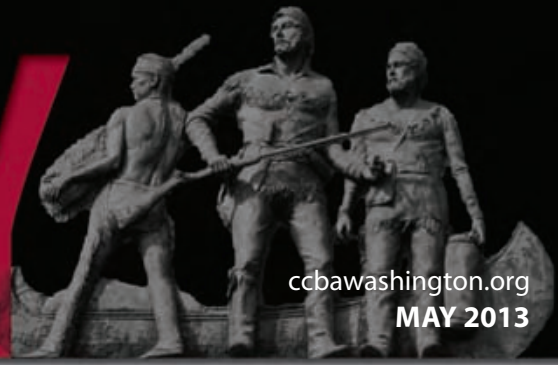


HEARSAY



ccbawashington.org
MAY 2013

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION



CCBA Golf Tournament **A Hole In One for Chuck Buckley**

page 5

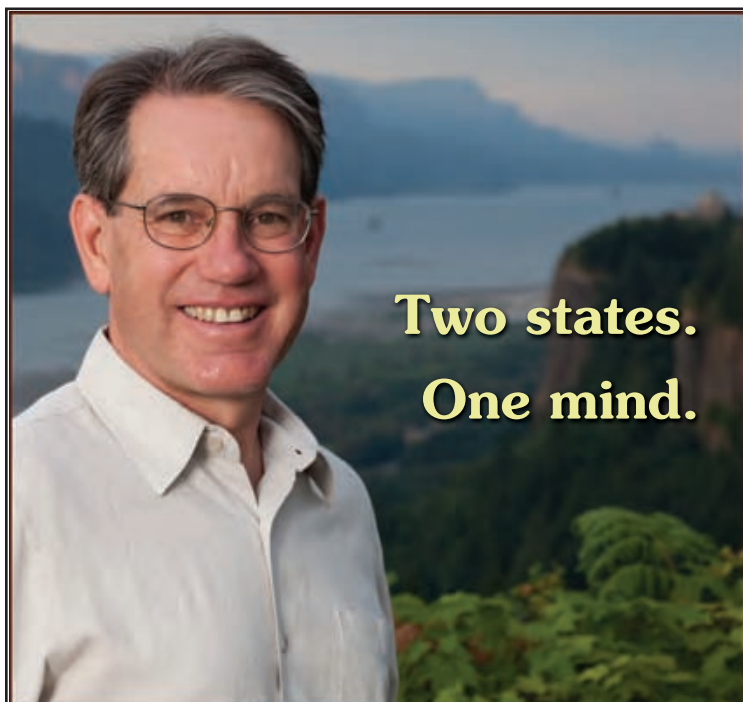
THIS MONTH'S ISSUE

| | | | |
|--|----|--|----|
| President's Message | 3 | Let's make It Legal | 21 |
| CCBA golf tournament is a Hole-in-One. (Literally!) | 5 | Hearsay Profile: Arin Dunn..... | 23 |
| 2013 Nuts & Bolts, FLS & CLE Calendar | 7 | Double Hearsay | 24 |
| Defending DUI's CLE | 6 | Hip and Knee Replacement Litigation CLE | 25 |
| Suzan Clark is new Department 8 Judge! | 8 | Law Library Spotlight on Bankruptcy and Consumer Law | 27 |
| Time: Want more of it? Hire a Person With a Disability | 8 | Clark County Volunteer Lawyers' Program | 28 |
| CCBA Brown Bag CLE: Are you following the rules? | 9 | News You Can Use | 28 |
| CCBA Monthly Board Meeting | 11 | Legally Drawn..... | 28 |
| Superior Court Bench/Bar Meeting Minutes | 12 | Attorney Bookkeeping Tips | 29 |
| Terry Lee and Post-Secondary Educational Support | 14 | SW Washington Lawyer Referral Service | 30 |
| Nuts and Bolts Lecture: Paperless Office | 17 | Events Calendar | 30 |
| YLS CLE Series Calendar | 19 | | |

HEARSAY is published 12 times per year and is design edited by: **GOUGH CREATIVE GROUP**
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CCBA OFFICE HOURS: Monday through Friday, 12:00 p.m. to 4:00 p.m.



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CCBA Annual Meeting and Lunch

Wednesday, September 18, 2013
12:00 – 2:00 PM
Red Lion at the Quay
100 Columbia Street, Vancouver

The Annual Meeting will feature reports from Superior Court, District Court, the Clerks Office, the Family Law Section, the Young Lawyers Section and various committees.

The CCBA Treasurer will also present a budget for the coming year and we will elect our new sleight of officers.

Please Plan to Attend!

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

PRESIDENT'S MESSAGE



SUZAN CLARK

CCBA President

On a beautiful sunny day I sit down to write my last column as CCBA President. I have thoroughly enjoyed my years on the board serving as trustee, treasurer, vice president and now president. As I prepare to be sworn in as the new judge in Clark County Superior Court Department 8, I struggled with an appropriate topic for a final president's message.

One of my oldest and dearest friends always reminds me to live life, not merely pass through it. On May 18, 1986 the 23 year old version of me graduated from law school at the University of Oregon without a clue of how quickly the next 27 years would pass by.



First real legal job involved filling in for a staff attorney on maternity leave with a non-profit agency that provided housing services through a number of federal, state, local and charitable grants. One grant proved difficult to find eligible service recipients because of the very strict requirements of the grant. After numerous applications failed to meet the requirements, I was desperate to locate a viable recipient for the grant.

This wonderful caseworker with senior services spoke with an incredibly thick Italian accent and always seemed to be easier to understand in person where his expansive hand gestures assisted my comprehension of the message he was trying to convey. One day he sat across the desk from me telling me this lengthy stream of consciousness story about how he had found the perfect recipient for this grant to have the roof on her house replaced. After about eight minutes of expounding on the virtues of Mrs. Nelson and her leaky roof, he took a breath and I seized the opportunity, "Great Mario, let's sign her up!" He said, "Oh sweet mother Mary, yesterday she up and died!" At the time I was mortified that I laughed so hard that it brought tears to my eyes.

Over the years I have often thought of poor Mrs. Nelson both when I hear a long winded story with an unexpected ending and when I hear of someone waiting too long to do the things they want or need to do in life. In my travels around the world, I have met many older people traveling on their own because the lost a

spouse or partner before they could take their dream vacation. A good friend of mine once said that no one lays on their death bed expressing regret for not working another day.

A friend and I were part of a tour group in Ecuador a few years back where we met this amazing 83 year old who was busy gleefully spending his children's inheritance seeing the world. He entrusted me with a shipping label with his son's address on it the second day of our trip. His instructions were that if he died on the trip, have him cremated and shipped home in a coffee can with a note to his family that he had a great time up until the end.



