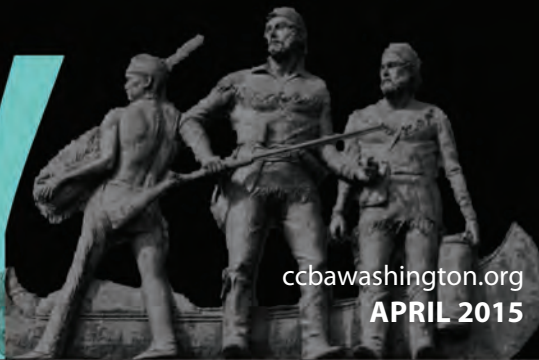


# HEARSAY



ccbawashington.org  
APRIL 2015

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION

## Judge Fairgrieve Takes the Bench

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




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# Magna Carta



**ARIN DUNN**  
CCBA President

*“Magna Carta is a shining symbol of our shared legal heritage and of the rule of law as a foundation for freedom and human rights”*

– William Hubbard

This spring marks the eight hundredth anniversary of the signing of Magna Carta in 1215 AD. At its core, Magna Carta stands for a simple concept: No one, no matter how powerful, is above the law. That idea is the basis for many basic human rights in our country and around the world, including concepts such as due process, habeas corpus, trial by jury, and the right to travel.

As with many groundbreaking laws, Magna Carta emerged during difficult times which allowed their emergence. In not so merry England, King John and his predecessors made executive decisions, which were often arbitrary, claiming the king was above the law. In 1214, King John found himself in a pickle. The French King Philip had taken over much of King John’s ancestral lands in France and King John wanted that land back. To raise an army to fight the French and regain those assets, King John heavily taxed the barons in England which prompted their rebellion. King John also took an oath to become a crusader which provided him with protection from the Church, but that triggered further suspicion among the barons who believed King John’s conversion was intended for political favor.

By May of 1215, the barons were in open rebellion and renounced their feudal ties to King John and marched on the King, forcefully holding London and other major cities. As war brewed, the parties engaged in mediation and prepared Magna Carta upon a single piece of sheepskin parchment that was signed “in the meadow that is called Runnymede.” Some historians argue that neither side intended to honor the Magna Carta, particularly as war broke out a few months later and some armies initially formed for combat were never disbanded during this tense period. Indeed, Pope Innocent III annulled the charter within ten weeks of its issuance and civil war ensued. After King John died during that war, his nine-year-old son was placed on the throne. The barons then regained sufficient leverage to

require the issuance of a series of revised Magna Cartas in 1216, 1217, and 1225. Despite those acts, Magna Carta tended to be forgotten by subsequent monarchs.

In 1297, King Edward I reissued the 1225 charter as part of a deal under which he could assess a new tax. That version of Magna Carta remains in statute today, although most of its articles were repealed. After 1300, Magna Carta was not issued, but instead “confirmed” by English Kings as an exemplary written charter of good governance and recognition of lawful liberties belonging to English subjects. To this day, Magna Carta is often referred to as one of the building blocks upon which the English Constitution is based.

When English colonists arrived in the New World, they bore royal charters that often contained language from Magna Carta and that language was later expanded to become part of the laws in those colonies. In fact, many American colonists took up arms against Britain upon the belief that they were protecting the basic freedoms contained within Magna Carta. To this day, the ideas that no ruler is above the law and basic rights should be protected in written laws remain at the core of our tradition of constitutional governance.

In the United States, Magna Carta remains a celebrated piece of our shared common law legal history and has been cited in at least 170 US Supreme Court cases. Justice Sandra Day O’Conner wrote, “[Magna Carta] has been a crucial influence on the development of the rule of law, first in England and then around the world.” If you can brave the crowds, the only surviving 1297 copy of Magna Carta can be seen at the National Archives in Washington, DC. Magna Carta demonstrates not just how laws may protect fundamental liberty, but also how such change can evolve as a lasting legacy that still shapes us today.

To celebrate the rule of law and the freedoms first protected under Magna Carta eight-hundred years ago, please enjoy Law Day on May 1st. Happy Law Day!



**The Clark County Bar Association Presents a CLE on April 30, 2015**

**The Highs (and Lows) of the Marijuana Business:  
A Civil Lawyer's Guide to the Legalization of Marijuana**

***Presented by:***

***Hon. Bernard Veljacic, Peter Fels, Andrew Wheeler, Jeff Ott,  
Eli Marchbanks, Collin McHugh & Amber Rush***

**April 30, 2015 – 9:00 am to 3:30pm at the Red Lion at the Quay**

4.5 General CLE Credits and 1 Ethics Credit

CCBA members: \$192.50      Non-members: \$247.50      Non-attorneys: \$96.25

**• Continental Breakfast & Lunch Provided •**

---

**The Highs (and Lows) of the Marijuana Business:  
A Civil Lawyer's Guide to the Legalization of Marijuana**

Since Washington legalized marijuana, family, business, and transactional attorneys are faced with new and complex issues that impact the advice and guidance that they offer to clients. In the recent past, any marijuana issues incurred mainly criminal repercussions. Now, with the changed legal landscape, many civil attorneys are faced with questions regarding the *civil* consequences of marijuana manufacturing, production, sale, and use. *Can my client prevent his employees from smoking pot? Can I ethically advise a licensed marijuana manufacturer regarding a lease for warehouse space? Does a parent's marijuana use affect their rights under a parenting plan?*

This full-day CLE hosted by the CCBA will focus on the civil implications of Washington's legalization of marijuana including family law, landlord/tenant law, employment law, and the ethical consequences of representing marijuana businesses. There will also be a short primer on marijuana DUIs for civil lawyers. Continental Breakfast, Lunch (and brownies) will be provided!

Name: \_\_\_\_\_ Bar Number: \_\_\_\_\_

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

**Mail or fax registration with payment to:**

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**Credit card payment can be made at:**

Phone: 360.695.5975

**Pre-payment is preferred.**



**Judge Bernard Veljacic** received his law degree from Seattle University in 1998 and was admitted to the bar that same year. He practiced for 16 years in both the private sector and as a prosecutor until his appointment to the bench in April 2014.

Judge Veljacic is a member of the George and Donald Simpson American Inns of Court and is on the Board of Directors for the Foundation for Vancouver Public Schools. He is a member of the American Judges Association and the Washington State Superior Court Judges Association.



After getting his JD from Oregon Law in 1978, **Peter Fels** practiced at Oregon Legal Services (rural Oregon legal aid) in Ontario and Pendleton from 1979-1992 and 1993-1995. He was a District Court Judge for Umatilla and Morrow counties in 1992. Peter became a member of the Washington Bar in 1994. He moved to Vancouver

in 1995, where he practiced in the firm of STICHMAN HOKE FELS, P.C., emphasizing employment law, civil rights, estate planning and probate until 2001. In 2001 he opened a solo practice as Peter L. Fels, P.C. He still covers the areas of employment law (representing employees only), civil rights, estate planning, probate, and residential real estate issues including boundary disputes and landlord & tenant matters.

