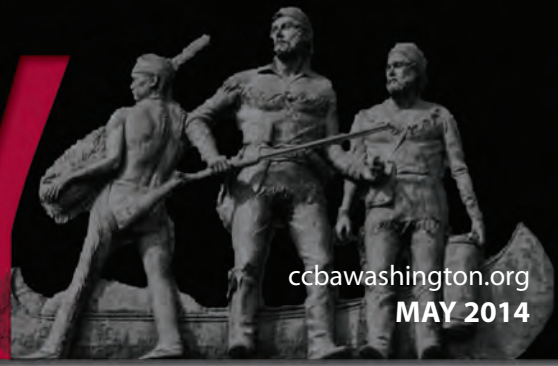


# HEARSAY



ccbawashington.org  
MAY 2014

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION



**SWORN IN:**  
**The Honorable  
Judge Veljacic**

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# PRESIDENT'S MESSAGE



**JANE CLARK**  
CCBA President

I am often asked how I am able to manage my own practice, raise my family and take on additional responsibilities, such as my work with the CCBA. The answer is through hard work, multi-tasking and a high level of organization. I do not sleep as many hours as I would like and I do not have as much time to myself as I would like. However, on the whole I am able to maintain a pretty good balance.

The challenges I face are no different to those faced by many working parents. There was a time when I would have referenced “working mothers” but recently more and more of my female friends are taking on a primary working role with dad either staying home or at least working in a position that allows flexibility with childcare. It is not easy and many days I wonder how I spent all of those free hours that I must have had before I had children. Certainly I travelled more, saw more theater, read more, ate out more and slept more. I still do all those things - just less of them.

I was recently asked whether I would recommend setting up a solo practice with young children at home and a multitude of family responsibilities and my answer to that is yes. Having my own practice is hard work and a lot of responsibility. However it gives me far more flexibility than I would have working for someone else, or even being in partnership with other attorneys. I am responsible for myself and can manage my own schedule. I can take vacation when I want and I often work from home. The downside is that I am seldom far

away from work and to be honest I would not know what a 9-5 work day looked like any more - but I think that is the case for many attorneys working in larger firms and is the nature of our business.

When I set up my own practice a little over 2 years ago one of the most significant changes I made was to go paperless. Having a cloud based practice allows me to work and have access to all my files and documents anywhere I have access to the internet. This allows me not only the flexibility to work from home but also, when travelling to stay in touch with my practice as necessary. The Christmas before last I opted to spend an extra week with my family in England so that my mom could have more time with the children. I worked from my computer in England and was able to run my practice remotely for a week.

Sure I work long hours but most attorneys do. I am always accessible to my clients via email and often work late at night and early in the morning when the house is a little quieter. However I get to spend a lot of time with my 2 year old, attend all my 12 year old son's performances and school presentations and we travel as a family as often as we can.

Balancing work and family can be a challenge but it is possible to have the best of both worlds.

## 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**



**The Clark County Bar Association Presents a CLE:**  
**Cloud Technology and IOLTA Ethics**

**Presented by:**  
**Lainie Hammond & Gale Kirsopp**

**Tuesday, June 3, 2014**  
**2:00pm - 5:00pm**  
**Red Lion at the Quay**

**⇒ Snacks will be provided! ⇐**

3.0 Ethics CLE Credits  
\$105.00 for CCBA Members - \$135.00 for Non-attorneys - \$52.52 for Non-Attorneys

**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 mailed to 500 W. 8<sup>th</sup> St., Ste. 65, Vancouver, WA 98660 or via credit card over the phone.\*



**Lainie Hammond** worked as a federal investigator for the U.S. Department of Labor working in ERISA compliance and enforcement. She has also worked overseas as an author for the Organization for Economic Cooperation and Development in Paris. Lainie worked most recently for the Washington State Bar Association as the IOLTA random auditor before moving into the Law Office Management Assistance Program as a Practice Management Advisor. She did work as Custodianship Counsel, where she assisted with the winding down of the practices of deceased and disbarred attorneys. She has taught numerous CLEs on trust account rules and record keeping, and practice management

skills.

Lainie is a graduate of the University of Washington, School of Law, and is a member of the Washington State Bar Association. She obtained her Bachelor's from Washington State University, majoring in Sociology and minoring in history.



**Gale Kirsopp** established 4700Group five years ago to specifically serve small legal practices with accounting services, and now serves as its managing partner. Leveraging Gale's accounting expertise and experience with her passion for technology, Gale focuses on record keeping and compliance issues for solo and small firms with regard to IOLTAs and other financial matters. In addition to managing 4700 Group, Gale is also a national and international speaker/trainer, and an Advanced Certified Quickbooks expert. Gale holds an undergraduate and two advanced degrees. She is a strong advocate of community, and has been a Rotarian for more than a decade.

**CLE Overview**

This CLE will examine the ethics opinions regarding cloud computing and the use of current technology. It will provide step by step practical and understandable methods for implementing the requirements of WSBA. It will also look at ABA standards recently discussed at this year's ABA Tech Show.

# CCBA HEARSAY WELCOMES NEWLY APPOINTED JUDGE BERNARD VELJACIC: A Classic American Story



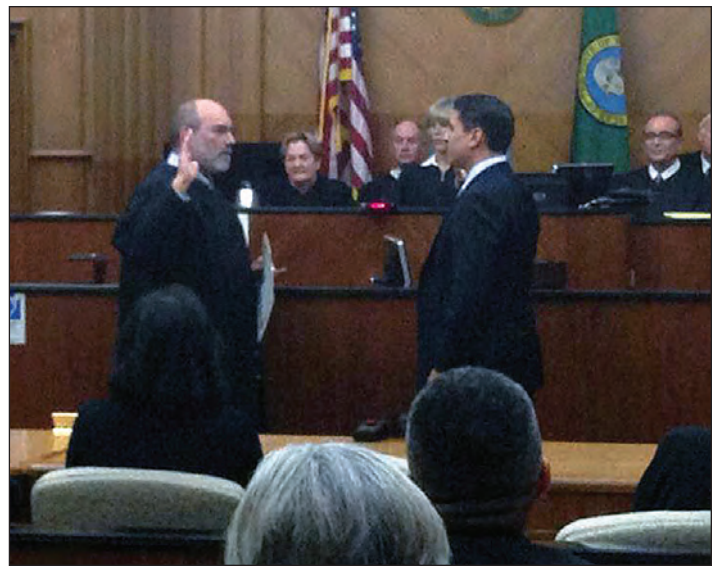
**MARK SAMPATH**  
*Hearsay Special Correspondent*

Clark County Prosecuting Attorney Bernard Veljacic is about to join the Clark County Superior Court bench, replacing the Honorable Judge Rich Melnick who was recently appointed to the state Court of Appeals by Governor Jay Inslee. Veljacic was sworn in on Friday, May 9, 2014. He will join recently elected Superior Court Judge David Gregerson and will add some needed diversity to the bench. At age 42, Veljacic will be the youngest judge on the bench, snatching the honor from Judge Gregerson, who set the record only last year.

So who is Bernard Veljacic? First and foremost, he is the epitome of the true American story. Veljacic was born in Los Angeles, California. His father is Croatian; his grandfather immigrated to the United States when he was 11 and worked in Detroit's factories and as a blacksmith for the railroads out west. His father worked as a truck driver. His mother is of Native American and Hispanic descent and was a school secretary. His grandfather on his mother's side, Jose Transito Mejia, worked in the fields of Texas, Arizona, and New Mexico, picking cotton and watermelon, and served in the Army during World War II. His grandmother worked as a maid at the Bonaventure Hotel in Los Angeles, making beds.

From those humble beginnings, Veljacic managed to thrive, graduating in 1994 from Whittier College, in California. Veljacic moved to Seattle and graduated from Seattle University Law School in 1998. In between, he worked for a year as a claims adjuster. While in law school, he married his wife, Pam, who started as an immigration attorney, and who currently works as a criminal defense attorney here in Clark County. Upon graduating from law school, he worked for a year as an attorney in a corporate defense firm in Seattle. From there, he co-founded and served as a director of a legal clinic in Seattle, Union Gospel Mission Legal Services.

In 2001, he moved to the Vancouver area and started working in the Clark County Prosecutor's office, working in the District Court. Veljacic moved to the Juvenile Court and then the Superior Court, prosecuting felonies. In 2006, he moved to the civil division and has served there since, except for a brief stint



with a plaintiff's construction defect firm in Portland. Since 2006, he has worked in litigation, represented the sheriff's office and Superior Court's clerks office. Veljacic has tried cases in District Court, Superior Court, Juvenile court, Federal District Court, and has handled cases before Division II of the State Court of Appeals, and the US Court of Appeals for the 9th Circuit. Veljacic has also heard cases as a member of the State of Washington's clemency and parole board and the Washington State Bar Association's character and fitness board.