CCBA vice president Jane Clark becomes acting president upon my resignation this month. I leave the association in Jane's extremely capable hands with a terrific board and office staff to carry on the work of the CCBA. Many thanks to Lisa Darco and Heather Norton for all your help and support during my tenure on the board.

I am so happy to start this new chapter in my life and I look forward to all challenges to come. Find the time to make life more meaningful, whether through travel, time with family or whatever else makes you happy.

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CCBA Golf Tournament is a Hole-in-One. (Literally!)



The team of Printz, Leatham, Nellor and Stilley kept it chill (their drinks, I mean).

HEARSAY STAFF

Four old men went into the pro shop after playing 18 holes of golf. The pro asked, "Did you guys have a good game today?" The first old guy said, "Yes, I had three riders today." The second old guy said, "I had the most riders ever. I had five." The third old guy said, "I had seven riders, the same as last time." The last old man said, "I beat my old record. I had 12 riders today." After they went into the locker room, another golfer who had heard the old guys talking about their game went to the pro and said, "I've been playing golf for a long time and thought I knew all the terminology of the game, but what's a rider?" The pro responded, "A rider is when you hit the ball far enough to actually get in the golf cart and ride to it."

We're not quite sure how many "riders" our golfers scored at this year's CCBA Golf Tournament, held on May 10th at Camas

Meadows. But we do know that nearly everyone scored a good time. That said, we're pretty sure no one had more fun than Chuck Buckley! Chuck shot an impressive hole in one on 17. Chuck was one of 56 golfers who participated in this year's tournament. The weather was gorgeous and the staff at Camas Meadows couldn't have been more accommodating.

Tournament organizers Jim Senescu, Matt Philbrook and Beau Harlan rounded up a fantastic group of sponsors. Our thanks go out to Attorney Bookkeeping Services, Riverstone Chevron, A-Affordable Bail Bonds, Bret Taylor Merchant Services, Davidson Insurance, Mark Carter, Joseph McCoy of Tom James, Philbrook Law Office and Darreld Hutchins of Raymond James for their generous support of the tournament.

Taking bows at the end of the afternoon were:

A Flight Champions:

1ST PLACE (TEAM DYNASTY)

Judge John Nichols
Barry Brandenburg
Jim Mayhew
Jim Senescu

2ND PLACE (TEAM BRIDESMAIDS)

Beau Harlan
Don Thacker
Brett Taylor
Joseph McCoy

3RD PLACE (TEAM 2009)

Matt Philbrook
Tim Dack
Mark Carter
Jack Peterson

B Flight Champions:

1ST PLACE

Rob Russell
Erin McAleer
Justin Miller

2ND PLACE

Steve Hill
Dustin Klinger
Joe Vance
Jeff Miller

3RD PLACE

Mike Simon
Darryl Walker
Brad Anderson
Tim Calderbank



Chuck Buckley and Bob Vukanovich – little did Chuck know he would be buying drinks for everyone after his hole-in-one!



The testosterone was heavy in the air at the putting course before start time.



The A flight winners: Jim Mayhew, Judge John Nichols, Jim Senescu and Barry Brandenburg.



Judge Nichols reflects on his big Raffle win.



Peterson, Carter, Philbrook and Dack cut a fine pose.



Brian Heurlin, Judge Scott Collier, Bob Vukanovich and Eric Johnson enjoy the camaraderie.



Our wives won't mind – says Rob Russell and Erin McAleer.

The CCBA would like to offer our sincere thanks to Jim, Matt and Beau for heading up this year's tournament! We can't wait until next year!

This just goes to show that a bad day at the golf course is better than a good day anywhere else.

2013 Nuts & Bolts, FLS & CLE Calendar

| Date | Topic | Speaker |
|--|--|---|
| May 30, 2013 12:00pm-1:00pm Vancouver City Hall Aspen Room | Brown Bag Federal Rule Changes | Devon Newman |
| June 6, 2013 12:00pm-1:00pm Public Service Center Training room | Brown Bag Hip & Knee Replacement litigation: A Unique Perspective | Jonathan Neff |
| June 12, 2013 3:00pm – 5:00pm Red Lion at the Quay | N&B The Paperless Office | Jane Clark Art Kohn Scott Edwards |
| September 11, 2013 3:00pm – 5:00pm Red Lion at the Quay | N&B Finding Your Clients Money | Tiffany Couch, CPA/CFF, CFE |
| September 18, 2013 1:00pm – 2:00pm Red Lion at the Quay | CLE A View From the Bench | Hon. Barbara Johnson |
| October 9, 2013 3:00pm – 5:00pm Red Lion at the Quay | N&B Representing Vulnerable Adults | |
| November 13, 2013 3:00pm – 5:00pm Red Lion at the Quay | N&B Dealing with Medicare in Personal Injury Cases | Tim Nay |

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.

Suzan Clark is New Department 8 Judge!

HEARSAY STAFF



Suzan Clark appointed to Department 8!

You could cut the suspense with a knife on Monday, May 6, 2013, as a courtroom full of folks amassed to hear Governor Jay Inslee announce his choice to fill retired Judge Diane Woolard's seat on Department 8 of the Superior Court. Presiding Judge Barbara Johnson graciously acted as emcee, introducing our Governor (who is also a lawyer), as court staff, attorneys and supporters witnessed an unprecedented visit by a sitting

Governor to the Courthouse for such an announcement. Private practice attorney Suzan Clark and Commissioner Carin Schienberg were the two final candidates. In announcing his choice as Suzan Clark, the Governor made very positive com-

ments about the interview process and information he gathered in making his choice. The Governor stated that he was most impressed by the excellent reputation Suzan has garnered statewide, and among varied groups of people. Judge Suzan Clark will be sworn in at the Public Service Center on May 31st.



Presiding Judge Barbara Johnson welcomes newly appointed Suzan Clark to the bench.

Time; Want more of it? Hire a Person With a Disability

KENNY WALLACE

Hearsay Special Correspondent

This article makes two assumptions: 1. Time is valuable and; 2. Staff turnover is costly for your firm in both lost time and in negative impact to client relations. If these premises hold true, your firm may be interested in a solution. Allow me to introduce Supported Employment.

Supported Employment connects businesses with an employee to address unique labor needs. The non-profit organization I work for, Trillium Employment Services, helps businesses employ people with disabilities and provides ongoing support with training and retention. We believe in maximizing human potential through work, and in doing so, add value to businesses.

Perhaps your thinking, that's a cool idea, I'm glad someone is doing that and I could see that working in retail... but I don't see how that would really work here. You aren't alone in these initial thoughts, so allow me to explain how it has worked for some firms and how it might benefit yours.

The billable hours structure leaves little room for discretionary administrative overhead, placing burdens on paralegal staff who burn out with routine functions and are prevented opportunity for growth or to apply skills on advanced projects. We have been able to help law firms restructure job tasks so experienced paralegals can focus on complex responsibilities and repetitive organizational tasks are handled by a support staff.

