ramp up her past volunteer work with the US Soccer Federation. She says she may even get involved politically now that she's back to being a private citizen. Who knows, she might donate to a campaign of put a bumper sticker on her car.

thing she tells me she won't miss is the lengthy lawyer arguments, (But your honor, if I can only address one more issue before you rule). She just liked helping people bring a case to finality so they could have a decision and move on. She asked that I pass on the fact she's grateful for the support from the Bar she's received in her career and will miss the interaction with the attorneys. She says she has no regrets and she's enjoyed it all.

Judge Woolard does say she'll miss the job. She enjoyed being a judge. She enjoyed the people. She enjoyed the work. One

# 2013 Nuts & Bolts, FLS & CLE Calendar

<b>Date</b>	<b>Topic</b>	<b>Speaker</b>
<p><i>May 3, 2013</i>  <i>1:30pm – 4:30pm</i>  <i>Public Service Center</i></p>	<p><b>CLE</b>  <i>Defending DUI's</i></p>	<p><i>Andrew Wheeler</i>  <i>Josephine Townsend</i></p>
<p><i>May 8, 2013</i>  <i>3:00pm – 5:00pm</i>  <i>Red Lion at the Quay</i></p>	<p><b>N&amp;Bs</b>  <i>Handling Depositions in PI Cases: Strategies, Tips &amp; Tools</i></p>	<p><i>Craig Schauer mann</i></p>
<p><i>May 30, 2013</i>  <i>12:00pm-1:00pm</i>  <i>Public Service Center</i>  <i>Conference Room A</i></p>	<p><b>Brown Bag</b>  <i>Federal Rule Changes</i></p>	<p><i>Devon Newman</i></p>
<p><i>June 6, 2013</i>  <i>12:00pm-1:00pm</i>  <i>Public Service Center</i>  <i>Training room</i></p>	<p><b>Brown Bag</b>  <i>Hip &amp; Knee Replacement litigation:  A Unique Perspective</i></p>	<p><i>Jonathan Neff</i></p>
<p><i>June 12, 2013</i>  <i>3:00pm – 5:00pm</i>  <i>Red Lion at the Quay</i></p>	<p><b>N&amp;Bs</b>  <i>Dealing with Medicare in Personal Injury Cases</i></p>	<p><i>Tim Nay</i></p>

## Call 695-5975 to register

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

***The Clark County Bar Association Presents a CLE:***

# **Defending DUI's**

***Presented by:  
Andrew Wheeler and Josephine Townsend***

**Friday, May 3, 2013 1:30pm – 4:30pm  
Public Service Center, 1300 Franklin St, 6<sup>th</sup> Floor Training Room**

**⇨ Snacks Provided ⇨  
3.0 CLE Credits**

CCBA members: \$105.00

Non-members: \$135.00

Non-attorneys: \$52.50

**To register: call the CCBA, (360) 695-5975, OR email: [CLE@ccbawashington.org](mailto:CLE@ccbawashington.org), OR  
FAX this flyer to (360) 737-6891 with your BAR NUMBER \_\_\_\_\_,  
NAME \_\_\_\_\_ PHONE # \_\_\_\_\_,  
and EMAIL \_\_\_\_\_.**

Payment can be made with credit card by calling (360) 695-5975 or  
By mailing a check to 500 W. 8<sup>th</sup> Street, Ste 65, Vancouver, WA 98660



**Andrew Wheeler** is a founding partner of Wheeler, Montgomery, Sleight & Boyd, and focuses his practice on DUI defense. He has lectured on topics including the role of criminal defense attorneys and effective DUI defense, and has handled hundreds of DUI cases in Clark County. A lifetime resident of Clark County, Andrew is a graduate of the University of Idaho College of Law. His interest in DUI defense began in law school as an intern for the Clark County Prosecuting Attorney's Office. Later, as an associate for Anderson & Associates, he narrowed his criminal law practice to focus almost exclusively on DUI defense. He actively participates with the Clark County Bar Association and recently served as a member of its executive board.



**Josephine C. Townsend** was a hearings examiner for the Department of Licensing where she oversaw driver suspension and revocation hearings. She is now a solo practitioner in Vancouver, Washington. Ms. Townsend is the former Vancouver City Prosecutor, where she supervised the criminal division of the City of Vancouver Prosecutor's office as well as all city staff assigned to Joint Task Force - Domestic Violence Prosecution Center. She received her Juris Doctorate from Syracuse University, and has a master's degree in human resources. She is the former chair of the Criminal Law Section of the Washington State Bar Association, and is a former member of the Washington Commission on Judicial Conduct. She is an adjunct professor at Warner Pacific College where she teaches ethics, business and employment law, as well as Human Resources. Prior to moving to Washington, Ms. Townsend served twenty years with the New York State Police. In addition to her law degree, she holds a master's degree in Human Resource Management and has consulted in areas such as conflict resolution and community mediation. She also has served as a legal consultant for Northwest Cable news appearing on both television and radio.

**An outline of this presentation appears on the following page**

## Defending DUI's CLE

May 3, 2013 1:30-4:30PM

### I. Initial Contact with Client

- A. Late night phone call
- B. Pre-Arrest contact
- C. Video
- D. Audio

### II. Arraignment

- A. Appearance
- B. Release conditions

### III. Discovery

- A. BAC Discovery Reports

### IV. Interviews

- A. Scheduling
- B. Recording
- C. Funnel questioning

### V. DOL

- A. Oregon v. Washington (Diversion v. DP)
- B. Perspective of the Hearings Examiner
- C. Hearings Issues
- D. Motion practice/ timing for Collateral Estoppel Thompson
- E. Deferred Prosecution/ "Intent to Seek Deferred Prosecution"
- F. The IIL process (do's and do not's)
- F. Appeals (Stays) RCW 46.20.308(9)

### VI. Motions

- A. Use of Prado in multiple deviations cases
- B. Infraction-based contacts- ability to remove from vehicle
- C. Length of detention (investigative detention v. probable cause)
- D. The arrest decision
- E. Request for alternative test (blood)

### VII. Affect of charge reductions (Criminal and Civil)

- A. Negligent Driving
- B. Reckless Driving

## CCBA Announcements

The CCBA would like to thank Mila Boyd for all of her help with the numerous bar polls that have taken place over the past few years. Mila's hard work and service to the CCBA has not gone unnoticed! We appreciate you!

Several of the photographs from Barrister's Ball were taken by Natalie McAllister of Natalie Jane Photography. We would like to thank Natalie for all of her hard work capturing the special moments of our event!

# Mock Trial Tournament

## JUDGE ROBERT LEWIS

Hearsay Special Correspondent

Now that the mock trial season is over, I wanted to take this opportunity to thank the Clark County Bar Association for their continuing support of the program. Hundreds of students in our area have been able to participate in this outstanding civics education program over the years, because of the bar's encouragement and assistance.



Four area teams -- three from Camas High School and one from Ridgefield High School -- competed at the state tournament March 22-24, at the Thurston County Courthouse in Olympia. Each team received best witness and attorney nominations, and performed well in a very competitive field of 22 teams.

Taylor Hudson of Camas High School was named one of the state tournament's Best Witness performers. In addition, the combined teams of Camas High School received the state tournament's YMCA Core Values Award. This honor is based upon the nominations of other teams at the tournament. The

award recognizes superior professional and ethical behavior, sportsmanship, and demonstration of the YMCA's core values of honesty, integrity and respect for others.



Seventy-four (74) attorneys served as raters, judges or both at this year's district tournament. A list of participating counsel is below. This level of volunteer participation is, frankly, the envy of every other district tournament in the state. The credit for this achievement should be given to the members of the CCBA Mock Trial committee, and especially to this year's chairman and rater coordinator, Rick McLeod.

Thanks again to the committee, and to all who participated. There are still many schools in our area who are not receiving the benefits of Mock Trial. I hope you will consider contacting these schools, and will offer to assist them in forming mock trial programs. If anyone has questions about the program, or needs further information, please contact me. See you next year!