In his spare time, Veljacic loves to spend time with his wife and two young children. Whenever possible, you will find him outdoors, either backpacking or day hiking. When asked what drove him to the legal profession, Veljacic recalled the times he used to talk politics with his father and grandfather, and the fact that those issues often had legal underpinnings. He tried to become more informed about the topics by reading the newspaper because he wanted to understand the law, its effects and how the law would impact those political issues.

So what was the process like in applying for appointment by the Governor? Well, the process is rather rigorous. Veljacic



submitted his application to the Governor's office. The Governor and his staff review all of the applications. An applicant is required to provide approximately (30) references, including a list of opposing counsels. The Governor's staff calls every one of the references in order to gauge the applicant's character and fitness to serve on the bench, the applicant's litigation experience and experience hearing cases, and the applicant's reputation in his or her community for integrity. Applicants interview with the Governor's legal counsel. Letters submitted to the Governor's office are reviewed. The Governor makes a decision as to which candidates are to be interviewed as finalists. The Governor then interviews the final candidates, and makes a decision as to who to appoint.

Veljatic wanted to send a message to Judge Rich Melnick through this article. Veljatic wanted to thank Judge Melnick for his years of valuable service to the community through his work on the bench. Veljatic especially admired Judge Melnick for his setting of the standard for judges as it relates to integrity, acumen as a judge, and engaging in the rigorous preparation required for a case in order to ensure that a judge is best prepared to hear a matter.

Veljatic believes it is his duty to be well informed and prepared on every matter. Veljatic says he understands that each matter is meaningful to the parties and that he has an obligation to be prepared out of respect to those parties that have entrusted their matters to the court. Doing so only increase the public's faith in the legal system; not that they will get the ruling they want, but that the ruling will be fair, principled, and based on the facts and the law. Veljatic's approach to his new position will be to be patient, dignified, courteous, and prepared, which will be driven naturally by his love of the law. Veljatic believes his biggest challenge will be to manage the higher caseload; to effectively manage the load while giving each case the proper amount of attention. His goal is for each party and every attorney to leave his courtroom feeling like they were treated fairly and that Veljatic was prepared and able to intelligently and fully grasp their legal issues.

Veljatic believes that the most appealing part of his new job will be the opportunity to deal with fascinating legal issues while providing litigants the opportunity to have their day in court, to tell their story, and to be heard. While Veljatic is excited about his new position, he will miss working with his former clients, who he felt tried to do the right things for the right reasons. But he feels that through his time at the Prosecutor's office, he has learned that every case is important; that each case is about a person and their family and that it is critical to always keep that in mind when making a decision that will impact all of them. Additionally, he has learned that the decision to charge someone with an offense should be made carefully; it is difficult and not a decision that should be made lightly. Civil cases are about people, their emotions, and their relationships.

Veljatic's long-term goal is to serve effectively on the bench and to be a steady presence on the bench during what is sure to be a period of transition as other judges retire or otherwise leave the

bench. Veljatic feels that serving as Superior Court judge will provide him a change to repay Clark County for over a decade of opportunity and kindness that have been bestowed upon him. When asked what ideas or goals he might have to improve the local judiciary, Veljatic suggested that he would like to facilitate an increase in interpreters to better reflect and support the local community's ethnic mix. Additionally, he will implement standalone pro se readiness docket for hearings in family court and for settlement conferences.

In preparation for taking the bench, the plan is for Veljatic to shadow Judge Gonzales in family court, starting on May 12th for about a month. Additionally, Veljatic mentioned that he would be studying Chapter 26.09 of the RCW as it relates to domestic relations to ensure that he is fully prepared and up to speed. Veljatic also plans to consult with local attorneys and other domestic relations judges. Veljatic will take over a judicial caseload in early June. Amazingly, Veljatic will have precious little time to get comfortable on the bench before he has to run for election, where other candidates may decide to file to run for the position. But this person, who has known Veljatic for a few years, believes that that will be all the time he needs to make his mark on the bench.

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# **CCBA Annual Summer Bar-B-Que! Friday, July 18, 2014**

Clark County Public  
Service Center Plaza

Noon – 1:00 p.m.

**Judge Melnick  
will be our chef!**



**Members bring your  
staff!**

**Everyone is welcome!**

**\$5.00 Raffle Tickets  
For Great Prizes**



# CCBA Board Meeting Minutes



**RICK McLEOD**  
CCBA Secretary

April CCBA Board Mtg. April 2, 2014 – 12:02 PM (Caron, Clark, Dunn, Nellor, Fairgrieve, Mancuso, Mc Leod, Sasser) Leann Larson, Lisa Darco present.

Motion to Approve March Minutes (CLARK/MC LEOD) APPROVED.

## **Treasurer's Report (Nellor)**

- Family Law Section - books have an anomaly – appears to be a new ~20K liability on CCBA books. Needs investigation/resolution. FLS CLEs running at a loss? J.D. to meet with FLS.

## **Finalize By-Laws (Clark)**

- Per approval at the March General meeting, By-laws signed by Clark/Mc Leod.

## **CCBA Policy Manual (Dunn)**

- King County declined to share its policy manual. Policy manual still a priority to maintain continuity as board members cycle. Darco will review outside manual for suggestions in creating Office Policy Manual.

## **Supreme Ct. Social**

- Motion: Tickets \$20 per person. Limited to CCBA members + 1 guest.
- (Fairgrieve/Dunn) APPROVED.
- Event is limit to 182 tickets, first come basis.

## **Membership Forms**

- Practice Areas & Website Search Issue.
- Motion: Proposed simplifying list of practice areas to match WSBA listing (MANCUSO/DUNN) APPROVED.
- Membership form will identify up to four practice areas for printing in directory (paper versions cost). Additional categories will show up on website.
- Consider changing membership forms to acknowledge electronic judicial polling. Judicial Polls run \$800. Electronic polling saves at least \$600.

ADJOURNED, 1:22 PM.

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# Family Law Section

## **MEREDITH MCKELL GRAFF**

Secretary/Editor

The CCBA Family Law Section Meeting was again held at the Hilton Hotel. Terry Lee provided Case Update regarding the following cases:

**NEW LEGAL PRECEDENT FOR SKYPE TESTIMONY AT TRIAL.** In re the Marriage of Swaka, \_\_\_ P.3d \_\_\_, 2014 WL 657934 (February 20, 2014). This was a highly contested case involving the primary parent/client's relocation to Spain and the opposing party's attempt to fight the relocation and increase his visitation with the children. The court allowed the mother to testify at trial via Skype, which was new for the trial court and an issue of first impression in Washington State. The trial court granted the mother's request and the father appealed. The Court of Appeals upheld the mother's requested restrictions against the father and her use of Skype for trial testimony, setting new legal precedent for Washington State.

## **ABUSE OF DISCRETION TO ORDER NOMINAL MAINTENANCE AS A PLACEHOLDER TO RESERVE JURISDICTION FOR POSSIBLE FUTURE MEDICAL**

**NEEDS.** In re the Marriage of Valente, \_\_\_ P.3d \_\_\_, 2014, No. 69242-9-1 (March 10, 2014). In this contested maintenance dissolution matter, the trial court awarded the wife nominal maintenance of \$100 per month from the time she attained the age of 72 until the death of either party or her remarriage with the intent that should her multiple sclerosis and rheumatoid arthritis become worse, the court would retain jurisdiction to modify the maintenance award to accommodate her increased expenses. The appellate court reiterated that the trial court has broad discretion to award maintenance to address medical needs of a spouse, however, it noted that when the trial court reserves jurisdiction to revisit the maintenance award in the future if a disease becomes worse becomes an abuse of discretion. The court found that when the trial court finds that a spouse "may" incur future medical expenses and rehabilitation costs, it is an abuse of discretion to make a "placeholder" award of nominal maintenance in order to reserve jurisdiction.

The speaker for the April meeting was Tiffany Couch, CPA/CFF, CFE, founder/principal of Accuity Forensics, a forensic



accounting firm in Vancouver. She defined fraud as a knowing misrepresentation of the facts involving assets, which are anything of value owned by a person or a company, which may include real or personal property, patents, copyrights, and trademarks, or goodwill, to name a few. Assets are generally traceable.

Ms. Couch noted that people hide assets by liquidation (cashing out accounts or selling something), transferring between accounts or to someone else, converting cash to personal property, accelerating debt payments, or making larger than previous retirement account contributions. Assets can also be hidden by misdirecting payroll, manipulating the business value or changing the location of an asset.