Here are methods we've used to help differently sized firms address niche staffing needs.:

- Single attorney needed someone to come in once a week to file invoices that had previously been backlogged for months, creating a crisis in pre-trial times.
- Small firm needed to relieve their paralegal of reception and filing duties so they could focus on preparing pre-trial documents and drafting legal notices.
- Mid-size firm hired someone to prepare the conference room, attend to the waiting area, shred documents, and help with mailings.
- Large firm hired someone to sort and deliver mail, stock office supplies, assemble immigration form packets, and deliver documents.

Among the job seeker pool we have now, is a gentleman named Austin. He is motivated, dependable and interested in a part time office support position to help a firm restructure to allow optimal functionality.

While Trillium supports several law firms in other part of Washington, we have yet to help a local Clark County law firm hire a person with a disability and my challenge to you is to help me change that. If you have interest in learning more about Supported Employment, Austin, or how Trillium might be able to support your firm's staffing needs, please call or email.

To learn more call Trillium Employment Services at (360) 567-3053 or email us at Kenneth@trillium.org or wendy@trillium.org

The Clark County Bar Association Presents a Brown Bag CLE:

Are you following the rules?:

*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

⇒ NEW LOCATION - Vancouver City Hall – Aspen Room ⇐

415 W. 6th Street, Vancouver

1.0 CLE Credit

CCBA members: \$35

Non-members: \$45

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NAME _____ PHONE # _____,
and EMAIL _____.**

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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.

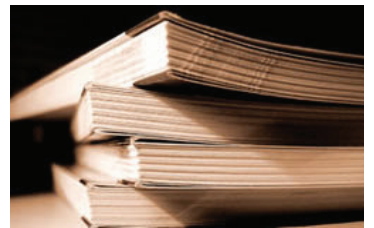


William F. Nelson

- 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
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CCBA Board Meeting Minutes



ARIN DUNN
CCBA Secretary

May 1, 2013

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

1. S.Clark called the meeting to order at 12:05 PM.
2. Approval of minutes from April 10, 2013. On motion duly made and seconded, and passed, minutes are APPROVED.
3. Treasurer's Report. Nellor presented an analysis of how the finance situation has changed this year in comparison with last year. Everything looks good.
4. Old Business.
 - a. SGAL: Darco will seek to arrange to record the CLE.
 - b. Member Survey. Monkey was purchased for the year.
 - c. Barrister's Ball. Considering March 1, 2014 for next year. Total budget was approximately \$9,000, with \$63/person. The CCBA paid approximately \$30 per attendee to subsidize the event (a subsidy of about \$4,000 total).
 - i. Motion to use Heathman for next year's Barrister's Ball. On motion duly made and seconded, and passed.
5. Judicial Preference Poll. The Governor will announce its appointment for the CC judicial position next week.
6. Mentorship Program. Fairgrieve indicated that the program materials were adopted and are ready for implementation.
7. BBQ. July 19th date is set and planning is in the works. Melnick will BBQ again this year.
 - i. Motion: Clark moves to name the VLP as the charity for this year. Approved and seconded.

8. Annual Meeting. September 18, Wednesday. Discussion of possible CLE topic areas.

9. Attorney Service Project. Tabled for discussion – next month.

10. Hearsay. S.Clark- how can we get more advertisers and interest? S.Clark thinks we should give a commission on selling advertising to help generate sales. Discussion of giving CLE credits for bringing in advertising. Idea- consider allowing people that write articles with free credit to attend CLEs. Some advertisers have requested printed versions of Hearsay. Hearsay advertising is down about \$5,700 from last year. Dunn asked if going paperless saved us money overall. Review of current printing invoice indicates that we still pay \$860/month or \$10,320/year to print a limited run of Hearsay. Nellor believes we used to pay \$26,000 for printing Hearsay. Therefore, paperless Hearsay has saved approximately \$16,000/year. Discussion of putting some printed versions in key locations where many people might see it. Discussion of possibly purchasing a color printer for printing Hearsay articles.

11. Swearing in. May 16 is the next date for swearing in new attorneys.

- i. Motion: J.Clark - Offer one CLE credit for each article written in Hearsay of at least 500 words. Approved and seconded.

12. Website. Fairgrieve was given a quote to revise the CCBA website for \$4,800. Dunn to provide a few additional web designers Discussion of looking at other websites that we like.

There being no more business before the board, on motion duly made, seconded, and passed, the board meeting is ADJOURNED, 1:55 PM.

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SUPERIOR COURT BENCH/BAR COMMITTEE MEETING MINUTES

APRIL 9, 2013



JOHN FAIRGRIEVE

Hearsay Special Correspondent

The meeting began shortly after noon. Persons present were Judge Robert Lewis, Judge John Nichols, Suzan Clark, Emily Sheldrick, Ann Christian, Jolene Sell, Todd George, Curtis Welch and John Fairgrieve.

OLD BUSINESS:

1. Judge Woolard's judicial position: Judge Lewis told the committee that it was his understanding that interviews by the governor's office were planned to take place at the end of the month and that he hoped that the new judge would be able to join the bench in the late spring or early summer.

2. Selection of the New Superior Court Commissioner: Judges Lewis and Nichols told the committee that applications for the new superior court commissioner position closed on March 29 and that there are sixteen applicants. The judges indicated that the approach would be to narrow down the candidate list and then to possibly ask the Clark County Bar Association to conduct a preference poll of its members. Judge Lewis told the committee that the superior court judges would decide how they want to conduct the selection and would keep in touch with the CCBA.

3. Indigent Defense Standards: Ann Christian told the committee that the Washington State Supreme Court has tasked the Office of Public Defense with conducting a statewide study of the time it actually takes for attorneys to represent defendants in various types of criminal cases and to use the data to develop a model case weighting procedure. Ann also told the committee that the Supreme Court decided to delay implementation of the gross misdemeanor and misdemeanor caseload standards until January 1, 2015. Finally, Ann told the committee that she hoped that the Prosecuting Attorney's office will work on ways to decrease the number of misdemeanor and gross misdemeanor cases being charged.

NEW BUSINESS

1. CCBA Mentorship Program: John Fairgrieve told the committee that the Mentorship Committee of the CCBA had

created a draft Mentorship Program Guide and that it planned to adopt certain mentorship program components created by the 2012 class of the Washington Leadership Institute. He also told the committee that the general plan was to begin to solicit nominations for potential mentors and to solicit mentee applications in late spring or early summer, to match mentors and mentees in the late summer, and to conduct a mandatory orientation and training session on the morning of Saturday, September 21, 2013. John told the committee that the CCBA would begin to publicize the program in the near future.

