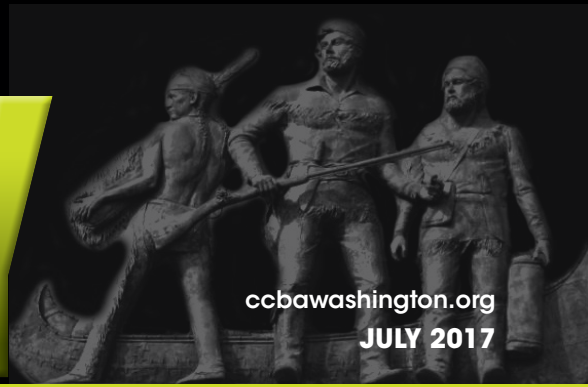


# HEARSAY



ccbawashington.org  
JULY 2017

THE OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION



**“BURMA ~ A Place Unlike  
Any You Have Ever Seen”**

*By Alfred (Art) Bennett*

# Don't try it yourself



## In over your head with a case in Oregon?

Let us try it – or better yet, settle it. Whether in Washington or Oregon, we'll jump in and handle it. Generous referral program.



**DON JACOBS**

Trial Lawyer of the Year, Clark County (2015)  
Past President, Oregon Trial Lawyers Assoc.

**JESSE JACOBS**

OTLA Guardian and WSAJ Eagle

360-695-1624 [nwinjurylawcenter.com](http://nwinjurylawcenter.com)



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An annual "green" subscription is included with annual membership dues. Members may purchase a hard copy subscription for \$48.00. Letters, news items, upcoming event 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.

## HENDERSON LAW FIRM, PLLC

Jordan Taylor, Paul Henderson and Connie Henderson  
**Medical Malpractice and Personal Injury Attorneys**  
*"A plaintiff cannot get justice in Clark County, Washington!"*  
 We hear this a lot. That has not been our experience.

**REPRESENTATIVE VERDICTS AND SETTLEMENTS:**

Failure to diagnose brain cancer .....	\$4.5 million
Failure to treat infection.....	\$4.0 million
Failure to diagnose breast cancer.....	\$1.0 million
Rear end MVC - soft tissue .....	\$350,000
Trampoline accident .....	\$1.0 million
Partial blindness in one eye .....	\$850,000
Failure to diagnose GCA .....	\$1.75 million
Auto/pedestrian collision .....	\$1.6 million
Obstetrics malpractice .....	\$3.5 million

**360.737.1478 • [www.hlf-law.com](http://www.hlf-law.com)**  
*Call us if you have a case in SW Washington. Chances are we can help.*

## MEDICAL MALPRACTICE WRONGFUL DEATH PERSONAL INJURY

Law office of:  
**JANE E. CLARK**  
 ATTORNEY AT LAW

1014 Franklin Street  
 Franklin Suites, Suite 108  
 Vancouver, WA 98660

*Available for Referral  
 or Association*

Vancouver 360.859.3823  
 Portland 503.974.4161  
 Email [Jane@janeclarklegal.com](mailto:Jane@janeclarklegal.com)

# PRESIDENT'S MESSAGE



**MARK SAMPATH**

*CCBA President*

**G**reetings. Hopefully, everyone is enjoying the start of summer and the wonderful weather we are having. No question we deserve it. Given my CCBA boss is a slave driver, and because I have procrastinated on this as usual, I write this month's President's letter inside during a beautiful Sunday. For a change, I thought I would briefly comment on something that is increasingly in short supply in our society; something that we need more of; and something that is important to our profession and which makes me proud to be a member of our legal community and the CCBA in specific. Civility. Civility is considered to be about more than just politeness, although politeness is a necessary first step. It is about disagreeing without disrespect, seeking common ground as a starting point for dialogue about differences, listening past one's preconceptions, and teaching others to do the same. Civility is the hard work of staying present even with those with whom we have deep-rooted and fierce disagreements.

Without making any political statement, I think it is fair to say we live in an ever more contentious society and in an era where civility seems to be increasingly lacking. Thankfully, our profession puts an emphasis on civility and professionalism. We understand that we can have a difference of opinion, but can do that respectfully and without making such differences personal. Whether you practice as a litigation attorney, or like me, are non-litigation based, there is seemingly positive feedback loop to acting with civility. Clark County is a small, tight knit legal community. Everyone knows each other, and bad behavior

or lack of civility does not go unnoticed. And such civility usually creates a positive feedback loop in that when one of us needs a professional courtesy, it is given. If attorneys are engaged in or are negotiating a transaction, a reputation for civility and professionalism makes for a much smoother negotiation and completion in a manner fair to all parties, which is in the clients' best interests.

In my experience, our legal community in Clark County practices by and large with civility. Our esteemed Judges ensure that in their courtroom. And attorneys that I have had the pleasure to engage with have treated me with professionalism and civility, even during complex and tense negotiations. So I want to salute our legal profession and more specifically, my fellow Clark County attorneys. The difference in their ego and civility when compared to attorneys in California, Seattle and sometimes in Portland is both palpable and refreshing. It makes me proud to be a member of this legal community. At the same time, I want to encourage all of us to continue to be both vigilant and mindful of our behavior to ensure that we maintain and even raise the bar on civility. It is up to us to do so in order to make an impact on our communities in this regard. If we can do this, maybe we can start to reverse the trend and pivot our society back to one filled more with civility and tolerance.

# Let your CCBA membership pay for itself! ...

We are pleased to be partnering with the following vendors who are generously offering discounts to our members!



For these vendors, simply present your member card to receive the following discounts:

**A-Affordable Bail Bonds:** 8% bond for any bond over \$2,500

**The Source Climbing Center:** Climb 201 at 1/2 price

**Grays at the Park & Vancouver Pizza Company:** 15% off (excludes drinks)

**Bleu Door Bakery:** 10% off

**Pacific Office Automation:** Free enrollment in Platinum Printer Service. Members receive Free unlimited labor, cleanings and travel time for all printers. (a savings of \$150/HR)

**Lexis Nexis,  
Law Pay &  
Staples:**

Call the  
CCBA office  
for details

# CCBA Board Meeting Minutes



**LE ANN LARSON**  
CCBA Secretary

## Minutes for the CCBA Board of Trustees Meeting June 7th, 2017

Called to order 12:07 (Larson, Mc Leod, Cheney, Sampath, Emrich, Norton, Spratt, Sasser) Jordan Taylor and Lisa Darco present.

### May 3rd, 2017 board meeting Minutes:

**Motion to approve (Emrich/Cheney)** Approved

**Treasurer's Report** regarding May 2017: Went over reports. Treasurer Cheney unavailable today.

### OLD BUSINESS

#### 1. Infrastructure Project (Cheney)

Tabled. Cheney unavailable today.

