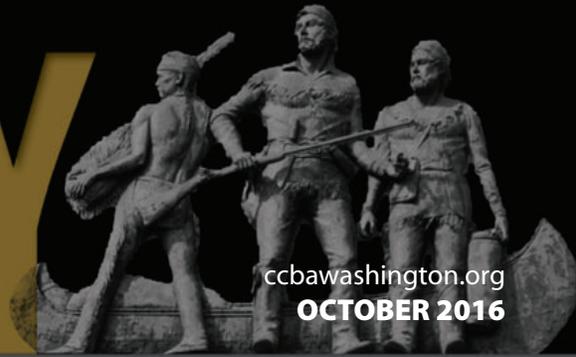


# HEARSAY



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OCTOBER 2016

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION



## 2016 CCBA ANNUAL MEETING Changing of the Guards

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Partial blindness in one eye .....	\$850,000
Failure to diagnose GCA .....	\$1.75 million
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# PRESIDENT'S MESSAGE



**CHAD SLEIGHT**  
*CCBA President*

I, Chad Everett Sleight, do solemnly swear that I will faithfully execute the office of President of the United States....wait..... wrong oath and wrong office!! With the political season upon us, I thought I would start my first President's Message with a little humor. Regardless of who you are voting for (or not voting for) this November, I think we can all agree that it is going to be a wild ride.

When CCBA Board legend Jane Clark asked me to put my name in to be on the Board of Trustees a little over two years ago, I had two thoughts: 1) NEVER say no to Jane (because behind that awesome accent she scares me), and 2) being a Trustee for three years will give me a great opportunity to learn more about what the CCBA does for our members, and to volunteer my time and efforts on behalf of the membership and the community. I never imagined that two years later I would be your president. I am extremely honored and humbled to be in this position, and I will do my best to follow in the steps past presidents such as Judge Collier, Jean McCoy, Judge Fairgrieve, Judge Clark, Kurt Rylander, Mila Boyd, Jane Clark, Arin Dunn, and Rick McLeod.

I feel extremely fortunate to coming into this position at this particular time. Arin and Rick (along with the other board members and staff) have put the CCBA in excellent shape. Membership is up (just under 500 members last year), our finances are strong (that was a focus for both Arin and Rick and helped greatly by our Treasurer Mark Sampath and our Administrator Lisa Darco), our home will remain the same for at least the next two-plus years thanks to Arin and Rick negotiating favorable terms for our office lease, we have increased the number of CCBA activities throughout the year, and the current CCBA Board is made up of great people who I believe will work well together to serve your interests.

A big thank you is in order to everyone who attended our Annual Meeting on September 12th at the Red Cross Building, to our presenters Judge Rulli, Judge Langsdorf, Nathan Petersen, Jane Clark, Brad Thayer, WSBA Governor Jill Karmy; to Rick McLeod who capped off a great year as our leader by running the meeting; and to Lisa Darco and Donna Crandall for all of their hard work behind the scenes to make the event a success.

I also want to extend special thanks to our CLE speakers, Judge Langsdorf, Judge Vanderwood, and Judge Fairgrieve who provided "A View From The Bench."

I want to introduce your 2016-17 CCBA Board members with a few things I thought you should know about each of them (these are unofficial and not pre-approved, so I apologize in advance):



**Vice President Mark Sampath:** Mark has been the CCBA Treasurer for the past two years, and he is transitioning to V.P. this year. His work as our treasurer has been outstanding . . . and, frankly, the guy is just really smart. His knowledge and skill with numbers allow him to present a clear picture to the Board about where our money is going, and what needs to be done to keep us financially strong and stable. He has a thriving practice as a business law attorney, has a great relationship with his two kids, is an excellent dresser, and uses his extensive knowledge of grapes to enjoy the occasional glass of high-quality wine.



