

# HEARSAY



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NOVEMBER 2016

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION



## Bowling with the Judges

page 5



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An annual "green" subscription is included with annual membership dues. Members may purchase a hardcopy subscription for \$48.00. Letters, news items, upcoming events and announcements are welcome. Articles by members are accepted. Submissions should be presented in Microsoft Word and may be edited for length, clarity and style. Submissions by members are published at the editor's discretion and space available. Views expressed in articles represent the authors' opinions, not necessarily the CCBA's. The publication does not purport to offer legal advice.

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

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Failure to treat infection.....	\$4.0 million
Failure to diagnose breast cancer.....	\$1.0 million
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Trampoline accident .....	\$1.0 million
Partial blindness in one eye .....	\$850,000
Failure to diagnose GCA .....	\$1.75 million
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*Save the Date!*

*February 25, 2016 for*

*The CCBA's 2017*

*Barrister's Ball*

*to be held at*

*Warehouse '23*



# We are all in this together...



**CHAD SLEIGHT**  
*CCBA President*

Let me first say how enjoyable my first two months as your CCBA president have been. It is hard to believe how many fun and cool things have taken place, and how many of you I have gotten the chance to meet with, talk to, and get to know better. Even though Vancouver/Clark County has one of the higher-populated metro areas in our state, practicing law here still has that small-town feel and there is a real sense of community between the attorneys that make up our local bar. The below list of recent events illustrate what a great time it is to be an attorney (and CCBA member):

- The Battle of the Bands (attorney-style) entertained us at Brickhouse on September 8th.
- The CCBA golf tournament that took place on September 9th (Nichols, Senescu, Mayhew, and Brandenburg were victorious yet again).
- The Old Lawyers played the Young Lawyers in softball on September 11th (even though the young lawyers lost, they played hard and put up a great fight; and with the Cubs winning the World Series, I feel like that could be a good omen for the young lawyers for next year).
- The Donald J. Simpson Inns of Court kicked off their 2016/17 season on September 21st at Feral Public House
- A new group of attorneys got sworn in by Judge Rulli on September 29th.
- We had a Happy Hour at Top Shelf (thank you again so much Jean McCoy and the Landerholm firm for sponsoring!) on October 5th.
- The 3rd annual Bowling with the Judges on October 20th at Big Al's was a huge success (thank you to Don and Jesse Jacobs for sponsoring; and congratulations to Judge Gregerson's team for bringing home the trophy).
- The Young Lawyers had their monthly CLE/Social Hour on October 27th (I was honored and humbled to be their speaker).
- Andrew Wheeler (and his young associate/Jedi Alex Uskoski) put on a DUI CLE at Warehouse 23 on November 9th that

had most of the defense bar in attendance and on the edge of their seats.

In addition to increasing and promoting CCBA events, one of my goals during my term as president is to talk to as many of our members (and non-members) about their law practices. I think we will find that if we get to know each other as people, we will see that we have a lot more in common that we might sometimes think. Those who run their own practices or are partners in a firm share the same worries about limiting overhead, getting and keeping good staff, marketing themselves using technology (Google, Avvo, social media), adjusting to the ever-changing legal environment (Legal Zoom, Limited License Practitioners), knowing the right time to hire an associate, maintaining an accurate trust account, maintaining a work-life balance, and doing all of the other day-to-day tasks that are required to run a law firm. I think that owning your own business can accurately be described by those that do it as both the best thing there is, and the worst thing you can ever imagine.

For young lawyers in the first few years of practice, they share the worries about building a client base, gaining a solid reputation among judges and other attorneys, making large student loan payments, finding what type of law they really want to practice and learning if they can afford to do it, finding good mentors who they can bounce ideas off and ask questions of (I think we would all agree that there are fewer associate attorney positions in town and many young lawyers are forced to hang their own shingle even when they may not want to), etc.

The best piece of advice I was ever given about the practice of law here in Clark County was by Jeff Barrar in 2002. He told me to treat every person involved in the court system (fellow attorneys, clerks, custody officers, security staff) with the same respect that you would show a judge . . . and to treat the judicial assistants even better than that! I believe that most of us strive to do that every day, but we can always try harder and do better.

Please come to the Bar events, join Inns of Court, come to the happy/social hours, seek out younger attorneys and help them in any way you can, go to coffee/lunch with colleagues, and let us continue to build a stronger legal community.





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# Bowling with the Judges Turns Three



**JESSE JACOBS**  
*Hearsay Special Correspondent*

Congratulations to Judge Gregerson's team and huge thanks to everyone that came out to make the Third Annual "Bowling with the Judges" a great success. Bowling with the Judges is intended to bring the finest set of judges and attorneys anywhere closer as a legal community, with the nice bonus of bragging rights.



The event started out in usual style with a pizza and cookie bar, which was tastefully adorned with a salad. Silence fell upon the room as the pizza greased our bowling fingers, and as both football and baseball games glared on televisions above. But this was no time for such trivialities, we had to bowl.

Judges Gonzales, Lewis, Gregerson, Osler, Vanderwood; and Commissioners George and Parcher all rounded our all-star

group from the bench. CCBA members ranged in skill from "all-pro" to "gutter-ball specialists," as exemplified by your intrepid reporter and fellow teammate who we'll just call "Jean."