2. Problems with the Ex Parte Order Signing Process: Judge Lewis told the committee that at 1:00 each day there is an informal ex parte order signing process where attorneys present ex parte orders, have them signed by a judge, and take the orders with them. The judges have been alerted by the clerks that two problems have been occurring: late filings of the orders and occasional altering of the orders after a judge has signed them. It was the consensus of the committee that signed orders should be filed immediately and that they should not leave the courthouse after being signed by a judge.

3. Clerk's Document Scanning Program: Judge Lewis told the committee that a meeting was held last week to discuss the current status of the program. In the recent past there had been a delay of up to two weeks in getting documents scanned. However, last week much of the backlog was addressed and the clerk's office is largely caught up with scanning. The reason given for the backlog of scanning is inadequate staff to keep up with the workload. Judge Lewis recommends that practitioners have courtesy copies of pleadings ready for the judge hearing a matter when there is a short period between the time the pleadings are filed and the hearing where they will be addressed.

4. Possible Budget Cuts to the State Judiciary: Judge Lewis told the committee that the Washington State Senate's proposed budget contains severe cuts for the state judiciary system with the exception of the Office of Public Defense. As a result, the Washington State Supreme Court and the Court of Appeals

face significant cuts to funding designated to improve the courts' data processing ability, including the SCOMIS program. It is unclear if the Washington State Assembly's budget will contain budget cuts similar to those reflected in the Senate's proposed budget.

5. Next Bench Bar Committee Meeting: The committee will meet next on Tuesday, May 14, 2013 at noon in Judge Nichols' jury room.

Respectfully submitted,
John Fairgrieve

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Family Law Section: Terry Lee and Post-Secondary Educational Support



MEREDITH MCKELL GRAFF
Secretary/FL Section

The April meeting, held on April 11, 2013 at Tommy O's Lounge, brought a good turn out to hear Terry Lee talk about post-secondary educational support, Washington's statutory scheme to enable adult children of divorce to get college or technical educations after high school, the same as if their parents had not divorced. The guidelines for post-secondary educational support are found in the Washington State Child Support Schedule when parents have not planned ahead for their children's post-secondary educations. We really appreciate Terry taking the time to present at our April meeting and go the extra mile to prepare handouts for his presentation. Great job, Terry!

For new attorneys, be warned that the court will not entertain motions for post-secondary educational support or orders in a child support order for post-secondary educational support unless children are in their last year of high school, have completed the FAFSA (Free Application for Federal Student Aid) form and received a financial aid award from the institution of higher education that has granted admission. Included with this article is Terry Lee's written guide that he provided to those who attended the meeting (the cases he cites are not included—and—please excuse the food specks on my copy!). He provides detailed instructions on the FAFSA application process and pointed out that You Tube has instructional videos to help students and their parents complete the FAFSA form.

The residential parent must complete their part of the form. The amount of student aid (grants, scholarships, federal and private student loans, and work study) granted to students by the institutions of higher education is based on the household income of the residential parent and his or her spouse. For parents who are able to work together pragmatically on this issue, parents may want to have their high school child reside during the child's junior year in high school with the parent who has the lower household income of the two households, to maximize the student aid available. The FAFSA application requires information from the tax year proceeding the year the student is applying for student aid, that is, parents of a student applying for college in 2013 will be using their 2012 tax return information.

The amount of student aid is also based on how soon students make their applications for their preferred institutions of higher education. It is advisable for students to apply in the early fall of their senior year in high school if the institution(s) into which they are hoping to be admitted are at all competitive. The applications preferred by the admissions committee will be assigned numbers based on when they were received and

approved for an admission offer. Even public universities are now competitive due to decreased state and federal funding, which has limited the number of students admitted. Once a student has completed the application process, the student needs to get online, get a PIN from FAFSA, and fill out the FAFSA form to have it ready to send on January 1st, the first date it may be filed. Financial aid is awarded on a "rolling basis," which means, "first in, first out." A student may be admitted to an institution late in the year if the student meets diversity criteria the school needs to meet federal guidelines, but once admitted, the student may not be able to get any financial aid due to the financial aid for the year having been previously awarded at that institution. This is a very disappointing outcome! It can mean the difference between going to that school for one's education or not being able to afford it.

The basis the court uses when asked to order post-secondary educational support is "aptitude for college." If one parent wants the adult child to get a higher education and the other does not (most times due to not wanting to share the cost of it), if the child has good grades and has been motivated to excel in order to be accepted into his or her institution of choice, it is more likely than not that the court will order post-secondary educational support.

Some very important points were raised at the meeting. First, it was pointed out that if parents make an agreement in their dissolution documents or enter into a separate written agreement regarding their payment of post-secondary educational support, the court will hold them to their agreements, based on contract principles. Only contract defenses would apply (fraud, misrepresentation, duress, incapacity, and so forth). In the Daubert case cited in Terry's handout, the court refused to consider that tax arrearages with the IRS are not a basis for "involuntary debt" as a means to excuse the payment of post-secondary educational support.

The Childers case found, as Terry reported, that if the dependent adult child who intends to attain a post-secondary education is also a parent, this fact of parentage by the adult child is not a basis to deny ordering post-secondary educational support for the adult child.

Practitioners are cautioned not to rely wholly on the Washington Child Support calculation for post-secondary educational support calculations. The Newell court stated that the calculation is only "advisable," not mandatory. Further, the

court found that complete reliance on the calculation could be considered an “abuse of discretion.” In that case, the court overturned a lower court decision on the basis of “untenable grounds for untenable reasons.” Noteworthy in Newell was the court determining that for determining post-secondary educational support, overtime income must be included in a parent’s income.

Post-secondary educational support is not intended solely for tuition. The Kelly case teaches that the court has the discretion to allocate all the costs of attendance. To make that easier for parents, divorced or still together, most institutions of higher education include on their websites the costs of attendance, based on averages for students living on campus and off campus.

Some practitioners and parents too, have the notion that the court will divide the costs remaining after the financial aid award in a 1/3 – 1/3 – 1/3 division with the adult child bearing the same responsibility as his or her parents. This is also not supported by the courts in our state. It is up to the court’s discretion to determine how the costs will be allocated. No such simple formula exists in the statutes or cases in Washington. It is important to advise clients at the time of their divorces when their children are young to start thinking and planning for this potentiality. Tuition costs have not followed inflation; they have far exceeded inflation.

Finally, Terry noted that if a client’s dissolution/divorce order was entered in another jurisdiction outside Washington, check that state’s laws because our court also has the discretion to enforce that state’s statutes regarding the payment of child support. If a foreign court order states that child support ends at age 18, or ends with high school graduation, and is silent on post-secondary educational support, the client may not get what he or she is seeking.