#### 2. CCBA Bylaw Review (Sampath)

Nothing new to report at this time.

#### 3. Political Advertising Policy (Cheney)

Still tabled.

### NEW BUSINESS

1. **BBQ – July 21st** (Schwabe Sponsorship) (Darco) Note the date. Board volunteers needed for cleaning up.

2. **Happy Hour with Lewis & Clark** – August 10 (Darco) Note the date change to August 10th. Sponsor needed.

3. **Get rid of BBQ from VLP (Darco)** BBQ will need to go. Can't be stored at VLP any longer. Event has grown larger than this small personal size BBQ will accommodate. No longer needed.

4. **Using our list for VLP events** (Sampath) Sasser thinks there is an email policy. Will be further researched.

5. **Rate Survey** (Sampath) Contacted regarding doing a survey about attorneys' rates. Discussion. Decided not to pursue this at this point.

6. **Email from CCBA Member re: Document Storage** (Sampath) Contacted by an attorney who is leaving the practice of law. This attorney has many client files and expects the CCBA to store the documents. Decided that CCBA has no obligation to store the files and documents and will not do so.

7. **July Board Meeting** (Sampath) Discussed availability of board members on July 5. Meeting left on for the 5th.

8. **CCBA Policy Storage** (Sasser) Need a system to have all policies together and accessible. Darco says it is in the works.

9. **Board of Trustees Nominating Committee** (Sampath) Sampath, Norton, Emrich, and Darco will comprise the committee.

Adjourn: 12:35

## REQUEST FOR QUALIFICATIONS 2017/2018 Public Defense Contracts FAMILY TREATMENT COURT

Clark County has issued a Request for Qualifications for two (2) one-year public defense contracts.

The DEADLINE to submit Applications is **July 24, 2017**. The RFQ is available at:

<https://www.clark.wa.gov/general-services/indigent-defense>

email [ann.christian@clark.wa.gov](mailto:ann.christian@clark.wa.gov) with any questions.

# GOT COPIES?



The CCBA office offers self-service copies to members for only .05¢ per page\*

***Need your copies stapled, hole punched, collated, or double-sided?***

**Our machine can do that!  
Think of the possibilities.**

*\*Black and White only*

Call Lisa at **360.695.5975**



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# BUCKET LISTS & BURMESE DAYS



by **Alfred (Art) Bennett**

Near the top of my bucket list has always been the taking of a hot air balloon flight at sunrise over the thousands of pagodas in Bagan, Burma. Burma was officially renamed Myanmar by the ruling military junta in an attempt to shed remnants of its British colonial past. The main city of Rangoon was renamed Yangon. The majestic Irrawaddy River has become the Ayeyarwady River, and so forth. However, the people still call themselves Burmese and the language they speak is Burmese. So much for P.C.

Myanmar is geographically squeezed between India and China. It's tropical in the south but includes parts of the lofty, snow-covered Himalaya Mountains in the north. The country is about the size of Texas and is bisected by the Ayeryarwady River, which runs north and south for a thousand miles before it empties into the Adaman Sea.

Although the authoritarian military junta has been



replaced by the current democratic government, there is still armed strife along parts of the borders where some regions are insisting on political autonomy from the central government. A prominent Muslim representative from one of the western regions was assassinated outside the Yangon International Airport the day before I arrived. There were security guards everywhere, armed with automatic weapons. That added a certain ambience to the start of my visit.

## HIGHLIGHTS OF MY BURMESE DAYS

Schwegadon Pagoda in Yangon - a mecca for the 55 million Buddhist Burmese who regularly make pilgrimages to it. The pagoda is centered in the middle of a 17-acre religious compound surrounded by dozens of other smaller pagodas. It's over 300 feet tall and, when lighted up at night,

can be seen over 20 miles away. The pagoda is reportedly valued at over one billion dollars with its gold and jewel coverings. I paid for a sheet of gold foil to be placed on the pagoda by one of the Buddhist monks who maintains the complex.



Out of respect to the Buddha, all visitors, including foreigners, must remove their shoes and socks before entering the pagoda grounds. While waiting outside the Schwegadon Pagoda for my car and driver, I noticed a group of British tourists getting out of their tour bus, removing their shoes and then walking barefoot across the sharp gravel stones in the parking lot. By the time they reached the pagoda, they were not happy campers or happy tourists. Some of the expletives I heard would make the Buddha blush.



*View of the West Gate of Schwegadon Pagoda*

## **BAGAN- BUCKET LIST OBJECTIVE**

One of the original capitals of Burma currently houses several thousand Buddhist pagodas. Historically, there were thousands more, but many were destroyed in 1300 A.D. by Kubla Khan and his Mongol armies.

Ballooning over Bagan at sunrise reveals the vastness of the temple complex. The pagodas spread out for miles and are a tremendous spectacle. It's truly one of the wonders of the world.



**M**yanmar is still a place unlike any you have ever seen. It's like a cross between the Bible and Hollywood. However, it is changing rapidly under the government's "sustainable economic development plan." Signs of modernization are everywhere. There are cell towers going up along the Ayeyarwady, in addition to wind turbines. Now that the military junta restrictions are gone, many international corporations are investing in the country. The streets of Yangon are full of Toyotas with dealerships everywhere. I even saw a Mercedes dealership opening up. Several high-rise hotels have been built and more are being built in Yangon.

Whether the Burmese character will adjust to all these changes, only time will tell.



***Bucket list completed. Candlelight dinner with my wife in the ruins of the King's palace in Bagan. (Notice harpist in the background)***

# SUPERIOR COURT BENCH/BAR MEETING MINUTES

## *Clark County Superior Court Bench Bar Committee Meeting Summary*

**JUNE 13, 2017**



**KAREN CAMPBELL**

*Bench Bar Committee Chair*

The meeting began shortly after noon. Persons present were Judge Fairgrieve, Karen Campbell, Angela Colaiuta, Richard Mc Leod, Lou Byrd, Rachel Brooks, Emily Sheldrick, and Jolene Sell.

### **OLD BUSINESS**

**1. Jury Selection Questionnaire:** Curtis Welch could not join today's meeting today. He emailed Karen with an update on the status of the questionnaires and asked her to inform the Committee. Karen read Curtis' email as follows: "...the voir dire questionnaire process is coming along well. ...we expect to have at least two of the questionnaire articles published in Hearsay in the July issue and then posted on the website after they are published."

### **2. Alleged Incapacitated Persons (AIP)-Emergency**

**Hearings:** Karen reported that Rick emailed her, after she distributed the minutes from the May meeting, and informed her that the Committee he referenced, regarding studying the GAL statute, is called WINGS. Rick looked up the acronym and it stands for Working Interdisciplinary Network of Guardianship Stakeholders. Rachel stated that Sherri Farr, a local GAL from the Clark County area, is a member of the group and that individuals interested in the work of WINGS could contact Sherri for more information.