**Secretary Le Ann Larson:** Le Ann has been the CCBA secretary for the past two years, and, fortunately for all of us, she agreed to stay in the position. Le Ann does a fantastic job of making sure that monthly meeting minutes accurately reflect what is discussed at board meetings . . . which is no easy task with a bunch of lawyers sitting around a table talking fast. She works in the Child Support Division of the Prosecutor's Office, is heavily involved in her kids' activities, and volunteers her time for charitable organizations in our community. I am not sure how she fits it all in!



**Treasurer Greg Cheney:** Greg was elected treasurer at the Annual Meeting, and we all look forward to working with him in what is one of the most demanding positions on the Board. He is a local boy, having been raised in Ridgefield. He is an associate

attorney with Todd Pascoe's Office, handling criminal and civil litigation, as well as small business issues. He has spent time in Washington D.C. working on a variety of political and legislative issues, which should serve him well in the highly political and partisan environment of a CCBA Board meeting (joke #2 of the column). What is not a joke is that Greg's family owns and raises llamas. The beautiful beasts accompany the family on backpacking trips each summer, where his kids ride them on trails and from campsite to campsite.



**CCBA Trustee Paige Spratt:** Paige begins her second year as a Trustee, and she was a great addition to the Board last year. Like Le Ann, there do not seem to be enough hours in the day for all that Paige has going on. She is a successful associate at Schwabe, Williamson & Wyatt focusing on construction litigation, is a busy mother to her two young kids, is involved in numerous community organizations, and oh yeah, won the George Marshall Public Leadership Award in 2016 for demonstrating leadership, commitment to public service, and academic achievement. Congratulations Paige; this is a very prestigious award!



**CCBA Trustee Heather Norton:** Heather brings the unique experience of both working for the CCBA (membership services coordinator for a few years), and being a CCBA Trustee. We got her on the Board last year, and I hope she stays for many years. After putting her law practice on hold for a number of years, she is back practicing full-time. The Law Office of Heather Norton provides elder law services, including estate planning, wills, probate, and guardianships. Allow me to share a personal story to illustrate how awesome Heather is: Back in March, I adopted two rescue dogs (Gigi and Macy) who were under the age of one and still very much puppies. In June, I was taking the garbage/recycle containers out to the curb and (stupidly) allowed the dogs to help me. They caught a scent and both took off running like their tails were on fire. Up the hill they went, with me chasing them (barefoot) and screaming for them to stop. By dumb luck, I found them about 10 minutes later half a neighborhood away. Not only was I missing shoes, I had no phone and no leashes. Who came to my rescue . . . you guessed it . . . Heather Norton. Like an angel, she dropped out of the sky (joke #3 . . . we are actually neighbors and she happened to be outside) and we each carried a dog back to my house. Heather brings this same kind of dedication to the CCBA, and we are fortunate to have her.



**CCBA Trustee Christie Emrich:** Christie was elected as a Trustee at this year's Annual Meeting, and I look forward to having her on the board. Since 2006, she has worked with Jeff Barrar as a criminal defense attorney. She has a passion for public defense, and is highly respected by judges, prosecutors, and defense attorneys for her work in District and Superior Court. Christie is from Michigan, and is a die-hard Michigan State Spartan (that is

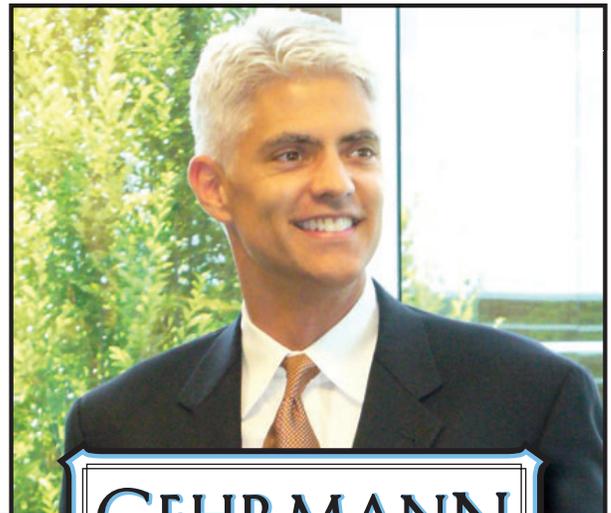
probably an understatement . . . on days when Sparty has a huge football game or is in the NCAA basketball tournament, I worry for her well-being when the game is tight). She is a member of the Washington Women Lawyers, and is a past board member for the Inns of Court. She is married to Brian (who is a great architect) and is a mom to Norah and Rosie. And if this lawyer thing does not work out, Christie loves baking and has a "not so secret" dream of opening her own bakery one day. I may try to use my presidential powers and ask that she make some goodies for the Barrister's Ball this year.