In other news at the meeting, Scott Horenstein introduced new attorney, Jordan Taylor. There are a lot of new faces this past year in the family law section. We hope some of our newer attorneys will step up to leadership when Family Law Section officer elections roll around at the June meeting. The possible officer positions are, President, Vice-President, Secretary, Treasurer, Program Chair, and at one point, our section had a liaison to the Superior Court Bench/Bar meeting and provided a

voice from our section. Even if you are new, getting involved in the section is a great way to get to know people.

The Volunteer Lawyers Program wanted to let our section know that family law has the highest need for pro bono attorneys. If every family law attorney took just one case, there would not be a backlog of people waiting for pro bono assistance at Susan Arney’s office. Those who are currently representing folks in our community on a pro bono basis are thanked from the bottom of VLP’s heart.

Just a reminder, the Family Law Mid-Year Conference will be held in Yakima, WA, for the first time ever on June 21-23, 2013. You can get more information from www.wsba.org, or watch your emails from the WSBA Family Law Section for more information.

I missed reporting the March meeting due to a scuba trip to Maui, at which time, my partner, and spouse, Eugene M. Graff, and I successfully completed our Open Water Certification! We saw tons of whales, green turtles, sharks, and pretty fish. We are already talking about our next tropical dive vacation.

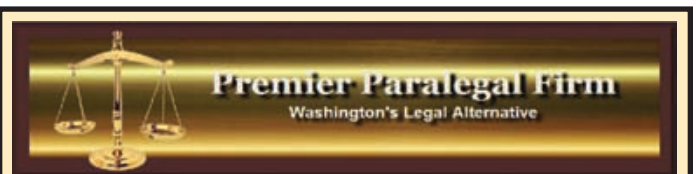
I hope DSHS’s Tony Gorini, MSW will forgive me for being too excited about my trip to arrange for someone to take notes at his March presentation on The CPS Investigation Process. From all I heard, his presentation was enlightening and provided information about the doings of the state agency across the breezeway from our Family Law Annex which many members were not aware. He wanted folks to know that he would be glad to provide any additional guidance about the processes in the Vancouver DSHS office to family law attorneys who are unfamiliar with the intersection of a CPS investigation or juvenile dependency case and a family law case. We would like to thank Tony for graciously giving up his time to share his knowledge with our Family Law Section, from what I understand to be an “overworked and understaffed” state agency. You Rock, Tony! Thank you so much!

The May meeting will be held on Thursday, May 9, 2013 at 11:30 a.m. and the topic will be Public Benefits. The June meeting will be held on Thursday, June 13, 2013 at 11:30 a.m. and the topic will be Family Law Tax Implications. There are no Family Law Section meetings during the months of July and August.

Conference Room available to rent

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

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July 19, 2013

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The Clark County Bar Association is pleased to announce its

Thirtieth Nuts and Bolts Lecture:

The Paperless Office

Presented by Jane Clark, Art Kohn, Leslie Brown & Scott Edwards

Wednesday, June 12, 2013, 3:00 PM – 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, 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. 8th Street, Ste 65, Vancouver, WA 98660 or via credit card over the phone ~



Jane Clark is an attorney specializing in Medical Malpractice cases. She handles cases in both Washington and Oregon. She set up her own law firm, Jane Clark Legal PC, in 2011 and transitioned successfully to a paperless office. Jane is Chair of the CCBA CLE committee, President Elect for the CCBA and an adjunct professor in the Psychology Department at Portland State University.



Art Kohn obtained his PhD from Duke University. He is a professor at Portland State University and runs a media Company - AK Learning, which develops online training. His entire media operation is paperless, utilizing the full range of modern digital tools.



Scott Edwards: After graduating *cum laude* from Gonzaga University School of Law, Mr. Edwards worked for the largest insurance defense law firm in Portland and later as an in-house defense attorney for a national insurance carrier. After honing his legal skills defending personal injury and construction defect actions, Mr. Edwards joined the law firm of Schauermaun Thayer Jacobs & Staples, PS as an associate in December of 2011. Like the other attorneys at the firm, Mr. Edwards dedicated his practice to representing those injured by the negligence of others. Mr. Edwards joined the firm as a partner on May 1, 2013.

Leslie Brown is a paralegal in Jane Clark's office operating and managing the paperless office on a daily basis.

An outline for this presentation appears on the next page.

Summary and Outline

How much paper does your office produce and waste? How much money do you spend on postage and printing? How much time does your secretary spend filing? How frustrating is it to wait for documents to arrive in the mail? How long does it take you to find documents in the file? Does your server ever go down? How frustrated are you when you are out of the office and do not have access to an essential item in your file?

All of these and many other problems can be resolved by moving to the paperless office. This can be accomplished using inexpensive hosted solutions from Google, Microsoft, and others.

During this Practice Management CLE we will demonstrate the paperless system, which works equally well with an internet based "cloud" system such as Google docs, or can be used with the more traditional server.

The following topics will be discussed and demonstrated:

Documents

1. Scanning and organization of documents;
2. Search functions
3. Security issues/Confidentiality
4. Formats - word/pdf/Google docs
5. Sharing between files and users
6. Use of spreadsheets for client lists, task allocation, closed file information etc

EMail/Gmail

1. Email transmission of documents;
2. Use of Client folders for storage
3. Use of general folders to retain and easily access and locate general information on legal or related issues
4. Search capabilities
5. Instant chat
6. Google calendars - use of multiple "turn on and off" calendars
7. Calendaring Deadlines eg Statute of Limitations
8. Tasks
9. Accessibility via mobile devices eg Iphone

Advantages of a Paperless office

1. Accessibility (access files anywhere or any time with internet access)
2. Searchability - fast location of information
3. Saving on costs - mail, printing, staff time
4. Storage

Case Management Software - Needles

- | | |
|--------------------------------------|--------------------------|
| a. A brief overview | d. Criminal |
| a. "Today" Screen | e. Estate Planning |
| b. "Party" Screen | f. Family |
| c. "Case" Screen | g. Immigration |
| d. "Checklist" Screen | h. Probate |
| e. "Request" Screen | i. Worker's Compensation |
| f. "Notes" Screen | j. Internal HR |
| b. Specific to Personal Injury Cases | d. Why? |
| a. "Insurance" Screen | a. Case/Attorney Reports |
| b. "Value" Screen | b. Conflicts |
| c. "Negotiations" Screen | c. Checklists |
| c. Needles in Other Types of Cases | d. Calendaring |
| a. Bankruptcy | e. Forms/Documents |
| b. Collection | f. Marketing |
| c. Construction Defect | |

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

\$10.00 – Individual CLE for CCBA Member “Young Lawyers”

\$25.00 – Individual CLE for CCBA Members

\$35.00 – Individual CLE for Non- CCBA Members

| Date/Time | Speaker | Topic |
|--|---|--------------------|
| 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

All payments must be made out to **CCBA-YLS** and should be sent to:
Elizabeth Arwood, 712 W. Evergreen Blvd., Vancouver, WA 98660