**3. Mock Trial Convener:** Emily stated that the Mock

Trial Committee might want to consider scheduling and timing issues if they decide to include both middle and high school teams.

**4. Probate Case Statistics:** Rachel stressed that it was important for the Clark County legal community to get out ahead of the legal issues arising due to a burgeoning aging population. Rachel stated that baby boomers have just begun to retire and she feels that areas of elder law are exploding and will continue to explode. Rachel advocated that the Clark County Superior Court dedicate a special department to probate law similar to how the Court handles family law. Judge Fairgrieve agreed to approach the Judges at the next Judges' meeting about asking Rachel to speak at a future meeting about her concerns.

**5. Confidentiality in the Attorney Pit:** Judge Fairgrieve reported that this issue was raised at the last Judges' meeting and the feedback obtained was that the space in the pit area is not designed for substantive attorney-client discussions to take place. Judge Fairgrieve reported that the overall feeling of the Judges was that attorneys should use the jail for confidential conversations and that there was not a lot of support for creating a new interview room in the pit area of the court. Lou pointed out that there was not a lot of time to meet with clients in the jail, prior to the first appearance

docket, especially since that docket frequently sees 25-30 inmates a day. Angela stated that a pilot project is underway where first appearance cases are assigned to attorneys first thing in the morning. The project will be evaluated in late June of this year. Next steps will depend on the outcome of the evaluation.

Karen stated that bail reform has become a national issue and that it was discussed at the WSBA Access to Justice Conference recently held in Yakima. Karen pointed out that denial of meaningful access to counsel, at a critical stage in a criminal proceeding, might pose a systemic problem with liability attached. There was interest among Committee members to form a workgroup to examine solutions to the problem. Angela agreed to reach out to interested stakeholders including the Prosecuting Attorney's office.

## NEW BUSINESS

**6. New Local Civil Rules (Scheduling Orders and Trial Settings):** Emily asked Committee members if they were aware of how the new civil rules were working now that they have been in place for almost six months. Most members of the Committee reported that they had not heard of any concerns. Judge Fairgrieve stated that he has seen attorneys and pro se litigants struggling with including all of the

information requested in the trial scheduling notice. This information is critical for the Court to be able to schedule a trial date. Emily suggested that the Committee revisit the issue in September when more information is available. Judge Fairgrieve agreed to find out from other Judges what their experiences have been at the next Judges' meeting. Emily suggested that it might be helpful to talk to Judicial Assistants and find out if they are getting calls from attorneys asking how to complete the forms.

**7. Upcoming Events:** Karen announced two upcoming events in the legal community. Beer & Justice sponsored by the Campaign for Equal Justice to be held on June 14, 2017 from 5-7 p.m. at the Heathen Brewing Feral Public House in Vancouver. A Happy Hour Event sponsored by the Clark/St. Helen's Chapter of Washington Women Lawyers on June 15, 2017 from 4:30-6 p.m. at Grey's at the Hilton. WWL State Board President Becca Glasow and newly appointed Judge Kristen Parcher will be joining the event.

**8.** The next meeting will be held on September 12, 2017 in the Department 3 jury deliberation room.

Respectfully submitted,

**Karen Campbell**

## CCBA Fall CLE Preview

**September 11 CCBA Annual Meeting & Lunch**

*A View From the Bench - Hon. Robert Lewis & Hon. Greg Gonzales*

**September 13 Nuts & Bolts**

*Cell Phone Forensics - Simon Varley, Senior Digital Forensics Examiner at Calforensics in Sacramento, CA*

**October 11 Nuts & Bolts**

*Slip and Fall Cases - Mila Boyd & Greg Price*

**November 8 Nuts & Bolts**

*Personal and Business Estate Planning - Jill Sasser*

**December 6 Nuts & Bolts**

*Mediation - Judge John Nichols (Ret.)*

**December 11 Last Chance Ethics**

*Justice Susan Owens & Judge Rich Melnick*





# BOOKKEEPING TIPS

## *If You Accept Credit Cards for Payment, Ask Your Provider to Charge on a "Gross Fees" Basis*

by **Emanuela Sandri**

**R**econciling bank accounts can take some time. It can take even longer if you accept credit cards, and your merchant service provider takes fees out of EACH transaction.

When a \$100 payment shows up in your bank statement, does it show up for the full \$100? Or does it show up for something like \$97.54 because the processor has taken their fee out of it right then and there?

If the fees are taken out of each transaction ("net fees" basis), ask to have them taken on a "gross fees" basis. In the example above, you then will see the full \$100 deposited into your bank account, and your merchant service provider will charge your bank account once per month for the total of all fees for the month, and NOT take them out on a transaction by transaction basis.

The benefit to you? Your \$100 deposit will now reconcile on the bank statement and the credit card fees are just in one entry.

Naturally, merchant service providers normally default to the "net fees" basis, so they get paid faster, but usually all it takes is a phone call to get it changed.

---

## LAW LIBRARY

### FOR SALE through August 2017

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

1. *Employment Law in a Nutshell - West*
2. *Social Security Handbook - Bernan*
3. *Special Needs Trusts, 6e, NOLO*
4. *Federal Deception Law - NCLC*
5. *Litigating Employment Discrimination Cases, rev 10, 2 vols - James*
6. *Kurzban Immigration Law Sourcebook, 14e, American Immigration Lawyers Association*
7. *Bankruptcy, 3 vol looseleaf, pages only, 2016 - Rutter*



by **Maria Sosnowski**

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



The Clark County Bar Association Presents a Nuts & Bolts CLE

# Cell Phone Forensics

*Presented by Simon Varley*

Senior Digital Forensic Examiner at  
Califorensics in Sacramento, CA

**September 13, 2017 – 3:00 pm to 5:00pm**

**WareHouse '23 Event Space**

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

2 General CLE Credits

***\$50.00 for Members - \$70.00 for Non-Members - \$25.00 for Non-Attorneys***

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## Cell Phone Forensics

Mr. Varley will provide an introduction to smart phone forensics and the evidence that can be obtained to aid in the defense of your case. Types of evidence that will be illustrated include location information, deleted text messages, browsing data and other artifacts. A brief introduction to Cell tower data, will also be provided, including what it means and how they map it.