She said when she begins her search for concealed assets, she asks for the following documents: personal tax returns with W2s, Schedules B (Interest and Dividends), C (Small Business), D (Capital Gains), E (Rental Property, Income from Partnerships, Corps, Estates & Trusts), K-1 showing income and dividends; and bank statements which might list loans to the business. She also requests business tax returns showing the company's gross revenues, expenses, balance sheet, officer compensation, all partners, and bank statements. She also asks for financial statements and financials from a CPA firm, along with the notes to the financial statements. She noted that audits have flaws – the audit may have only reviewed a sample and/or transactions over \$10,000. She said she needs to know how the audit was conducted to have a better idea of what to look for that may have been omitted in the audit.

She said "source documents" that should be requested in a search for hidden assets are bank statements, cancelled checks, deposit detail, contracts, paystubs, gross income showing deductions/benefits, retirement contributions, and direct deposits.

Of particular importance, she stated, are Quick Books records that are kept in the ordinary course of the business. These are easier to produce than paper because they can be provided electronically and they contain key information that can be exported to Excel showing an audit trail. Ms. Couch noted that 90% of small businesses use Quick Books. She advised requesting the Quick Books backup as of a certain date or a copy of the portable Quick Books.

Other external evidence that aids in the search for concealed assets include Internet sites such as Google, and social media such as Facebook, Twitter, Instagram, blogs, among other things. Also helpful may be the Washington Secretary of State's website listing corporations, and background searches. Investigating a suspected person's lifestyle for evidence of living beyond their publically known means or excessive debt may also reveal a pattern of asset conversion.

Finally, Ms. Couch concluded that when fraud is suspected, ask for documentation going back 3-5 years to see if a trend emerges. Get sufficient detail to prove or refute claims, get the documentation early before a possible thief becomes aware that he/she is suspected and takes steps to cover the trail. Know what an audit can and cannot do. Most important, she advised, is to ask questions and get a consultation with a forensic accountant if fraud is suspected.

The next meeting is May 8, 2014 at the Hilton Hotel at 11:30am to 1:00pm. An excellent lunch may be purchased, which includes a selection of salads, sandwiches, desserts, and beverages. One hour of CLE credit is also available. Contact President Matt Blum at [ccbafamilylaw@gmail.com](mailto:ccbafamilylaw@gmail.com) to be included on the Evite list. To get lunch at the meeting, members and non-members of the section must RSVP through Evite. The last meeting of this "membership year" will be held on June 12, 2014.

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## Young Lawyers' Section



**ELIZABETH ARWOOD**  
*YLS President*

The YLS CLE series returns! On May 29th, we have two very special presenters. The Honorable Rich Melnick and Bernard Veljacic will present a "View from the Bench." This has been approved for 1 ethics CLE credit.

The CLE will be held from 4:30 p.m. to 5:30 p.m., a social will follow from 5:30-6:30. The event will be held at Thai Orchid Restaurant located at 213 W. 11th Street, Vancouver, WA 98660. The cost of the CLE is \$15 for YLS members, \$25 for CCBA non-YLS members, and \$30 for non-CCBA members.

Appetizers will be provided by YLS. Please RSVP to YLS Treasurer Travis O'Neil, [travis.oneal112@gmail.com](mailto:travis.oneal112@gmail.com), in advance, as space is limited for the CLE. All are welcome to attend the social at 5:30.

Save the Date: On June 26th at 4:30 p.m. attorney Matt Blum will present on the topic of estate planning for solo and small firms and how to protect your firm and your clients. We will be requesting one CLE credit for this event. Additional details as to location will follow.

# CCBA CLE Calendar

## Register now for any of our upcoming CLEs.

### CLE – Cloud Technology and IOLTA Ethics

Lainie Hammond & Gayle Kirsopp  
June 3, 2014 2:00pm – 5:00pm  
Red Lion at the Quay

### N&B – Working with Medical Experts

Jane Clark & David Nordeen  
June 11, 2014 3:00pm – 5:00pm  
Red Lion at the Quay

### CLE – Military Law

Todd George  
June 23, 2014 12:00pm – 1:00pm  
Clark County Public Service Center  
6th floor Training Room

### N&B – Topic to be Determined

September 10, 2014  
3:00pm – 5:00pm  
Red Lion at the Quay

### N&B – Elder Law

Victoria Kesala & Jill Sasser  
October 8, 2014 3:00pm – 5:00pm  
Red Lion at the Quay

### N&B – Construction Law: Liens and Bond Claims

Paige Spratt & Sean Elpel  
November 12, 2014 3:00pm – 5:00pm  
Red Lion at the Quay

**N&B CLEs: \$50 for Members**  
**\$70 for Non – Members**

**General CLEs: \$35/Hour for Members**  
**\$45/Hour for Non-Members**

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# SUPERIOR COURT BENCH/BAR COMMITTEE MEETING MINUTES

APRIL 8, 2014



**KAREN CAMPBELL**  
*Hearsay Special Correspondent*

The meeting began shortly after noon. Persons present were Judge Robert Lewis, Judge John Nichols, Ann Christian, Karen Campbell, Curtis Welch, Theresa LaVallee, and Todd George.

## OLD BUSINESS:

**1. Competency Evaluations (WSH):** The criminal policy and procedures work group met a few weeks ago and is considering the information Ann Christian received from Pierce County on that County's implementation of the outside panel process for in-jail competency evaluations. Ann posed several questions from that meeting to Pierce County and has received answers. Ann sent the responses to the PA's office. Ann will forward the information she received to Judge Lewis. Six local providers responded to a Request for Qualifications sent out by Ann in January. Ann Christian and John Fairgrieve will meet and discuss next steps.

**2. Publishing Jury Selection Procedures:** Curtis Welch reported that most of the questionnaires and judicial interviews have been completed. Curtis is considering publishing one Judge at a time to get the ball rolling. Curtis will contact the Director of the Clark College Paralegal Program to discuss beginning to publish what has been done while the remainder of the interviews are completed.

**3. Mock Trial:** This was a great success. Judge Lewis thanked everyone involved and updated the Committee on results.

**4. Legal Financial Obligations:** Changes are being made in response to the ACLU's concerns. The Judges are inquiring into the ability to pay; the Auditor's office is doing a study of the costs recovered from the collections process, as well as the resource costs. Presiding Judge Johnson and former County Administrator Bill Barron convened an LFO Workgroup in August of last year. That workgroup will continue its work and address issues raised in the February 2014 ACLU report.

**5. Readiness Hearings:** There will be no readiness docket on April 24, 2014, because of the Judge's conference. 97 cases are on the April 17th readiness docket and 88 cases are on the May 1st docket. Attorneys should expect divided dockets because of the large number of cases and work to resolve cases.

## NEW BUSINESS:

None

The next bench/bar meeting will be held on May 13, 2014 at 12:00 p.m.

Respectfully submitted,  
Karen Campbell

## 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





# DISTRICT COURT BENCH/BAR COMMITTEE MEETING MINUTES

APRIL 9, 2014

Judge Zimmerman opened the meeting at 12:00 p.m. and turned it over to Sergeant Alex Schoening to discuss Courthouse Security.

## COURTHOUSE SECURITY

Sergeant Alex Schoening played the Active Shooter Training “Run > Hide > Fight” (<http://www.readyhouston.tx.gov/videos.html>)

There are Sheriff’s deputies and Corrections deputies that are present at the courthouse. The Corrections deputies primarily are responsible for in-custody inmates. There are multiple county buildings that these Sheriff’s deputies provide security for. While not in response to the shooting on 02/04/2014 at the Public Health building, this is a good time to go over the Active Shooter situation and how the training and police response for these situations have changed. Everyone is encouraged to watch this video.

## JUDICIAL PERSPECTIVE ON COURTHOUSE SECURITY

Judge Gregory Gonzalez presented information about the Courthouse Security Committee which was restarted about a year ago with Judge Stanke in response to some security incidents at the Family Law Annex. The Committee includes representatives from District Court, Clerk’s Office, Prosecuting Attorney’s Office, Sheriffs, private attorneys, Collections Unit and various county buildings. The conclusion was that communication between buildings and the Sheriff’s office needed to be improved. The committee has begun to meet more regularly about specific security concerns related to the Courthouse and the Annex. The result of these meetings is that any new security incident at the Courthouse and the Annex should be reported directly to Judge Gonzalez or Sergeant Schoening and a written report will be sent directly to the Administrative Office of the Courts. Any additional needs or wants related to security should be emailed directed to Judge Gonzalez or Sergeant Schoening and they will take these to the Courthouse Security Committee.

## \*CURRENT SAFETY CONCERNS

In addition, one safety concern is about attorneys who are standing during dockets, in particular when there are in-custody inmates in the courtroom. The committee would like to ask all

attorneys who are not at the bar addressing the court, to remain seated or move off to the side, so that the custody officers and deputies can see into the general public seating area. This is critical for the officers to see and be able to react.