Many thanks to these volunteers:

## Attorney Raters and Judges— 2013 Clark County District Tournament

Sarra Yamin	Chris Boyd	Scott Edwards	Matthew Hoff	Colin Scott
Teresa Foster	Heather Carroll	Rick McLeod	Terry Vetter	Miriam Rosenbaum
Jennifer Snider	Terry Lee	Kasey Vu	Cindy Gideon	Brian Heurlin
Quinn Posner	Mark Muenster	Katie Sinclair	Chris Sundstrom	Alison Widney
Ed Dawson	Abby Powell	Josephine Townsend	Jill Sasser	Tom Phelan
Tresa Cavanaugh	Mila Boyd	Shawn Bogar	Chris Ramsay	Camara Banfield
Renee Alsept	Julie Payne	Scott Matthews	Leann Larson	Suzan Clark
Jennifer Nugent	Greg Cheney	Marisha Childs	Karen Campbell	Nick Wood
Brandy Jeffers	Jane Clark	Jim David	Scott Staples	Dave Christel
Sue Hamman	Candice Jackson	Andrew Wheeler	Ann Christian	Bernard Veljacic
Rob Lorey	Nathan Peterson	Joshua Bean	Eric Hoffman	Clayton Spencer
David Schultz	Chad Sleight	William Robison	Elizabeth Christy	Judith Zeider
John Fairgrieve	Paul Henderson	Kristine Duncan	Darcy Scholts	Stephanie Ellis
Elizabeth Arwood	Laura Mancuso	Don Jacobs	Todd George	Carolyn Drew
Adriane Drozdek	Peter Fels	Jack Peterson	Dan Gasperino	

The CCBA received a thank you from the parent of a Mock Trial participant who had a special message for all who volunteered their time to make Mock Trial a success.

"I want the attorneys and judges who have sacrificed their time to do this to know that this program has a powerful impact on these students. McKenna has been involved in a number of fabu-

lous clubs/groups/classes in high school but after finishing at the state tournament she told me she feels choosing to be involved with mock trial was the best and most powerful decision she made in high school. Mock trial changed her belief in herself and her ability to take on intellectually challenging things." Kathy Beckman, Camas





## Clark County Bar Association Golf Tournament

**When:** Friday, May 10, 2013 Shotgun Start at 1:00pm

**Where:** Camas Meadows

**Format:** **Four-Person Scramble** with team competition.

Teams to be placed in flights.

**Cost:** \$340.00 per team (\$85.00 per person) which includes green fees, golf cart, range balls, and dinner.)

**Prizes:** As always, amazing prizes for scores and contests.

**Dinner:** Dinner will be served beginning at 6:30pm

**Teams:** Arrange your teams now!

Please enter me/us in the 2013 Clark County Bar Association Golf Tournament.  
Indicate handicap or average score for 18 holes for each golfer.

\_\_\_\_\_  
Name(Captain)                      Score/Handicap

\_\_\_\_\_  
Name                                      Score/Handicap

\_\_\_\_\_  
Name                                      Score/Handicap

\_\_\_\_\_  
Name                                      Score/Handicap

Entries must be received by Friday, May 3, 2013

Please return this form with payment to CCBA ~ 500 W. 8th Street, Suite 65 ~ Vancouver, WA 98660  
Questions contact Jim Senescu—696-7494 or Matthew Philbrook—695-3309 or Beau Harlan—735-8200

# Candidates Forum always of interest

## HEARSAY STAFF

Another successful judicial candidates forum hosted by the Clark County Bar Association occurred on March 20, 2013, this time for Superior Court Department 8, recently vacated by the Honorable Diane Woolard. Nine hopefuls have asked the recently installed Governor Inslee to choose them to take a place on the Bench. The newly appointed judge will be required to run a race to retain the seat in the November elections this year.



The judicial candidates consisted of Carin Schienberg, current Superior Court Commissioner, Suzan Clark, Mike Simon, Bob Vukanovich, Chris Ramsey, Louis Byrd, Jr. and Paulette Burgess, all in private practice, and James Gilligan a private practice attorney and hearings Judge for the Board of Industrial Insurance Appeals, and Bernard Veljacic, an attorney in the Clark County prosecutor's office.

The candidates described their experience, and their goals for Department 8. Paulette Burgess was unable to attend due to a scheduling conflict. Questions to the candidates focused on how the candidate would address certain issues, their commit-

ments to the underprivileged, and their approach to pro se individuals who appear before the Court. The issue of use of social media by judicial officers was also raised, which has been a recent topic in the ABA Journal, and in this publication.

With two candidates that do not regularly appear in our Superior Court, and don't live in Clark County, some CCBA Members were questioning both during and after the forum, the Bar's preference for a candidate that has an active practice in Clark County to be our next judicial officer.

The word about town is that Members expect the Governor to appoint a woman to the bench. Interestingly, Carin Schienberg and Suzan Clark, respectively, were the top two vote getters in the judicial preference poll held by the CCBA. Carin Schienberg was cited with the most judicial experience, as she has been a Clark County Commissioner since 2003.



All judicial evaluations were to the Governor by April 5, 2013, now it is just a wait to see when the choice is made.

CCBA Preference Poll: Superior Court Judge, 2013		Total Ballots: 250				
Legal Ability	Exceptionally Well Qualified	Well Qualified	Qualified	Not Qualified	Insufficient Information	Total Count
Christopher Ramsey	5	42	59	19	125	250
Carin S. Schienberg	81	76	53	18	22	250
Bernard Veljacic	19	55	67	18	91	250
Louis B. Byrd	4	25	71	94	56	250
Michael Simon	52	65	60	11	62	250
Suzan Clark	95	83	38	8	26	250
Robert Vukanovich	29	89	66	14	52	250
Paulette Burgess	0	0	6	18	226	250
James Gilligan	4	10	14	18	204	250

Judicial Temperament	Exceptionally Well Qualified	Well Qualified	Qualified	Not Qualified	Insufficient Information	Total Count
Christopher Ramsey	25	45	37	10	133	250
Carin S. Schienberg	74	62	65	25	24	250
Bernard Veljacic	37	53	46	9	105	250
Louis B. Byrd	5	24	59	109	53	250
Michael Simon	54	55	52	8	81	250
Suzan Clark	91	73	45	6	35	250
Robert Vukanovich	49	79	53	8	61	250
Paulette Burgess	0	0	5	13	232	250
James Gilligan	5	8	9	14	214	250

Integrity	Exceptionally Well Qualified	Well Qualified	Qualified	Not Qualified	Insufficient Information	Total Count
Christopher Ramsey	29	47	31	7	136	250
Carin S. Schienberg	92	62	54	15	27	250
Bernard Veljacic	48	51	40	10	101	250
Louis B. Byrd	13	23	66	86	62	250
Michael Simon	64	54	42	8	82	250
Suzan Clark	96	70	39	6	39	250
Robert Vukanovich	59	75	47	7	62	250
Paulette Burgess	0	1	8	9	232	250
James Gilligan	5	5	9	9	222	250

Relevant Legal Experience	Exceptionally Well Qualified	Well Qualified	Qualified	Not Qualified	Insufficient Information	Total Count
Christopher Ramsey	13	53	54	15	115	250
Carin S. Schienberg	117	55	47	11	20	250
Bernard Veljacic	29	50	63	22	86	250
Louis B. Byrd	17	33	103	45	52	250
Michael Simon	54	53	63	13	67	250
Suzan Clark	108	64	44	5	29	250
Robert Vukanovich	65	61	55	9	60	250
Paulette Burgess	1	0	7	11	231	250
James Gilligan	9	8	9	11	213	250

Choice		
Christopher Ramsey	5	2.00%
Carin S. Schienberg	91	36.40%
Bernard Veljacic	14	5.60%
Louis B. Byrd	4	1.60%
Michael Simon	45	18.00%
Suzan Clark	75	30.00%
Robert Vukanovich	9	3.60%
Paulette Burgess	0	0.00%
James Gilligan	1	0.40%
No Preference Picked	6	

## Conference Room available to rent

*The CCBA's office conference room  
is available for meetings  
and depositions at reasonable rates.*

**Call Lisa at: 695-5975**





# William F. Nelson

- Baumgartner, Nelson & Wager, PLLC -

We fielded 127 professional malpractice inquiries in 2012. Fifty-two of those - an average of one per week - were from people referred by the legal community. Many of you have expressed appreciation for the consideration we have shown to those you have referred, and no one has reported that a person referred did not receive a prompt, courteous and professional response.

Thanks for  
thinking of me  
every week in 2012



William Nelson  
(360) 694-4344  
wnelson@bnw-law.com

Baumgartner, Nelson & Wagner, PLLC  
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Vancouver, WA 98660

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45

years of experience



BAUMGARTNER, NELSON & WAGNER, PLLC

The Clark County Bar Association is pleased to announce its

## Twenty-Ninth Nuts and Bolts Lecture:

# Handling Depositions in Personal Injury Cases: Strategies, Tips and Tools

*Presented by Attorney Craig Schauermann*

Wednesday, May 8, 2013, 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 speaker's prepared materials to download. There is an extra fee if you want to pick up the materials at the door.

→ *Eat. Drink. Learn.* ←

**To register:** Call the CCBA, (360) 695-5975, OR email:

[CLE@ccbawashington.org](mailto:CLE@ccbawashington.org), OR FAX this flyer back to the CCBA at (360) 737-6891

with your NAME \_\_\_\_\_

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

and EMAIL ADDRESS \_\_\_\_\_

~ Payment can be mailed to 500 W. 8<sup>th</sup> Street, Ste 65, Vancouver, WA 98660 or via credit card over the phone ~



**Craig Schauermann**

**Emphasis:** Craig advises and represents people *and their families* in matters relating to serious personal injuries and wrongful death.