Peter is married and has two successful adult children. He enjoys being with his family, working in the family flower and vegetable gardens, cooking and doing volunteer work in the community. Peter currently serves as President of the Board of Directors for SHARE. Peter was named Volunteer of the Year for Volunteer Lawyers Program in 2012 and received a Champion of Justice award from the Campaign for Equal Justice in 2008. For more information about Peter including photos and resume, see [www.fels-law.com](http://www.fels-law.com).



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



**Jeff Ott** is a sole practitioner in Vancouver, WA. He focuses on family law and criminal defense and is experienced with complicated business arbitration and development. Having focused his undergraduate work on anthropology and chemistry and having travelled extensively, he has excellent skills in working with and understanding the often complicated dynamics that

occur within families and business partnerships. He is a graduate of the University of Oregon School of Law and taught courses in medical law and ethics and business law and ethics as an adjunct professor at Pioneer Pacific College.



**Eli Marchbanks** is a northwest native who grew up in a small farming community in Oregon before earning his Bachelor of Science in Political Science from Oregon State University and graduating *Cum Laude* from Gonzaga University School of Law. During law school Eli clerked for the Federal Defenders of Eastern Washington and Idaho defending federal criminal charges, and for the Law Office of Nick Vieth where he worked on civil forfeiture issues. In practice, Eli has focused on business, intellectual property, and consumer law. Eli is a founding member of MRM Law Group. His unique experience of these practice areas has pushed him towards a practice in cannabis regulations compliance. In his free time Eli is active in the American Bar Association where he has been recognized as an Emerging Leader, and plays rock, blues, and soul with his business partner Colin McHugh.



After spending time in many different parts of the world, **Colin McHugh** has landed in Vancouver, Washington as a founding member of the MRM Law Group. Colin has a special place in his heart for Latin America, and this love for the region and its people led him to earn his LL.M. in Latin American and International Law at the University of Texas, after earning his Juris Doctor at Gonzaga University. Colin's travels have introduced him to people all over the world, and this experience has shaped his advocacy to be persuasive, compassionate, and effective. His practice focuses on civil litigation including employment law, business litigation, consumer protection actions, contracts disputes and landlord tenant law.



**Amber Rush** feels right at home in Vancouver, Washington, as she grew up across the river in Portland, Oregon. Amber focuses her practice on business, family law, and cannabis regulations. She is admitted to practice law in the state of Washington, and has recently taken the Oregon bar (with results pending in April 2015). She graduated *Magna Cum Laude* with a Bachelor of Science in Psychology from Portland State University, and *Cum Laude* from Gonzaga University School of Law. Prior to co-founding MRM Law Group, PLLC in Vancouver, Amber has been a trail blazer in unbundled flat-fee family law services. She founded an organization called FLASH, in which law students partnered with attorneys at the Volunteer Lawyer Program to provide legal services for lower income people and was honored as Law Student of the Year by the Spokane County Bar Association. Amber takes an active role in the national legal community through her positions with the American Bar Association, as well as staying active in the local bar associations and events. Amber also enjoys running, crossfit, and hiking around in the great Northwest.

# Judge Fairgrieve Takes the Bench

**SKYLER TANNER**

*Hearsay Special Correspondent*

One possible origin of the surname Fairgrieve is the name given to an even-handed (fair) foreman or overseer (grieve)[1] and we all have confidence that the newest judge to the Clark County bench will fit that description: an even-handed overseer of truth and justice. Judge John Fairgrieve has substantial practice finding fair and just results as a prosecuting attorney, first in Yakima County and for the last 21 years in Clark County.

Judge Fairgrieve grew up in Lodi, California, and attended the University of California, Berkeley, where he focused his studies on economics, political science, and history on a Navy Reserve Officers' Training Corps (ROTC) scholarship. Following in the military footsteps of his grandfathers (one of whom served in the British Royal Engineers and the other of whom served in the U.S. Army, both during World War I) and his father (who served in the Navy in World War II and the Korean War), Judge Fairgrieve was an active officer in the Marine Corps from 1983 until 1990 and was a part of the Marine Corps Reserve until 2013. As an active Marine Corps officer, he was able to learn important skills in management and teamwork that would assist in his legal career. He also was part of a unit that traveled parts of Asia and later climbed Denali as part of a Marine Corps team in 1990. (For more specifics on his military service, please visit <http://www.wsvba.org/washington-state-veterans-bar-association-evaluates-john-fairgrieve-for-clark-county-superior-court-judge>. Judge Fairgrieve did not share this link with us; we had to do the research ourselves.)

Upon resigning his active duty commission, Judge Fairgrieve attended the University of Oregon, School of Law and graduated in 1993. He began law school with an interest in environmental law and criminal law, but, as he learned more about both types of practices and found that one would permit him to practice in a courtroom and the other would not, he decided to focus on criminal law. During the summers between law school classes, he interned with the Clark County Prosecutor's Office, in the Juvenile Division. As an intern during those summers, he started with fervency, trying five cases. Upon graduation and after taking the bar exam, he spent a few months practicing with a small firm—and big responsibility—while waiting for an opening in a prosecutor's office.



Judge Fairgrieve's desire to sit on the bench has developed only recently, as his principal career desire was always to be a litigator. As his career progressed in the Prosecutor's Office and his responsibilities increased accordingly, he became Tony Golik's chief deputy prosecutor when Mr. Golik took office as Clark County Prosecuting Attorney in 2011 (previously, Judge Fairgrieve was Mr. Golik's supervisor). Judge Fairgrieve's new position required him to be even more of a manager, overseeing senior leaders who supervised the office's criminal division, civil division, and office administration, with more focus on policy development. He began to have more high-level communications with judges, the defense bar, and policy makers. He

[1] <http://www.boydhouse.com/alice/Cameron/cameron11fairgrievesscotland.htm>

enjoyed the opportunities presented through this position. This transition in responsibilities also encouraged him to apply for the vacancy left by Judge Nichols. During that application process, Judge Johnson announced her retirement and the Governor's Office contacted Judge Fairgrieve to see if he would be interested in her position as well. Judge Fairgrieve's responsibilities will be to hear family law matters for the first year or two and he is excited for the new challenge.

Judge Fairgrieve's desires to be in the outdoors were one factor in his decision to pursue his military career between his undergraduate and legal education and continue to influence his decisions of how to spend any free time he may have. He enjoys hiking, biking, Nordic skiing, downhill skiing, canoeing, and kayaking, to name just a few outdoor adventures, particularly

when he can do so with his son. He has also been active in organizations and efforts that attend to military veterans and the support they need. He has recently participated in the WSBA Call to Duty initiative (<http://www.wsba.org/Legal-Community/Volunteer-Opportunities/Public-Service-Opportunities/Call-to-Duty-Initiative/Opportunities-to-Serve>) that provides training and many service opportunities. Judge Fairgrieve welcomes these opportunities to provide service to the men and women of the armed forces who support our country.