Reminder to attorneys to please move out of the way in the hallways when inmates are being transported in the courthouse.

There will be some general meetings with some of the other courthouse participants, such as Family Law Section and the Criminal Bar Association to discuss courthouse security.

## JAIL RE-ENTRY PROGRAM

Commander Mike Anderson presented the Jail Reentry Program which was launched in February of this year and Sergeant Randy Tangen [http://www.youtube.com/watch?v=8jKo\\_MB6\\_-U](http://www.youtube.com/watch?v=8jKo_MB6_-U)

Before the reentry program, some individual jail officers assisted releasing inmates as time allowed, but it was not consistent or systematic in any way. The establishment of the reentry program allows for greater consistency, and greater program effectiveness. The reentry program is striving to integrate and collaborate with existing programs such as the therapeutic courts, County Probation, and DOC. They are also working with community resources to assist with transition back into the community, addressing the unique needs of each inmate such as chemical dependency, employment, food, and/or housing.

## MISCELLANEOUS

Judge Zimmerman mentioned that state NAMI Conference (National Alliance for Mental Illness) is at the Quay on Aug. 15, 16 and 17 and should provide 6 to 8 CLE’s for only \$175 and that will include 2 dinner shows, 2 breakfasts and a lunch. Presenters will include King County Prosecutor Dan Satterberg and Supreme Court Justice Mary Fairhurst. Contact the Program Chair Judge Zimmerman for addition details.

Next meeting: TBD, 12:00 p.m.

Location: Judge Zimmerman’s Courtroom

Note taker: Rebecca DeMoss (397-2424 ext. 4171)

The Clark County Bar Association is pleased to announce its

**Fortieth** Nuts and Bolts Lecture:

**Working with Medical Experts**

*Presented by Jane Clark & David Nordeen*

**Wednesday, June 11, 2014, 3:00 PM – 5:00 PM**  
**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.

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**Jane Clark** has 20 years of experience handling personal injury and Medical Malpractice actions. She is licensed in Washington, Oregon, England and Wales. She is President of the Clark County Bar Association board of trustees and chair of the CCBA Continuing Legal Education Committee. The focus of Jane's practice is representing plaintiffs in medical malpractice cases and personal injury cases. Jane is also a mediator in the area of Personal Injury and Medical Malpractice.



**David Nordeen** received his undergraduate and law degrees from the University of Washington. David was admitted to the bar associations of Washington State and Western District of Washington in 1977 and to the Oregon State Bar in 2002. In 1978 David joined the Clark County Prosecuting Attorney's Office prosecuting misdemeanors and felonies until 1981 when he joined Weber Gunn PLLC where he worked until 2012 specializing in personal injury law, representing both plaintiffs and defendants. Since 2012 David has continued his personal injury practice at the Law Office of David Nordeen, PLLC.

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

**Outline**  
**Working with Medical Experts**  
**Presented by Jane Clark and David Nordeen**  
**June 11, 2014**

- Hiring Medical Experts
- Deposing the Opposing Medical Expert
- Preparing your Own Expert for Deposition
- Preparing for the trial testimony of your own expert
- Preparing for Cross Examination of the Opposing Expert
- Preparing yourself to understand the medicine
- Preparing your client
- Working with Treating Healthcare Providers
- CR 35 Examinations -Parameters/depositions/trial testimony

## May Inns of Court



**ELIZABETH CHRISTY**

*Inns of Court President*

Thanks to everyone for a wonderful year. We closed out our year of “Great Trials” with the case of Terry Schiavo,[1] a case that made national headlines and raised the stakes in the end-of-life debate. We also briefly looked at how Washington State might address such issues. (Got POLST?)

We elected a new board for 2015-2016, and we are looking forward to creating great programs with you. Feel free to hit up any of us with questions.

President (*i.e., Troublemaker*) Rick McLeod ([rxm@klarquist.com](mailto:rxm@klarquist.com))  
Vice President Diana Tehrani ([dianatehrani@comcast.net](mailto:dianatehrani@comcast.net))

Membership  
Treasurer  
Programs

Chad Sleight ([csleight@vancouverlaw.net](mailto:csleight@vancouverlaw.net))  
Chris Babich ([chris@dsandblaw.com](mailto:chris@dsandblaw.com))  
Karen Webber ([karen@madphelan.com](mailto:karen@madphelan.com))

Finally, we’re going to have an end-of-year social event at South Pacific. They have a good size function room (so we won’t get shuttled around the building on short notice) and a readily accessible bar with a great deal more choice than we have seen in the past. We want to know if you like it, so be there. And, don’t be afraid to pay next year’s dues – avoid the rush!

[1] For an overview, see [http://en.wikipedia.org/wiki/Terri\\_Schiavo\\_case](http://en.wikipedia.org/wiki/Terri_Schiavo_case).



# Hello... Goodbye

The bad news is the end of May will mark the last we will see of Heather Norton as the Member Services Coordinator at the CCBA. Heather is moving on to pursue her legal practice. The good news, however, is the CCBA is thrilled to welcome Paula DeLano to fill her shoes. Here's what these gals had to say to our members as the CCBA office begins this transition.



## Goodbye, Heather. . .

I came to the Clark County Bar Association a year and a half ago with the intent of easing myself back into the workforce. I had taken a hiatus from my law practice in order to raise my children. I figured helping other attorneys would be a good way to get

reacquainted with professional life after spending so much time with Sesame Street and Blue's Clues. Given that I had practiced primarily in Oregon, I expected to enjoy meeting all the attorneys in "the 'Couve." What I didn't expect, however, was how much I would come to love this legal community and the attorneys in it. So many of you have inspired me and have redefined the kind of attorney I want to be the "second time around." I will take with me so many examples of what it means to be an exceptional attorney—like the examples of:

- Professionalism** as demonstrated by John Fairgreive
- Genuine concern for others** as demonstrated by Vicki Kesala, Christie Martin and Bob Vukanovich
- Passion and enthusiasm for the law** as demonstrated by Andrew Wheeler
- The spirit of mentorship** as demonstrated by Marla Heikkala
- Humor in all things** as demonstrated by Don Jacobs and J.D. Nellor
- The value of hard work** as demonstrated by Josh Pops and Jill Sasser
- Sincerity and Kindness** as demonstrated by Chad Sleight, Mary Kay Gaffney, Rob Russell and LeAnn Larson
- Service to others through volunteerism** as demonstrated by Mila Boyd, Jean McCoy, Mark Carter and Rick McLeod
- Zealously pursuing your passion** as demonstrated by Arin Dunn
- Maintaining balance in life and law** as demonstrated by Jane Clark and Judge Suzan Clark
- And of course. . .barbequing excellence!** as demonstrated by Judge Richard Melnick

I also have learned so much from our office manager, Lisa Darco. If you have not had the pleasure of getting to know her you should run (not walk) to the CCBA office and pull up a chair. Lisa is one of the kindest, most genuine and delightful people I have ever had the pleasure to work with. She serves this organization with purpose and commitment and has improved the wellbeing of the CCBA more than anyone knows.

It has truly been a pleasure to know and serve all of you. I am better because of my association with you. The only comfort I have in leaving the CCBA, is knowing that I'm not going far. I'm simply putting on my attorney hat and joining you in a different capacity.

Thank you so much for all you have been and are to me.



## Hello, Paula. . .

Hi everyone! I am so excited to have the opportunity to start this new chapter with all of you at the CCBA. There must be something special about this position as I am also easing myself back into the workforce after primarily being home with my children.

I am originally from Southern California and have been living in Clark County for the last twenty-four years. I am the mother of six, with the blessing of two bonus children, and three beautiful grand babies so far.

I have spent many years in various administrative positions as well as having had a few of my own businesses, including most recently, a photography business. As of late I have been working at Macy's at Westfield Vancouver Mall, honing even more, my customer service and people skills. When I am not working I love to spend my time watching my children's many sports and theatrical endeavors while documenting it all through my beloved Nikon camera. I love the sunshine and spending time with my favorite people.

I already know that working with Lisa is going to be a great pleasure and I will do my very best to fill Heather's lovely shoes. I look forward to meeting each and every one of you very soon!

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

**Military Law**

**Presented by Todd George**

**June 23, 2014**

**Noon – 1:00pm**

**Public Service Center Training Room**

1 General CLE Credit

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NAME \_\_\_\_\_ PHONE # \_\_\_\_\_,

and EMAIL \_\_\_\_\_.