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

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

**Mail registration with payment to:**

CCBA | 500 W. 8th Street, Suite 65 | Vancouver, WA 98660

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

Phone: 360.695.5975

**Pre-payment is preferred.**



**Simon Varley** is Senior Digital Forensic Examiner at Califorensics in Sacramento. He received a B.Sc. honors degree in Electronics from the University of Central Lancashire in England and went on to work for the UK Ministry of Defense analyzing system security and safety of military vehicles. He has worked in the software side of the intelligence and business intelligence industries in the UK and Eastern Europe before moving to the United States. He specializes in mobile forensics and has experience in a wide variety of cases from murder and child endangerment to large scale fraud and intellectual property theft.

**Mail registration with payment to:**

CCBA

500 W. 8th Street, Suite 65 | Vancouver, WA 98660

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

Phone: 360.695.5975

**Pre-payment is preferred.**

# CCBA BBQ

July 21, 2017

Noon—1:00 pm

Public Service Center Plaza

The much adored Annual CCBA BBQ is coming soon! All CCBA members and their staff are welcome to attend. The Honorable Chef Melnick will once again man the grill. Please plan to attend!



Sponsored by  
Schwabe Williamson & Wyatt





## It's 2017/2018 CCBA Membership Time!

**Your 2017/2018 CCBA Membership Forms will be  
headed your way the first week of August!**

**The CCBA is proud to offer:**

A **WEBSITE** with a searchable member database

The **LAWYER REFERRAL SERVICE**, referring hundreds of clients monthly

Convenient and cost effective **CONTINUING LEGAL EDUCATION**

A variety of **SOCIAL NETWORKING ACTIVITIES** throughout the year

News you can use in our **HEARSAY MAGAZINE**

A complimentary hard-copy **MEMBER DIRECTORY** for your office

An active **FAMILY LAW SECTION, YOUNG LAWYERS SECTION** and our  
brand **NEW GUARDIANSHIP, PROBATE & ELDER LAW SECTION**

A **MEMBER BENEFITS PROGRAM** offering savings with many vendors

An opportunity to be heard in members only **PREFERENCE POLLS.**

Join us today and take advantage of all that CCBA membership has to offer!



# DO PRO BONO THROUGH CCVLP

We want to make it as easy and enjoyable as possible for you to provide legal services for the low income members of our community.

Use the included referral form to let us know about a client you want to see Pro Bono. If someone contacts you seeking assistance, and you believe you may want to take the case yourself, send us this form. We will:

- Screen them to make sure they are low income (at or below 200% Federal Poverty Level)
- Help you claim Pro Bono MCLE credits
- Cover you with our malpractice insurance for any work you do on this case
- Support you my making sure all other concerns the client may have go through us.

Next time a client crosses your desk, take a moment to **send us this form**. We'll do the leg work, then set you up for success.

## Vancouver Reception

**Lewis & Clark Law School  
and  
Clark County Bar Association**

Invite you to join fellow members of the Clark County Legal Community for a Networking Social

August 10, 2017  
5:00 pm to 7:00 pm



100 Columbia St, Vancouver WA 98660

Food generously sponsored by: Green & Ritchie PLLC  
Drinks generously sponsored by: Lewis & Clark Law School



**Pro Bono Client Referral Form**

Date of Referral: \_\_\_\_\_

**Referral Instructions**

1. Use this form to refer a client who you wish to **personally** represent Pro Bono.
2. We will screen the client for financial eligibility.
3. We will call you or email you to let you know we have screened the client.
4. Then, we will send you a referral packet.
5. At this point, the client will be free to call your office and make an appointment.
6. You may see the client for any portion of the case in whatever capacity you deem fit (please indicate your intended involvement in the case at the bottom of this form).
7. **We will provide malpractice coverage, Pro Bono MCLE credits, and case management of the client at your request.**

**Client Information**

Client Name  
(First-Middle-Last-Suffix): \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Aliases/AKAs (if known): \_\_\_\_\_ Client Email (if known): \_\_\_\_\_  
Case # (If Any or Known) \_\_\_\_\_

**Referral Information**

**Please tell us what you can about the client's legal concern:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**What is your intended involvement in this case?** (You may change this at any time)

- Brief Services
- Limited Representation through: \_\_\_\_\_ (date)
- Full Representation
- Other: \_\_\_\_\_

**When do you expect to conclude your work with this case?** \_\_\_\_\_

**Referred By (Attorney Information)**

Attorney: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_

**Preferred Communication**

**How would you like to receive paperwork from us (letter of engagement, status inquiries, etc.)?**  
 Email  Postal Mail

Please take note of the 2 forms recently approved by the Court for use in civil cases subject to the revisions to LR 40.

The "Notice of Assignment to Judicial Department" contains a minor change referring to filing a "Joint Status Report" prior to the required scheduling conference.

The "Joint Status Report" is referred-to in LR 40(c)(4) but a form of report was not provided until now.

These changes/new report form are intended to improve compliance with LR 40 and facilitate the scheduling of trials and holding the scheduling conference.

Thank you,

**Jeffrey Amram**

Superior Court Administrator

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLARK

	) Case No.
	)
Plaintiff,	) JOINT STATUS REPORT
	)
vs.	)
	) ASSIGNED DEPARTMENT:
	)
Defendant	) SCHEDULING CONFERENCE
	) DATE and TIME:
	)

**JOINT STATUS REPORT**

Pursuant to LR40(C)(4), Plaintiff and Defendant hereby submit the following Joint Status Report.

**1. Confirmation of Service of Process.**

The parties confirm that all named parties have been served with the Complaint, Summons and Case Assignment Notice.

**2. Confirmation of Joinder.**

Plaintiff confirms that all parties and claims are joined to this case pursuant to CR 18, 19, and 20. Defendant states that it is unaware of any other joinder of claims or parties that can or should be joined pursuant to CR 18, 19, or 20.

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**3. Jury Demand**

Plaintiff or Defendant has made a demand for a jury trial and paid the applicable fee to the Clerk of the Court.

**4. Statement of Arbitrability.**

\_\_\_\_\_ This case is subject to arbitration because the sole relief sought is a money judgment and it involves no claim in excess of \$50, 000, exclusive of attorney fees, interest, and cost. *Per RCW 36.18.016(25) and Clark county Ordinance 2003-04-24, a mandatory arbitration fee of \$220.00 is due upon filing of this document.*

\_\_\_\_\_ The undersigned contends that its claim exceeds \$50,000 but for the purposes of arbitration, waives any claim in excess of \$50,000, exclusive of attorney fees, interest, and cost. *Per RCW 36.18.106(25) and Clark County Ordinance 2003-04-24, a mandatory arbitration fee of \$220.00 is due upon filing of this document.*

\_\_\_\_\_ This case is NOT subject to arbitration because:

- (a) \_\_\_\_\_ The claim and/or counterclaim exceeds \$50,000.
- (b) \_\_\_\_\_ Relief other than a money judgment is sought.
- (c) \_\_\_\_\_ Case is an appeal from a lower court.