Judge Lewis readies his team for battle as our County Clerk, Scott Weber, takes center stage.



The bowling battle was hard fought, but Judge Gregerson's team reigned supreme in the end. The rest of us were simply no match for their thundering strikes. The All-Star team was made-up of Jenna Van Valen, Jason Bailes, Faye Breitreed, Lowell, David Loos and Scott Horenstein. The heroes (pictured above) dethroned last year's champions led by Judge Veljacic.





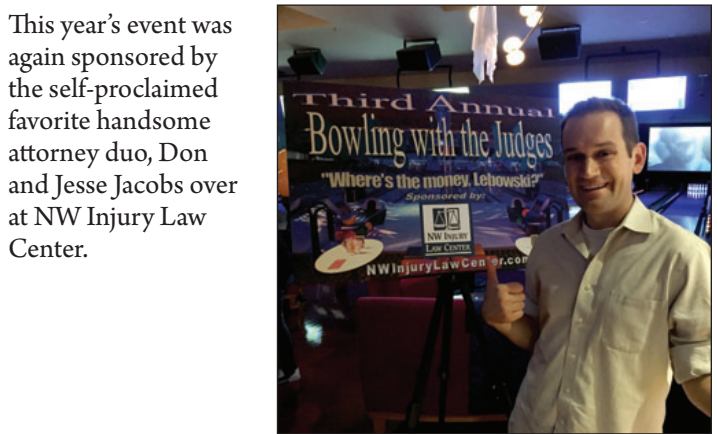
Rounding out second place was Judge Osler and Commissioner Parcher's team. There were really some ringers on this team that managed a numbers of "turkeys" (three strikes in a row), but they were fairly balanced by the winners of the congeniality prize (pictured far below).



Commissioner George's Team proclaiming themselves "#1"!



Judge Vanderwood's team with pizza at the ready for the competition. CCBA President Chad Sleight was also present.



This year's event was again sponsored by the self-proclaimed favorite handsome attorney duo, Don and Jesse Jacobs over at NW Injury Law Center.

Lots of thanks to go around. Lisa Darco was on hand to keep the event rocking at a reasonable level. Rumor has it that proclaimed local aficionado, also-known-as "The Darco-Husband," assisted with balloons. Thanks also to the management and staff at Big Al's who always seem to be looking on with bemusement.



Proving to be tough competitors, Judge Gonzalez's team get their game faces on.







“Winners of the fabricated “Congeniality Prize”.









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

**No Case Left Behind:  
the Dawn of Civil Case Scheduling Orders**

***Presented by:***

***Hon. David Gregerson, Hon. Derek Vanderwood  
& Emily Sheldrick***

**December 14, 2016 – 3:00 pm to 5:00pm**

**WareHouse '23 Event Space**

**100 Columbia Street - Vancouver, WA 98660**

**2 General CLE Credits**

***\$50.00 for Members (\$10 early bird registration discount if paid by Nov. 30)***

***\$70.00 for Non-Members (\$10 early bird registration discount if paid by Nov. 30)***

***\$25.00 for Non-Attorneys (\$5 early bird registration discount if paid by Nov. 30)***

This is an ideal CLE for civil practitioners and their legal assistants. Learn everything you need to know about the new local rules and forms which go into effect for Superior Court civil cases filed after January 1, 2017. The new rules fundamentally change the role of the court from passive to more active in the management of every civil case from the date of filing to the trial date. Mandatory Scheduling Orders will set mandatory dates for key benchmarks of civil cases, such as cutoff for discovery and motions for trial continuance. The new procedures are similar to those adopted elsewhere throughout the state and will be familiar to many who have practiced in other counties or in federal court.

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

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Phone: 360.695.5975

**Pre-payment is preferred.**





**Hon. David E. Gregerson**, Clark County Superior Court Judge, Dept. 2, 2012-present. B.A. Pepperdine University (1989), J.D. Vanderbilt University School of Law (1992). Founding partner in the firm Gregerson & Langsdorf, P.S. (1997-2012), with a civil practice emphasizing personal injury, litigation, real estate, landlord/tenant, and bankruptcy. Former CCBA board member and editor of Hearsay magazine. Former board member of Clark Co. Volunteer Lawyers Program. Born and raised in Vancouver, Washington.



**Judge Derek Vanderwood** is a 1994 graduate of the University of Washington School of Law. Prior to being appointed by Governor Jay Inslee to the Clark County Superior Court bench in February, 2015, he was a partner in the Vancouver law firm of English, Lane, Marshall & Vanderwood. The focus of his legal practice was civil litigation with an emphasis on personal injury claims. He also handled a wide variety of other civil matters including real estate and contract disputes. He practiced law in Washington and Oregon with experience in state and federal courts. Judge Vanderwood has a B.A. degree in Political Science with a minor in German and a M.A. degree in International and Area Studies from Brigham Young University. He is originally from western Colorado, but has been a resident of Clark County for over 20 years.