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Todd George focuses his private practice in Vancouver on administrative appeals, juvenile dependency, family law and estate planning. Todd is also a Major in the Washington Army National Guard and serves as the Senior Defense Counsel for the Army National Guard in Washington, Montana, and Alaska. Prior to entering private practice, Todd was an Assistant Attorney General, Assistant City Attorney for the City of Vancouver, and served eight years on active duty with the U.S. Army as a Judge Advocate. While on active duty, he served as a military prosecutor, defense counsel, and appellate defense counsel, and was deployed to Iraq in 2003. During his time as appellate defense counsel, Todd briefed and argued cases before the U.S. Army Court of Criminal Appeals and U.S. Court of Appeals for the Armed Forces. Todd is a 2000 graduate of the University of Oregon School of Law, and is admitted to practice in Washington and Oregon.

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

## Military Law CLE Outline

Todd N. George  
todd@georgelawpllc.com  
(360) 334-7204

### Structure of the Military in Brief

- Branches
- Active vs. Reserve Component / National Guard
- Organization
- Rank Structure

### Military Justice

- Applicable Laws
  - o Uniform Code of Military Justice (UCMJ) (10 U.S.C. §§ 801-946)
  - o State Codes of Military Justice (National Guard) (Chapter 38.38 R.C.W.)
  - o Assimilation of Other State and Federal Criminal Laws
- UCMJ
  - o Court-Martial Process
  - o Rights of the Accused
  - o Non-judicial Punishment
  - o Appeals
- State Codes of Military Justice
  - o Application
  - o Washington tracks UCMJ with some exceptions
  - o States without Codes

### Adverse Administrative Actions

- Separations
- Reductions
- Reprimands
- Evaluations
- Security Clearance Denials/Revocations

### Collateral Effects of Civilian Convictions

- Lautenberg
- Administrative Separation
- Security Clearance
- Concurrent Prosecution

### Post-Separation Issues

- Service Review Boards (e.g. ARBA / ADRB / ABCMR)
- VA Benefits (Brief Mention)

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# Dispatches from the Uniform Collaborative Act



**JOSHUA POPS**

*Hearsay Special Correspondent*

This past summer, Governor Inslee signed into law the Uniform Collaborative Law Act, aka the UCLA. As of its enactment, Washington is one of six states, as well as the district of Columbia, to have made the UCLA law.

## ***What is collaborative law?***

To narrow collaborative law down to an elevator speech, it is a non-adversarial approach to dispute resolution wherein the parties agree in writing that they will not seek a judicial resolution of any issue during the process, and that if court action is initiated the attorneys will withdraw from any adversarial proceeding. In a wider sense, it is a holistic approach to problems where parties agree to discuss the process in good faith, openly disclose information, communicate respectfully, and think in terms of satisfactory results for all parties rather advantageous terms under the law. It is, obviously, most used in family law.

In the standard case where there is one person versus another, say in a criminal matter, a personal injury case, or breach of contract, the relationship between the parties is a limited one that generally ends with the disposition of the matter. This adversarial approach applies to all legal matters, even marriage and divorce. But the people in a marriage will have to deal with each other in some form or fashion afterward. The best example, of course, is where there are children involved. We have a system where it is father versus mother, they spend time and money trashing each other, hiding information, and posturing in order to obtain a financial or emotional advantage. Months or years later, voila, there is a divorce, the lawyers move on to their next case, the parents now trust each other less than ever, despise each other, and are often plotting on how to modify the parenting plan or the terms of the decree the day after it is entered.

Collaborative law thus looks to address issues openly and honestly, and figure out an approach that leaves each party with a feeling of closure. I can hear your eyes rolling as I type this, but do not think that collaborative law requires holding hands and singing folk songs. There is still anger, frustration, resentment, and all the emotions under the divorce rainbow; they are, however, addressed and resolved rather than ignored or exploited. With that introduction, a look at just what the UCLA says is in order.

## ***A Closer Look at the Uniform Collaborative Law Act Beginning, Continuing, and Ending***

UCLA is codified in RCW 7.77. In RCW 7.77.040, the statute outlines when and how the process begins, when and how it ends. First off, a party cannot be ordered to participate in a collaborative process. The entire point of collaborative law is open and transparent, agreed upon discussion; forcing a party to do so would be counter-intuitive.

By that same token, either party may terminate the process at any time for any reason. Once a party decides they are not comfortable with the process or how it is handled and says so in writing, that is it, the matter is terminated. Another way to terminate is by filing a matter in court related to the matter. This is, in itself, a concern on its face. In the family law context, notice of termination with a citation for a motion hearing coming up shortly would be using the termination of the collaborative process to one's advantage. Most collaborative attorneys therefore draft collaboration agreements where the parties agree that if the process does in fact terminate, the parties will wait thirty days (absent emergencies, discussed later) before any hearing to let the parties find new lawyers and in general to make an orderly transition.

One thing that I have noticed brought up by practitioners in larger counties is the lack of a timeline in collaborative law; there are no provisions of what must happen when. To those attorneys this leads to the following: "so what is there to prevent people from dragging this out, wasting tens of thousands of dollars, and nothing getting done?" Us small county folk know that, yes, there is actually a way to resolve legal disputes without a case calendar, calls to confirm ahead of these dates, and the like. There is always a concern that a collaborative case will drag on without a firm resolution. This is the province of competent collaboratively trained attorneys, who can ensure that when parties do reach a significant impasse, that the parties can either continue to determine a new mutual decision or reach the point where it is time to rip it up and let a judge decide.

Perhaps the crux of the idea of collaborative law is found in RCW 7.77.080. That statute provides that with exceptions "a collaborative lawyer is disqualified from appearing before a tribunal to represent a party in a proceeding related to the

collaborative matter.” Once the collaborative process ends, and the litigation process begins, the parties must find new lawyers. Using information gained during collaborative process during litigation would be anathema to the spirit of the process. By disqualifying the attorneys from litigation, it also makes parties think a little more carefully about the process. There is no trial period to see if collaborative would work, followed by a quick turnaround to litigation with the same parties.

That being said, there is the matter of the emergency provision. 7.77.060 allows a court to issue emergency orders, and 7.77.080(2)(b) allows the collaborative attorney to represent a party regarding emergency orders “if a successor lawyer is not immediately available to represent that person.” This is a tough call to make. It is imperative for a party to be in court quickly to protect themselves or their children in the event of domestic violence. Finding a successor lawyer may take a few days when minutes count. The line between confidentiality in the collaborative process and the need for emergency orders is one left up to the practitioner.

### **“Discovery”**

The point of “discovery” in the collaborative process is to get all the information available so the parties may review it together to determine how they can use that information to obtain a full resolution. In a divorce context this enables the parties to make a truly informed decision. All the cards are laid on the table, and the parties figure out how to split the pot so that the resolution is a true one. To that effect, the UCLA codifies full disclosure in RCW 7.77.100, requiring parties to “make timely, full, candid, and informal disclosure of information related to the collaborative matter without formal discovery.” No rogs, no rfs, just a phone call, email, or letter. It is further up to the parties to actively live up to the spirit of the rule. The drafters specifically excluded sanctions or even a definition of bad faith which would thus require court intervention to determine bad faith. It is up to the parties to live up to the agreement, with the understanding that noncompliance might cause a party to have to terminate the agreement and move forward with court action.

### **Confidentiality**

With such an open exchange of information, thoughts, and ideas, it is necessary to let the parties feel safe doing so. 7.77.140 to 7.77.170 address confidentiality under the UCLA. For those of you happily married or blissfully single, I have an astounding truth for you: married people often have trouble communicating, and this carries over to the divorce. Now that you are recovering from this bombshell, I can tell you that letting the parties know that their divorce will run smoother with open lines of communication and information is key, and confidentiality helps them feel comfortable doing so. After years, sometimes decades, of not being able to communicate clearly and openly, protection is required to open things up.

The language in the UCLA regarding privilege for communications is similar to the Uniform Mediation Act.

7.77.140 grants the parties in a collaborative law case the right to keep communication confidential to the extent of their own agreement. 7.77.150 explicitly extends privilege to collaborative law communication by the parties and by nonparty participants (counselors, financial experts, etc). That being said, evidence that would be otherwise admissible or subject to discovery does not automatically receive privilege because it is used in a collaborative process. 7.77.160 allows the parties to waive privilege if expressly agreed to. 7.77.170 lays out a list of specifically enumerated exceptions to collaborative law privilege. Since 7.77.170 specifically lays out exceptions, it is assumed that everything not specifically enumerated is thus subject to the ability of the parties to keep communications privileged.

Waiver of privilege in 7.77.160 addresses another double edged sword that the wary collaborative practitioner should avoid. Collaborative law gives the parties a greater role in shaping their own settlement, and thus if the parties wanted to waive privilege, they could agree to do so in furtherance of whatever goal they had in mind. That being said, it practically allows the parties to craft an exclusion that defeats the very spirit of the collaborative process. In my opinion, this should only be used at the close of a collaborative case. During a case, parties need to feel the sense of open discussion that confidentiality can bring. However, requiring that information to stay privileged would make little sense if the collaborative process terminated. A sensible alternative is to stipulate that certain information will not be privileged moving forward, saving parties sunk costs in the litigation phase of the process.