**Immediate Past President Rick McLeod:** I have worked with Rick the past few years on both the CCBA board and the Inns of Court board, yet I feel that I still know so little about him (and I am pretty sure that he likes it that way). I know that he opened his own practice at the beginning of 2016,

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that he is an experienced intellectual property attorney, that he handles elder law cases (guardianships and estate planning), that he likes motorcycles, that he is known to wear kilts, that I have never seen him with his shoes tied, and that he put a lot of time and effort into being a great president for the CCBA. For the remainder of this bio, I am going to use my imagination. I believe that Rick is in the CIA or some other clandestine organization, has lived in 42 countries, has 12 different passports, spent time in a commune in Argentina eating only grass-fed meat and organic vegetables, knows who really killed JFK, and is from the future (the year 2180 to be exact). Whether any or all of that is actually true, I do not know . . . but

would anyone rule it out completely? In all seriousness, I thank Rick for his service as CCBA President, and look forward to continuing to work with him this year.

I look forward to serving as your president this year. I want to make sure that we as a Board continue to spend your money wisely, put on quality CLE's to our members throughout the year, increase the number of social events for our members, and face any challenges or issues that arise in a way that makes you proud to be part of the CCBA. I hope that you will reach out to me directly with any suggestions or ideas that you have. And I am always up for coffee, lunch, or an after-work beverage.



**LANDERHOLM**  
congratulates  
**Michael Simon**  
on his recent retirement  
and is pleased to announce  
**Jeff T. Lindberg**  
&  
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have joined the firm as Associates

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# “Valar Morghulis” “Valar Dohaeris”

**THOMAS DISTEFANO**  
*Hearsay Special Correspondent*

It was a beautiful September 12th day in Vancouver, Washington. Local attorneys were nestled into the American Red Cross Building, to witness the end of a regime and welcome in another. With the sun shining through the windows giving witness to the day, the stage was set for us to say goodbye and thank you to Mr. Rick Mc Leod for all his service as president of the Clark County Bar Association and to welcome Mr. Chad Sleight as the new president.

Mr. Mc Leod set off the festivities with his flare and style going over the year in review and all the efforts and strides made for the bar association this past year. The time and work put in for these accomplishments to come to fruition are much appreciated but seldom understood--the hard work to keep our headquarters within the same location for the next three years by negotiating and working on our lease; the time put in to encourage and increase our membership, which improves the quality and learning of our great sections, which are shared among our legal community. There are also the painstaking and tedious tasks of keeping down our expenditures, such as copies, paper, storage, and searching, pricing and comparing the best locales for events, for money to be utilized elsewhere. Hard work is also required to increase our budget to allow us to enjoy all the great events each year, which improves our comradery among the bar.

The successful events enjoyed this year include the Barrister's Ball, a golf outing, a softball game, a summer barbecue, Bowling with the Judges, Battle of the Bands, and happy hours, not to mention all the CLE seminars, nuts and bolts learnings, and many other section meetings and events.

Also, the foundations have been put in place this year to expand our public service with a call to duty for all attorneys to dedicate more time to the community. Judicial evaluations



will be forth coming to further strengthen our relationship with the bench. A bench which is nicely integrated into this bar association, as shown by the presentations by Judge Rulli, Judge Langsdorf and Judge Lewis at this annual bar meeting and all the work and cooperation they do, further this community and this association. There are also plans in place to initiate a Guardianship Law section, to further expand and educate our already diverse and specialized bar.