**Emily Sheldrick** is a Senior Deputy Prosecuting Attorney with the Clark County Prosecuting Attorney's Office. She represents and advises Clark County on labor and employment matters. She has represented clients in complex commercial, business and employment litigation in both Washington and Oregon. Emily is a frequent speaker in the legal profession on employment, litigation, and law practice management. She is also actively involved in local bar organizations. She is currently Treasurer of the Clark County Chapter of the Washington Women Lawyers and a member of the Clark County Bench Bar Committee.

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# CCBA Board Meeting Minutes



**LE ANN LARSON**  
*CCBA Secretary*

## Minutes for the CCBA Board of Trustees Meeting October 5, 2016

**Called to order 12:00** (Sleight, Larson, Mc Leod, Norton, Sampath, Emrich, Spratt) Lisa Darco and Jordan Taylor, Brad Thayer, Colin McHugh present

**September 7, 2016 Board Meeting Minutes:** motion to approve (Norton / Sampath) Approved

**September 12, 2016 General Meeting Minutes:** motion to approve (Spratt / Norton) Approved

**Treasurer's Report regarding September 2016:** Discussed report submitted for the month of September, the first month in our fiscal year (Sampath)

## OLD BUSINESS

### a) Infrastructure Project (Mc Leod)

Tabled to next month.

### b) Call to Duty Service Project (Mc Leod)

Susan Arney has proposed an April date coordinated with the VLP. Still working to set the date.

### c) Quarterly Happy Hour (Darco)

Tonight! 46 RSVPs and 17 Maybe. Should be a good crowd.

### d) Library Committee (Darco)

Maria Sosnowski contacted the CCBA to give update that our two CCBA representatives continue to serve on the committee. Board agreed to send an email at Maria's request to CCBA members regarding the library.

### e) Guardianship Section Update (Mc Leod)

Bylaws are in the works.

### f) Bylaws Review (Sleight)

Need to bring the bylaws current with our two general meetings per year schedule. There is no December general meeting to approve a budget, as we no longer meet quarterly. Will try to have a proposal at the November meeting.

## NEW BUSINESS

### a) Bank Account Signatory Change (Sleight)

Motion to remove Rick Mc Leod and add Greg Chaney (Mc Leod / Norton) Approved

### b) Membership Update (Darco)

415 members at this point. 27 first time members. If you have not renewed yet, then please do.

### c) Young Lawyers Section Bylaws (Sleight)

Brad Thayer and Colin McHugh present on behalf of the YLS board. Discussed the YLS bylaws. Mc Leod raised issues with references to communication to the public and to a separate YLS bank account. Mc Leod pointed out the extent the bylaw provisions are in conflict with the CCBA bylaws. Revisions to be made.

### d) Barrister's Ball (Sleight)

Discussed having a CCBA board member liaison to the social committee. Christie Emrich will represent the board on the committee.

### e) Van Vista Gift Drive (Sleight)

The CCBA did a giving tree last year. Darco will check if they want to do it again. Paige Spratt offered to coordinate. Heather Norton, Paige Spratt, and Lisa Darco will look into other options to present in November if Van Vista declines.

### f) General Meeting Date (Darco)

Robin Haynes, the new WSBA President, will speak at our next general meeting. Potential dates are March 13th or 20th.

### g) Holiday Party Subsidization (Darco)

Discussed potential locations. The social committee wants to explore alternatives. What funding, if any, can the social committee get from the CCBA to plan an event? Tabled.

### h) Judicial Evaluations (Mc Leod)

Mc Leod received feedback from the judges' meeting. Idea for commissioners to be included in judicial evaluations.

Adjourned 12:57

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# SUPERIOR COURT BENCH/BAR COMMITTEE MEETING MINUTES

November 8, 2016



**KAREN CAMPBELL**  
*Bench Bar Committee Chair*

The meeting began shortly after noon. Persons present were Judge Suzan Clark, Judge David Gregerson, Judge Derek Vanderwood (briefly), Karen Campbell, Richard Mc Leod, Jolene Sell, Dan Lloyd, Ann Christian, Angela Colaiuta, Scott Jackson, and Rachel Brooks.

## OLD BUSINESS:

**1. Driver's Relicensing Program:** Karen reported that the last scheduled meeting of the Attorney General's stakeholder group on November 5, 2016, was cancelled so that stakeholders could break into smaller sub-groups. Karen reported that the Attorney General's office staff person had not yet organized the sub-groups for a meeting. The next stakeholder meeting is scheduled for January 6, 2017.

**2. Fugitive Calendar:** The Judges reported that the transition is continuing to go smoothly.

**3. Runners from Prosecutor's Office:** Scott reported he has been told that, since the last Bench Bar meeting, the problem with Runners being able to find Judges available to sign orders has ceased. The Judges indicated this issue was raised at the last Judges' meeting and the consensus was that the system seems to be working as is. The 1:00 p.m. ex parte docket is always an option.

**4. After Hours Judge:** Scott indicated that he was still getting complaints from the Vancouver Police Department (VPD) about availability. Dan stated that he received contrary information from VPD. The Judges stated that the preference is that officers try contacting a District Court Judge first and then begin with the Superior Court list. The Judges suggested that Scott and/or Dan bring this issue to the attention of the District Court Judges if access continues to be a problem.