**5. Anticipated Length of Trial**

The parties request \_\_\_\_\_ days for trial.

Respectfully Submitted,

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

For Plaintiff:

For Defendant:

\_\_\_\_\_



TERESA FOSTER, PARTNER

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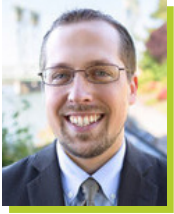
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# Beer & Justice was a big hit

## Thanks for joining us!



by **Brad Thayer**

**T**hank you for joining us for our first Vancouver Beer & Justice event last month! If you missed it, we enjoyed brews by Heathen Brewing and raised funds for civil legal aid by supporting the Legal Foundation of Washington's Campaign for Equal Justice. We are thrilled that 75 people joined us and we raised over \$5,000 to support equal justice!

We'd like to offer a big thanks to our event sponsors: Bullivant Houser Bailey, Law Offices of Loren S. Etengoff, Lehmann Court Reporting, Law Office of Gregory E. Price, and Schwabe Williamson & Wyatt. Many thanks also to Mila Boyd and Loren Etengoff, our local Campaign board members, and to all event committee members for helping us promote the event.

Civil legal aid is a non-partisan issue and one all can agree on. We were honored to have local judges and elected officials attend, including Senators Ann Rivers and Lynda Wilson and Representatives Sharon Wylie and Brandon Vick. This bipartisan support is inspiring.

Supporting the Campaign for Equal Justice supports local families in Clark County. For everyone \$1 raised by the Campaign in Vancouver last year, \$4 went to our Clark County Volunteer Lawyer Program. The Campaign is our state's unified fund drive for civil legal aid and is the fundraising arm of the Legal Foundation of Washington. The Legal Foundation supports the CCVLP with a substantial annual grant.



Save the date for the Campaign for Equal Justice phonathon on Monday, October 23, at Caron Colven Robison & Shafton P.S. Let me know if you would like to volunteer—it's a fun, short event for a great cause! Also, the Legal Foundation's annual Goldmark Award Luncheon will be February 23, 2018, at The Westin Seattle hotel. Please save the date and join the Campaign for both events.

If you or your firm would like to learn more about civil legal aid, the Legal Foundation offers a CLE on Civil Legal Needs. This is a one hour CLE (.5 general and .5 ethics credit). To set up a CLE or for more details about the Legal Foundation of Washington and the Campaign for Equal Justice, please contact Natalia Fior McMahon at [Natalia@legalfoundation.org](mailto:Natalia@legalfoundation.org).

# KEEPING VANCOUVER WEIRD



by **Rick McLeod**

On June 20th, Portlandia crossed the river for a day of shooting at the Pacific Continental Bank building. Most of their day was hidden away upstairs. Until . . . while the guardianship section was busy discussing Vulnerable Adult Protection Orders in the community room, Portlandia’s production took over the lobby and street for an exterior shot. Fred Armisen and Carrie Brownstein waved their apologies between takes while the crew did their best to get the last shot done. This involved Armisen riding a bike around the corner to the front door, giving our group a front row seat of the entire scene from the fishbowl-like community room





Lori Ferguson, Fred Armisen, Jim Senescu, and Marvin Carter - Photo © Rick McLeod

The production wrapped just as the meeting ended, and Mr. Armisen used the moment for a quick meet-and-greet with “the people doing the important work.” No attorneys were harmed in the making of this episode. Look for it in Season 8 of Portlandia returning in January 2018.

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# Update to Clark County Superior Court Judges' Jury Selection Procedures



by **Curtis Welch**

Currently on the CCBA website, under the Member Resources section, there are completed questionnaires regarding the jury selection procedures of eight current or former Clark County Superior Court judges. As explained in the article on the CCBA website, the questionnaires were part of a project involving students in the Clark College paralegal program, with oversight from Paralegal Program Director Layne Russell, Esq., and with overall project oversight from Emily Sheldrick and me as part of the Clark County Superior Court Bench/Bar Committee. Emily and I drafted the questions for the questionnaires, with input from the other members of the Bench/Bar Committee, and the paralegal students conducted interviews of several of the judges. The remainder of the information gathering was done primarily by written communication to and from the judges.

The purpose of the project was to provide a resource to lawyers for learning before trial a judge's procedures for jury selection, and thereby help in the overall jury selection process.

The project started in fall 2013 and continued until early 2014, after which time the questionnaires for each judge were published in issues of the Hearsay newsletter, and then posted on the CCBA website.

Since the conclusion of the information-gathering part of the project in early 2014, Superior Court Judges Fairgrieve, Vanderwood and Veljacic have been sworn in. In working on the project's update involving Judges Fairgrieve, Vanderwood and Veljacic, Emily Sheldrick and I have used the same questionnaires as were used with the other judges.

The completed questionnaires for Judge Fairgrieve, Judge Vanderwood and Judge Veljacic are set forth below.

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

## Clark County Superior Court Jury Selection Procedures Judge John Fairgrieve

1. Does the Judge ask preliminary questions of the jurors? If so, what preliminary questions does the Judge ask?
  - I typically ask preliminary questions of the jury which are suggested in the jury trial benchbook. These include:  
Do you know any of the attorneys or the plaintiff or defendants, or prospective witnesses?  
Have you heard about this case?  
Have you worked for law enforcement in the past?  
Have you been a victim of these charges or been in a similar situation?  
Are you related to anyone connected with the case?  
Do you have any hardships with sitting on this case?  
Do you have a physical disability which would prevent you from being a juror?  
Are you unable or unwilling to follow instructions or follow the law?  
I also accept input from counsel.
2. Does the Judge read a short statement to the jurors regarding the nature of the case? If so, does the lawyer for each side have input into the content of the statement?
  - Yes, for criminal cases I read a summary of the alleged crimes and for civil cases I read a summary provided by the parties.