Interwoven into this year in review, were the formalities of voting for new officers, presentations and updates of more than 10 areas affecting our bar association and the welcoming of our new president Mr. Chad Sleight.

Mr. Sleight arose and accepted his new position with humility and optimism in continuing on the great work of the others, which came before him, and thanking Mr. Mc Leod and all the hard efforts of those like Ms. Lisa Darco, without whom most things would not be possible. Mr. Sleight looked forward to increasing events to meet all those in the bar association, to use these events to welcome new attorneys into the community, and to further encourage fellowship among all members of our legal community. He will lead by example and looks forward to meeting those at the upcoming events at Top Shelf this month and the starting up again of the Inns of Court. For all of those who don't know Mr. Sleight, he is a very sincere and welcoming person. As the saying goes, "He's people's people."

Mr. Mc Leod once again arose and concluded this annual event by thanking all those whose hard work helped him accomplish many of the great strides within this past year. It was a great year and Mr. Mc Leod accomplished a great many things for this bar association. As he signed off to conclude his presidency he concluded with "Valar Morgulis" to which we say "Valar Dohaeris" and a great thank you.



**The Clark County Bar Association Presents a CLE**  
**November 4, 2016**

**The Ethics of Social Media**  
**Elder Abuse Reporting Requirements for Oregon**

***Presented by:***

***Jeanne Marie Clavere, Scott Edwards & Rick McLeod***

**November 4, 2016 – 11:00 am to 2:15pm at the Red Cross Building**

**3 Ethics CLE Credits (1 Oregon Elder Abuse Reporting credit pending)**

**CCBA members: \$105.00    Non-members: \$135.00    Non-attorneys: \$52.50**

**• Brunch service begins at 10:30am •**

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**Jeanne Marie Clavere** is the Professional Responsibility Counsel for the Washington State Bar Association. Her presentation “Examining the Ethics of Attorney Communications and Social Media” will cover the following topics along with many others:

- How much about our jobs can we share via our own social media?
- Can we tweet about our cases or mention them on Facebook or LinkedIn?
- When is it appropriate, if ever, to “friend” a Judge, Opposing counsel, client or witness on Facebook?
- What are the risks of using email to communicate with judges, opposing counsel, clients, and witnesses?

**Scott Edwards**—So you think you can blog?: Knowing the Who, What, Where, When, Why and How of Legal Blogging

**Rick McLeod**—Elder Abuse Reporting Requirements for Oregon

- Elder Abuse doesn’t necessarily involve physical violence. Financial exploitation, mental cruelty and emotional intimidation are just a few examples that a lawyer might encounter. We’ll discuss the Oregon legal structure, a lawyer’s reporting responsibilities, and special exemptions where clients are involved.

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**JEANNE MARIE CLAVERE** is a 1987 graduate of the University Of Puget Sound School Of Law (now Seattle University School of Law). Prior to earning her law degree she received a Master of Business Administration from DePaul University in Chicago. In February, 2010 she joined the staff of the Washington State Bar Association as Professional Responsibility Counsel. Jeanne Marie began her solo practice in 1991, focusing on estate planning, elder law (including complex guardianships, trusts, and guardian ad litem appointments), and contract based criminal prosecution. As Professional Responsibility Counsel, Jeanne Marie serves as an advisor to members of the bar on the Rules of Professional Conduct as they apply to WSBA Advisory Ethics Opinions, the Rules for Enforcement of Lawyer Conduct, and the ABA Standards for Imposing Lawyer Sanctions. Jeanne Marie is the primary

responder on the WSBA Ethics Line and wants every attendee to commit the number to memory and call her first, not after they run into an ethical dilemma.

While in private practice Jeanne Marie appeared before a wide range of courts and tribunals, ranging from Ex Parte hearings to trials on guardianship and criminal issues, and served for many years as a Settlement, Litigation, Adoption, Family Law, Incapacity and Probate Guardian ad Litem in King and Snohomish Counties. Jeanne Marie is past president of the state Washington Women Lawyers, past chair of the Washington State Bar Association Elder Law Section and has spoken at CLEs on a wide variety of topics. She is a member of the American Bar Association and the ABA's Center for Professional Responsibility and the ABA Law Practice Division.