**5. First Appearance Docket:** The Judges reported that they discussed the issue of whether short out-of-custody matters could be taken at the beginning of the first appearance docket

at the last Judges' meeting. The consensus was that this was not a viable plan moving forward. Judge Clark mentioned that something similar had been tried in the past and did not work. Ann pointed out that there is a clip board where private attorneys and public defense attorneys can sign in indicating they are ready for their out-of-custody case to be heard.

## NEW BUSINESS:

1. Rachel suggested that it might be helpful if attorneys taking public appointments to represent alleged incapacitated persons be required to take 2-4 hours of CLEs focusing on communication skills with disabled persons. Angela Colaiuta, the new Indigent Defense Coordinator, said she would explore the idea further.

2. Karen questioned whether the Court Facilitator's position was going to be eliminated in the County's most recent round of budget cuts. Jolene stated that the Facilitator's position was going to be retained. The budget is scheduled to be approved by the Board of County Councilors on December 6, 2016.

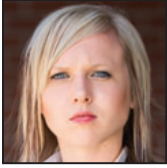
3. Ann introduced Angela who is the new Indigent Defense Coordinator. Angela has several years of criminal law experience, having served as a public defender with the Colorado State Public Defender's Office. Prior to that, Angela worked in public affairs and with a number of non-profits in Washington, D.C. Angela is excited about her new position and to return to the area where she grew up - Portland. The Committee welcomed Angela.

4. The next meeting will be held on December 13, 2016 in the Department 3 jury deliberation room.

Respectfully submitted,

Karen Campbell

# YOUNG LAWYERS SECTION



**AMBER RUSH**

*Hearsay Special Correspondent*

Pizza, drinks, new faces and wise words. These were the vibes at the most recent Clark County Young Lawyers CLE, where Chad Sleight provided some well received words of wisdom to all the young talent in Vancouver, Washington. The topic was “How to Start Your Own Practice.” Here are some of the highlights:

- Find out what kind of lawyer you want to be (beyond your area of practice) – how do you want to practice
- Network, advertise, innovate
- Pay attention to your clients as well as your house – the business administration can get lost in the shuffle
- Be realistic about your limits and ask for help (in practice and running your business)
- Think about the short term and the long term

- Overhead, overhead, overhead
- Don't forget to balance your trust account
- Enjoy the start-up phase
- Be kind – in practice and in life
- Talk to judges

Chad's points really hit home to those young lawyers who have started their own firms, and was an important refresher/intro to those who are part of a team. All lawyers practice differently, have different life goals and motivations, and together we make up an awesome, dynamic and skilled community of legal advocates. Thanks for the reminder and insight Chad! Onward!

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## CCBA CLE Calendar

*Register now for any of our upcoming CLEs*

### **N&B – Court Rules**

Hon. David Gregerson, Hon. Derek Vanderwood  
& Emily Sheldrick  
December 14, 2016  
3:00pm – 5:00pm  
WareHouse '23 Event Space

### **\$50.00 for Members**

*(\$10 early bird registration discount if paid by November 30)*

### **\$70.00 for Non-Members**

*(\$10 early bird registration discount if paid by November 30)*

### **\$25.00 for Non-Attorneys**

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**To Register, Call 360.695.5975**



# For the Public Good: Campaign for Equal Justice Telethon November 17th

## JORDAN TAYLOR

*Hearsay Special Correspondent*

You may have received a phone call recently from an attorney you know asking for a donation to the Campaign for Equal Justice. The Clark County Volunteer Lawyers Program hosted the annual Campaign for Equal Justice telethon on November 17th.

The Campaign for Equal Justice is Washington State's annual fund drive for civil legal aid. The funds raised are used by the Washington legal foundation to fund 23 nonprofit legal services organizations in Washington, such as the Clark County volunteer lawyers program.

Your donations to the Campaign for Equal Justice are distributed right back to our community. In most years Clark County receives 1.5-2 times as much in grants from the Law Foundation as Clark County donates.

Unlike criminal cases, the Constitution does not guarantee legal assistance in civil cases. Without help, too many low-income people are forced to navigate complex civil legal issues on their own. As a result, many lose their families, homes, and livelihoods.

Your support is needed now as much as ever. Together we can help fill the civil legal needs gap.

The Legal Foundation of Washington is a 501(c)(3) entity so your donations are tax deductible. Keep an eye out for our mailers sent to your office or go online to give:

<https://legalfoundation.org/give-now/>

Jordan Taylor is an attorney at Henderson Taylor and the Scott Horenstein Law Firm. He is a board member on the CCVLP and the VLP Liaison to the Clark County Board of Trustees. He directly represents at least two pro bono clients every year.

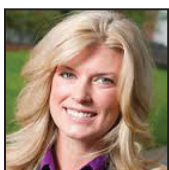


**JORDAN TAYLOR** Jordan Taylor is an attorney at the Henderson Law Firm and Scott Horenstein Law Firm. He is a board member on the CCVLP and the VLP Liaison to the Clark County Board of Governors. He directly represents at least two pro bono clients every year.

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# MENTAL HEALTH COURT: The Intersection between Housing, Criminal Law, and Mental Health



**KATIE L. ARCHER, J.D.**  
*Hearsay Special Correspondent*

Clark County District Court offers three Therapeutic Specialty Court programs: Substance Abuse Court, Veterans Court, and Mental Health Court. Mental Health Court is a minimum 16-month program for people charged with misdemeanor crimes who have a primary diagnosis of serious mental illness.