Judge Fairgrieve's investiture ceremony will occur on April 24, 2015, at 4:00 pm in the Board of County Counsellor's Hearing Room on the 6th floor of the Public Service Center building located at 1300 Franklin Street in Vancouver.



## CCBA CLE Calendar

*Register now for any of our upcoming CLEs.*

### *CLE – Marijuana Law*

April 30, 2015  
9:00am – 4:00pm  
Red Lion at the Quay

### *N&B – Alternative Fees in Litigation*

Paige Spratt & Dayna Christian  
May 13, 2015  
3:00pm – 5:00pm  
Red Lion at the Quay

### *N&B – Mediation in Family Law*

Meredith McKell Graff & Hon. Edwin Poyfair  
June 10, 2015  
3:00pm – 5:00pm  
Red Lion at the Quay

### *N&B – Working with your Medically Related Cases- Personal Injury, Medical Malpractice and Criminal Defense*

Wendy L Votroubek, RN, MPH, CLNC  
November 11, 2015  
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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# CCBA Board Meeting Minutes



**LE ANN LARSON**  
CCBA Secretary

**March 3, 2015**

**Called to order** – 12:00 (Dunn, McLeod, Larson, Sampath, Sleight, Mancuso, Caron) Lisa Darco present

February 3, 2015 Minutes approved w/changes

## **Treasurers Report (SAMPATH)**

Cash position still strong. Revenues up and Expenses largely flat as related to last year. Presented written report.

## **OLD BUSINESS**

**a) Legislative Proposal SHB 1248 (Caron)** Do we as a 501c6 have the authority to engage in political activities, like endorsing a bill? Per Caron other bar associations in the state have weighed in. McLeod says those bars have 501c3 sub organizations. Caron: IRS rules say that so long as political activity is not our organization's primary purpose, then the IRS rules allow us to keep our 501c6. Caron thinks this bill is helpful to civil litigation and would decrease the costs; costs for mandatory arbitration would be made up for by reduced trial costs.

Motion to have CCBA President send Caron's draft letter on behalf of the CCBA board of trustees supporting SHB 1248 (Caron/Mancuso) APPROVED

**b) Proposed General Rule 35 (DUNN)** The rule concerns statewide judicial evaluations. Dunn believes judicial evaluations are beneficial. Dunn has concerns about comparing judges in different counties to one another. Does proposed General Rule 35 dilute our local voice? Issue tabled for the April board meeting.

**c) WSBA President and Exec. Director "Listening Tour"** June 10? (DUNN) Still no firm details. Darco to try to get details.

**d) Getty Images/Gough Creative (DUNN)** Board approves Dunn's proposed contract with the publisher of The Hearsay.

**e) VLP Rep (DARCO)** will be addressed at the March board meeting for the VLP.

## **NEW BUSINESS**

### **a) Barrister's Ball Recap**

- a. Budget – CCBA spent less per ticket this year as far as subsidizing
- b. Feedback—people enjoyed gaming, venue charged a fortune for drinks, significantly less money raised for the VLP

**b) March 9, 2015 General Meeting (DUNN)** Calendar date and attend. Sampath to present budget.

**c) Modification to Candidate Forum Rules (DUNN)** Dunn presents draft rules. Discussion. Will finish this next month once changes are made.

**d) Request for Information on Clark County Bar Attorney Mentoring (DUNN)** Request from WSBA for information about our mentoring program. Dunn will send letter with information.

**e) Website Mod (DARCO)** Website needs programming to fine tune the geographical sort of attorneys "within \_\_\_ miles". \$500 bid for the change to fix the algorithm that determines which attorney names come up. This would not fix the issue for attorneys who have multiple practice areas. Dunn suggests doing away with randomization feature. If this is done, then results will be in alphabetical order.

Adjourn 1:17

*The Clark County Chapter of Washington Women Lawyers  
will be hosting a reception to honor Judge Barbara Johnson*

**Wednesday, April 29, 2015  
from 5-7pm at Cellar 55**

*For more information contact: [wwlsthelens@yahoo.com](mailto:wwlsthelens@yahoo.com)*



# Athleticism on the Ice: CCBA Young Lawyers Enjoy a 3-0 Winterhawks Playoff Win Over the Seattle Thunderbirds.



**COLIN MCHUGH**  
*Hearsay Special Correspondent*

The Young Lawyers Section attended a lively three periods of Game 2 of the WHL playoff series between the Portland Winterhawks and the Seattle Thunderbirds on Sunday, March 29, 2015. With our Winterhawks hats on and Moda Center's finest cuisine in hand, YLS members were elated to be present for a Sunday night display of athleticism on the ice.

Going into the game, Seattle led the series 1-0. However, as the giant television screen reminded the Moda Center crowd several times, the Winterhawks are back-to-back-to-back-to-back (2011-2014) Western Conference Champions. As such, the Hawks were hungry to even the series at 1-1.

The action truly started when the Winterhawk's own Nick "the Screaming Eagle" Petan lasered in a rebound to go up 1-0 against the T-Birds. However, the game remained tight with a scoreless second period. Adin "the Brick Wall" Hill, goalie for the Hawks, earned his first career shutout, with 21 total stops and leaving the Thunderbirds scoreless the entire night. Shot after shot came, as Hill continued to frustrate the T-Birds, silencing every Seattle cry for a goal with zeal.

YLS members were on the edge of their seats, as they were afraid their rivals from the North could easily tie up the score at any moment. However, late in the third period, the Winterhawks sealed the deal with a quick one-two punch. With only two minutes left, Seattle pulled their goalie for an extra attacker, leaving an open net for Dominic "the Ice-assin" Turgeon to simply slide the puck in, putting the Hawks up 2-0. Then, Oliver Bjorkstrand flipped in another goal just twelve seconds later to seal a 3-0 win over the Seattle Thunderbirds.

Some YLS members loved the sports action but said they could have used a little bit more of something that makes hockey so special. "I wish there would have been a fight," said MRM Law Group's Eli Marchbanks, a new member of YLS. The body



checking and back and forth jawing was abundant, between the Hawks and the T-Birds, but it never led to any serious brawls. However, Marchbanks, an Oregon native, was satisfied by the 3-0 route of the visiting Thunderbirds.

Laura Nelson, an associate with Landerholm, P.S., was thrilled that she came to the event. "I'm just so glad Stefanie [Ellis] has worked so hard to put these events together; they are fun, relaxing, and a causal way to meet other young lawyers in the area." Nelson is happy to have made many new friends at these events. She is also often seen at YLS events with her partner in crime, Erin Lambly, also from Landerholm, with whom she sat with and cheered on the victorious Winterhawks.