3. Does the Judge inform the jurors of the expected length of the trial or does the Judge leave it up to the lawyers to do so? What other information does the Judge provide to the jurors before the lawyers begin their part of the voir dire process?
  - I inform the jurors of the expected length of the trial. I introduce the parties on all sides and I introduce myself to the jurors. I will inform the jurors of expected witnesses and ask the jurors if they know any of the parties or witnesses.
4. Does the Judge require counsel to stand in place at the podium during the voir dire or may counsel move around during the process?
  - Counsel is free to move about during voir dire in my courtroom. The only requirement is that the attorney needs to stay close to a microphone to make a clear record.
5. What is the Judge's preference between using juror names or numbers for jurors?
  - I use both names and numbers to make a better record unless there is a reason to use only numbers.
6. How much time does the Judge allow for voir dire? Does the plaintiff's lawyer/prosecutor always begin with the questioning?
  - I generally allow 30 minutes per side for voir dire. In more complex cases I am willing to give counsel additional time. The prosecutor or plaintiff's attorney goes first.
7. How does the Judge prefer to handle challenges for cause? Are jurors present when strikes for cause occur?
  - In open court, outside the presence of the jurors. Attorneys should try to make this type of challenge as soon as they have developed a record to support it.
8. How does the Judge prefer to handle peremptory challenges? Does the Judge prefer that peremptory challenges be exercised on paper? If done on paper, does the lawyer take one strike and pass the paper to the other side's lawyer, or is more than one strike taken at a time? Are peremptory challenges exercised outside the presence of jurors?
  - We use a clipboard passed back and forth between the attorneys. One strike at a time is allowed, then the clipboard is passed to the other attorney, the clerk, and then the judge. Peremptory challenges are generally exercised in the presence of the jurors.
9. Does the Judge allow striking of jurors seated outside of the jury box?
  - Yes.
10. Is there anything else you would like to add? Any pet-peeves?
  - Questions in voir dire should be designed to elicit information from prospective jurors in order to support a challenge for cause or to allow the party to intelligently use its peremptory challenges.
  - Attorneys should generally avoid leading questions intended to "educate" jurors about legal concepts or their theory of the case during voir dire.

## Clark County Superior Court Jury Selection Procedures

### Judge Derek Vanderwood

1. Does the Judge ask preliminary questions of the jurors? If so, what preliminary questions does the Judge ask?
  - Yes. The specific questions depend on the case, but the following questions are typically asked in every case:
    - Have any of you heard of this case before?
    - Has anyone ever expressed to any of you an opinion concerning this case?
    - Do any of you know the Defendant, Plaintiff, or any of the lawyers on either side of this case?
    - Do any of you know me?
    - Do any of you know any of the following persons who might be called as witnesses?
    - Do any of you know anyone who is in this group of potential jurors?
    - Have any of you had any personal experience with a similar or related type of case or incident?
    - Are any of you connected in any way with the court system?
    - Are any of you connected in any way with the criminal justice system?
    - This trial is estimated to last approximately \_\_\_\_\_ days. Does that create a significant hardship for anyone?
    - Does the Judge read a short statement to the jurors regarding the nature of the case?
  - Yes.
    - If so, does the lawyer for each side have input into the content of the statement?
      - Yes. The judge provides a draft statement of the case that is reviewed with counsel for comment and suggested changes.
3. Does the Judge inform the jurors of the expected length of the trial or does the Judge leave it up to the lawyers to do so?
  - The judge does. See standard questions asked by the judge above.
    - What other information does the Judge provide to the jurors before the lawyers begin their part of the voir dire process?
      - Standard instruction based on WPIC 1.01 is provided.

4. Does the Judge require counsel to stand in place at the podium during the voir dire or may counsel move around during the process?
  - Counsel is allowed to move around the courtroom.
5. What is the Judge's preference between using juror names or numbers for jurors?
  - Each juror is given a number. The judge allows counsel to decide whether to use the number or name. The judge usually references both the number and the name during his portion of jury selection.
6. How much time does the Judge allow for voir dire?
  - The length of time varies depending on the case, but typically 30-45 minutes per side is allowed.
    - Does the plaintiff's lawyer/prosecutor always begin with the questioning?
      - Yes.
7. How does the Judge prefer to handle challenges for cause?
  - Cause challenges are typically handled with the entire jury pool present. Either counsel may raise a challenge for cause at any point in the jury selection process.
    - Are the jurors present when strikes for cause occur?
      - Typically, yes.
8. How does the Judge prefer to handle peremptory challenges?
  - Peremptory challenges are handled outside the presence of the jury in open court. The plaintiff begins, followed by the defendant, until all challenges are utilized.
    - Does the Judge prefer that peremptory challenges be exercised on paper?
      - No. A process of passing a clipboard is not used.
      - If done on paper, does the lawyer take one strike and pass the paper to the other side's lawyer, or is more than one strike taken at a time?
        - N/A
    - Are peremptory challenges exercised outside the presence of jurors?
      - Yes.
9. Does the Judge allow striking of jurors seated outside of the jury box?
  - Only for cause challenges. Peremptory challenges apply only to those in the jury box at the time the challenge is utilized.

## **Clark County Superior Court Jury Selection Procedures**

### **Judge Bernard F. Veljacic**

1. Does the Judge ask preliminary questions of the jurors? If so, what preliminary questions does the Judge ask?
  - Yes. Judge Veljacic asks general questions of the jurors on the following topics: jurors' knowledge of the case, parties, and potential witnesses; jurors' personal and family members' experience with the type of case; jurors' personal or familial connection with the courts, law enforcement, or the administration of justice.
2. Does the Judge read a short statement to the jurors regarding the nature of the case?
  - Judge Veljacic does not read a short statement regarding the nature of the case, but does read the titles of the charges or causes of action.
3. Does the Judge inform the jurors of the expected length of the trial, or does the Judge leave it up to the lawyers to do so?
  - The Judge informs the jurors of the expected length of the trial after inquiring of counsel as to their expectations.
    - What other information does the Judge provide to the jurors before the lawyers begin their part of the voir dire process?
      - The judge gives general information such as when breaks will occur and where to park for subsequent trial days.
4. Does the Judge require counsel to stand in place at the podium during the voir dire or may counsel move around during the process?
  - Judge Veljacic does not require counsel to stand in place at the podium during voir dire, but will remind attorneys to stand near one of the microphones to be certain their presentations are captured on the record.
5. What is the Judge's preference between using juror names or numbers for jurors?
  - Judge Veljacic will ask that attorneys to use numbers to ease tracking of jurors' responses; attorneys may use names as well.
6. How much time does the Judge allow for voir dire?
  - The Judge allows, on average, 30 minutes per side for voir dire, plus 10 additional minutes of follow up. This time is adjusted, however, based upon the particular case.