Judge Kellie E. Osler, who rotated into Mental Health Court in July of this year after presiding over Substance Abuse Court previously, wants attorneys to know that “if you have a client with a misdemeanor or low level felony that can be pled down, who has identifiable mental health issues, they may be a good candidate to be screened in order to avoid the cycle of repeat offenses.” She said this

is especially true for “folks who are having a difficult time with the probationary process.”

In order to qualify for Mental Health Court, participants must meet certain criteria, which includes:

- Want to make productive changes in their lives by voluntarily entering a treatment program;
- Be a Clark County legal resident age 18 or older;
- Have a primary diagnosis of a major mental disorder and/or co-occurring substance abuse issue
- Have the mental capacity and ability to appreciate the consequences of the legal proceedings and fully understand the expectations and conditions of the Mental Health Court program and contract;
- Plead guilty to the charge or violation as an alternative to jail time;
- Pay fines or commit to community service
- Not have any serious violent offenses in their criminal history;

- Not have any other pending charges or outstanding warrants in any other jurisdiction; and
- Not have used a firearm in the commission of any crime.

Judge Osler recognizes a lot of positives in the program, because it enables people to live productively and peacefully within the community while offering more intensive weekly supervision for high-risk, high-need clients. Case managers are assigned to each person to help provide resources for inpatient or outpatient treatment services, medication management, job training, assistance with applying for benefits, and access to stable housing. Judge Osler identifies one of the biggest hurdles participants face is the lack of housing available to people she sees in court. “We can’t provide housing for everyone who needs it, but I wish we could. It would be nice for all the courts.”

Megan Peyton, Criminal Defense Attorney with Jeffery Barrar’s Vancouver Defenders Law Firm, echoes that same sentiment, “The greatest thing that can help the mentally ill is finding them stable housing. It’s the biggest barrier and the biggest help.” According to Megan, it is much more likely that clients will receive probation when they have stable housing, because the court knows that when people have a stable place to go home to they can focus on their treatment, they are more likely to continue taking their medication, and they continue to make their court appearances. “Stable housing keeps my clients safer and it keeps the community safer.”

Bryan Farrell, Therapeutic District Court Coordinator, estimates that of the 334 total graduates of the program between 2000 and 2015, forty to fifty percent of participants have been homeless or had housing stability issues, but he also believes that number has increased significantly in 2016 due to Vancouver’s current housing crisis. Although the five-year recidivism rate for participants is 20.2 percent, Farrell notes that “research shows that stable housing increases probationary success rates by 30-40 percent.” He says,



“Stable housing plays a significant role in decreasing the rate of recidivism and greatly increases positive outcomes for participants and for the community in both traditional criminal courts and in therapeutic court systems.”

The 2008 San Francisco Drug Court Transitional Housing Outcome Study, which represents the standard for the correlation between access to stable housing and probationary success, reported that about 25 percent of its program participants were homeless, and an additional 13 percent were marginally housed. When participants were stably housed, they stayed in the program 72 days longer than a statistically matched comparison group. Longer program stays represented a 48 percent increase in treatment days and a statistically significant improvement in program retention, which backed up research that showed “higher retention rates predict lower post-treatment drug use and lower rates of recidivism.” The study highlighted that when participants were able to access stable housing, the graduation rate increased to 60 percent, “demonstrating that stable, supportive housing plays a key role in participant outcomes.”

The take away Farrell wants both attorneys and their clients to know about Mental Health Court is that “District Court really

wants to help people in terms of treatment, creating prosocial atmospheres, and that we are truly a non-adversarial court system that wants to make each person successful.” For more information about any of the Therapeutic Specialty Courts, please contact Bryan Farrell at (360) 397-2431 or email Bryan.Farrell@clark.wa.gov.



**KATIE L. ARCHER** owns Archer Public Affairs, a political consulting firm that specializes in public-private partnerships, issue and policy analysis, public relations, strategic public planning advice, and campaign management. She is a graduate of Washington State University’s Public Affairs Administration and Management degree program, holds her J.D. from Willamette University, and was licensed to practice law in Washington State in 2014. She is a third-generation Vancouverite and lives with her husband in West Hazel Dell.

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# Clark County Family Law: Monthly Mentorship Group



**BRANDON CAMPBELL**  
*Hearsay Special Correspondent*

The local Family Law Monthly Mentorship Group continues to gather support from experienced Clark County family law practitioners. In July, Deanna Rusch of Mckinley Irvin presented a discussion on trial preparations in family law cases. In August, Chris Boyd of Wheeler Montgomery & Boyd PLLC hosted a forum on modification proceedings. Most recently, Nathan Petersen put together a meeting on cases addressing RCW 26.09.191 factors (covering the basis for restricting one's parenting time) in October.

Ms. Rusch's presentation provided a much appreciated primer on trial preparations. Ms. Rusch provided advice on the logistical efficiencies of such concerns as: bates stamping one's exhibits; citing motions in limine at readiness or otherwise pretrial; and calendaring trial preparations between client and counsel months in advance. Ms. Rusch discussed her outlook on identifying cases which necessitate one getting their "trial hat on early," such as cases dealing with dissolving long-term marriages when the "couple" has vastly differing opinions as to what appropriate maintenance terms look like, legitimate custody disputes, self-employed business owners, and cases involving mental health or domestic violence issues.