As the YLS members trickled out of the Moda Center in their Winterhawks gear and a win under their belts, there was something in the air. It must have been the prospect of another Western Conference Championship. Stay tuned to see what happens next with our beloved Hawks.

# SUPERIOR COURT BENCH/BAR COMMITTEE MEETING MINUTES

MARCH 10, 2015



**KAREN CAMPBELL**  
*Hearsay Special Correspondent*

The meeting began shortly after noon. Persons present were Judge Robert Lewis, Ann Christian, Karen Campbell, Curtis Welch, Louis Byrd, Jolene Sell, Emily Sheldrick and Heather Beasley

#### Old Business:

**1. Local Competency Evaluation Panel:** This project has hit another road block. Outside evaluators don't have access to a defendant's prior records and mental health evaluations as Western State Hospital does. Ann contacted Pierce County, which administers a similar program, and learned that the Pierce County jail sends prior evaluations to outside evaluators. Ann is in the process of contacting the Clark County jail and others to try and resolve this problem.

**2. Delay in Western State Competency Evaluations:** No updates.

**3. Readiness Hearings:** No updates. Per Judge Lewis, parties are still declaring ready for trial and then not going forward as planned. For the first two months of 2015, 43% of the jury panels summoned have not been used. This is costing money for unused jury panels.

**4. Indigent Defense Contracts:** Involuntary Treatment Act defense will be provided under contract by Maggie Smith Evansen and Lori Volkman.

**5. Mock Trial:** The competition was a success and a fantastic experience for the students in our community. There were plenty of raters and judges. The teams did well and some advanced to the state level of competition.

#### NEW BUSINESS

**1. Judge Vanderwood** was sworn in on February 27, 2015 to Department 3. Judge Vanderwood will take over the Department 6 criminal cases. The person selected to fill Department 6, upon Judge Johnson's retirement the end of March, will be assigned to the family law rotation. Judge Rulli was chosen as the new Presiding Judge and Judge Collier as Assistant Presiding Judge.

**2. Per Emily Sheldrick,** Scott Weber is interested in Clark County adopting the use of scheduling orders in civil cases similar to those used in King County. Emily will contact Scott to get more details. Judge Lewis stated that he believed Judge Gregerson and perhaps Judge Veljacic were working on the issue or had expressed interest in pursuing the matter further.

The next bench/bar meeting will be held on April 14, 2015 at 12:00 p.m.

Respectfully submitted,  
Karen Campbell

**Advertise in next month's HEARSAY**  
**Call Lisa Darco at 360.695.5975 for rates and availability.**



*The Clark County Bar Association Presents a Nuts & Bolts CLE*

*May 13, 2015*

**Alternative Fees in Litigation**

*Presented by:*

*Dayna Christian and Paige Spratt*

**May 13, 2015 – 3:00 pm to 5:00pm at the Red Lion at the Quay**

2 General CLE Credits

CCBA members: \$50.00    Non-members: \$70.00    Non-attorneys: \$25.00

• **Snacks and stimulating conversation provided** •

---

## **Alternative Fees in Litigation**

The CLE will primarily focus around cost savings techniques for litigation before a dispute arises through after litigation has commenced, including the following topics (1) determining when arbitration is cost effective, (2) arbitration clauses, (3) arbitration and mediation service options, (4) alternative fee arrangements, (5) limited scope representation, and (6) the ethical considerations of alternative fee and limited scope representation.

Name: \_\_\_\_\_ Bar Number: \_\_\_\_\_

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**Pre-payment is preferred.**



**Paige Spratt:** Before attending law school, Paige worked for The Boeing Company as a Construction Manager. After law school, Paige went to work for a construction law firm in Seattle, Washington, focusing on construction disputes and claims. Currently, at Immix Law Group, Paige works both as a transactional attorney and litigator. She finds that her courtroom experience is valuable when advising clients on deals and contract terms. Paige has experience in a variety of cases, including construction contract disputes, lien foreclosures, tort claims, fraud, consumer protection, public contracting, Uniform Commercial Code issues, employment disputes, and corporate dissolutions to name a few. She has participated in complex disputes for large and small business owners and helped finalize multi-million dollar transactions.

For a complete bio on Paige, please visit: <http://immixlaw.com/paige-spratt/>

**Dayna J. Christian:** Corporate Counsel/Attorney Dayna Christian is an experienced trial attorney with more than 70 cases tried to verdict. She is a litigator specializing in corporate litigation. Her practice focuses on litigation in the fields of intellectual property, contract disputes, fraud and fiduciary duty breach, employment disputes, corporate divorce, and shareholder disputes. In over 15 years of practice, Dayna has litigated complex commercial and intellectual property disputes in state and federal courts, before arbitrators, in government administrative hearings, and on appeal. She also counsels clients on business strategy, intellectual property portfolio development and management, and sound business practices designed to avoid litigation. She believes that litigation is not in the best interests of any business, but at times, is unavoidable.



For complete bio, please visit: <http://immixlaw.com/dayna-j-christian/>

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# CLE RECAP: Get to the Point!

## HEARSAY STAFF

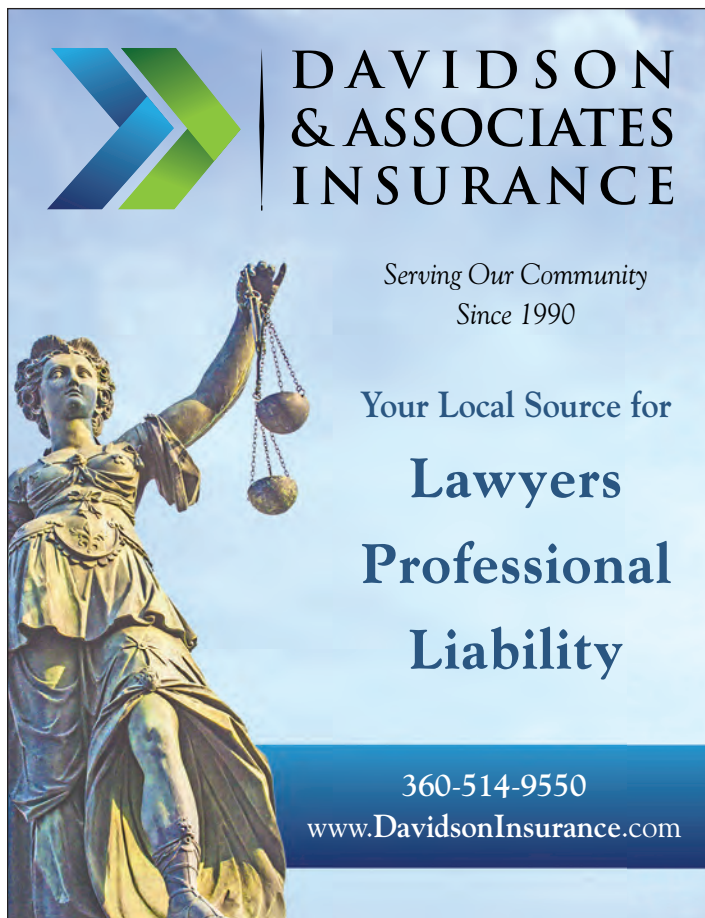
On March 9th, the CCBA presented a CLE by Jeff Williams, professional speaker and trainer. A former radio announcer and television host, Jeff now spends his time training professionals how to speak to professionals.