**Scott Edwards** joined Schauermann Thayer as an associate attorney in 2011 and joined as a partner in 2013. He earned his Bachelor's degree in Sociology from the University of Utah and a Juris Doctorate, cum laude, from Gonzaga University School of Law. After law school, he honed his trial skills as a defense lawyer at the largest insurance defense firm in Portland and later for one of the largest insurance companies in the United States. Today, his practice focuses exclusively on representing people in personal injury, wrongful death, and insurance cases. In his free time, Scott enjoys spending time with his amazing wife and four children.



**Rick McLeod** is an attorney in Clark County. He holds a J.D. from the University of Texas and an LL.M. in Media, Communications and Information Technology law from the University of New South Wales, in addition to technical degrees from the University of Houston and Stanford University. He like cats, motorcycles and things that go bump in the night.

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# A View from the Bench



**SKYLER TANNER**

*Hearsay Special Correspondent*

Following the CCBA's annual meeting, the Honorable John P. Fairgrieve, the Honorable Derek J. Vanderwood, and the Honorable Sonya L. Langsdorf kindly offered advice based on their experiences on the benches in the Family Court division of the Superior Court, the Superior Court, and the District Court, respectively. They good-naturedly offered wisdom on things you should be doing (or not doing) and saying (or not saying):

## THINGS TO DO

### *Outside the courtroom*

First, they shared suggestions of how to impress a judge before you ever enter her or his courtroom. In motion practice, Judge Langsdorf warned of getting lackadaisical based on one's familiarity with or informality of a particular court. She commented that attorneys often work in the District Court as a training ground before practicing before the Superior Court and encouraged attorneys to treat their cases in the District Court with as much care as their cases in the Superior Court. Judge Fairgrieve encouraged attorneys to file a pretrial memorandum in order to give the judge the attorney's theory of the case and to work through evidentiary issues. The judges will read these memoranda before the trial, so why not take advantage of the opportunity to start explaining why you win. Judge Fairgrieve also recommended that attorneys utilize motions in limine, including developing a form motion over time with various exclusions that attorneys can modify for a particular case on short notice. In all memoranda, Judge Fairgrieve cautioned attorneys to ensure they have done their homework and provided legal citations. Even if the legal point is generally accepted, the court is not going to do the research for you to find a case on that point—attorneys need to find the cases and include them in their briefing.

In addition to ensuring filings are of a sufficient caliber, attorneys must also file those documents at the right time. Judge Vanderwood discussed some of the new local court rules that will become effective January 1, 2017. He explained these rules are designed to move cases expeditiously and will require parties to be prepared sooner. Generally speaking, the new rules will not let a civil case sit until the parties decide to move it forward; early in a case, the judge will issue a scheduling order setting discovery and dispositive motions deadlines and a trial date, among other things. Judge Vanderwood encouraged attorneys to review the local rules located on the Superior Court's website ([www.clark.wa.gov/superior-court/local-rules](http://www.clark.wa.gov/superior-court/local-rules)) or in the July edition of the Hearsay ([http://www.ccbawashington.org/hearsay/2016\\_07\\_Hearsay.pdf](http://www.ccbawashington.org/hearsay/2016_07_Hearsay.pdf), at pp. 18–21).

As a couple closing points, Judge Langsdorf highly recommended that attorneys make an appointment and

visit with chambers to learn the judge's preferences and Judge Vanderwood encouraged parties to properly use settlement conferences. He encouraged the parties to do as much preparation beforehand as possible to ensure that the parties have resolved stumbling blocks to settlement (such as conducting discovery that will resolve a salient factual issue).