Mr. Boyd's presentation on modification proceedings mainly concerned parenting plan mods and post-secondary education petitions. Mr. Boyd detailed a conservative approach to these proceedings, cautioning of the heavy burden attendant upon a party seeking a major modification in a current parenting plan. The discussion covered adequate cause hearings, some key differences between major and minor modifications, relocation proceedings, and joint custody arrangements and the interrelation between these custody arrangements and modification proceedings. Mr. Boyd's advice in this area was to carefully choose which matters to accept and to, "under promise to over-perform."

Mr. Petersen went through a statutory and practical analysis of litigating cases involving restrictions on parenting time imposed as a result of RCW 26.09.191. The discussion highlighted the variety of factual grounds and persuasive arguments involved as to each 191 sub-factor. Mr. Petersen stressed that the various 191 factors break down differently, and require a varied approach in presenting to the court a persuasive basis for imposing

parenting time restrictions on these grounds. The discussion turned to providing client value in these cases by structuring 191 parenting plans to provide for benchmarks, allowing the removal of restrictions without the need of future court intervention. A suggestion the taxed family law dockets surely appreciate.

If interested in hosting, attending, or otherwise seeking information on the local family law mentorship group, feel free to contact the Elizabeth Christy Law Firm PLLC. Has this brief overview of the topics addressed over the past few months during the mentorship group's meeting awakened your appetite for knowledge in these regards? If so, or even if not, mentees (that's younger attorney folk interested in, or already practicing in, the area of family law) are strongly encouraged to become

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# FUN LEGAL TIPS



**MARIA SOSNOWSKI**  
*Law Librarian*

*Okay, we all know practicing law can get a little tedious. These are a few fun legal tips from attorney L. Scott Briscoe. You can read all 57 of them here:*

***<https://www.facebook.com/funlegaltips/>***

## **For your clients:**

- 1** DO NOT post photos of yourself committing crimes A, B, and C. They will become State's Exhibits 1, 2, and 3.
- 2** Do not plan your next felony over the pay phone in your jail pod next to the sign that reads "All phone calls are monitored and recorded."
- 3** The only people who should wear pajamas in the courthouse are infants. Grown-ups, stop. Just stop.
- 4** After stealing someone's debit card, do not use it to pay your home utilities, unless you wanted to give a deputy directions to your house.
- 5** If you walk by a sheriff's car in your friend's driveway, do not go into your friend's house to buy and/or sell drugs. Should you ignore this step and continue into the house, look around the room first. If you see a sheriff standing in that room with you, again, do not attempt to buy and/or sell drugs with said friend.
- 6** When appearing in court, do not wear the same exact outfit AND accessories you wore during your crime. Also, avoid security cameras.
- 7** When selecting your alibi witness, do not choose one who was already in jail while you were "not" committing your own crime.
- 8** Never, never, never, never, never, never, never, never, never, never say those two special words to your circuit judge. You know the two words I'm talking about. Unless you are a juvenile with a hankering for some lengthy detention time, then go for it.
- 9** When choosing a car to break into, and the credit cards inside to buy your meth making materials locally, please do not select the car belonging to the judge's wife.

## **And for yourself and other attorney friends:**

- 1** Giving your drunk clients lots of coffee just prior to their hearings will only result in wide-awake drunk clients in the courtroom.
- 2** When your clients volunteer that they know sign language to the judge, allow them to demonstrate it to you privately, and screen it, before they display it in open court.



# Holiday Gift Drive for Seniors in Need



**EVA M. LUCHINI**  
*Hearsay Special Correspondent*

Holiday planning is just beginning—family gatherings, gifts to buy, cookies to eat—the fun and joy of life is coming back around after the election. Every year, the big-hearted members of this Clark County Bar Association add the folks at the Van Vista Assisted Living apartments to their gift giving list. Van Vista Assisted Living, right here in Vancouver, provides housing for elderly and disabled folks on government assistance like Section 8 housing, Supplemental Security Income, and Medicaid. These folks have about \$60 per month to spend on themselves after they use their benefits to pay for their room and board. And according to Shanna Armstrong, the Van Vista Life Enrichment Coordinator, most of these seniors have no dotting families visiting them for the holidays. Here's what Shanna tells me you will find on their holiday wish lists: pet food for their companion animals; hairspray and shampoo; mouthwash and basic hygiene items; and socks. Normally, socks would not be a thrilling item to find under the tree, but that is how hard it is to be elderly, disabled, and without family. Let's get these folks some socks, eh?!

Shanna has provided CCBA a list of three to four items each person has requested, with the idea of about \$25.00 total per person. And the easiest way to satisfy the list is just picking up gift cards for Walmart, Fred Meyers, Petsmart, that sort of thing. After the holidays, Shanna will pile folks into the van and drive them to these stores so they can pick out exactly what they need.

To generously contribute to this gift drive, all you and I need to do is pick a name or two off the list and then get the gift items to Lisa Darco and her team at the CCBA office (500 West 8th Street, Suite 65, Vancouver) by the 13th of December. Look for Lisa's email giving you access to the list of gift recipients. And thank you for widening your family's warm holiday circle to include a stranger in need.