Jeff explained that in a presentation the biggest challenge for professionals is battling the 5000-plus messages we are inundated with every day. “It is becoming increasingly hard to be heard and remembered when we are being bombarded with so much information,” Jeff explained. Our weapon? . . . Get to the point.

Jeff emphasized that the POINT is the reason for everything we say—the beginning, the ending and everything in between. A preacher can determine if he did a good job if after his sermon, when he is shaking hands with people, folks don’t just say “good sermon,” rather they know the point. Thus everything we say must be simple, clear and must relate back to the point.

To this end, Jeff outlined a list of helpful tips for getting to and staying on point.

- Remove the clichés. They take up time and are distracting.
- Repeat the point again and again throughout your presentation.
- Make the point easy for the listeners to take with them. Make it short. Make it alliterative. Package it so people can easily take it with them and share it with others.
- Your point should be able to be summarized in 5-7 words (3-5 is better). the words you use need to be clear and concise and communicate exactly what you need to say
- People need to hear you—so remove barriers that may prevent that from happening (for example, a podium, etc.)
- Use the verbiage the audience uses so they feel you are connecting with them. (That said, if you are not an insider in the industry- don’t try to sound like something you are not).




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- If you use slides, use text sparingly.
- Make sure your microphones work BEFORE you go on. “Can you hear me now? Can you hear me now?” is not part of your point.
- Be prepared for your audience by knowing why you were invited to speak and what their expectation is.
- Bet there early so you can learn the names and faces of some folks as they enter. This will help you feel more comfortable as you are speaking.
- Get to the point right away.
- Know how long you have and stay within your time constraints.
- Don’t eat before you speak. Your body will be using needed energy to digest food rather than helping you focus. It’s best to eat at least an hour before you present.
- Have water handy.
- If you are using props or technology, test everything out beforehand to make sure it is working properly.
- Get a sense of the room. What’s the backdrop, how are the acoustics, what is the set up. Get a sense of how big or small you are going to appear to the people in the seats.
- Memorize your first 3 lines. So that you start strong. You should also get right to the point within those first 3 lines.
- Use deep breaths to establish your rhythm. It takes stamina to speak for a long period of time. Breathing makes prevents you from becoming worn out.
- Begin with a bold statement. Create attention so people will want to listen to you.
- Remember its good to be nervous—that means you care.
- Give yourself sufficient time to prepare. Preparation reduces both anxiety and regrets at the end.
- Smile!
- Eliminate clutter, like clichés such as “long story short. . .the bottom line is. . .in my mind. . .” These are distracting.
- Slow down! Remember Paul Harvey? He made a name for himself by making each word golden.
- Don’t apologize for anything. People don’t care about your cold, just get to the point.
- Take any criticism with a smile and with thanks—generally criticism is meant to be helpful.
- Don’t beat yourself up after you speak with “I should haves.” This is a learning experience.
- Remember, they might not remember you, but if done well, they will remember your point.

## Community Representatives Sought for Law-Related Boards and Council

The Washington State Bar Association seeks members of the public to serve on three boards and one council for terms beginning October 1, 2015. Serving on a WSBA board or council is an excellent opportunity to get an insider’s view on how the practice of law is regulated in Washington State. Applications are being accepted through May 1.

This year the WSBA will appoint (or, in some cases, recommend to the state Supreme Court) Community Representatives to the following boards:

### **Character and Fitness Board**

The Character and Fitness Board deals with matters of character and fitness bearing on qualifications of applicants for admission to practice law in Washington. The Board conducts hearings on the admission of any applicant referred to it for hearing, considers petitions for reinstatement after disbarment, and makes recommendations to the Board of Governors and Supreme Court regarding admission and reinstatement. Hearings generally are held every month. Appointment is for a three-year term.

### **Council on Public Defense**

The Council on Public Defense addresses concerns about the quality of indigent defense services in Washington State. Appointment is for a two-year term.

### **Lawyers’ Fund for Client Protection Board**

The Lawyers’ Fund for Client Protection Board compensates clients who have suffered a direct financial loss caused by the dishonest conduct of a lawyer in connection with the practice of law. The Fund is funded by an annual assessment of members of the WSBA by order of the Washington State Supreme Court. Appointment is for a three-year term.

### **Limited License Legal Technician Board**

The Limited License Legal Technician Board authorizes non-attorneys who meet certain educational requirements to advise and assist clients on specific areas of law. Licensing of LLLTs will begin soon. Appointment is for a three-year term.

If you would like to be considered for any of these openings, please complete the application by following the instructions posted here: <http://tinyurl.com/WSBACommMem>. Previous applicants should re-apply as applications expire after one year.

*For further information about each board, contact the staff liaison listed on the web page linked to above. If you have questions about the application process, email [barleaders@wsba.org](mailto:barleaders@wsba.org) or call Pam Inglesby at 206-727-8226.*

# The CCBA welcomes MRM Law Group PLLC to the Couve



**DON JACOBS**

*Hearsay Special Correspondent*



If you haven't met these folks yet you are probably in the minority. The lawyers who make up this new law firm, Eli Marchbanks, Amber Rush and Colin McHugh are fresh faces in town, but they've been making the rounds, knocking on doors and doing everything they can to integrate themselves into the legal community. All three graduated from Gonzaga, Eli and Amber in 2014 and Colin in 2013. All three had jobs in Spokane during law school and for a short time thereafter. On a personal note, Colin speaks Spanish fluently and after law school went on to obtain an LLM in International Law with an emphasis on Latin America from the University of Texas. Although the LLM hasn't seen much use here, his Spanish skills have been a plus, especially on employment law cases. Amber grew up in a family of lawyers with her mom and dad still practicing in Portland. Eli was a firefighter not too long ago and both he and Colin are musicians. In fact, they formed a rock and roll band in law school, "The Ole Smoke" which Amber had the unenviable task of managing.