## INSIDE THE COURTROOM

Once the parties arrive at the courtroom, the first thing Judge Langsdorf encouraged was that the attorneys actually arrive. Attorneys need to be timely for hearings to permit the court to treat all parties fairly and avoid causing problems for the court (particularly the clerk) and other parties. She recognized that sometimes attorneys have various hearings scheduled at or near the same time, but Judge Langsdorf reminded the attorneys that they can and should check in with the clerk to confirm that the attorneys are aware of the hearing and to advise the clerk from what other courtroom they will be coming.

Judge Langsdorf also encouraged attorneys to show proper decorum during the hearing and to instruct their clients on how to show proper respect (even so far as advising them to not wear a hat, chew gum, or lean on the bar). An attorney's responsibility to show decorum does not end with a court's ruling: Exaggerated reactions to a court's ruling are inappropriate. If attorneys disagree with the court's ruling, they should remember at least two things: (1) The ruling is not a personal attack on the attorney and (2) the attorney can usually appeal the ruling.

In an effort to make the courtroom proceeding run as efficiently as possible, Judge Fairgrieve recommended that parties remember that they cannot stipulate to offering testimony by telephone. Although telephonic testimony may be more readily permissible for a hearing, Civil Rule 43(a)(1) requires in-person testimony at trial, absent good cause, which must be determined by the court. Additionally, Judge Vanderwood advised attorneys that the time to first test using a particular type of technology in the courtroom is not the very moment in which the attorney is trying to present it to the court.

Finally, in a couple specific points of guidance, Judge Vanderwood instructed the attorneys that they must anticipate providing a joint status report at a scheduling conference, addressing issues such as whether all parties have been joined and whether the parties will be participating in arbitration. Judge Fairgrieve encouraged attorneys to properly utilize Evidence Rule 904 to save money and facilitate a smoother trial presentation by using it to admit non-controversial evidence.

Still, ER 904 applies only to certain types of documents, and attorneys should make sure that the documents that they plan on trying to admit through the ER 904 process are in fact the type of documents contemplated by the rule.

## THINGS TO SAY

As you may not be surprised to learn, the judges encouraged attorneys to be good communicators—with each other, with their clients, and with the court. Judge Langsdorf and Judge Vanderwood encouraged attorneys to work hard to communicate with opposing counsel. Judge Vanderwood reminded the attorneys that it can be very helpful to the case and client, even if opposing counsel is difficult. Judge Langsdorf told about a rule she had before joining the bench that required she return telephone calls within 24 hours. On the other hand, Judge Langsdorf urged attorneys to not over-communicate with the court by trying to conduct “court by email,” including copying the court’s judicial assistant on email arguments with opposing counsel. She advised that attorneys should know the particular judge’s preference about whether to receive email from the parties. Judge Fairgrieve also reminded attorneys to be sure to contact chambers if the parties have resolved an issue to ensure the judge does not spend time preparing for an issue that will not be argued.

Finally, in communicating with the court, the judges had a few specific recommendations. First, Judge Vanderwood suggested the parties become familiar with the new vocabulary that would be introduced by the new local rules, such as “case assignment notice”, “joint status report”, and “case scheduling order.”

Second, Judge Fairgrieve advised the attorneys that the judges will have usually read all of the pleadings and have generally developed 90-95% of the ruling, so unless attorneys have something new to say in oral argument, they should stick to the high points of the briefing. Third, the judges had a few phrases they did not appreciate hearing: Judge Langsdorf asked that attorneys not say “for the record.” She explained that attorneys use that phrase only when they are arguing a decision that has already been made—the time for argument is prior to the ruling. Judge Fairgrieve advised attorneys to avoid the term “disingenuous.” He instructed the attorneys that “disingenuous” means a lack of frankness or candor and implies that the person who is labeled as disingenuous is lying. Judge Fairgrieve suspects the attorneys who use this word do not actually intend to accuse the other person of lying, so the word “disingenuous” should be avoided.

As a closing note for this recap, Judge Langsdorf encouraged attorneys to assist the court in promoting the public’s confidence in the judicial system.