**Professional Qualifications & Education:** Bachelor of Arts, 1973 Washington State University; Juris Doctor degree, 1976 University of Puget Sound; Licensed to practice before all courts in the State of Washington, the Western and Eastern District Federal Courts of the State of Washington, and the Ninth Circuit and the United States Supreme Court.

**Professional Experience:** Craig started work in Seattle as an associate with a small personal injury firm and moved to Clark County in January of 1979. He's been practicing in Clark County ever since that time.

**Professional Affiliation:** Member of the Board of Governors for the Washington State Trial Lawyers Association (WSTLA—now WSAJ) from 1996-2001. He has been on the Board of the Justice For All PAC since 2003. Craig has been a WSTLA—now WSAJ Eagle member for over 20 years. He is a Past President of the Clark County Bar Association. Craig served as the Chairman of the Washington State Bar Association's Continuing Legal Education Committee. Craig has been a speaker at numerous legal education seminars.

**Personal:** Craig and wife are the proud parents of three children and 5 grandchildren. He enjoys golf, playing bridge and traveling with his friends and family.

**An outline of this presentation appears on the next page.**

The outline:

- I. Defending the deposition in a PI case
  - A. Preparing the client
  - B. Objections
    - 1. Are we really only allowed to make objections to form of question or answer?
  - C. Corrections to testimony--how and why
  
- II. Taking a deposition of a defendant in a PI case.
  - A. Purpose
  - B. Preparing for the deposition
  - C. Warnings
  - D. Keeping in mind the eventual audience
  - E. Use of the "Rules of the Road" in defendant's deposition
  - F. Use of Reptile in defendant's deposition
  - G. Use of Google Maps in a defendant's deposition
  
- III. The CR 30(b)6 deposition
  - A. Why?
  - B. Who is being deposed?
  - C. Notice for a CR 30(b)6 deposition
  - D. Rules of the Road in a CR 30(b)6 deposition
  - E. The Reptile in a 30(b)6 deposition
  - F. Keeping in mind the eventual audience.



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# CCBA Board Meeting Minutes



**ARIN DUNN**  
CCBA Secretary

## April 10, 2013

Board members in attendance: S. Clark (presiding); A. Dunn (preparing minutes; J. Fairgrieve; R. McLeod; and J. Sasser.  
Staff in attendance: L. Darco.

1. S. Clark called the meeting to order at 12:14 PM.
2. Approval of minutes from March 6, 2013. On motion duly made and seconded, and passed, minutes are APPROVED.
3. Treasurer's Report. S. Clark notes assets are about \$107,000 with major expenses completed except that Beaches bill from the Barristers' Ball has not yet been received.
4. Old Business.
  - a. SGAL: Darco has obtained the location scheduled for June 13, 2013 and we have confirmation from some speakers. We will charge \$25/hour with 6 hours of CLE offered. Dunn requests making a recording of the SGAL as the CCBA voted to require attendance to participate in the CCBA program and this CLE may not be offered for some time. Darco will seek to arrange to record the CLE.
  - b. Member Survey. Darco will input the Survey questions and coordinate with Dunn upon completion. Post-meeting discussion of whether to change our survey software. Survey Monkey now charges \$200 to complete a survey with over 10 questions. Google docs/forms has a free survey tool that CCBA is considering. Boyd would also like an effective survey tool to help conduct the judicial candidate survey.
  - c. Barrister's Ball. Darco will follow up with Beaches and remind

them that they never invoiced us for this significant bill.

5. Judicial Preference Poll. There are a number of applicants. Darco is working on stuffing envelopes. Mila Boyd has been really helpful in setting this up and the Board would like to acknowledge its appreciation in the next Hearsay.
  6. Facebook. Discussion of social media- as previously suggested by various attorneys. S. Clark – proposes CCBA develops its own Facebook page. There don't seem to be downsides to doing this. McLeod suggests not allowing people to post on our wall. Darco will start on this next week.  
a.i. Dunn - motion to create CCBA facebook page, seconded and adopted.
  7. BBQ. Concern about possible rain in June and September and lack of availability of attorneys in July and August. Discussion of mid-week scheduling. Need to involve Melnick- Chez BBQ and determine his availability this summer. Darco would like to set up a raffle again- perhaps with a donation for YMCA SafeChoice or other similar option. Discussion of donating to the Fields of Plenty program for the Clark County Food Bank- this program has various gardens and produce thousands of pounds of fresh produce for the food bank annually.
  8. Attorney Service Project. Sasser is interested in discussing a possible service project for attorneys such as via the WHO shelter or Habitat for Humanity.
- There being no more business before the board, on motion duly made, seconded, and passed, the board meeting is ADJOURNED, 12:55 PM.

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*Local rules for the Western District of Washington have been substantially revised.  
Make sure you're in compliance.*

**Presented by:  
Devon Newman**

**Thursday, May 30, 2013 Noon – 1:00pm  
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**Devon Newman** graduated from Cornell Law School in 2001 and practices intellectual property and general litigation in both Oregon and Washington for Schwabe, Williamson & Wyatt. She has lectured extensively on many issues involving intellectual property and civil litigation best practices. She has considerable experience with obtaining and protecting patents and trademarks, and in litigating these and copyright and trade secret matters. She Chairs the Executive Committee of the Oregon State Bar Intellectual Property Section, and is active in the the Oregon Patent Law Association, and the Federal Bar Association. In 2012, Ms. Newman was recognized in Oregon Super Lawyers as a rising star in intellectual property litigation.

## Outline

In December 2012, the local rules for the Western District of Washington were significantly revised, including importantly revised rules regarding electronic discovery and preliminary injunctions. Ms. Newman will discuss these rule changes with a focus on tips for civil litigators practicing in this district.



# What's in YOUR Social Media Employment Policy?

## (...or do you even have one?)



**HEATHER J. NORTON**  
*Hearsay Special Correspondent*

It was the one-year anniversary of her mother's death and Amy McClenathan was apparently having a bad day. She updated her Facebook status, lamenting, "I wish I could get fired some days, it would be easier to be at home than to have to go through this." The next day she got her wish. The title company she worked for terminated her employment.

Since the advent of Facebook and other social networking media, courts across the country have seen an explosion of new legal issues-- particularly as they relate to this media and its effects on the workplace. This article explores social media employment policies within our firms and offers a few helpful tips to help us avoid some potential pitfalls.

Some Facebook firings don't really come as a surprise—like the attorney who was fired for posting a picture of her client's underwear for all to see.<sup>[1]</sup> (See inset for some other interesting Facebook firings). But what about those grey areas? At Hispanics United of Buffalo, for example, one social caseworker was upset that some colleagues were not working hard enough. When Mariana Cole-Rivera posted a Facebook message that read, "My fellow co-workers, how do you feel?," it raised a litany of angry, sometimes expletive-laden, responses, targeted at the caseworker who had originally voiced her opinion. Hispanics

United fired Ms. Cole-Rivera and the four other caseworkers who responded to her post, on the ground that they had violated the company's harassment policies by going after the caseworker who had complained. The National Labor Relations Board found that the posts were expressly protected by the National Labor Relations Act.

On the heels of this and numerous other Facebook firings, the NLRB has stepped into the fray, providing new mandates with far reaching effects that have many top companies re-writing their social media employment policies to be compliant with the National Labor Relations Act. How does this affect you and your firm?

### **Firms as employers:**

If your firm is an employer, the recent NLRB mandates should have you reaching for your employee handbook to make sure it includes a social media policy. But even if you have one, that doesn't necessarily mean you're protected. The most common mistake employers make is adopting social media policies that are too broad.<sup>[2]</sup> Any employer drafting a social media policy should remember two words: Be specific. (That should go without saying for lawyers. . . right?). Consider these tips when honing your policy<sup>[3]</sup>:

---

[1] "Anya Cintron Stern, a 31 year old lawyer . . . got the picture while her client's clothing was being inspected during trial." The client's family had brought the client a bag of fresh clothes to wear during trial. According to a witness, Ms. Stern snapped the picture with her cell phone. While on break she posted the photo with a caption suggesting the client's family thought the underwear was "proper attire for trial." David Ovalle, Lawyer's Facebook photo causes mistrial in Miami-Dade murder case, THE MIAMI HERALD (September 13, 2012; accessed March 14, 2013) <<http://www.miamiherald.com/2012/09/12/2999630/lawyers-facebook-photo-causes.html>>

[2] For guidance in crafting your own social media policy, see the NLRB's sample policy contained in Reports of the Acting General Counsel Concerning Social Media Cases, memo number OM 12-59 at 22-24, May 30, 2012.