For a list of available names click here:  
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# The Happiest Hours



**JEAN MCCOY**

*Hearsay Special Correspondent*

Some of my happiest hours are spent with good food, good spirits and good friends; is that why they call time in a pub with drinks, snacks and friends after work “Happy Hour?” Clark County Bar Association’s Social Committee has come up with a brilliant ploy to get us out of the office and mingling, meeting with old friends and making new ones, by asking individuals to host a Social Hour (or two hours) and then inviting one and all to the party! The Social Hour on October 5, 2016 at Top Shelf included around 35 good folks who met, talked shop, caught up on current events and went home happy to have connected. Both young lawyers and more seasoned lawyers attended; even a few judges. Some attorneys I met for the first time and will now have a frame of reference when I run into them again; and some are old friends who are a reminder of how many years have passed since we were “young lawyers.” Either way, the connection between us is easy to lose as we get busier and busier with our practices, families and other time commitments.

Take a word of advice from a lawyer who is no longer “young”: the more stress you find in your life as the year comes to a close

and the more you feel like groaning as you obligate yourself to attend a holiday party you do not have time for is all the more reason to get out there for a couple of hours and enjoy yourself. They do not call it Happy Hour for nothing!



Eli Marchbanks, Amber Rush, David Meyer, George Souris and Colin McHugh enjoy the company



Jesse Jacobs and Lisa Darco get this party started!



Don't tell Mike Higgins, but Mary Kay Gaffney may have a new boy-toy in Chad Sleight!



# CCBA Provides Important Ethics CLE for Local Attorneys

**BILL THAYER**

*Hearsay Special Correspondent*

On Friday, November 4, 2016, the Clark County Bar Association put on a three-hour ethics program at the Vancouver Red Cross Building (located in the historic army barracks by Fort Vancouver). Although it did not attract many attendees, it was well thought out, well presented, and the content was informative.

Jeanne Marie Clavere, Professional Responsibility Counsel from the Washington State Bar Association Office of General Counsel, kicked off the event discussing Washington's ethics rules governing attorney advertising, conduct, use of social media, and networking in detail. Attorney rating service peer review quid pro quo relationships and "friend"-ing judges on Facebook were topics that got conversations with the attendees started. Among Clavere's appeals to attorneys regarding their use of social media was to ensure the information on different platforms is always accurate (to keep from running afoul of RPC 7.1 and possibly 7.2), and to be careful to ensure it is not misleading. Obviously, folks generally may have a tendency to create a profile and then rarely revisit it – according to Clavere this can be a trap for the unwary attorney.

After Ms. Clavere, Scott Edwards, a partners at Schauermaann Thayer Jacob Staples & Edwards PS, provided an excellent one hour presentation titled, "So You Think You Can Law Blog: The Who, What, Where, Why, and How of Law Blogging". This presentation also focused heavily on ethical considerations, albeit those inherent in attorney blogging. One question that ran throughout was whether or not an attorney's blog is "advertising" so as to fall under RPC 7.2. While Scott found some authority to suggest it depends on the content of whatever particular blog post is being analyzed, the safest bet is to ensure that the contents

of an attorney's blog comply with that rule regardless. Scott was clearly excited to speak on this topic. He has been authoring blogs and articles outside of his regular contributions to the Schauermaann Thayer website and its newsletter, "The Boulevard," for several years now. For example, he authors a monthly column for the online and print versions of Vancouver Family Magazine (see [www.VancouverFamilyMagazine.com](http://www.VancouverFamilyMagazine.com)). Most of Scott's blog posts tend to discuss matters affecting families, health, and community safety.

The mid-day CLE concluded with local attorney and former CCBA President Rick McLeod presenting on the state of Oregon's mandatory reporting requirements for attorneys in situations involving elder abuse. Rick did a fine job detailing the realities that make advisable a "when in doubt, report" approach by local attorneys when it comes to elder abuse. He stressed the importance of not just reporting, but also getting from authorities proof that you reported. Obviously, elder abuse itself is a concerning issue facing our society as a whole, but we as lawyers really must make every effort to notify the authorities under the appropriate circumstances. This serves to benefit the elder potentially being abused as well as the reporting lawyer in being able to stay a licensed and practicing attorney. See ORS 124.060 et al. for more details.

As noted above, admittedly, the turnout for this event was lighter than expected (it is no secret among attorneys that ethics CLEs can be a bit dry, and, although they are extremely important – they do not always draw the largest audience). However, those who did attend this particular CLE were not only treated to an interesting and informative CLE ethics program – but the brunch was quite delicious as well!

## WANTED!!!

The Hearsay is in search of new and exciting material and new and exciting contributors! Please join us on the third Tuesday 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**

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~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

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# Chad Sleight: Clark County Bar President 2016/2017

**ALFRED A. "ART" BENNETT**  
*Hearsay Special Correspondent*



Chad Sleight, the new Clark County Bar President, was born and raised in Camas, Washington. He recalls his boyhood as being right out of a place like TV's Mayberry R.F.D. Then, there was almost no crime, no drugs, no street people, everyone knew each other and cared for each other. Three male generations of his family worked for the local paper mill.