When their employment situations turned out to be less than what they'd hoped for in Spokane, the three former classmates and study partners decided to move to Vancouver and start fresh. Which is pretty courageous, since they have limited community contacts here. But that didn't seem to hold them back. These three have been wearing out shoe leather and cell

phone batteries contacting just about every law firm in town meeting with people and asking for referrals. They've also joined Inns of Court, the CCBA and become active with the Young Lawyers Division. Their energy, determination and persistence is beginning to pay off. When they first came to town they all worked out of a rented condo they also used for a residence. Keeping the overhead low! Smart! Their caseload grew and so did the workload. Now they've rented space for the firm at the Commerce Center at 8th and Main. Amber has been doing a lot of domestic relations and Colin and Eli have been working on employment and general civil litigation files. All three have been handling some small business disputes as well. And both Amber and Eli sat for the Oregon bar last month. So it looks like these three are on their way to making a go of it. Their website is up and running at [www.mrmlawgroup.com](http://www.mrmlawgroup.com) and the phones are ringing. Along with their infectious energy, these lawyers are gracious and have exhibited some class. All three asked me to thank everyone for all the help and support tossed their way. They've found our legal community to be welcoming and generous with advice. So if you happen to see these three young attorneys traipsing around town, say hello and welcome them to the Couve. Or, you can send a congratulatory email to Colin at [colin@mrmlawgroup.com](mailto:colin@mrmlawgroup.com), Amber at [amber@mrmlawgroup.com](mailto:amber@mrmlawgroup.com) and Eli at [eli@memlawgroup.com](mailto:eli@memlawgroup.com).

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

# Oregon Improves their Auto Insurance Rules



**JESSE JACOBS**

*Hearsay Special Correspondent*

Good news from Oregon. All that time those persistent Oregon Trial Lawyers, including my father (Don Jacobs, regular flosser), spent testifying in the Oregon State Capitol finally paid off. Governor Kate Brown recently signed a law that, effective 01/01/2016, will require Under-Insured/Uninsured Motorists (UIM/UM) insurance stacking and apply the “made-whole” rule to Personal Injury Protection (PIP) carrier reimbursement.

Pursuant to the new law, the Oregon minimum of \$25,000 in liability insurance and \$25,000 in UIM/UM will “stack” on top of each other, for a total of \$50,000 in available funds for auto-injury compensation, instead of just capping out at \$25,000; and the new “made-whole” rule will require full compensation for both economic and noneconomic damages before the PIP car-

rier has a right of reimbursement, not just economics as before. The news gets even better; PIP benefits for medical care will be extended from a paltry one year to two.

There are, naturally, still a few wrinkles. The new “made whole” rule only applies to PIP and not other forms of insurance, like health coverage (Washington applies the “made-whole” rule to both via *Brown v. Snohomish County Physicians Corp.*); and, in most cases, PIP carriers are still not made to share in the cost of litigation their insured incurred in getting the money, as *Mahler v. Szucs* established in Washington. That being said, this is a huge step forward for Oregon insurance consumers. The law applies to all policies purchased or renewed after January 1, 2016.



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# The State of the CCBA: Report of the General Meeting



**HEATHER J. NORTON**

*Hearsay Special Correspondent*

On March 9th, CCBA members met at the Red Lion for a delightful buffet of creamy pesto chicken, lasagna, and an antipasto bar. . . oh, and to hear a report of the status of the organization. CCBA president Arin Dunn conducted the meeting.

## FINANCIAL REPORT

CCBA treasurer, Mark Sampath, presented a financial report, noting that as a whole, he was very happy with the organization's YTD financial performance relative to last year. He reminded folks that year over year comparisons are difficult, since the prior 2 years should be combined and averaged out due to some revenue and expense matching issues. When it comes to dues, the CCBA is \$5,500 ahead of YTD estimates versus the full year budget. Barrister's Ball revenues were ahead of target with expenses significantly better than budgeted. Lawyer referral dues were almost double our budget. All expenses are relatively flat year over year. As such, the CCBA has a YTD net income of \$36,149. However, as revenues tend to be front loaded, with expenses continuing throughout the year, the overall net income will continue to be whittled away through the end of the fiscal year.

Some attendees wondered if there would be any discussion regarding the increased cost of the Barristers Ball. The cost of this year's ball saw a sizeable increase from \$35 to \$70 per person, and some have expressed concern that the price increase prevented some from attending. Mark explained "the reality is that even after the cost increase, the CCBA still loses money on the Barristers Ball. Right now, we are trying to get our financial house in order." He reported that the Barristers Ball was well attended despite the increased cost. It was Mark's personal opinion that the CCBA should not continue to highly subsidize the event. However, he indicated that the board would take the issue under advisement.

Arin Dunn added that several years ago, the organization was heading toward bankruptcy, but that we have successfully turned that around. He reported that our membership is at an all time high and added that our primary goal right now is to improve our financial stability. As an example, he cited saving money on judicial polls. Polls once cost the CCBA an estimated \$300 in postage, \$200 in supplies, and 15-20 hours of staff time per poll. By adapting an electronic poll we have lowered total costs to under \$200 for the entire year. Arin also explained that the current objectives of the CCBA are to 1) keep the organization in the black, and 2) increase value to membership by being creative and meeting diverse needs.

## FAMILY LAW SECTION

Family Law Section President Rob Milesnick, proudly shared that the CCBA Family Law Section offers some of the most valuable and cost effective CLEs in the state. Once each month the section draws between 50-60 at their monthly luncheon/CLE at the Vancouver, Hilton. The cost is only \$35 for lunch and the CLE (for members). Section dues are \$25 per year. They are considering expanding their board membership.

Arin Dunn encouraged CCBA members to consider any subsections within their practice areas that they might like to establish. He added that sections are required to meet their own expenses and pay for their own functions.

## YOUNG LAWYERS SECTION

Young Lawyers President Matt Blum, welcomed anyone who would like to join their section which is open to attorneys who have been licensed for 5 years or less, or are under age 35 (which ever comes last). Section members meet once per month. Last month, the crew took in a Blazer's game. Next month features a CLE on March 26th. To get involved, simply contact Matt or friend the section on Facebook.

## CLE COMMITTEE

Paige Spratt announced upcoming CLEs, as follows:

- **CLE**  
The Highs (and lows) of the Marijuana Business:  
A Civil Lawyers Guide to the Legalization of Marijuana  
April 30, 2015  
9:00am – 4:00pm  
Red Lion at the Quay
- **NUTS & BOLTS CLE**  
Alternative Fees in Litigation  
Paige Spratt & Dayna Christian  
May 13, 2015  
3:00pm – 5:00pm  
Red Lion at the Quay
- **NUTS & BOLTS CLE**  
Mediation in Family Law  
Meredith McKell Graff & Hon. Edwin Poyfair  
June 10, 2015  
3:00pm – 5:00pm  
Red Lion at the Quay

• **NUTS & BOLTS CLE**

Working with your Medically Related Cases- Personal Injury,  
 Medical Malpractice and Criminal Defense  
 Wendy L Votroubek, RN, MPH, CLNC  
 November 11, 2015  
 3:00pm – 5:00pm  
 Red Lion at the Quay

CLEs remain a great value for CCBA members. Nuts and Bolts CLEs are \$50 for members. This includes 2 CLE credits and a light buffet. General CLEs are \$35 per credit hour for members. The CLE committee is seeking a speaker for the May “Nuts and Bolts” CLE, so Paige issued a call to any interested parties.