[3] Taken from: Sheryl Halpern and Charles H. Gardner, NLRB Offers Long-awaited Guidance on Social Media Policies, EMPLOYEE BENEFIT NEWS (December 21, 2012, accessed March 29, 2013) <http://ebn.benefitnews.com/news/nlr-offers-long-awaited-guidance-social-media-policies-2729827-1.html>; and Amy E. Davis, You Can't Say That on Facebook. . . or Can You? ABA JOURNAL (January 4, 2013; accessed March 14, 2013) <<http://apps.americanbar.org/litigation/committees/intellectual/articles/fall2012-winter2013-0113-you-cant-say-on-facebook-can-you.html>>

▪ **Employers may prohibit employee “rants”.** Conversations amongst employees regarding workplace conditions are considered “protected concerted activity” by the National Labor Relations Act. However, individual employee “rants” (when an employee makes inappropriate comments without engaging in dialogue with other employees) are not protected by the Act.

▪ **Opinions are generally protected.** Expressing an opinion in social media discussions among employees is protected under the Act—even if it is factually incorrect. While this may seem odd, the NLRB reasons that when employees dialog about workplace conditions, their comments may not always be factually correct. But to require total accuracy is seen as opposing employee’s rights to engage in protected activities. In other words, the reason for discussion is to come to a collective understanding, and in doing so, employees must be permitted to express their opinions, even if their statements are not completely factually accurate.

▪ **Employers may restrict employees’ commercial use of company marks.** While employees have the right to disclose the name of the company about which they are complaining on social media, employees do not have the right to use company logos and protected marks for commercial purposes. However, your policy should clearly explain that restrictions on the use of company marks do not prohibit employees from making non-commercial use of the marks, such as in workplace or work-related discussions (for example in connection with a legal protest about work conditions).

▪ **Confidentiality clauses should be narrowly tailored.** Some discussions are reasonable for an employer to restrict—like trade secrets. But employers may not limit employees’ rights to discuss such things as the workplace in general, pay or work conditions, and/or pending legal matters (except where privileged information is involved).

▪ **Avoid the use of overly broad or generic “courtesy clauses”.** Be careful about generally prohibiting the use of colorful language, distasteful comments or unseemly remarks in social media (otherwise known as “courtesy clauses”), as these may be construed to restrict employees’ rights to publicly criticize their employer. While employers may encourage employees to refrain from making insulting comments or engaging in hateful speech in social media, it may not impose wholesale restrictions. This has been deemed to violate the Act by the NLRB.

▪ **Restrictions on outside interviews may violate the Act.** While restrictions on outside or unauthorized interviews may violate the Act, the NLRB has upheld a clause in a social media policy that prohibited “bad attitudes.” This essentially means that although an employee has the right to speak publicly (even distastefully), when conversing with other employees, the employee does not have the right to act offensively in

outside and unauthorized interviews about the company. These activities are not protected “concerted activities.”

▪ **Savings clauses are recommended, but may not necessarily save the employer:** A “savings clause” is a statement that reads something like, “nothing in this policy should be construed or applied to prohibit employees’ rights under the National Labor Relations Act.” While these clauses are valuable, recent decisions have held that it is unreasonable to expect employees to understand the Act well enough to know which provisions may or may not apply to them. As such, the best practice is to include the clause but also be transparently compliant with the Act.

▪ **Employers remain entitled to enforce important workplace policies, even in the context of social media.** Employers still retain the right to prohibit certain workplace activities—such as sexual harassment, violence and malicious activity. They may also limit employees’ use of social media at work, during work time, or on company equipment. Finally, even if employees are engaging in protected concerted activity, an employer can “suggest” that they exercise good judgment and common sense, urging them to consider how online comments might impact others.

#### **Lawyers as employees:**

If you’re an employee at a firm it’s really quite easy to avoid work related social media faux pas and to protect yourself. . .just don’t be stupid. Remember these “no-brainers” before you click the “post” or “send” button.

▪ **Just because you make a post in a private space or send a note to someone’s inbox doesn’t mean it will stay there.** If you say something inappropriate in an email or private Facebook message, there’s always a chance the entire world could see it someday. When you feel the urge to boil over in these forums, remember abstinence is the best practice. If you can’t say anything nice. . . seriously—don’t say anything at all.

▪ **When you’re unsure if something is appropriate, try applying The New York Times Test.** Before writing anything to anyone—publicly or privately-- use this simple litmus test and ask yourself, “Would I feel comfortable if this were printed on the front page of the New York Times?” This will save you and your firm potential embarrassment.

▪ **Make sure you understand not only your firm’s written policy, but also the company culture- each firm has it’s own stated and unspoken rules of conduct.**

▪ **If your office hosts an internal social network or digital collaboration space, your focus should be on work.** That said, coloring your posts with a bit of your own “flavor” is always a good thing. But remember, you can easily cross the line from approachable to overly personal. Always ask yourself, “Could this make someone feel uncomfortable?”[4]

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[4] Maria Ogneva, 9 Best Practices for Social Networking in the Workplace, MASHABLE.COM (January 23, 2012; accessed March 14, 2013) <<http://mashable.com/2012/01/23/social-media-workplace/>>

▪**You can't always communicate tone in electronic form.**

Sarcasm especially does not transmit well. In fact, a recent study by The Journal of Personal Social Psychology indicates that people struggle to detect sarcasm in emails. "Without the benefit of paralinguistic cues such as gesture, emphasis, and intonation, it can be difficult to convey emotion and tone over e-mail. So the next time you feel the urge to unleash a sarcastic comment, think again.[5]

**Ethical considerations**

Finally, whether you are a lawyer-employer seeking to protect your firm or a lawyer-employee seeking to represent your firm well, the following ethical implications must be considered behind every piece of information you post:

▪**Never put yourself in a situation of conflict.** When it comes to Facebook, this might be an easier task for transactional lawyers than for litigators, since there are not as many conflicts in, say, real estate or estate planning. But

regardless of your practice area, one should always be concerned about the possibility of a conflict when making Facebook connections. One family law attorney simply adopted a "no friending of clients" approach after her client, who became her friend on Facebook, saw that she was also friends with her assistant, and saw that her assistant was Facebook friends with his former spouse. Her client "freaked out." And while there was no actual conflict and no ethical violation, it created enough of a stir that the lawyer changed her approach to friending clients on Facebook.

▪**Never violate confidentiality.** Always consider whether a specific client can be identified by information you are posting. Attorney and Facebook pro, Michele Allinotte suggests, "as a good litmus test, ask yourself if the client would know you are talking about them when they read it. If the answer is yes, you either need to get their consent or you need to change the content of the post so that they cannot identify themselves. Better yet, if you are hesitating, just don't use it." [6]

[5] NCBI ROFL: *Surprise surprise, Sarcasm is hard to communicate via email*, DISCOVER: THE MAGAZINE OF SCIENCE, TECHNOLOGY, AND THE FUTURE (April 6, 2012; accessed March 14, 2013) <<http://blogs.discovermagazine.com/discoblog/2012/08/06/ncbi-rofl-surprise-surprise-sarcasm-is-hard-to-communicate-via-email/#.UVm-yhe-qNB>>

[6] Michele R.J. Allinotte, *Finding Friends (and clients) on Facebook*, LAW PRACTICE: THE BUSINESS OF PRACTICING LAW (January/February 2012, Volume 38 Number 1; accessed March 14, 2013)

## Need more motivation to craft that social networking policy for your own firm. . . or to keep your own comments at bay? Check out these controversial Facebook firings: [7]

### **Buckingham Palace Guard Canned for Allegedly calling Kate Middleton names.**

An 18-year-old Buckingham Palace guard was fired from his post ahead of the royal wedding after he allegedly slammed Kate Middleton in a Facebook post. Apparently hurt that Ms. Middleton did not make eye contact with him while diving by on the way to her own wedding, the guard called her a "stupid stuck up cow," (and a few other expletives we're opting to leave out of the Hearsay.)

### **Homeless Shelter Worker Fired For Calling Job "Spooky"**

An employee at a residential facility for the homeless was fired after posting on Facebook about an overnight shift, apparently making light of the fact that many of the residents are mentally ill. "Spooky is overnight, third floor, alone in a mental institution, btw Im not a client, not yet anyway," she wrote. The post was reported to the managers of the facility by a former resident who was Facebook friends with the employee.

### **Gay High School Coach Fired Over Facebook Photos**

A water polo coach at a California high school filed a discrimination complaint against the school district after being fired over his Facebook photos. According to the San Gabriel Valley Tribune, a parent sent copies of the photos to the school's principal along with a letter declaring him "unfit to coach." The photos showed him "posing with two drag queens" and "about to eat a corn dog."