- Does the plaintiff’s lawyer/prosecutor always begin with the questioning?
    - Yes, plaintiff/prosecutor always begins questioning.
7. How does the Judge prefer to handle challenges for cause?
- Judge Veljacic handles challenges for cause in open court, at the end of voir dire, in the presence of the jury, to allow the non-moving party to attempt rehabilitation of the juror. In some cases, the Judge has allowed questioning outside the presence of the other jurors, but this is rare.
    - Are the jurors present when strikes for cause occur?
      - Yes, the jurors are present when strikes for cause occur.
8. How does the Judge prefer to handle peremptory challenges?
- Judge Veljacic handles peremptory challenges using the tried and true “passing of the clipboard” method. This does result in the recording of each party’s challenge on paper. Peremptory challenges are thus exercised in open court, on paper, but not orally.
    - Does the Judge prefer that peremptory challenges be exercised on paper?
      - Yes.
      - If done on paper, does the lawyer take one strike and pass the paper to the other side’s lawyer, or is more than one strike taken at a time?
        - Strikes are one at a time, with Plaintiff/Prosecution striking first as follows: P strikes, Bailiff shows clipboard to D, Bailiff shows clipboard to Court; D strikes, Bailiff shows clipboard to P, Bailiff shows clipboard to Court...and so on.
    - Are peremptory challenges exercised outside the presence of jurors?
      - Jurors are present.
9. Does the Judge allow striking of jurors seated outside of the jury box?
- Yes, the Judge allows strikes, for cause, of jurors seated outside of the jury box.
10. Is there anything else you would like to add? Any pet-peeves?
- Judge Veljacic’s only additional advice: speak up so the microphones pick up what you are saying; always make sure you’re facing a microphone. Be prepared and do your best!

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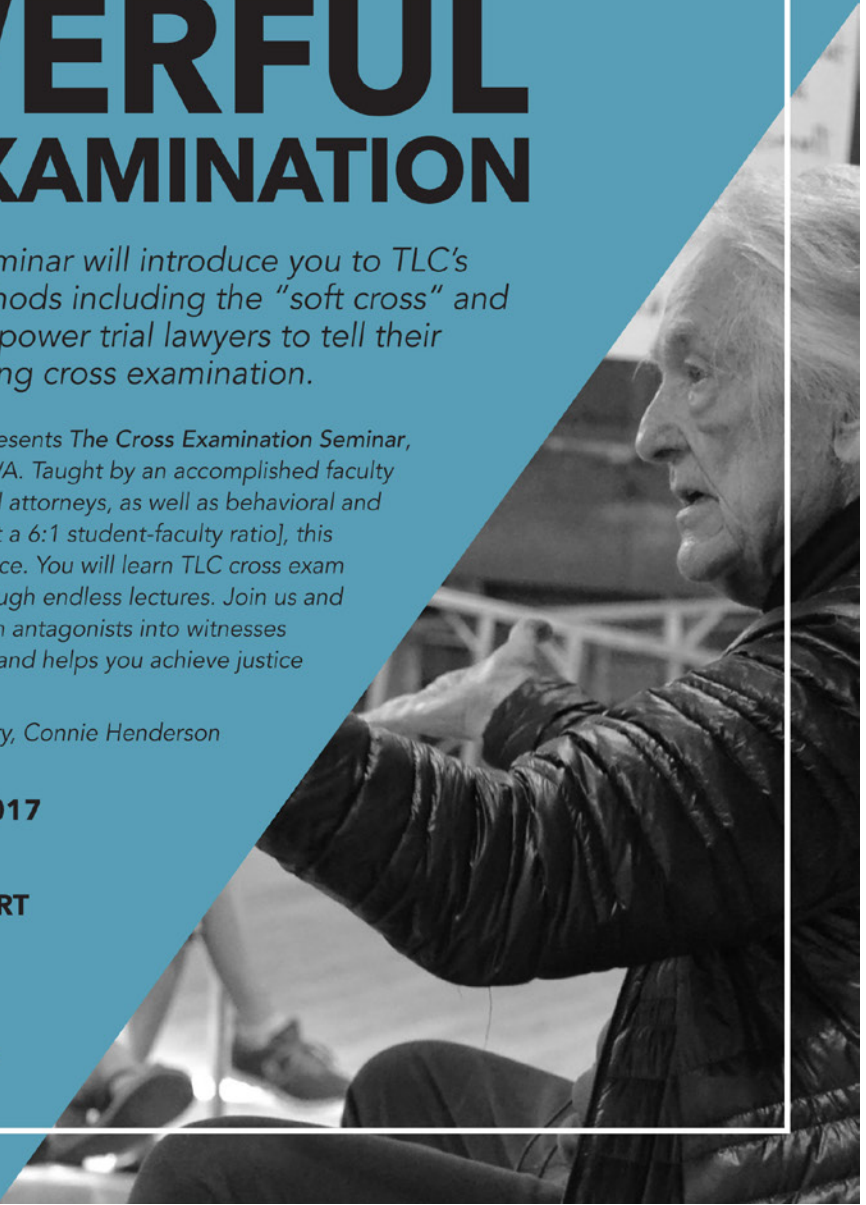
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# LOOKING to Volunteer?

## Give Big Brothers, Big Sister a Try...



by **Christina Phelan**

A little over four years ago, I received a call telling me I had been matched with a “little sister.” Tonae was 9 years old at the time, and we had our first meeting at the Big Brothers, Big Sisters office in Portland. Fast forward to last month, and I just had the pleasure of watching Tonae graduate from 8<sup>th</sup> grade and get ready to head off to high school. In the last four years, she and I have gone to a roller skating rink, to the pumpkin patch, to get our nails done (a lot), to movies and dinners, to stores for school shopping, to a Nike sponsored field day, and much more. I have been able to watch her develop from a quiet, shy girl, into a talkative and funny teenager. It has truly been a blessing to know her and her family and participate in such a wonderful program.

Right now the demand for adult volunteers with Big Brothers, Big Sisters is high. Kids who are looking to be matched with a mentor/friend are often experiencing long wait periods because of the lack of volunteers. I would highly encourage anyone who has been thinking about getting involved in a mentor program or just looking to find an opportunity to give back to consider BBBS. BBBS offers a wide variety of programs and events, as well as tickets to sporting (go Blazers!) and art events around the community, so it is a great way to experience new and exciting things with a youth who may not have the opportunity to do so otherwise.

Below is information regarding eligibility and the different programs BBBS offers:

### Volunteer Eligibility:

- Be at least 18 years of age.
- Be willing and able to make at least a one-year commitment to the program.
- Be willing and able to meet with your Little Brother/Little Sister for the required time commitment (3-4 times per month for the first year).
- Own a car and possess at least the minimum limits of auto liability insurance (car not required in Bigs in Schools Program).
- Have a safe driving record (no DUIs within the past five years; no more than two moving violations in the past year).
- Never been convicted of a felony.
- No illegal drug use currently or within the last twelve months.

### Programs Available:

#### Community Based

Adults and children are paired based on geographic proximity, shared interests and preferences. The adult mentors a child in the community through events and activities. This program requires a year commitment. There is also a Big Couples option within this program, where you and a partner/spouse can mentor one youth together.