**HEARSAY**

Don Jacobs, Hearsay committee chair, reported on the undertakings

of his committee, which is responsible for the monthly magazine for which the CCBA has proudly become known. Last year, Hearsay generated about \$5000 in advertising money, making it the number 4 source of revenue for the organization. The committee meets the third Tuesday of each month at 12:00 in the CCBA conference room. Together, the volunteers brainstorm ideas for articles and each member makes article contributions for the CCBA readership. Given that the committee is entirely staffed by volunteers, Don invited anyone who was interested to join in the fun, adding that the committee “. . .strives for 100% accuracy, 80% of the time.” Even if folks are not able to come to regular monthly meetings, the committee still welcomes participation as often as folks are able to contribute. Additionally, if you are not interested in serving on the committee, but have an article that would be of interest to our members, the committee welcomes those. Articles can be submitted to CCBA manager, Lisa Darco.

# CCBA Golf Tournament

**When:** Friday, May 22, 2015 Shotgun Start at 1:00pm  
**Where:** Camas Meadows

**Format:** Four-Person Scramble with team competition. Teams to be placed in flights.

**Cost:** \$350.00 per team (\$90.00 per person) which includes green fees, golf cart, and dinner.)

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

**Dinner:** Dinner will be served at 6:30pm. If you can't join us for golf, join us for dinner! \$30.00 per person for dinner.

**Teams:** Arrange your teams now!

**Please enter me/us in the 2015 Clark County Bar Association Golf Tournament. Indicate handicap or average score for 18 holes for each golfer.**

Name(Captain)    Score/Handicap	Name(Captain)    Score/Handicap
Name(Captain)    Score/Handicap	Name(Captain)    Score/Handicap

**Entries must be received by Friday, May 8, 2015**

*Please return this form with payment to: CCBA ~ 500 W. 8th Street, Suite 65 ~ Vancouver, WA 98660*

*Questions contact Doug Whitlock: 699-4450*

# Hearsay Profile

## Christina Phelan



**Home:** Born and raised in Vancouver and currently living in Portland. Bay Area, L.A., Boston, and New York City in between.

**Age:** 30

**Profession:** Adult and juvenile criminal defense attorney at Phelan Law Office

**Hobby:** Playing and watching basketball (go Blazers!), playing volleyball, hiking, watching terrible reality TV, and eating all of the delicious food Portland and Vancouver have to offer.

**Last Book Read:** Clutch by Paul Sullivan

**Legal Philosophy:** To treat clients with respect and compassion, to fight zealously to protect clients'

rights, and to be prepared and knowledgeable on every case.

**Latest Accomplishment:** Winning the CCBA Rising Star award, of course!

**Why I Do What I Do:** There is never a dull moment in criminal defense law...

**Profile:** Christina graduated magna cum laude from Santa Clara University where she majored in Political Science and minored in History and Italian. Christina attended law school at Boston University. At BU, Christina was an editor of the Law Review and worked in the Criminal Clinic in Boston Municipal Court. She graduated from law school cum laude in 2012, and then returned to the Pacific Northwest because Boston was really cold and had awful Mexican food. Prior to joining the Phelan Law Office, she worked in the Multnomah Juvenile Defense Consortium for Alan Karpinski PC, and she interned in the Federal District Court of the Central District of California and at Brooklyn Legal Aid Society. Christina currently volunteers with Big Brothers Big Sisters and serves on the alumni board of Central Catholic High School.

**Beverage of Choice:** Coffee, diet coke, coffee, vodka sodas. And coffee.

# Clark County VOLUNTEER Lawyers Program

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

Spring is here and we are in fund raising mode again. We are having our Box Lunch fund raiser this year. We are trying a new caterer and anticipate it will be a great lunch. Watch your mail box for the flyer and the order form. Remember it is the Board of Directors and volunteers who will be delivering your lunch. Order lots of box lunches and support the Volunteer Lawyers Program. If you can't buy a box lunch, consider a donation. Everything helps us keep the program operating.

Susan

**MANY THANKS TO ALL THE ATTORNEYS AND PARALEGALS WHO STAFFED THE ADVICE CLINICS, HOMELESS CLINICS, PROVIDED REPRESENTATION, AND VOLUNTEERED IN THE HOMELESS COURT IN THE MONTH OF FEBRUARY**

#### DIRECT REPRESENTATION

Carolyn Drew, Stanley Horak, Victoria Kesala, Rob Russell, Jordan Taylor, Todd Trierweiler, Anna Waendelin

#### YWCA SAFECHOICE DV CLINIC:

Sidney Dolquist, Marlene Hansen, Jessica Hardy, Jeff Holmes, John Vomacka

#### FAMILY LAW:

Lou Byrd, Brandon Campbell, Ed Dawson, Tanya Green, Marlene Hansen, Lincoln Harvey, Lisa Olson, Jordan Taylor

#### GENERAL LAW:

Zach Stoumbos

#### HOMELESS COURT

Nick Alexander, Chuck Buckley, Heather Carroll, Rick Dyer, Todd George, Grant Hansen, Diane Sweet

#### HOMELESS SHELTER:

Peter Fels

#### HOUSING JUSTICE PROJECT:

Gideon Caron, Ed Dawson, Paul Judd, Michael Reid

#### Statistics for February

Cases Place for Representation	7	Volunteer Attorney Hours	185.95
Clinic	# of Apts.	Clinic	# of Apts.
Family Law Advice Clinic	25	Spanish Family Law Clinic	0
Bankruptcy Clinic	0	General Law Clinic	3
Homeless Shelter Clinic	4	Homeless Court Referrals	3
Housing Justice Project Clinic	5	Housing Justice Project Courthouse	9
YWCA Domestic Violence Family Law	4	Non-Parental Custody Clinic	0

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## NEWS YOU CAN USE



**LISA DARCO**  
CCBA Office Manager

A note from Jill Karmy - WSBA Governor District 3: "The Washington State Supreme Court met last week and adopted proposed APR 11. This is the rule outlining Washington's MCLE requirement. Of note, effective January 1, 2016, there will no longer be a live MCLE credit requirement for Washington lawyers, and there is an expansion of topics that are now covered, including professional development and personal development (like well-being and stress management)."

## ATTORNEY BOOKKEEPING TIPS



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### QUICKBOOKS — FONT CHANGE IN REPORT DISPLAYED ON SCREEN

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1. With the mouse, point to the element whose font you want to change. Click the right mouse button. For example, click your company name to change its font.
2. Select the font, font style, and size you want.
3. Click OK.
4. Click yes if you want your new font selection to apply to all the other elements in the report.