### **Bank Employee Let Go for Venting About Superior's Salary**

Stephanie Bon, a former HR assistant at Britain's Lloyds Banking Group, was fired after posting a comment about the fact that her boss made more money than she. According to the Daily Mail, her controversial Facebook status update read, "LBG's new CEO gets £4,000 an hour. I get £7. That's fair."

### **Doctor Fired For Posting About Trauma Patient**

According to the Boston.com, a 48-year-old Rhode Island doctor was fired after she posted information about a trauma patient on her Facebook page. While Dr. Than didn't reveal the patient's name, the hospital board concluded that she had posted enough information that people who knew the patient would know who Dr. Than was talking about. Not only was the doctor fired and reprimanded by state regulators, but she also had to pay \$500 and attend a continuing education class.

### **Teen Fired For Complaining About 'Boring' Job**

A British teenager was fired after updating her Facebook status with comments about how bored she was with her job as an administrative assistant at a product development and sourcing company. "[A]ll i do is shred holepunch n scan paper!!! omg!" "I think it is really sad," the teen said of her termination, "it makes them look stupid that they are going to be so petty."

### **Cop Canned after Resident complains about profile**

State police officer Matt Blahut was given the option of resignation after a resident complained about photos on his friends-only profile that showed him in uniform and declared that he "was drunk." The local father became alarmed when he saw his daughter looking at Blahut's profile, which depicted him in uniform and declared that he was drunk. "Law enforcement's supposed to set an example for these kids," the man said. Within days of the complaint Blahut was given his walking papers.

### **Cop Fired for Compromising DUI Checkpoint**

Arkansas police officer, Scott Chaloner, was fired after posting the following on his Facebook page: "If you live in Alexander and you're drinking and driving, get yourself a designated driver. If you don't and you're out on the streets, you'll wish you had. Just a word to the wise." While the officer's superior said his post compromised a planned DUI checkpoint, Chaloner maintains that the statement was merely a public service announcement.

### **Professor fired after posting about failing student's test scores**

Jason Liptow, a professor at a Michigan community college, was fired after using a failing student as a cautionary tale in a Facebook status post. "Student emailed me wanting to know how he could pass the class, he hadn't been there and failed three open-book tests," Liptow wrote. Liptow claimed he was let go because of his plans to form a teacher's union and not because of the status update.

---

[7] Ramona Emerson, *13 Controversial Facebook Firings: Palace Guards, Doctors, Teachers and More*. THE HUFFINGTON POST (October 17, 2011; accessed March 14, 2011)



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# Expert advises attorneys how to use Google to drive business

## HEARSAY STAFF

A web optimization expert gave a CLE presentation for the Clark County Bar Association on the topic of getting more leads through your law firm's website, along with related ethics considerations. The presenter, Ken Matejka, is a California-licensed attorney and president of LegalPPC, a website design and search engine marketing and optimization company dedicated to helping solo attorneys, small law firms, and bar associations.

The two-hour session covered suggestions for law firms that want to bolster their caseloads by driving more potential clients to their websites and then getting them to make contact with the law firm..

The goal is to improve the website so that at least 5 to 10 percent of your visitors are moved to make contact with you. With more unique visitors on the web, you'll have lots of unique visitors, some of whom are going to need your help.

His first suggestion is for law firms and bar associations to install Google Analytics to help them determine what aspects of their websites are attracting visitors and what areas may require more attention. At the end of the session, he gave a seven-point to-do list which this article will go through for those of you who could not attend the CLE.

### ***Ken's To-Do List to Maximize Your Law Firm Website as a Lead Generator:***

#### **1. Install Google analytics.**

Google analytics is a free data-gathering metrics software that you insert into the source code of every page in your website. Through this software, you can determine to some extent how well your website is doing for visibility (number of visitors per month) and attractiveness (number of pages per visit, time on site, etc.).

Once you have some data to look at, it'll give you a good idea of where your web presence needs work and what is currently working well. If you're not sure of what the data is telling you, the presenter, Ken Matejka, offered to review the data with you free of charge. Just write to him at ken@legalppc.com. Part of this review process is looking at the website for improvements that could be made to get it within that 5% to 10% inquiry rate.

#### **2. Get a mobile version of your website.**

Many experts predict that in 2013, more people will be browsing

the web on their mobile devices than on PCs. In a study by Google, it was found that 75% of mobile users, when brought to a site that is not formatted for mobile devices, either immediately left the website or describe the experience as "frustrating."

#### **3. Set up your social media.**

In the last six months, social media has become critical for every web presence including law. Bloomberg Law last week described the three inevitables in life to be "Death, Taxes, and social media." Furthermore, nothing says credibility like hundreds of "Likes" and "Followers." Active social media personalizes the law firm and gives visitors an opportunity to feel like they are meeting you before their first contact. What you need are a Facebook fan page, a Google plus business page and a Twitter account. Also recommended is a LinkedIn company page. A YouTube channel is important to reach the under-35 crowd.

#### **4. Post a lot to your social media and gather followers.**

While this is merely a continuation of item 3, above, it's on the to do list again to emphasize the importance of keeping the social media feeds active.

#### **5. Start blogging.**

Blog, blog, and keep blogging. Google loves it.

#### **6. Add your firm to directories.**

Adding your firm to lots of directories can be a good thing for your underutilized support staff to do on a slow Friday afternoon. There are scores of them, most of them offering free listings.

Be sure to always use a consistent name-address-telephone convention. For example, if you abbreviate "Boulevard" as "BLVD" always, always abbreviated in exactly the same way. In your phone number, put your area code in parentheses. For some reason, Google prefers that.

#### **7. Run some ads.**

Google advertising gives you immediate first page placement in Google's search results and you can set the budget in whatever level you want. You pay only for clicks, so everything you pay to Google is for an actual visitor actively searching for legal help (that is, if you're bidding on the correct phrases). Ken can get you a coupon for \$200 of free clicks after you spend \$100 of your own money, but this offer from Google changes constantly. Contact Ken if you'd like one of these coupons.

If you could not make it to the CLE presentation but would like the handout, please contact us. Otherwise, if you'd like help analyzing your data or troubleshooting your website, Ken will go over it with you free of charge, no obligation.

One last thing, a recent study showed that your profile photo on your website and social media is the single most important element to your webpages, so choose it carefully and make it speak to your ideal client type.

*Ken Matejka (J.D., LL.M.) is a California attorney and a former member of the American Bar Association's Standing Committee on*

*Lawyer Referral and Information Services. For seventeen years, he worked at the Lawyer Referral and Information Service of the Bar Association of San Francisco and in 2006, co-founded LegalPPC, an Internet services company dedicated to helping lawyers get more clients through their websites.*

*Ken has been a regular presenter at events like the ABA's Annual LRIS Workshop and for attorneys across the nation on the topics of online visibility and lead generation for the solo practitioner's law practice.*

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# CCBA Young Lawyers Section - 2013 CLE Series

The CCBA Young Lawyers Section would like to invite you to their 2013 Brown Bag CLE Series! A “Young Lawyer” is defined as an attorney that has been in practice for 5 years or less or is 36 years of age or younger, whichever is later. Attorneys not meeting these criteria are still invited to attend. Everyone is welcome!

**Location: Public Service Center – 6th Floor**

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**\$25.00 – Individual CLE for CCBA Members**

**\$35.00 – Individual CLE for Non- CCBA Members**

Date/Time	Speaker	Topic
May 14, 2013 Noon – 1:00 p.m.	Kathy McCann	Adoption 101
June 11, 2013 Noon – 1:00 p.m.	Anne Christian	Indigent Contracts
July 9, 2013 Noon – 1:00 p.m.	Chris Babich	Probate 101
August 13, 2013 Noon – 1:00 p.m.	TBD	JA Panel
September 10, 2013 Noon – 1:00 p.m.	TBD	Ethics
October 8, 2013 Noon – 1:00 p.m.	Judge Kelli Osler Barry Brandenburg Jim David	Criminal Law Panel
November 12, 2013 Noon – 1:00 p.m.	TBD	Business Law

Please RSVP by emailing [ccbayounglawyers@yahoo.com](mailto:ccbayounglawyers@yahoo.com)

All payments must be made out to **CCBA-YLS** and should be sent to:  
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# Small/Solo Legal Practice Management Series: Purchasing or Selling a Law Practice



**MARK SAMPATH**  
*Hearsay Special Correspondent*

It is with great sorrow that I write this. With this article, we are officially giving last rites to the “Better Know a Practice” series of articles. I know all of you are weeping. This series of articles has been as noteworthy for its poor quality as it has been for the paucity of its readership. As I reviewed the articles in this series with horror, I realized that we are down to our last subject. In this last article, we will explore the issue of purchasing or selling a law practice. Essentially, this is the issue of quickly building a practice on the front-end, or of succession planning on the back-end.