#### Bigs in Schools

Adults mentor a child at their elementary school. They provide support and encouragement through play and positive interaction. This program requires a year commitment. Current schools: William Walker in Beaverton, OR and Mill Plain in Vancouver, WA. If you are interested in volunteering for a program, you can email Christine at [christine.ruddy@bbbsnorthwest.org](mailto:christine.ruddy@bbbsnorthwest.org) or if you just have questions about what being a Big Brother or Big Sister entails, email me at [christina@phelanlawoffice.com](mailto:christina@phelanlawoffice.com).

Adults mentor a child at their elementary school. They provide support and encouragement through play and positive interaction. This program requires a year commitment. Current schools: William Walker in Beaverton, OR and Mill Plain in Vancouver, WA.

If you are interested in volunteering for a program, you can email Christine at [christine.ruddy@bbbsnorthwest.org](mailto:christine.ruddy@bbbsnorthwest.org) or if you just have questions about what being a Big Brother or Big Sister entails, email me at [christina@phelanlawoffice.com](mailto:christina@phelanlawoffice.com).





# CCBA Annual Meeting and Lunch

**September 11, 2017**

12:00 – 1:00 PM

**Red Cross Building**

605 Barnes Street, Vancouver

The Annual Meeting will feature reports from Superior Court, District Court, the Clerks Office, the Family Law Section, the Young Lawyers Section and various CCBA committees. The CCBA Treasurer will give a report and we will elect our new slate of officers.

In an effort to better accommodate our members

**Pre-registration and payment is mandatory for lunch.**

*Lunch provided by Northwest Culinary Institute*

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# HEARSAY PROFILE:

## MARK CARTER

**Home:** Vancouver, WA. Born and raised.

**Age:** 49

**Profession:** Attorney - Chapter 7 and Chapter 13 bankruptcy and Landlord/Tenant

**Hobby:** Cooking, reading and doing anything with my kids before they disappear from the home (18 & 15 years old).

**Last Book Read:** Dark Matter by Blake Crouch. Sci-Fi novel about the multiverse. Favorite book this year - Shoe Dog by Phil Knight memoir. Well written and very honest look back to the start of Nike.

**Legal Philosophy:** Do the best that I can to help my clients achieve their goals - and try to have fun along the way. During my client meetings we end up spending a good amount of time just chatting. I enjoy the chance to get to know people that otherwise would likely not cross my path.

**Latest Accomplishment:** Becoming a true house husband for a year while my wife went back to school to get her Masters. The kids and I worked together to keep the house running smoothly (?) while my wife was either in class, studying or student teaching for the past year. I have always enjoyed cooking - but it is not as fun when you need to plan meals every evening instead of just when you have time during the weekend.

**Why I Do What I Do:** I am an accidental lawyer. I did not have a strong yearning since I was young to practice law. In college I loved political science and history classes. My focus was on the Cold War and the Star Wars weapons of the Cold War. I thought I would end up in a Think Tank in Washington DC or working for the government in some manner in U.S./Soviet Union relations. Then, during the 2nd semester of my senior year in college, the Cold War ended..... After taking a year off to travel and study I decided to apply to law school. For the most part I have enjoyed my 22 years as an attorney. I do not plan to continue to practice for another 22 years. My wife and I are working on our Life 2.0 plans after we get our kids through college.

**Profile:** I was born in Vancouver and went through the Vancouver schools - graduating from Hudson's Bay in 1986. I





met my wife Amelia at The University of Puget Sound in Tacoma, WA. Following graduation I spent a year in Strasbourg France before heading to The National Law Center at George Washington University in Washington D.C. We loved our time in D.C. I had some amazing internships while in law school: Department of Education, Department of Justice and the most amazing was getting a job in the Clerk's office at the U.S. Supreme Court. But for chambers, I had full access to the Court including lunch time games of basketball on "The Highest Court in the Land" as the basketball court on the top floor of the Supreme Court is called by the employees.

We would have loved to stay in Washington DC, but all of our family were back here in Washington so we returned the Summer following graduation - a very long 3 day drive. After working for a couple of small firms to start my career, I decided to go out on my own after two years and have been either solo or in a partnership ever since.

I have been married 24 years and we have two children. Matthew is 18 and just graduated from Prairie High School and the Running Start program at Clark College. Thanks to the Running Start program, he will head to Western Washington University in September and enroll as a junior. Sophia is 15 and just finished her freshman year at Prairie High School. Her love is volleyball but right now our excitement is Driver's Ed.



I have been lucky to have the most amazing assistant for over 15 years. Tracey is my daytime wife and tries to keep me working hard during the work days.

When I can escape the office for a few days or longer, the Oregon Coast and Central Oregon are my two favorite places where upon arrival I immediately relax. The Fall and Winter are the best times to build a big fire, grab a book and just relax.

**Beverage of Choice:**

Winter - Old Fashioned.

Summer - Gin & Tonic.

# UPCOMING EVENTS

## SOCIAL

**July 21, 2017**  
 CCBA BBQ  
 Public Service Center Plaza - Noon

## MEETING

**August 10th, 2017**  
 CCBA Board Meeting  
 CCBA Office - Noon - 1:00pm

## MEETING

**August 15th, 2017**  
 Hearsay Committee Meeting  
 CCBA Office - Noon

## SOCIAL

**August 10th, 2017**  
 CCBA/Lewis & Clark Social Hour  
 Warehouse 23 5:00pm - 7:00pm

**ADVERTISE IN NEXT MONTH'S HEARSAY**  
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## SW WASHINGTON LAWYER REFERRAL SERVICE

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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 237 CLIENTS IN THE MONTH OF MAY.

ADA	1
Administrative Law	24
Bankruptcy	1
Business & Corp	5
Consumer	8
Criminal	14
Debtor/Creditor	13
Family Law	25
General Litigation	63
Labor & Employment	10
Real Property	52
Taxation	15
Wills & Trust	18
Workers Comp	1

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**PRESIDENT**

**Mark Sampath**

360.597.3514

mark@sampath-law.com

**IMMEDIATE PAST PRESIDENT**

**Rick McLeod**

360.841.5654

law@rickmcleod.com

**VLP LIASION**

**Jordan Taylor**

360.737.1478

jordan@hlf-law.com

**VICE PRESIDENT**

**Jill Sasser**

360.816.2534

jill.sasser@landerholm.com

**TRUSTEE**

**Heather Norton**

360.542.9511

heather.norton.law@gmail.com

**OFFICE MANAGER**

**Lisa Darco**

360.695.5975

ccbamanager@ccbawashington.org

**TREASURER**

**Greg Cheney**

360.597.3514

greg@cheneylawfirm.com

**TRUSTEE**

**Paige Spratt**

360.905.1433

pspratt@schwabe.com

**MEMBER SERVICES**

**Donna Crandall**

360.695.5975

ccbsservices@ccbawashington.org

**SECRETARY**

**Le Ann Larson**

360.397.2265

lelarson@wapa-sep-wa.gov

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