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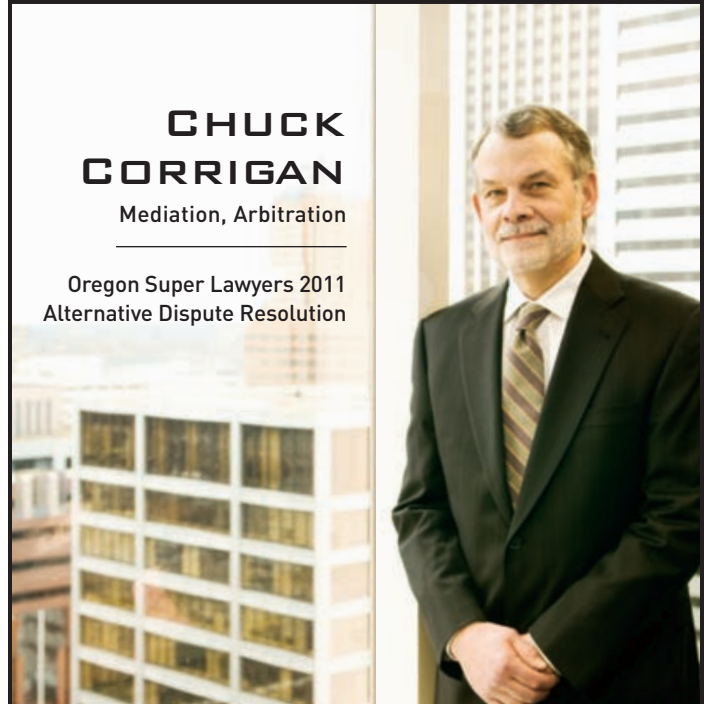
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Let's Make It Legal



HEATHER J. NORTON
Hearsay Special Correspondent

The great state of Washington welcomed twelve new attorneys to the practice of law when they were sworn in by Judge Greg Gonzalez on Thursday, May 16th. Surrounded by family, friends and other loyal supporters, the admittees received a warm welcome from Judge Richard Melnick, as well as the best advice he could pass on to new attorneys—“Always return your phone calls!”

The candidates represented attorneys from many different places and stages. . . While some candidates' palms were still sweaty from having recently passed the bar exam, others were happy to avoid that experience all together through reciprocal admittance.

Take Travis O'Neal, for example. Talk to this Vancouver native and you might wonder about his faintly detectable Spanish accent. He'll readily tell you he picked it up at law school--and that was all part of his plan. The recent Law School of Puerto Rico graduate has been working to become fully bilingual and his alma mater offered the perfect solution. That “law school is a bilingual law school and the majority of my classes were actually in Spanish.” (And we all thought law school classes were hard enough in English, right?) Puerto Rico also offered Travis a cost effective alternative, with the average cost of a law school education today being around \$150,000^[1].

What does this day mean to Travis? “It pretty much validates everything I've been trying to do for the past several years. I wanted to pack this room [with family and friends],” he explains. “I want to give my family a BIG thank you. It hasn't been easy. It's definitely tough and it's definitely an accomplishment.”

For attorneys Elizabeth Wright and Erin Uhlemann, the swearing in turned out to be a reunion of sorts. After the

oh-my-gosh's and the I'm-so-surprised-to-see-you-here's had subsided, we had to get the scoop on these two.

“It's so random,” explains Elizabeth. “We met at a mountain biking event as runners when we were both training for Hood to Coast. We learned we were both attorneys. . . but we've never actually seen each other outside of running clothes. We're surprised to see each other here.”

Elizabeth, who is now licensed in (wait for it) four states, and Erin, now licensed in two, desired licensure in Washington for the same reason. “I work at a firm in Portland,” Erin explained. “We get calls constantly from people in Washington and we have to refer them out-- so we figured it would be great to be able to serve those clients in Washington who need our services as well.” These Portlanders both agreed that they liked the intimate, informal and personal feel of their swearing in here in the 'Couv.

We'd have to agree.

Congratulations to the candidates, in alphabetical order: Geoff Cooper, Laura Coughlin, Leslie Ednhofer, Eva Luchini, Joseph Mohr, Deborah Neighbors, Travis O'Neal, Michael Reid, Charles Schurter, Mark Sherman, Erin Uhlemann, Elizabeth Wright.

Special thanks to: Judge Greg Gonzalez, swearing in the candidates; Also attending, Judge Richard Melnick and Judge John Nichols. Representing the Clark County Bar Association, John Fairgreive, immediate past president, and Rick McLeod, trustee. Representing the Young Lawyers Section, Elizabeth Arwood. Representing the Family Law Section Crystal Lambert-Schroeder.

^[1] According the American Bar Association. Includes living expenses.

Want more referrals?

Each month the Lawyer Referral Service receives calls from clients seeking help in the fields of Administrative Law and Intellectual Property. Unfortunately we have very few attorneys to refer them to. If administrative law or I.P. is one of your practice areas, we invite you to join the Lawyer Referral Service. The cost is only \$150 for the membership year.

Contact Heather Norton at the CCBA (695-5975) to sign up or to ask questions.



CCBA Member Benefits

In an effort to add value to your CCBA membership, we've arranged for you to receive discounts and special benefits at some local businesses. Simply present your CCBA membership card at these establishments:
(and be on the lookout for more businesses joining us throughout the year!)



Bleu Door Bakery: 10% off
Anytime Fitness: year-round discounted rate
Source Climbing Center: 1/2 off Climb 201 class

Spa of the Earth: 15% off spa services
Roots: 10% lunch discount (does not include drinks)

Hearsay Profile ~ Arin Dunn

With Special commentary by
Kaya Dunn—Age 11

Kaya:

Home: Lived in the mountains of Southern Oregon. Now lives in a nice home with a good family – my mom, brother and me!

Age: Good age, 43, not too old, not too young

Profession: Attorney—Alternative Job: Master Grill Chef. Makes the best barbeque pizza!

Hobby: Likes playing on his iPad. He also likes hiking, camping, and fishing.

Last Book Read: Last book he read to me and my brother – The Hobbit

Legal Philosophy: I don't know what this means

Latest Accomplishment: Made apple wood-smoked chicken for dinner!

Why I Do What I Do: To have a good family and not be poor

Profile: Married to Emily Sheldrick, also an attorney, has two kids, Zack Dunn and his beautiful, smart, talented, gorgeous, hard working daughter- me – Kaya Dunn!

Beverage of Choice: Heineken and Soda Stream concoctions

Arin:

Home: The original Vancouver, a thriving community for the past several thousand years.

Age: 43.

Profession: Corporate, IP, Employment Attorney and Mediator.

Hobbies: kids, cooking, computers, kayaking, skiing, mountain biking, travel.

Last Book Read: The Hobbit read out loud to my kids. More apt to Web surf Wikipedia or the NY Times, than book worm.