At the outset, I will readily admit that I have riffed a great deal of this information off of articles that have been published in the general American Bar Association (the “ABA”) magazine, the ABA GP Solo magazine which is focused on small law firms and solo practitioners, or general articles on these issues. To be honest, while I am sure that it happens more frequently than one would expect, I have not seen or heard of many law firm related transactions in Clark County.

But succession planning and exit strategy has to be something that you think about when you first start your solo or small firm practice. Often attorneys open a practice for one of a couple of reasons. It might be because they were not able to get a law firm job with an established or pre-existing law firm in either Clark County or Portland; let’s be honest, the last five (5) years have not been the best job environment to land a firm position. Or it might be because an attorney has worked for a larger law firm and determined that the economics to an associate are out of balance with the amount of work required. An attorney might move to Clark County from another jurisdiction and sees the purchase of an existing practice as a way to jumpstart the new career. Finally, it is often because an attorney determines that he or she would rather practice as a solo or as part of a small firm because it gives them more control over the types of work they do, the clients they take on, the processes and procedures they utilize, or how they bill for their work. But often, attorneys view their practice as an embodiment of them and their expertise.

I would assert that a significant part of succession planning and building a law practice starts with viewing your practice as a business. That requires putting processes and procedures in

place to essentially automate your law practice. This means creating a business that has a standard way of doing most of its functions such that clients have a repeatable and predictable experience. Now, as those of you who know me can attest, it is not as if I am smart enough to come up with this myself. All of this and more is articulated by Michael Gerber in *E-myth Revisited* and *E-myth for Lawyers*. In my opinion they are both essential reads for small firm or solo attorneys. As someone with a business background who works almost exclusively with small and mid-size businesses, this perspective is not novel; it is something that I work on with my business clients in order to get them to think like a business and not an entrepreneur that provides a specific service or product for others. That said, these resources put all the information in a structured, organized fashion that allows an attorney to reorient how they think about their business. This is essential to creating a practice that has downstream economic value that the solo attorney or small law firm can monetize at some point in the future. The business has to have value outside of the attorney.

So why do you need to proactively manage succession planning? Failure to do so for attorneys at the end of their career can result in some of the following: the loss of key clients or senior legal talent; an attorney in a small law firm having an unfunded retirement; the failure to protect either family wealth or the wealth of other attorneys or employees in a small firm from unexpected life changing events; or most often, the inability of firm owners to economically capitalize on the goodwill they have created or the sweat equity one has contributed over the years when the practice eventually closes.

Conversely, for newer attorneys, if transacted properly, buying an existing law practice can be a good way to grow your business. Often, there is a snowball effect that comes from having a good client base. If you do a good job for that existing base of clients, they can serve as a good source of referrals for new clients. Also, often times, there is an opportunity to deepen the relationship with the client, by obtaining more of their legal work that is possibly going to another firm or identifying other legal issues that need to be addressed. Obtaining a book of legal business might provide the necessary cash flow required to make needed invest-

ments in your practice. Additionally, if you obtain not just the clients but the entire past library of documents and forms, that library can be a valuable source of documents and forms that can be leveraged with pre-existing clients or new clients. Finally, it creates a residual cash flow of business for future years, providing some earning certainty.

Recent WSBA surveys have shown that there is a fairly large population of attorneys in Washington that are in their 50's and 60's who are contemplating retirement in the next five (5) years. The data also shows that there is a sizable decrease in the number of new lawyers practicing in Washington as well as a decrease in law school enrollment. These data points suggest that there will be an opportunity to buy some significant books of business by current lawyers in the next 5-10 years.

So what does a practice sell for and how is that price determined. There are several factors that determine the value of a practice, including but not limited to the nature of the practice (estate planning and business law practices are particularly valuable), the amount of recurring business in the practice, the length of time the selling attorney has been in practice, the number of clients, the likelihood that the clients remain with the practice after the sale, the month to month and year to year stability of the practice's revenue flow, and the overall reputation of the selling firm. In terms of actual valuation, on average, the price for purchasing a practice can range from 40% to 100% of the firm's annual revenue for the last twelve (12) months. The most valuable practices can sell for upwards of 300% of the prior year's annual revenues.

So what are some of the issues that need to be considered when buying a practice's book of business? Most clients state that they "hire the lawyer," suggesting that individual relationships is probably the key component of client relationships. So success-

fully transitioning those relationships is critical. It is also important to know what it is you are buying. Are you buying the firm name, office space, furniture, and all the lawyer's contracts? Or are you buying simply the right to contract the attorney's clients. If you are assuming office space, the buyer needs to review the seller's lease agreement. The selling attorney or firm must assist the purchasing attorney or firm in making lawyer introductions and must help build trust in the client so that the client is retained by the buyer.

If it is possible under the Washington RPC, the buyer might need to interview the individual clients to determine if they will stay once the buyer purchases the practice. Finally, the buyer must understand the type of client matters that the selling attorney handled to determine if these are cases that are of a type or complexity outside of the buyer's comfort level. If so, the buyer might try and work out a mentorship agreement with the purchasing attorney to assist on those matters.

One area of particular concern for the buyer of a law practice is that the buyer is often unable to verify the nature, identity and amounts paid by a client to the seller. This information is important for the buyer in order to gauge whether the seller's asking price is fair relative to the downstream earnings potential of the book of business. This lack of information is due to Rule 1.6 of the Washington Rules of Professional Conduct dealing with the confidentiality of information. The rule states that "A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent." While this rule contains several exceptions, none of them arise in relation to the sale of a legal practice. Further, because the selling attorney must obtain consent from each client to transfer the files, a buyer is unable to actually verify the number of clients that he or she will obtain through the sale.

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**David Phillips, Local Clark County attorney has moved to a new law firm! Dave practices in the areas of:**

- Homeowner Association Law
- Real Estate Law
- Land-Use and Development
- Environmental Law
- Construction Law

Dave offers a local-level of experience, as well as free phone consultations! Vial Fotheringham has been helping clients in the areas of real estate and HOA law for over 30 years. We offer free trainings, comprehensive annual forums, and online articles and resources. To view upcoming events and access helpful tools, visit: [www.vf-law.com](http://www.vf-law.com)

David Phillips, Vial Fotheringham LLP  
503.684.4111 • [David.phillips@vf-law.com](mailto:David.phillips@vf-law.com)



**VIALFOTHERINGHAM<sup>LLP</sup>  
LAWYERS**

These problems can be partially addressed through an earn-out or hold back provision. In an earn-out, a buyer pays a certain percentage of the asking price at the time of sale. The earn-out involves future payments to the seller based on the number of clients who consent to the transfer over the next ninety (90) days, the period during which the client can choose to stay with the buyer or move to a new attorney. Earn-outs are often unpopular with the sellers of a practice because it creates uncertainty as to how much money they will ultimately receive in the sale. But the buyer and seller can agree at the outset to the additional amount of earn-out related proceeds based on the percentage of clients that transfer at the end of the 90 day period. The parties will then enter into a promissory note and security agreement to secure the remaining balance due on the sale when the 90 day period has ended. Finally, at the outset, a buyer should ask for the seller's income tax returns and financial statements (P&L and balance sheet) to assess the value of the business to be purchased.

What are the opportunities for an established solo practice or small law firm in terms of exit strategy? A practice could simply sell the practice to another firm. In the case of a small firm where there are attorneys who will remain while other attorneys exit, merging with another law firm might make sense. Alternately, the remaining members could buy the interest out of the exiting attorneys to both ensure continuity and create a smooth internal transition. The final option is to simply turn off the lights and close the practice, while assisting clients to transition to other attorneys.

If you are a small firm, it is essential that you have certain documents in place as part of a succession/exit plan: executed partnership agreements, buy-sell agreements, and other documents that will govern how the exit of an attorney will be handled. Additionally, since these types of transitions take time to put into place, you should be thinking in terms of a 5 year timeline. As part of that process, attorneys in a small firm should consider how they will deal with at least some of the following questions: what are the different events that could trigger transition by either an attorney or a law firm as a whole and how will they be handled; should a firm create a funded retirement plan; if a firm is simply going to wind down, what will the mechanics of that look like; management and leadership transition; the notion of funded or unfunded buy-outs; buy-ins and buy-outs of ownership interest in terms of payment; and transition plans for both clients and management and leadership within a firm.

For a solo practitioner, the above also applies to you. Additionally, a solo attorney must also consider how he or she will address the following additional issues: locating or identifying other attorneys to sell the practice to (an attorney also has to be aware of and comply with the Rules of Professional Conduct in this area), keeping in mind the need to not just get ample consideration, but to also leave your client base in good hands; locating possible merger candidates, either a small firm or other solo

attorney(s); the mechanisms and documents necessary to effect a sale or merger of the practice; and the proper procedures for winding down a practice if you are simply going to close shop, in terms of client files and transitioning clients.