Chad went to Western Washington University in Bellingham and then on to Willamette University School of Law in Salem, Oregon. During law school, he had somewhat of an unusual legal education as he was a Rule 9 law clerk with the local Knapp Odell & Lewis law firm and was able to accelerate his real world legal experience and education.



After law school, he helped start a law firm in Vancouver but has now gone solo and he currently devotes much of his time to promoting in Clark County District Court and also being the City Attorney for Battle Ground, La Center and Ridgefield.

His main recreational passion is waterskiing. He is also restoring a classic 1964 red convertible Ford Falcon which is extremely rare. He also spends lots of time with the two munchkins in the photo.



Chad's goals and aspirations as Bar President are to micromanage the budget and keep it strongly in the black. He is also very excited about continuing the growth of the Clark County Bar as it is on the cusp of having a historic membership high of 500 attorneys. He further wants to make bar membership a meaningful experience, both professionally and personally.

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# HEARSAY PROFILE:

## PAIGE SPRATT

Home: Vancouver, Washington

Age: 32 (depending on when this is published, possibly 33)

Profession: Construction lawyer (at Schwabe, Williamson & Wyatt), volunteer, wife, and mother

Hobby: Work, volunteering, and my two little kids seem to take up all of my free time... but I used to enjoy running and going to concerts.

Last Book Read: The last book I actually finished was *Gray Mountain* by John Grisham – I'm halfway through about 3 other books right now, including *The Nine* by Jeffrey Toobin, which I highly recommend (especially with the current political situation).



Legal Philosophy: There are so many depending on the situation. I try to be kind, courteous, and reasonable, which is can be hard to do in this profession.

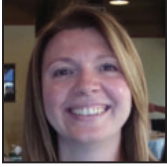
Latest Accomplishment: I am the 2016 General George C. Marshall Public Leadership Award recipient (which I am very proud of).

Why I Do What I Do: It's really cool to drive around town and physically see the projects and buildings that I got to be a part of, no matter how big or small.

Profile: I received my undergraduate degree in Construction Management from Chico State in Northern California. My now husband was in Seattle, so I moved up there. I went to work for Boeing as a construction manager in 2007. I started the evening program at Seattle University School of Law in 2008, and graduated in 2011. I moved down to Clark County in 2012 to be closer to family (I grew up in Beaverton, Oregon) – my husband worked in Vancouver, so we chose the north (better) side of the Columbia River. I am currently working as a construction attorney in Schwabe's Vancouver office. When I'm not working, I am either at board meetings, community events, fundraisers, networking meetings, etc. Sometimes I get to be at home with my husband, Rich, my two little boys, Colin(3) and Jacob (1), and my two dogs, Dragon and Riley. I also try to have friends. Life is crazy, but awesome.

Beverage of Choice: Soy latte (or Bud Light depending on the time of day).

# BOOKKEEPING TIPS



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

## 1099-MISC Requirements

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when the recipient is an individual, a sole proprietor, a partnership, an LLC treated as a partnership or sole proprietor, or any entity that provides health or legal services. Reporting is not required for products only (e.g., supplies purchased at an office supply store) or corporations not supplying health or legal services. Amounts are to include all payments made by check or electronic transfer from bank accounts, including the Trust account, but exclude payments made by credit card, debit card, gift card, or third-party payment network, such as PayPal. (These payments are reported by the card issuers and third-party payment networks on Form 1099-K.)

To avoid mismatches with taxpayer ID numbers, the legal name of the company must appear on one of the first two lines in the recipient name and address box. If a company has a dba (doing business as), it also can appear on either of the first two lines. If unsure of any vendor information, ask the vendor to complete an IRS form W-9 (online search: IRS form W-9).

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# UPCOMING EVENTS

MEETING

**December 7, 2016**  
 CCBA Board Meeting  
 CCBA Office Noon - 1:00pm

SOCIAL

**December 8, 2016**  
 CCBA Family Law Section Holiday Party  
 Red Cross Building 11:30am - 1:00pm

MEETING

**December 13, 2016**  
 Superior Court Bench/Bar  
 Clark County Courthouse - Noon

CLE

**December 14, 2016**  
 N&B CLE: No Case Left Behind: The Dawn of  
 Civil Case Scheduling Orders  
 WareHouse '23 Event Space 3:00pm - 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.

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Debtor/Creditor .....	9
Family Law .....	40
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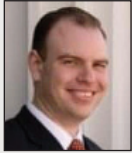
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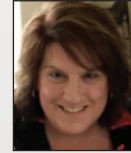
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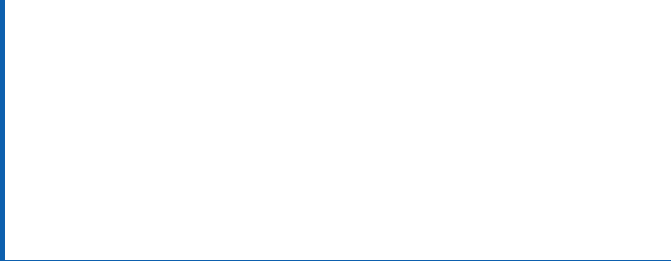
  
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