*Note: If this report is a memorized report, rememorize report to save changes.*

## 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**

## LAW LIBRARY NEWS



**MARIA SOSNOWSKI**  
Law Librarian

### FOR SALE IN THE LAW LIBRARY

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

1. **Washington Business Law, Wa Practice v. 31, 2013**
2. **Truth in Lending, NCLC, 2012**
3. **Price on Contemporary Estate Planning, 2013**
4. **Social Security, Medicare & Gov Pensions, NOLO, 19th ed.**
5. **Make Your Own Living Trust, NOLO, 11th ed.**
6. **Benders Forms of Discovery set, 34 volumes, last updated 2007. Set has questions to ask in discovery on a wide range of topics.**

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

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# UPCOMING EVENTS

MEETING

**April 21, 2015**

Hearsay Committee Meeting  
CCBA Office Noon - 1:00pm

SOCIAL

**April 22, 2015**

New Attorney Swearing In Ceremony  
Clark County Courthouse - 4:00pm

CLE

**April 30, 2015**

CLE: The Highs (and Lows)  
of the Marijuana Business  
Red Lion at the Quay 9:00am - 4:00pm

CLE

**April 30, 2015**

Young Lawyers Section Happy Hour & CLE  
South Pacific Rum Bar & Grill - 5:00pm

MEETING

**May 6, 2015**

CCBA Board Meeting  
CCBA Office Noon - 1:00pm

MEETING

**May 12, 2015**

Superior Court Bench/Bar  
Clark County Courthouse (Judge Van-  
derwood's Jury Room) - Noon

CLE

**May 13, 2015**

Nuts & Bolts CLE: Fundamentals of a  
Soft Tissue Injury Case  
Red Lion at the Quay 3:00pm - 5:00pm

MEETING

**May 14, 2015**

Family Law Section Lunch & CLE  
Vancouver Hilton 11:30am - 1:00pm

MEETING

**May 19, 2015**

Hearsay Committee Meeting  
CCBA Office Noon - 1:00pm

CLE

**May 20, 2015**

Inns of Court  
South Pacific Rum Bar & Grill  
5:00pm - 6:30pm

SOCIAL

**May 22, 2015**

CCBA Golf Tournament  
Camas Meadows - 1:00pm  
CCBA Office Noon - 1:00pm

## SW WASHINGTON LAWYER REFERRAL SERVICE

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

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

### THE SWLRS REFERRED 239 CLIENTS IN THE MONTH OF MARCH

Administrative Law .....	10
Bankruptcy .....	2
Business & Corporate .....	9
Consumer .....	24
Criminal .....	12
Debtor/Creditor .....	13
Family Law .....	52
General Litigation .....	49
Labor & Employment .....	17
Real Property .....	27
Taxation .....	1
Wills & Trusts .....	18
Worker's Comp .....	3
International Law .....	2



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**Clark County Bar Association**  
**Golf Tournament**  
**Sponsorship Opportunity!**

Sponsorships are available for \$250.00 per hole and includes your name on the GPS Scoring system and the opportunity to display signage and/or personally promote your business on the tee box.

The tournament is Friday, May 22, 2015 at Camas Meadows Golf Club

Sponsorship payment can be made directly to the CCBA  
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~ Donald Keough

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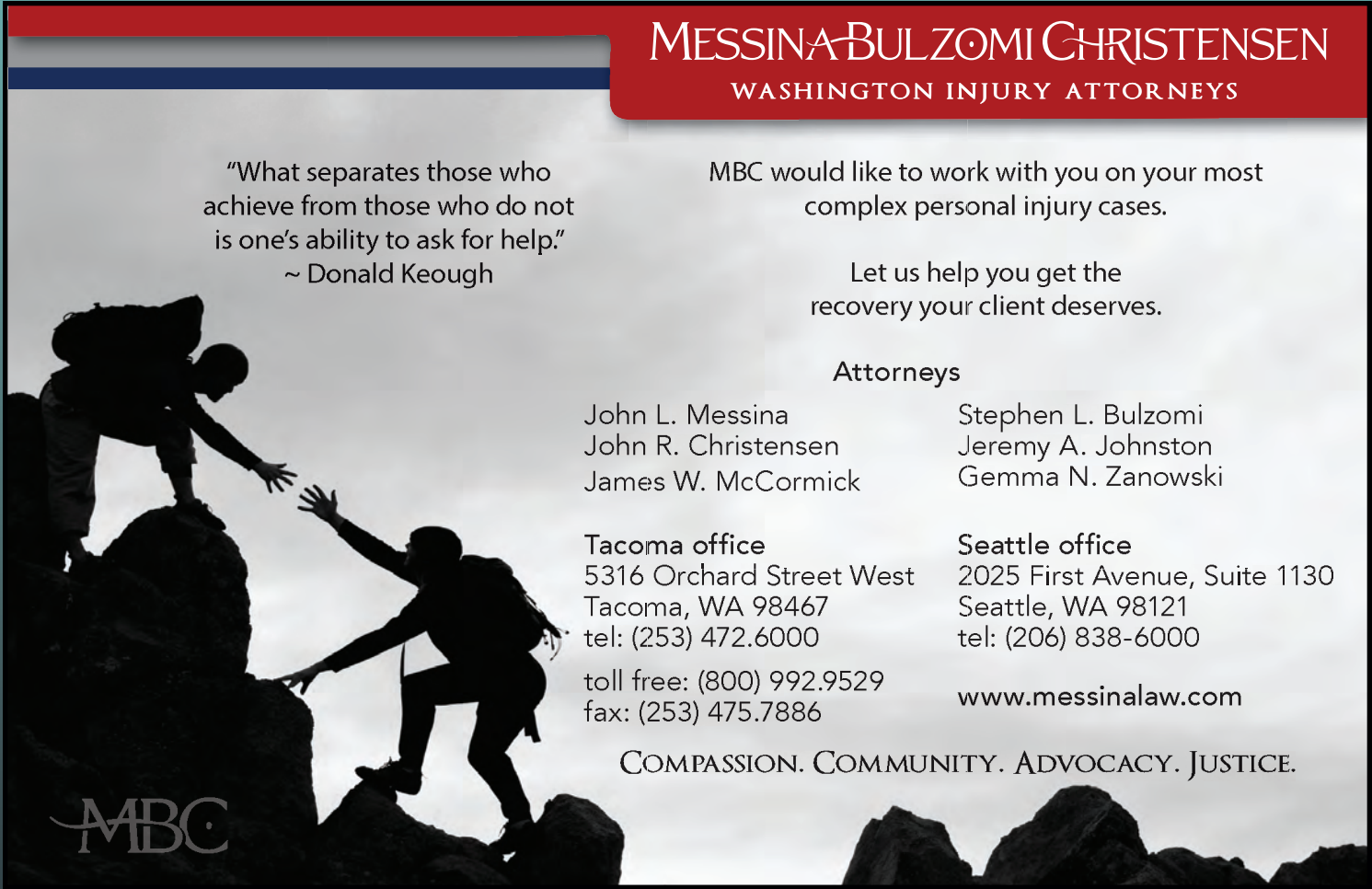
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