**SKYLER TANNER** is an attorney with Lane Powell PC, focusing his practice on representing banks, other lenders, receivers, and commercial borrowers in insolvency matters, loan documentation and workouts, and foreclosures. Skyler is licensed in Washington and Oregon and can be contacted at [tanners@lanepowell.com](mailto:tanners@lanepowell.com) or 503-778-2106.

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# Earth Shattering News about Powers of Attorney



**EVA M. LUCHINI**

*Hearsay Special Correspondent*

Estate planning is the wild rodeo of legal practice areas. And friends, it just got way crazy here in Washington. Starting in 2017, a power of attorney designation will need to either be acknowledged by a notary or attested by two witnesses. If you want to be fancy like me, you'll do both, just because you can.

That's really the big news. But to take up more space, I'll add more stuff. As folks often say: I can just do my own Will off the internet. That's true, but can you be sure those DIY forms have all the greatness and splendor possible? For example, a

power of attorney document can have a provision allowing you to nominate your own guardian should one ever be needed. Parents can use a POA to authorize someone to make healthcare decisions for their minor children. Parents can even use a POA to nominate a their kids' guardian in the case of their untimely demise. But wait, there's more. A power of attorney can be used to make an anatomical gift of one's body. Fun, right?

The takeaway: make sure your powers of attorney documents are notarized or witnessed or both.



## CCBA CLE Calendar

*Register now for any of our upcoming CLEs*

### **CLE – Last Chance Ethics: Oregon Elder Abuse Reporting and Ethics of Attorney Communication in Social Media**

Jeanne Marie Clavere, Scott Edwards & Rick Mc Leod  
November 4, 2016  
10:45am – 2:15pm  
Red Cross Building  
**\$105.00 for Members**  
**\$135.00 for Non-Members**  
**\$52.50 for Non-Attorneys**

### **N&B – DUI Trial Preparation and Defense**

Andrew Wheeler  
November 9, 2016  
3:00pm – 5:00pm  
WareHouse '23 Event Space  
**\$50.00 for Members**  
**\$70.00 for Non-Members**  
**\$25.00 for Non-Attorneys**

### **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**  
*(\$5 early bird registration discount if paid by November 30)*

**To Register, Call 360.695.5975**

# CCBA Annual Meeting Minutes



**LE ANN LARSON**  
CCBA Secretary

**September 12, 2016 — 12:15 PM**  
**Red Cross Building at Fort Vancouver**

## **President's Report: Rick McLeod**

Discussed the issues presented in the last year and how they have been resolved. Budget issues were resolved with a slight increase in dues and sponsors for social events to reduce CCBA costs. The CCBA office lease expiration was resolved with the negotiation of a 3-year lease and the ability to remain downtown. Membership at 490. Best year ever!

## **Treasurer's Report: Mark Sampath**

The CCBA is in a comfortable cash position, but we will be conservative moving forward. May have made between \$3k-\$4k this year, but hard to tell at this point due to prepayment of dues. Expects revenue will be flat and the CCBA will need to continue to hold the line with expenses.

Motion to approve last year's budget through March 2017 as a provisional budget at 80% of last year's allocation. (Mark Carter/ Jane Clark) Approved

## **Elections**

Board of Trustees slate for elections  
Vice President: Mark Sampath  
Treasurer: Greg Cheney  
Secretary: Le Ann Larson  
Trustee: Christie Emrich

Motion to accept slate (Jill Karmy/ Mark Carter) Approved  
Goodbye and Thank You to Gideon "Let's not spend money"  
Caron

## **Superior Court Report: Judge Rulli**

Discussed Superior Court filing statistics. All Clark County departments are being asked to propose a 10% reduction in budget.

Judge Rulli introduced our new Juvenile Court Administrator, Christine Simonsmeier

## **District Court Report: Judge Langsdorf**

Judge Swanger will retire and 2/28/17 is his last day on the bench.

District Court specialty courts: Judge Zimmerman – Domestic Violence court; Judge Langsdorf - Substance Abuse court; Judge Hagenson – Veterans Court; Judge Osler – Mental Health court  
Case filings in District Court are down but expected to increase as CCSO adds additional enforcement deputies.