In selling a practice, there are usually several steps in the process. First, you have to arrange for an appraisal and valuation of the practice prior to making it available for sale. To do this, the seller might need to contract with a business appraiser or valuation expert in order to conduct a proper valuation of the practice. Next, the seller will need to prepare a sales prospectus and possible advertising regarding the fact that the practice is for sale. This can often be done by posting an advertisement in the classified section of the WSBA or Clark County Bar Association magazine. Next, you have to find qualified buyers for the practice. For these prior two steps, the seller may need to retain a professional consultant or broker, experienced in the Clark County market and/or that specific area of practice, to handle the sales process. After finding a potential buyer, the parties will need to negotiate the final purchase price and payment terms. Finally, the parties will have to work closely in implementing the transfer of the practice to the buyer. As you can see, all these steps have their own lifecycle and a seller needs to plan the process accordingly.

Once a deal has been reached, both the buyer and seller will need to coordinate in order to meet the Washington Rules of Professional Conduct requirements of preparing and providing written notice to clients. Specifically, Rule 1.17 requires that written notice include the following: that the client has the right to retain other counsel or to take possession of the file; that the client's consent to the transfer of the client's files will be presumed if the client does not take any action or does not otherwise object within ninety (90) days of receipt of the notice; that if a client cannot be given notice, the representation of that client may be transferred to the purchaser only upon entry of an order so authorizing by a court having jurisdiction; and that the fees charged clients shall not be increased by reason of the sale.

As you can see, succession planning and the decision to buy or sell a law practice is complicated. In terms of buying a practice, there are many factors that a solo attorney or small firm must consider including whether to buy or not, what practice to buy, and how much to pay. For the solo practitioner or small law firm looking at succession planning or exit strategies, the process is equally complicated and must be planned out well in advance. For both parties, it requires a specific mindset that looks at the law practice as a business; something separate and distinct from their job as a lawyer, even though it is that very job that is inextricably tied both tangibly and intangibly to what the business is worth. But if thought out and executed properly it can be a good way for an attorney or small firm to either exit gracefully while being compensated for the hard work that has been put in, or a great way to jumpstart or grow a law practice for the long term.

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

# Hearsay Profile

## Tonya Rulli



**Home:** Shumway neighborhood, Vancouver

**Age:** 38

**Profession:** attorney. Spent almost 13 years in the Prosecuting Attorneys office and recently jumped out on my own. I say jumped because for a while it really did feel like I was jumping off a cliff, not sure if there would be a soft landing. So far, the landing has been awesome!

**Hobby:** after soccer, basketball and school projects for two kids and two step-kids, local politics is my obsession. I just can't seem to get enough plus I love working to improve the community I live in.

**Last book read:** Girls will be Girls – did I mention I am raising three girls??? I am looking for advice anywhere I can get it.

**Legal Philosophy:** Justice delayed is justice denied. Latest accomplishment – I would love to say it was managing to have a successful practice two months out, but in reality it was marrying my best friend and having more time to be a mom to four kids.

**Why I do what I do:** since day one it was because I wanted to help people who needed help. No matter what I have done, I have always believed I was helping someone in doing it.

**Profile:** Vancouver native, graduate of Central Catholic High School, University of Oregon undergraduate, Lewis and Clark law school and mother of extended family of four children. Owner of Law Office of Tonya Rulli and serious Duck fan.

**Beverage of choice:** Gin. And tonic, but mostly gin.



© Paul Montague - 2012

Tonya "Wonder Woman" Rulli raises more than \$5000 for the Children's Center!



**The Clark County Bar Association Presents a CLE:**  
**Hip and Knee Replacement Litigation – A Unique Perspective**

**Attorney Jonathan Neff**

**June 6, 2013, Noon – 1:00pm**  
**Public Service Center**

1 CLE General Credits pending  
\$35.00 for CCBA Members - \$70.00 for Non-members - \$17.50 for Non-attorneys.

**To register:** call the CCBA at (360) 695-5975, OR email: [cle@ccbawashington.org](mailto:cle@ccbawashington.org), OR  
**FAX** this flyer to (360) 737-6891 with your **BAR NUMBER** \_\_\_\_\_,  
**NAME** \_\_\_\_\_ **PHONE #** \_\_\_\_\_,  
**and EMAIL** \_\_\_\_\_.

Payment can be mailed to 500 W. 8<sup>th</sup> Street, Ste 65, Vancouver, WA 98660 or via credit card over the phone.



**Jonathan Neff:** Camas, WA

Portland Oregon native and graduate of Sunset HS in 1984

Brigham Young University, Provo, UT: B.A. 1990

California Western School of Law, San Diego, CA: J.D. 1992

Admitted to Oregon and Washington Bars

From 1993-1996, Jonathan practiced law with Don Bowerman in Oregon City, mainly focusing on medical malpractice defense work. In 1996 he decided to begin a different career as a medical device sales representative and started working for a urology company out of state. He was able to move back to Portland in 1999 to work for Zimmer, a maker of orthopedic implants, and has been with Zimmer since then.

Jonathan's work offers him an unusual view of the current climate of orthopedic implant litigation. As he has defended physicians, he has a fundamental understanding of litigating medical cases. He has also worked with many orthopedic surgeons in several different hospitals and has observed thousands of orthopedic procedures. These experiences give him a rare understanding of how these two worlds connect.

**Mr. Neff's Outline appears on the following page**

## **Hip and Knee Replacement Litigation – A Unique Perspective**

1. Hip and knee replacement - 101
2. Future demands of our population, surgeons and implants
3. Mechanics of hip replacement
  - a. Surgical techniques
  - b. Surgical pitfalls
    1. Leg length discrepancy
    2. Dislocation
    3. Infection
    4. Cup and stem position and stability
  - c. Implant pitfalls
    1. Metal on metal – cup positioning, crimping, metal wear, cup flexibility
    2. Modular necks -- corrosion and breakage
    3. Polyethylene dislocation, wear and osteolysis
    4. Stem breakage
    5. Loosening
  - d. Litigation status including recent ASR case in LA and what it might mean
4. Mechanics of knee replacement
  - a. Surgical technique
  - b. Surgical pitfalls
    1. Varus tibias
    2. Femoral/Tibia rotation and sizing
    3. Computer aided bone cuts
    4. Knee instability and the PCL
    5. Infection
    6. Knee pain and flexion/extension problems
  - c. Implant pitfalls
    1. Polyethylene wear and osteolysis
    2. Loosening
    3. Unicompartmental knee replacement
  - d. Litigation status

# Clark County Law Library Spotlight on: Trial Prep & Litigation



**MARIA SOSNOWSKI**  
*Law Librarian*



You're realizing this case just isn't going to settle, and you need to gear up for trial. Depositions need to be taken, and trial prep needs to start in earnest. Many materials in the law library can help you make that happen.

For discovery, there are many CLEs that will assist in developing your strategy and with the process and forms needed, whether you are just starting out or have been practicing for some time. For example:

- Discovery Strategy: Finding the Smoking Gun
- Discovery Skills Boot Camp
- Discovery in Family Law
- Electronic Discovery

We also have books you can take a look at, such as the Arkfeld set on electronic discovery and Mastering Written Discovery. And if you need ideas for questions to ask, Benders Forms of Discovery is an exhaustive list of questions you can use for interrogatories or depositions to help you elicit helpful testimony on subjects you may not be that familiar with. It's arranged by topic like an encyclopedia, and has hundreds of sample questions about each topic.

We have Washington Practice which includes subsets on the court rules and evidence with commentary and annotations, and the older set in row 15 can be checked out. We have Washington Court Rules Annotated, which has different commentary than that found in Washington Practice and also potentially different annotations.

Would you like to brush up on your motions practice? Washington Practice has volumes called Summary Judgment and Related Motions and Motions in Limine. We also have a CLE book, Making the Most of Motion Practice, which is quite useful. And we have a CD Rom called Pleadings and Motions from WSAJ that is full of sample forms.

There are a lot of CLEs on a particular subject focused on getting through the process for new people. Many of them have A-Z, Nuts and Bolts, or From Start to Finish in the title. For example

we have CLEs that are Nuts and Bolts of Collection, Bankruptcy, Elder law, Consumer Protection, Personal Injury, Evidence, Estate Planning, Trial Procedures, Adoption, and District Court Litigation.

There are also materials to help you with procedures such as the Washington Practice subsets on civil or criminal procedure. And if you want a crash course in trial prep through trial, you can check out Interactive Courtroom, a set with text and 10 CD Roms that cover discovery, depositions, evidence foundations, direct and cross examinations, and closing arguments. And don't forget the Washington Lawyers Practice Manual, with chapters on civil procedure, discovery, evidence, damages, and appeals.