### **Ethics and Collaborative Law**

The UCLA was vetted by ABA advisors from the Family Law, Litigation, and ADR Sections, as well as the ABA Standing committee on Ethics and Professional Responsibility, mainly to ensure the UCLA fully required informed consent from clients entering into a collaborative agreement. A thoughtful practitioner would not do otherwise. The requirements for informed consent are codified in 7.77.120. In practice, experienced collaborative practitioners go far beyond lip service to the statute and work carefully with their clients early on to determine whether the client fits the collaborative process. This can involve multiple handouts, pros and cons drafted by the attorney him or herself; a frank discussion is practically a necessity for true informed consent.

The UCLA specifically states (RCW 7.77.110) that it does not affect the ethics rules of lawyers or other professionals. Rule of ethics are not legislated away, nor can they be. Many unfamiliar to the process find out it hard to see where one can be open and honest with the process, working together for a solution, while simultaneously upholding their duty to their client. That is left to the practitioner to discover for themselves. Without sounding like a copout, the solution presents itself organically in the ebb and flow of the matter. It is advised, however, to always keep that in mind, that the rules of ethics still apply, the client calls the shots, and the other party is not your client. Tread accordingly.

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## Hearsay Profile: Jill Sasser

**Home:** Camas, WA

**Age:** 33

**Profession:** Estate planning, probate, trust and guardianship associate attorney at Landerholm, P.S.

**Hobby:** (Note to self: develop interesting hobbies.) Seriously, when I have free time (and I hope to have free time again in the future), I love to water-ski, raft, tube and swim. I also love to volunteer, read, and train for and compete in athletic events.

**Last Book Read:** “A Week in Winter” by Maeve Binchey. I usually gravitate to English or Irish Fiction. I have a slight obsession with all things Downton Abbey.

**Legal Philosophy:** Focus on the big picture and do the right thing. Relationships matter. Don’t ever react in anger (especially when sending email).

**Latest Accomplishment:** Getting my 18-month old to sleep through the night (mostly). Still working on that work-life balance thing.

**Why I Do What I Do:** I love to meet people and help them solve their problems. I also love to find resolutions to challenging situations (Getting remains released from the coroner? Check! Dealing with a deceased beneficiary’s estate in Germany? Check! Explaining that gold-colored coins are not necessarily gold? Check! (Yes, really.))

**Profile:** Vancouver, WA native. Mom of Mackenzie (18 months) aka “Little Boss.” Wife of Alex aka “Sexy Legs.” Volunteer addict in need of 12 step program. Lutheran (you betcha). Lover of people, nature, ice cream, good books, good friends, and a good night’s sleep!

**Beverage of Choice:** Margarita (ideally served while on the beach or in the water).



# Clark County Superior Court Jury Selection Procedures

## Judge David Gregerson and Judge Robert Lewis



**CURTIS WELCH**

*Hearsay Special Correspondent*

Starting in Fall of 2013, students in the Clark College paralegal program, with oversight from Paralegal Program Director Layne Russell, Esq. and from two of the members of the Superior Court Bench Bar committee, Emily Sheldrick and Curtis Welch, interviewed many of the Clark County Superior Court judges regarding practical aspects of jury selection procedures that can often vary by judge. The interviews of Judge David Gregerson and Judge Robert Lewis are the second and third of several interviews that will be published in the Hearsay newsletter over the next few months.

The process of collecting the information from the judges involved the paralegal students, working in teams of two students, interviewing judges in person, asking the same questions to each judge, and writing down the judge's answers. The accuracy of the answers was then verified with the judge before publishing.

All of the interviews will also be posted on the Clark County Bar Association website.

Please note that these procedures are intended to provide a general overview of a judge's preferred procedures for jury selection, and a judge may change those procedures over time, or may vary somewhat from the published procedures in a particular case.

We hope that you find the information to be useful in your practice.

### Interview of Judge David E. Gregerson

**1. Does the Judge ask preliminary questions of the jurors? If so, what preliminary questions does the Judge ask?**

I normally ask some "boilerplate" questions about whether any of the prospective jurors know the attorneys, the witnesses, judge or court house staff, etc. I also ask if they have any physical reason why they cannot give full effort and pay attention to the case. If the case is particularly sensitive (for example domestic violence), I will ask if anyone believes they cannot be an objective juror.

**2. Does the Judge read a short statement to the jurors regarding the nature of the case? If so, does the lawyer for each side have input into the content of the statement?**

Yes, normally that is ruled upon in advance so that there is a very brief explanation of what the case is about and what issues they will decide. The lawyers normally present an agreed version, but in the event of a disagreement, the judge makes the final ruling.

**3. Does the Judge inform the jurors of the expected length of the trial or does the Judge leave it up to the lawyers to do so?**

I normally do that.

**What other information does the Judge provide to the jurors before the lawyers begin their part of the voir dire process?**

I try to give them a "roadmap" of how the case will proceed, when expected breaks will take place, and whom to contact if they have any issues during the trial (bailiff).

**4. Does the Judge require counsel to stand in place at the podium during the voir dire or may counsel move around during the process?**

They normally ask from counsel's table, but upon being given permission, I may let them move around.

**5. What is the Judge's preference between using juror names or numbers for jurors?**

I allow use of names unless there is good cause to require more neutral references, such as in a trial involving a high profile crime.

**6. How much time does the Judge allow for voir dire?**

In a normal case, each side gets 30 minutes opening, with 15 minutes of rebuttal. I will expand that for special cases or circumstances.

**Does the plaintiff's lawyer/prosecutor always begin with the questioning?**

Yes.

**7. How does the Judge prefer to handle challenges for cause?**

I prefer to handle them outside the presence of the jurors, if possible. The excused jurors are not informed of who sought their excusal or why. The plaintiff (or prosecutor) raises their challenges first, then the defense.

**Are the jurors present when strikes for cause occur?**  
Generally no.

**8. How does the Judge prefer to handle peremptory challenges?**  
I normally handle them outside the presence of the jury, with the plaintiff (or prosecutor) starting, then alternating back and forth until they have exhausted their limit or accepted the panel.

**Does the Judge prefer that peremptory challenges be exercised on paper? If done on paper, does the lawyer take one strike and pass the paper to the other side's lawyer, or is more than one strike taken at a time?**

I try to do it outside the jury's presence so we can do it openly on record. If not, we pass a notepad back and forth, alternating.

**Are peremptory challenges exercised outside the presence of jurors?**

Yes, absent some compelling circumstances.

**9. Does the Judge allow striking of jurors seated outside of the jury box?**

Challenges for cause apply to the entire pool; peremptories only apply to those who are in the box (including alternates, if any).

**10. Is there anything else you would like to add? Any pet-peeves?**

No.

## Interview of Judge Robert Lewis

**1. Does the Judge ask preliminary questions of the jurors? If so, what preliminary questions does the Judge ask?**

Yes. I ask whether they have heard of the case before. Do they know any of the attorneys, witnesses or parties? Have they had any similar experiences? I ask about anything that would keep them from being able to fulfill their duty as jurors.

**2. Does the Judge read a short statement to the jurors regarding the nature of the case? If so, does the lawyer for each side have input into the content of the statement?**

Yes, for criminal cases I read a summary of the alleged crimes and for civil cases I read a summary provided by the parties.

**3. Does the Judge inform the jurors of the expected length of the trial or does the Judge leave it up to the lawyers to do so? What other information does the Judge provide to the jurors before the lawyers begin their part of the voir dire process?**

Prior to jury selection, I ask attorneys for an estimated length of trial. I provide this information to the jurors as part of my question about hardship excuses.

**4. Does the Judge require counsel to stand in place at the**

**podium during the voir dire or may counsel move around during the process?**

There are no podiums in my courtroom. The attorney needs to stay close to a microphone. Other than that, the attorneys can move where ever they want in the courtroom.

**5. What is the Judge's preference between using juror names or numbers for jurors?**

Numbers, but when questioning a juror, an attorney can also call the juror by name.

**6. How much time does the Judge allow for voir dire?**

No specific time limit, I allow general questioning in half hour blocks from side to side and I may grant additional time as needed.

**Does the plaintiff's lawyer/prosecutor always begin with the questioning?**

Yes.

**7. How does the Judge prefer to handle challenges for cause? Are the jurors present when strikes for cause occur?**

In open court, in front of the jurors. I try to remind attorneys to make this type of challenge as soon as they have developed a record to support it. This allows for additional questioning of the juror and meaningful argument.