Legal Philosophy: “[L]aws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as civilized society to remain ever under the regimen of their barbarous ancestors.” -Thomas Jefferson. If laws are like clothes, they work best if well-designed, properly tailored, comfortable, fashionable, and the dress code fairly applies to all.

Latest Accomplishment: Supporting emotionally distraught clients through the hardest times of their lives and to help set them back on their path.

Why I Do What I Do: I like to help people find their potential.

Beverage of Choice: Beer and Wine are refreshing, but Coffee gets it done.



What CCBA Members Are Doing About Town



RAISA JUDICATA
Guest Gossip Columnist



Like us on Facebook!

OK people, CCBA is on Facebook! "Like" us at facebook.com/ccbawa and keep posted on things your fellow members are doing and saying! If you want to get involved with CCBA and its social media presence, contact Lisa Darco at ccbamanager@ccbawashington.org.

.....
Jim Senescu was channeling Tiger Woods at the CCBA Golf Tournament to be part of the first place team

on A Flight. It must have been his trip to Augusta National for the Masters in April that did it for him. Jim was actually featured in an article on Golf.com on April 9, 2013, where he praised the "slopes and undulations" – big word, Jim! Read Jim's comments at <http://m.golf.com/366586/american-idol/>.



Suzan Clark takes over where Judge Woolard left off!

Many were pleased at the great turn out for Judge Woolard's retirement party, and the kind words given to her by her peers, including retired Superior Court Judge Roger Bennett. Judge Bennett described the hairstyles of the era in which he first met Judge Woolard (afro), and it is literally true that Governor Gary Locke sought Judge Woolard's appointment to newly created Department 8 because she was such a

successful expert witness in DSHS negligence cases. Some were concerned how the vulnerable adult docket would be handled with Judge Woolard's ultimate departure. It is certain, however, that Judge-elect Suzan Clark will continue the tradition of Department 8 in its care for those needing justice. Judge Clark will be sworn in on May 31 at the Public Service Center, so look for more information on that.



And the guys' hair was this big!

Make sure you turn in your Bar Poll to assist the Superior Court with their choice for the newly created Superior Court Commissioner position. Out of a pool of over 15 hopefuls (rumors have the number somewhere between 17 and 21 applicants), the final four candidates are Bob Vukanovich, Jennifer Snider, Terry Vetter and Brandy Jeffers. Even if you don't know one or more of the folks, put your comments down for the ones you do – each poll result provides information for the Court to consider. Results will be made public on May 31.

.....
There is an interesting informal movement across the United States called R.E.D. which stands for "Remember Every Deployment (until they all come home)." Participants show their support by wearing red on Fridays, and posting their pictures on social media in support of the U.S. Armed Services, Veterans, and their families. Our favorite guest correspondent, Lori Volkman, has asked District and Superior Court to sanction a RED day, the day before Memorial Day, Friday, May 24th. Wear red to Court, or even around your office. Take a photo and post it with CCBA. With Lori's help, we might even get some national attention!



Judge Gregerson is on CVTV.

.....
Watch Judge David Gregerson reflecting on his path to the Bench, and his first months of work. He sounds pretty judicial already! The link is <http://old.cityofvancouver.us/cvtv/cvtvindex.asp?catID=9&folderID=3640> look for and click on "Interview with new Superior Court Judge David Gregerson".

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. 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.

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, OR
FAX this flyer to (360) 737-6891 with your BAR NUMBER _____,
NAME _____ PHONE # _____,
and EMAIL _____.

Payment can be mailed to 500 W. 8th 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: Bankruptcy and Consumer Law



MARIA SOSNOWSKI
Law Librarian

This month we are focusing on bankruptcy and consumer law, two topics that often seem to overlap. First, for bankruptcy, we have the following materials ranging from NOLO books if the topic is new to you to specialty publications from National Consumer Law Center and Rutter Group:

- How to File for Chapter 7 from NOLO
- Chapter 13 Bankruptcy from NOLO
- Bankruptcy by Rutter Group
- Bankruptcy Basics by NCLC
- Consumer Bankruptcy Law and Practice by NCLC
- 14 CLEs specifically on bankruptcy

We also have a set of Collier on Bankruptcy, which we have not updated for several years but it's handy if you need in depth material on a bankruptcy topic. You can use it as a starting point or overview and then update the material yourself.

For consumer law, National Consumer Law Center has many titles and the law library owns quite a few of them. They include:

- Collection Actions: Defending Consumers
- Fair Debt Collection
- Consumer Warranty Law
- Foreclosures
- Practice of Consumer Law
- Stop Predatory Lending
- Truth in Lending
- Unfair and Deceptive Acts and Practices
- Guide to Surviving Debt
- Consumer Law Pleadings
- Automobile Fraud

- Repossessions
- Collection Actions

We have recently finished rearranging all of the subject-specific treatises so that they are easier to locate. The bankruptcy materials are now gathered in row 2, and the consumer law materials are in row 3. We have combined the self-help materials such as NOLO titles with the practitioner-focused materials so that you can more easily see the range of available options in one place.

Washington Practice has a 2-volume set on Creditor's Rights. The new set is kept in row 12 and must be used in the library. However, an older set which is available for checkout is found in row 15. Washington Lawyers Practice Manual (which is shelved in the office) includes chapters in both consumer law and collections. And the library has a lot of CLEs that cover collection issues or consumer law.

You can see our online library catalog at: <http://www.clark.wa.gov/law-library/catalog.html> to search for a book by title or search by key words in titles such as "bankruptcy" 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 and you can call us at 360-397-2268 with questions.

WANTED!!!

The Hearsay is in search of new and exciting material and new and exciting contributors!
Please join us on the third Wednesday of every month at noon at the CCBA office!
If you have a great idea to share please don't hesitate to contact us.

Call Lisa in the CCBA office at 695-5975

Clark County VOLUNTEER Lawyers Program

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

As you may know, we started a new Home Foreclosure Project in February; this program is doing great! Clients have been calling daily for our help, and our seminars at the library have been well attended. We have successfully referred 2 clients to Mediation, with more to follow. All of our clinics have been full and all the clients have expressed a great deal of appreciation for our services and have left the appointments with hope. We are very pleased with everyone who helped train volunteer attorneys for this new program. We hope to get more volunteer's soon, and will be happy to train anyone who is interested. Your support will keep this program going.

Susan Arney will be out of the office for several weeks on medical leave. We wish her a successful surgery and speedy recovery.