Speaking of appeals, we can also help with that. We have the WSBA deskbook on appeals, as well as a CLE called Successfully Navigating the Appeals Process. There are sample state Supreme Court briefs housed in the library that you can take a look at.

Do you want to see how other people have done their pleadings? Westlaw offers a database of Trial Court Filings. Documents include the following civil trial court filings: pleadings, motions, memorandum, trial briefs, non-expert depositions and discovery, non-expert affidavits, proposed orders, agreements, verdicts, settlements and other trial filings. No point reinventing the wheel when you can see what others have done!

You can see our online library catalog at:  
<http://www.clark.wa.gov/law-library/catalog.html> to search for a book or search by key words such as "employment" to bring up all titles including that word.

Also, if you are in need of a title that we don't have, we are able to obtain interlibrary loans from the Washington State Law Library. You can search their catalog at:  
<http://lawlibrary.courts.wa.gov/> and let us know if there are titles you would like us to borrow for you. Emailing us the link to the title you would like to see is the easiest way to do that. We also have other sources for loans if needed. Email can be sent to: [lawlibrary@clark.wa.gov](mailto:lawlibrary@clark.wa.gov) and you can call us at 360-397-2268 with questions.

# Clark County VOLUNTEER Lawyers Program

Susan Arney, Executive Director  
Ashley Belisle, Program Coordinator  
Administrative: 360-823-0423  
E-mail: susana@ccvlp.org

Watch for our BIG EVENT – Coming Friday, May 31st.  
Last year’s Box Lunch was such a success we are doing it again.  
Plan to buy a Box Lunch for everyone in your office. Flyers and  
order forms will be available the first of May.

The Board of Directors makes the lunches and delivers them.  
Your support helps the CCVLP meet its annual budget.

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 FEBRUARY**

#### DIRECT REPRESENTATION

Paula Martin, Marcine Miles, Robert Russell, Deanna Rusch

#### YWCA SAFECHOICE DV CLINIC:

Amber DeAngelo, Susan Phillips Hammann, Marlene Hansen,  
Jeffrey Holmes, Sally Lewis, Katie McGinley, Peter Sloane,

#### FAMILY LAW:

Matt Blun, Ed Dawson, Lincoln Harvey, Robin Krane,  
Scott Matthews, Brian Parker, Deanna Rusch, Lindsey Shafar

#### GENERAL LAW:

Hugh Potter, Rick Potter

#### HOMELESS COURT:

Chuck Buckley, Heather Carroll, Jeff Courser, David Feeney,  
Gil Luzader, Abby Powell, Mark Sampath, Diane Sweet,  
Anna Waendelin,

#### HOMELESS SHELTER:

Heather Carroll, Peter Fels, Dustin Klinger

#### HOUSING JUSTICE PROJECT:

Tresa Cavanaugh, Ed Dawson, Phil Foster, Bill Robison,  
Ben Wolff

#### Statistics for FEBRUARY

<b>Cases Place for Representation</b>	<b>4</b>	<b>Volunteer Attorney Hours</b>	<b>194.00</b>
Clinic	# of Appts.	Clinic	# of Appts.
Family Law Advice Clinic	14	Family Law Paperwork Clinic	11
Bankruptcy Clinic	0	General Law Clinic	6
Homeless Shelter Clinic	5	Homeless Court Referrals	4
Housing Justice Project Clinic	7	Housing Justice Project Courthouse	14
Domestic Violence Clinic	6		

## Inns of Court



**ELIZABETH CHRISTY**  
*Inns of Court President*

The Inns of Court had a lively March meeting! Judge Collier led his group in a presentation about Freedom of the Press. The performance was definitely entertaining as well as educational. Judge Johnson’s group will host the next meeting on the topic of Search and Seizure. Judge Johnson’s group is historically a favorite of the Inns so I recommend attending! The Inns of

Court is a fun way to learn and to connect with your colleagues. The year is not over yet so consider joining or at least attending one meeting before the Inns adjourns for the year. We meet on the third Wednesday of every month at Little Italy’s on Washington Street. If you are interested in membership, please contact Elizabeth Christy at [Elizabeth@elizabethchristy.com](mailto:Elizabeth@elizabethchristy.com).



# NEWS YOU CAN USE



**LISA DARCO**  
CCBA Office Manager

## NEW ADDRESSES:

### Eric Hoffman

515 E. 39th Street  
Vancouver, WA 98663

### Craig M. Cowley

### Zachary J. Fruchtengarten

### Tiffany J. Jensen

Gevurtz, Menashe, Larson & Howe, PC  
115 NW First Avenue, Suite 400  
Portland, OR 97209

The telephone, fax and email addresses remain the same.

### Law Office of Timothy J. Dack

Email: [timdack@dackoffice.com](mailto:timdack@dackoffice.com) & [arlenejoe@dackoffice.com](mailto:arlenejoe@dackoffice.com)  
Mailing: PO Box 61645, Vancouver, WA 98666-1645  
Office: 1014 Franklin Street, Suite 102, Vancouver, WA 98660  
Phone: 360-694-4227  
Fax: 360-450-3090

# ATTORNEY BOOKKEEPING TIPS



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

## QuickBooks 2013 — Icon Bar & Overlay Tips

When QuickBooks 2013 is installed, the icon bar appears on the left. Icon bar preferences are under the View menu. When top icon bar is selected, the icons are black and white, which may be changed to color as follows:

- Edit menu
- Preferences
- Desktop View
- Checkmark Switch to colored icons/light background on the Top Icon Bar
- OK

If you have worked in previous version of QuickBooks, the overlay tips make it easy to identify new features. If there's something new, What's New shows on the screen. To see what's new, click on What's New, read the tip(s) and click anywhere on the screen to dismiss. To disable What's New, click X to close. To enable What's New, go to Help menu and select What's New.

# LAW LIBRARY NEWS



**MARIA SOSNOWSKI**  
Law Librarian

## FOR SALE Through May, 2013

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

1. Washington Business Law 2011, WA Pr vol 31
2. Immigration Consequences of Criminal Activity 4e
3. Bender's Immigration and Nationality Act Pamphlet 2012
4. Social Security, Medicare & Government Pensions 17e
5. Make Your Own Living Trusts 10e

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

# LEGALLY DRAWN

*Installing a puppet jury.*



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# UPCOMING EVENTS

MEETING

**May 1, 2013**

CCBA Board Meeting  
CCBA Office - Noon

CLE

**March 3, 2013**

CLE: Defending DUI's  
Public Service Center Training Room  
1:30pm - 4:30pm

CLE

**May 8, 2013**

Nuts & Bolts CLE : Handling Depositions  
in PI Cases  
Red Lion at the Quay 3:00pm - 5:00pm

CLE

**May 9, 2013**

Family Law Section Lunch & CLE  
Tommy O's - 11:30am

MEETING

**May 9, 2013**

District Court Bench/Bar Meeting  
Clark County Courthouse - Noon

SOCIAL

**May 9, 2013**

YLS Happy Hour  
Location TBD 5:00pm - 6:00pm

SOCIAL

**May 10, 2013**

CCBA Golf Tournament  
Camas Meadows - 1:00pm Shotgun Start

MEETING

**May 14, 2013**

Superior Court Bench/Bar Meeting  
Clark County Courthouse - Noon

MEETING

**May 15, 2013**

Hearsay Editorial Board Meeting  
CCBA Office - Noon

CLE

**May 15, 2013**

Inns of Court  
Little Italy's Trattoria 5:00pm - 6:30pm

SOCIAL

**May 16, 2013**

Swearing In Ceremony  
Clark County Courthouse - 4:00pm

MEETING

**May 22, 2013**

CLE Committee Meeting  
CCBA Office Noon - 1:00pm

**May 27, 2013**

Memorial Day  
CCBA Office Closed

CLE

**May 30, 2013**

Brown Bag CLE: Are You Following the Rules?  
Public Service Center Noon - 1:00pm

## SW WASHINGTON LAWYER REFERRAL SERVICE

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

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

### THE SWLRS REFERRED 230 CLIENTS IN THE MONTH OF FEBRUARY

Administrative Law .....	10
Bankruptcy .....	4
Business & Corp .....	2
Consumer .....	14
Criminal .....	27
Debtor/Creditor .....	20
Family Law .....	31
General Litigation .....	52
Labor & Employment.....	18
Real Property.....	33
Wills & Trusts .....	12
Worker's Comp .....	3
ADA .....	2

## HENDERSON LAW FIRM, PLLC

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Phender745@gmail.com



### MEDICAL NEGLIGENCE

### PERSONAL INJURY • WRONGFUL DEATH

#### Representative Jury Verdicts and Settlements:

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

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

# 2013 CCBA OFFICERS & TRUSTEES



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