**8. How does the Judge prefer to handle peremptory challenges? Does the Judge prefer that peremptory challenges be exercised on paper? If done on paper, does the lawyer take one strike and pass the paper to the other side's lawyer, or is more than one strike taken at a time? Are peremptory challenges exercised outside the presence of jurors?**

We use a clipboard passed back and forth between the attorneys. One strike at a time is allowed, then the clipboard is passed to the other attorney, the clerk, and then the judge. Peremptory challenges are not exercised outside the presence of the jurors.

**9. Does the Judge allow striking of jurors seated outside of the jury box?**

Yes.

**10. Is there anything else you would like to add? Any pet-peeves?**

Attorneys should ask questions designed to actually elicit information about the juror.

Don't waste time with a lot of "head-nodding" questions. Do not use the process to make general statements, or to "educate" jurors, if you do, I may limit your time.

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## What CCBA Members Are Doing About Town

**RAISA JUDICATA**  
Guest Gossip Columnist



Dave Jahn will be missed!

Sad news you may have already heard, but we have lost attorney Dave Jahn from among the fold. Dave passed away on April 28, 2014 from a very aggressive cancer. He wanted to keep his struggles private, so only a handful of people knew of his eight month battle with kidney cancer. Dave was only 57 at his death, leaving behind grieving friends and family (including his law partners). Dave graduated from Columbia River High School in

1975 and went on to attend the University of Puget Sound and USC, where he graduated with a BS in Business in 1979. He went to Northwestern School of Law at Lewis & Clark College, graduating with his JD in 1982. He was a wonderful business and real estate attorney, beginning in 1982 with Boettcher, LaLonde, Kleweno, Witteman and Schreiber, and joining later as partners with Heurlin, Potter, Leatham, Holtmann & Stoker. Dave didn't want a funeral service, but a gathering of his friends will be published at a later date this summer. If you want to remember Dave and hopefully make a difference for someone else, his family suggests a donation to the OHSU Knight Cancer Challenge at [www.knightcancerchallenge.org](http://www.knightcancerchallenge.org).



Lions, tigers and SPIDERS? At a recent April trial in Department 2, Judge Gregerson's courtroom, some members of the jury and counsel received mysterious spider bites during the course of the three-week trial. Soon the little

buggers were seen scurrying around the juror box in an attempted takeover. After the first week an exterminator was called. Who knew volunteering for jury duty could be so pesky!

It looks like it will be the battle of the "V's" this fall. As you know from our cover, the Governor chose Bernard Veljacic as the judicial appointment for Department 5, filling the bench for departing Judge Rich Melnick. What is also interesting is that Judge Veljacic's co-candidate for the position, Bob Vukanovich, has announced he will run in the November election against newly anointed Judge Veljacic. Bob Vukanovich was the popular choice for the appointment as voted by the Members of the Clark County Bar Association, and Bob feels his long-time commitment and service to the community is one way in which he stands out. It will be an interesting turn of events. The good news is that both of these guys are very classy and we are certain will stick to the merits!

Wow – years of staid conservatism and now it is one interesting tidbit after another! Jim David suddenly announced he was retiring from the Clark County Prosecutor's Office after over 30 years, and the word was he considered running against his former boss, Prosecuting Attorney Tony Golik. Now, Josephine Townsend announced SHE will be running against Golick for Prosecuting Attorney. Keep posted!



Jim David changes course.

*Your esteemed colleague Raisa Judicata can't be everywhere. If you have a tidbit of news you would like the world to know, send a note to [raisajudicata@gmail.com](mailto:raisajudicata@gmail.com). Raisa usually checks in the first Monday of every month. Remember, it is your ethical duty to support your member organization with juicy gossip and goings on.*

# CCVLP Box Lunch Fundraiser

Already full? Have lunch plans elsewhere? Make a donation for justice.

NAME: \_\_\_\_\_

PHONE# \_\_\_\_\_

Amount \$ \_\_\_\_\_

*Make check payable to CCVLP*



The Clark County Volunteer Lawyers Program is hosting a boxed lunch fundraiser. For \$15.00 a pre-ordered boxed lunch will be delivered to your office on Friday June 6th between 11AM and 1PM. To order please fill out an order form and mail, email or fax it to Susan Arney at the CCVLP. Orders must be received by **Friday, May 30th**. The Clark County Volunteer Lawyers Program provides free legal services to low-income people with civil (not criminal) issues in Clark County courts through the generosity of volunteer attorneys. We serve about 800 clients a year. Your support is greatly appreciated.

## Order Form

Name: \_\_\_\_\_

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\_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

# Lunch for some - Justice for all!

**Lunch on Friday  
June 6th**

Price: \$15.00 a box lunch.

Delivered to your office between  
11:00AM and 1:00PM.

Orders must be received by Friday  
May 30<sup>th</sup>



1409 Franklin Street, Ste 101  
Vancouver, WA 98660  
Phone: 360-823-0423  
Fax: 360-823-0621  
Email: [susana@ccvlp.org](mailto:susana@ccvlp.org)  
[www.ccvlp.org](http://www.ccvlp.org)

	Quantity		
	Brioche Bun	Gluten Free Bread	Total
Turkey with lettuce, cranberry sauce & cream cheese			
Ham with lettuce, Swiss cheese & Dijon mustard spread			
Veggie with lettuce, tomato, cucumber, bell pepper & hummus			
<b>Total</b>			

Lunch will include a sandwich, pasta salad, fruit, treat and a bottle of water.

# of lunches \_\_\_\_\_ @ \$15.00 each = \$ \_\_\_\_\_  
(Check or cash only please. Make check payable to CCVLP.)

We are sorry, we cannot accept credit cards. Please mail forms with payment to Susan Arney at CCVLP, 1409 Franklin Street, Suite 101, Vancouver WA 98660. Orders must be received by Friday, May 30<sup>th</sup>.



# Clark County VOLUNTEER Lawyers Program

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

**SAVE THE DATE: FRIDAY JUNE 6TH.** The CCVLP is having the Box Lunch Fundraiser again this year. You can enjoy a box lunch delivered by those members of the Board of Directors. You may get a flyer and order form delivered to your office (Susan is out walking the streets again!) or you can get the flyer and order form on our website at [www.ccvlp.org](http://www.ccvlp.org). Everyone eats lunch and now you can enjoy lunch and support the Volunteer Lawyers Program. Email me if you have questions.

Thank you for volunteering.

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 MARCH**

#### DIRECT REPRESENTATION

Marlene Hansen, Staney Horak, Terry Lee, Rob Russell, Zach Stoumbos, Jordan Taylor, Todd Trierweiler, Anna Waendelin

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Sidney Dolquist, Marlene Hansen, Jessica Hardy, Jeff Holmes, Katie McGinley

#### FAMILY LAW:

Marlene Hansen, Lincoln Harvey, Scott Horenstein, Terry Lee, James Lutes, Susan Stauffer, Jordan Taylor, Bob Vukanovich

#### GENERAL LAW:

Michael Borge, Zach Stoumbos

#### HOMELESS SHELTER:

Peter Fels, Dustin Kinger, Scott Matthews

#### HOUSING JUSTICE PROJECT:

Tresa Cavanaugh, Ed Dawson, Phil Foster, Scott Matthews, Travis O'Neal, Michael Reid, Bill Robison

#### HOME FORECLOSURE PROJECT:

Michael Reid, Carolyn Simms

#### NON-PARENTAL CUSTODY:

Laura Mancuso

#### Statistics for MARCH

Cases Place for Representation	9	Volunteer Attorney Hours	121.15
Clinic	# of Appts.	Clinic	# of Appts.
Family Law Advice Clinic	12	Family Law Paperwork Clinic	12
Bankruptcy Clinic	4	General Law Clinic	8
Homeless Shelter Clinic	8	Homeless Court Referrals	5
Housing Justice Project Clinic	7	Housing Justice Project Courthouse	7
Home Foreclosure Project	2	Non Parental Custody Clinic	3
Domestic Violence Clinic	5		



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# Be wowed by LexisNexis



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

Lexis Nexis has been providing attorneys with computer assisted legal research for decades. And while many attorneys may know something of its functionality and robustness (it boasts the largest electronic database for legal information in the world) they may not know about some of its newer, super snazzy oh-my-gosh-I-didn't-know-it-could-do-that functions. I recently sat down with Megan Tower-Humphries, LexisNexis Territory Manager, to get the scoop on this CCBA member benefit.

## **How long have you been with LexisNexis and what is your role there?**

I have been a Territory Manager for LexisNexis for a little over 4 years. Wow, time flies! I work with what we call 'Specialized Firms' that contain no more than 50 attorneys as well as state and local government offices in Oregon and SW Washington. My goal is to help firms provide the best possible outcomes for their clients.