Thank you, Ashley Belisle

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 MARCH

DIRECT REPRESENTATION

Mark Carter, Ed Dawson, Stefanie Ellis, Scott Horenstein, Brian Parker, Nathan Petersen, Peter Sloane, Jillayne Van

YWCA SAFECHOICE DV CLINIC:

Meredith McKell Graff, Jeffrey Holmes, Peter Sloane,

FAMILY LAW:

Elizabeth Arwood, Lou Baran, Ed Dawson, Stefanie Ellis, Lincoln Harvey, Eric Hoffman, Jeffrey Holmes, Scott Horenstein, Robin Krane, Brian Parker, Peter Sloane, Bob Vukanovich

BANKRUPTCY:

Mark Carter, Anna Waendelin

HOMELESS COURT:

Chuck Buckley, Heather Carroll, Jeff Courser, David Feeney, Gil Luzader, Brian Parker, Abby Powell, Diane Sweet,

HOMELESS SHELTER:

Heather Carroll, Peter Fels, Gavin Flynn, Dustin Klinger

HOUSING JUSTICE PROJECT:

Ed Dawson, Scott Matthews, Ben Wolff

Statistics for MARCH

| Cases Place for Representation | 4 | Volunteer Attorney Hours | 194.00 |
|--------------------------------|-------------|------------------------------------|-------------|
| 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 | | |

NEWS YOU CAN USE



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CCBA Office Manager

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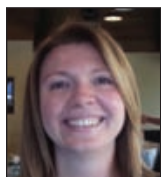
Keeping legal minds sharp during a recession.



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ATTORNEY BOOKKEEPING TIPS

Washington State B&O (Business & Occupation) Tax



EMANUELA SANDRI

Attorney Bookkeeping Services, Inc.

Washington state rule 207

<http://apps.leg.wa.gov/wac/default.aspx?cite=458-20-207> explains the B&O taxability of amounts received for legal, arbitration and mediation services. To summarize below, “Overhead Costs” are included as gross income and cost advances can be deducted from gross income.

(3) Business and occupation tax. Gross income from legal, arbitration, or mediation services is subject to the service and other activities classification.

(a) Gross income. The gross income of the business generally includes the amount of compensation paid for legal, arbitration, or mediation services and amounts attributable to providing those services (i.e., charges for tangible personal property directly used or consumed in supplying legal, arbitration, or mediation services). Reimbursed general overhead costs are generally included in the gross income of the business even though indirectly related to litigation. Any reimbursed costs (not directly related to litigation) for which the attorney assumes personal liability for payment are also included in gross income.

(b) Overhead costs. Amounts received (or, for taxpayers reporting under the accrual accounting method, accrued) to compensate for overhead costs are fully subject to tax. Such overhead costs are taxable even though they may be separately stated on the billings or expressly denominated as costs of the client. Examples of such overhead costs include, but are not limited to:

(i) Photocopy or other reproduction charges, except charges paid to the provider, or the agent of the provider, for the official or original copy of a record, or other document, provided for litigation;

(ii) Long distance telephone tolls;

(iii) Secretarial expenses;

(iv) Office rent;

(v) Office supplies;

(vi) Travel, meals and lodging;

(vii) Utilities, including facsimile telephone charges; and

(viii) Postage, unless paid for service of legal papers as a direct cost of litigation.

(c) Excluded amounts. The following amounts are excluded from gross income if complete and accurate records are maintained of these amounts.

(i) Client trust accounts. The gross income of the business does not include amounts held in trust for the client.

(ii) Litigation expenses. Attorneys are bound by the rules of professional conduct. RPC 1.8(e) prohibits an attorney from financing the expenses of contemplated or pending litigation unless the client remains ultimately liable for these expenses. This means that an attorney normally acts solely as the agent for the client when financing litigation. Accordingly, amounts received from a client for the direct expenses of litigation do not constitute gross income to the attorney. Amounts received (or, for taxpayers reporting under the accrual accounting method, accrued) to compensate for the following direct litigation expenses are not included in gross income:

(A) Filing fees and court costs;

(B) Process server and messenger fees;

(C) Court reporter fees;

(D) Expert witness fees; and

(E) Costs of associate counsel.

A cash basis taxpayer cannot exclude or deduct amounts of unreimbursed litigation expenses. For example, an attorney advances all the litigation expenses for a contingency fee case. The case is ultimately resolved against the attorney's client and the expenses are not repaid because of the client's bankruptcy. The attorney cannot then deduct these expenses as a bad debt or otherwise exclude them against other income earned by the attorney.

(iii) Expense advances and reimbursements. Sometimes in the regular course of business an attorney may receive amounts from a client for expenses of third-party providers or other costs incurred in connection with a legal matter other than litigation. Such amounts are excluded from the business and occupation tax only if the attorney has no obligation for payment other than as agent for the client or equivalent commitment for their payment (see WAC 458-20-111, Advances and reimbursements). Generally, such amounts will be for third-party service providers (for example, accountants, appraisers, architects, artists, drafters, economists, engineers, investigators, physicians, etc.). However, these costs could also include client expenses for registration, licensing or maintenance fees, title and other insurance premiums, and escrow fees paid to third-party escrow agents. These costs are excludable only when the attorney does not have any personal liability to the third-party provider for their payment.

UPCOMING EVENTS

May 27, 2013

Memorial Day
CCBA Office Closed

CLE

May 30, 2013

Brown Bag CLE: Are You Following the Rules?
Vancouver City Hall Noon - 1:00pm

SOCIAL

May 31, 2013

Swearing in Ceremony for Hon. Suzan Clark
Public Service Center 4:00pm

MEETING

June 5, 2013

CCBA Board Meeting: CCBA Office - Noon

CLE

June 6, 2012

Brown Bag CLE: Hip & Knee Replacement Litigation
Public Service Center Noon - 1:00pm

MEETING

June 11, 2013

Superior Court Bench/Bar Meeting
Clark County Courthouse - Noon

CLE

June 12, 2013

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

CLE

June 13, 2013

SGAL Training CLE
Public Service Center 10:30am - 4:30pm

CLE

June 13, 2013

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

MEETING

June 13, 2013

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

CLE

June 19, 2013

Hearsay Editorial Board Meeting
CCBA Office - Noon

CLE

June 19, 2013

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

MEETING

July 3, 2013

CCBA Board Meeting
CCBA Office - Noon

SOCIAL

July 19, 2013

CCBA Annual Summer BBQ
Public Service Center Plaza Noon - 1:30pm

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 256 CLIENTS IN THE MONTH OF APRIL

| | |
|--------------------------|----|
| Administrative Law | 6 |
| Bankruptcy | 7 |
| Business & Corp | 4 |
| Consumer | 7 |
| Criminal | 20 |
| Debtor/Creditor | 22 |
| Family Law | 57 |
| General Litigation | 67 |
| Labor & Employment..... | 17 |
| Real Property..... | 25 |
| Wills & Trusts | 16 |
| Worker's Comp | 5 |
| ADA | 1 |

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- 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

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MEDICAL MALPRACTICE WRONGFUL DEATH PERSONAL INJURY



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