I believe that our solutions-research and litigation software products can make a big difference. In addition, now more than ever before, LexisNexis is positioned to provide the best solutions to our clients. So much investment has gone into our newest platform and E-Discovery solutions. I am passionate about understanding how each individual firm works culturally and otherwise. I am so grateful for the legal community here, people are just great, and it makes what I do so enjoyable.

## **Some attorneys-especially newly admitted lawyers or sole practitioners-- might think that Lexis Nexis is something they can't afford. Tell our members about the discounts you offer through the CCBA, and any other cost savings that might be available to them.**

Sure. First of all, the pricing is scalable and completely customized. Our research pricing is based on number of attorneys as well as specific content that is needed. With regard to the Litigation Software tools, it is sold on a per license basis and again is customized and scalable based on firm size.

We have a special package for new law firms-- This package provides firms an opportunity to ramp up their clientele base and build a solid foundation since the first 18 months are at a 75% off reduced rate.

Finally, members of the CCBA are entitled to a 30% discount off of most research packages and 15% off of the Litigation Solutions.

## **For some attorneys, it may have been a while since they last used LexisNexis. What are some of the latest and greatest benefits they are missing out on?**

So much has changed! We have a "Google like" platform called Lexis Advance that is super intuitive and user friendly. In addition we now have other specialized tools for transactional attorneys, litigators, Personal Injury and/or Med Mal Practitioners as well as work flow tools that enhance efficiency such as Lexis for MS Office.

There have been many recent enhancements to software solutions such as CaseMap that help to manage case details as well as discovery, TextMap our deposition tool as well as Concordance for discovery review.

We also have hosted options for these tools. This option is especially helpful when collaborating with many others on discovery or if the case is particularly document intensive.

## **Here is a little information on some of the newer tools:**

**Lexis Advance** - Main Research Platform--Super Intuitive and User Friendly.

**Lexis for MS Office** - Full Integration between Lexis Advance and Microsoft Office (Word and Outlook.) PDF Converter, Analyze an opposing counsel's brief with efficiency, draft briefs with cite check, quote check and TOA insertion. Research Lexis, Web and computer with one click to perform research or pull prior written work. For transactional work, pull from form bank (built in to Word) and find alternative clauses and contracts for drafting help. Much more.

**Medical Navigator** - Combines a Medical Research Pod, Public Records for background checks, Expert Witness Research and Verdicts and Settlements. Pods can be broken out individually.

**Medical Research** - includes thousands of full-text journal articles from Elsevier Science, over 2000 high resolution medical illustrations from ArchieMD 3D Legal Graphics, and First Consult (an authoritative medical encyclopedia from Elsevier Science, written by doctors and nurses for use in

## CCBA MEMBER BENEFITS SPOTLIGHT



hospitals to provide quick, easy to understand background on over 800 medical topics).

**Smartlinx Public Records** - Our public records comprise the most robust database in the legal market with over 35 BILLION public records. Comprehensive person, location and business reports. Unlimited Access and Linking between reports and associated content.

**Verdicts and Settlements** - 900,000+ Verdicts & Settlements--largest collection available.

Including Jury Verdicts NW and ALM-New/archive databases from Jury Verdicts Weekly/VerdictSearch.

**Expert Research** - Vet expert witnesses, providing access to full text testimony and reports, witness challenges (Daubert Reports) and CVs and resumes in addition to graphs and charts representing statistics pertaining to the experts experience as a witness.

**Lexis Practice Advisor** - Transactional tool written by leading practitioners in their fields. Included practical guidance, forms and relevant caselaw, codes and treatise content.

**Litigation Software Solutions** - Case Management Solutions, Trial Presentation Software, Discovery Review Solutions to aid with the complete Litigation workflow.

## **If you had to choose one LexisNexis function as your favorite, what would it be and why?**

Lexis for Microsoft Office for sure. It is innovative and is a huge time saver for attorneys. I also really like our new Medical Navigator tool which is really just for attorneys who have to do medical research.

## **Any success stories you can share?**

Recently I was able to improve a 4 attorney firm's bottom line by aggregating a number of resources they were already paying for in different areas. Additionally, I think they will notice time saving as now they can access all this material in one place. This firm also is able to collaborate on cases seamlessly as they are using CaseMap to store all pertinent discovery (hot documents,) as well link facts to specific issues.

The CCBA would like to thank LexisNexis for generously extending discounts to our members and to Megan for all of her assistance. If you have any questions, call Megan any time at 503-309-5294.

## NEWS YOU CAN USE



**LISA DARCO**  
CCBA Office Manager

Attorneys! Please utilize the Lawyer Referral Service phone number, (360) 695-0599 and NOT the CCBA office phone number for any and all attorney referrals. For those of you unfamiliar with the service, the Southwest Washington Lawyer Referral Service offers reduced cost consultations to those in search of an attorney. The CCBA office does not give any legal advice or attorney referrals. The CCBA website is also an excellent place to direct people who are in search of an attorney. They can search by practice area as well as location. All CCBA members are searchable.

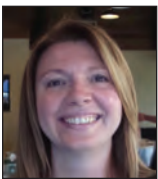
### **New Address:**

Joshua Pops  
1914 Broadway  
Vancouver, WA 98663

### **New Contact information:**

Arin Dunn  
Arin M. Dunn, PS  
arin@arindunn.com

## ATTORNEY BOOKKEEPING TIPS



**EMANUELA SANDRI**  
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### **QUICKBOOKS DISPLAY**

QuickBooks 2013 updated the visual design system, using contemporary standards and principles. In some cases the QuickBooks display can be affected by your Microsoft Windows resolution and font settings. If you are experiencing issues with forms fitting on the screen, icon sizes, fields overwriting and hiding field labels, screen distortions, or font sizes, please see <http://support.quickbooks.intuit.com/support/Articles/INF21133>

In various screens such Write Checks and Enter Credit Card Charges, for more space, hover mouse over each of the two symbols just above the check writing tasks for a description and then try them out.

## LAW LIBRARY NEWS



**MARIA SOSNOWSKI**  
Law Librarian

### **FOR SALE - THROUGH JUNE 2014**

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

1. ....Everybody's Guide to Small Claims Court - NOLO
2. ....Neighbor Law - NOLO
- 3.....8 Ways to Avoid Probate - NOLO
4. ....Every Landlord's Legal Guide - NOLO
5. ....Defending Drinking Drivers (*looseleaf pages plus CD Rom*) - James

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

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*"The lawyer referral service is a great resource for the public and a great source of work for local attorneys. Not every case is a good case but that is the same no matter where the referral comes from. The fee for joining is reasonable and the way I look at it if you get one good case from the service it will probably more than pay your fee for the next 5 years. I have had several good cases from the services during the 6 years I have been a member."*

~Jane Clark

*"The LRS has helped me grow my family law practice, and has increased the number of family law consultations I do. It is a nice way to attract potential new clients."*

~Elizabeth Arwood

## Call Lisa Darco today! 360.695.5975



# UPCOMING EVENTS

MEETING

**May 21, 2014**

Hearsay Committee Meeting  
CCBA Office - Noon

SOCIAL

**May 21, 2014**

Inns of Court  
South Pacific Restaurant - 5:00pm

CLE

**May 29, 2014**

YLS CLE – A View from the Bench  
Thai Orchid - 4:30pm – 5:30pm

CLE

**June 3, 2014**

CLE - Cloud Technology & IOLTA Ethics  
Red Lion at the Quay - 2:00pm - 5:00pm

MEETING

**June 4, 2014**

CCBA Board Meeting  
CCBA Office - Noon

SOCIAL

**June 5, 2014**

YLS Happy Hour  
Location TBD

MEETING

**June 10, 2014**

Superior Court Bench/Bar  
Clark County Courthouse - Noon

CLE

**June 11, 2014**

Nuts & Bolts CLE: Working  
with Medical Experts  
Red Lion at the Quay 3:00pm - 5:00pm

CLE

**June 12, 2014**

Family Law Section Lunch  
Vancouver Hilton - 11:30am

MEETING

**June 18, 2014**

Hearsay Committee Meeting  
CCBA Office - Noon

SOCIAL

**June 18, 2014**

Inns of Court  
Red Lion at the Quay - 5:00pm

## 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 207 CLIENTS IN THE MONTH OF APRIL

Administrative Law .....	14
Bankruptcy .....	5
Business & Corp .....	1
Consumer .....	18
Criminal .....	12
Debtor/Creditor .....	12
Family Law .....	39
General Litigation .....	36
Labor & Employment .....	10
Real Property .....	31
Wills & Trusts .....	21
Worker's Comp .....	7
ADA .....	1



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