## **Clerk's Office Report: Scott Weber**

Imaging system upgrade hopefully will be implemented in the

beginning of 2017. The 10% budget reduction in the Clerk's Office will likely affect family law court facilitators.

## **Family Law Section Report: Nathan Petersen**

Meetings will now be held at the Red Cross Building. A calendar for the meeting topics for the year is in the works. The section has switched to an upfront payment for lunch/CLE due to the large amount of administrative time spent for each lunch meeting under the former system.

## **CLE Committee Report: Jane Clark**

Warehouse 23 will be the new venue for CLEs. There will be Nuts and Bolts CLEs on the second Wednesday of the month from 3:00-5:00 p.m. Your ideas for CLE trainings are welcome as well as new members to the CLE Committee.

## **Young Lawyer Section Report: Brad Thayer**

The Young Lawyer Section looks forward to more growth, energy, and good times.

## **WSBA District 3 Governor Report: Jill Karmy**

The District 3 Governor position will be open. Candidates can apply in January.

Jill Karmy will be the WSBA Treasurer.

## **Mock Trial Report: Judge Lewis**

Middle school teams may possibly compete in January 2017. New this upcoming year is an American Sign Language tournament that will occur along with the Mock Trial competition. Student interpreters will be in the courtroom. Volunteers are needed!

## **New CCBA President Chad Sleight**

Introduction

The next CCBA Happy Hour is 5-7pm at Top Shelf on Wednesday October 5th. See you there!

Chad thanked Rick McLeod for his many contributions as President. Thank you to our outgoing CCBA board members Gideon Caron, and Arin Dunn!

Chad looks forward to meeting attorneys and welcomes suggestions for the CCBA.

Adjourned – 12:50

**CLE to follow:** A View from the Bench presented by Judge Vanderwood, Judge Fairgrieve and Judge Langsdorf

# CCBA Board Meeting Minutes



**LE ANN LARSON**  
*CCBA Secretary*

## Minutes for the CCBA Board of Trustees Meeting September 7, 2016

**Called to order 12:05** (Larson, Mc Leod, Dunn, Norton, Sleight, Lisa Darco and Jordan Taylor)

**August 3, 2016 Minutes: motion to approve (Sleight / Dunn)** Approved

Treasurer's Report regarding August 2016: Reports submitted for the month of August

### OLD BUSINESS

#### a) Infrastructure Project (Mc Leod)

Biggest savings would be in large scale printing costs. FileMaker does not work with Microsoft Word to mail merge. Vision to connect databases to the website.

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

Susan Arney contacted Mc Leod. Organizers have March and April available. Mc Leod thinks April is the best month. Looking for a convenient and accessible space for veterans. Will try to collaborate with Veterans' Court.

#### c) Quarterly Happy Hour (Mc Leod)

October event is being planned. Social committee will take on the planning. Event will be sponsored by Jean McCoy from the Landerholm firm.

### NEW BUSINESS

#### a) Annual Meeting Agenda (Mc Leod)

Provisional Budget:

#### b) Honorary Membership for Judicial Officers (2016-2017)

Motion to offer honorary membership for Clark County judges and Court of Appeals (Judge Melnick). Approved.

#### c) Library Committee Representative (Mc Leod)

Discussion of library committee.

#### d) New Section Guidelines (Mc Leod)

Mc Leod drafted guidelines for creation of new sections. The draft was disseminated to board members for review. Motion to adopt proposed New Section Guidelines (Norton/ Larson). Approved.

#### e) Bylaw Review Committee (Mc Leod)

Historically, budget was presented at the December meeting. The general meetings were reduced from quarterly to twice annually, so the budgets are now presented in March when there is not a final count for bar membership and membership numbers have to be forecasted. The bylaws need a section that addresses the gap that occurs when trying to create a provisional budget before final membership headcount is ascertained and a final budget can be created. A bylaw review committee should be created.

#### f) Guardianship Section Proposal (Mc Leod)

There is a group looking to form a guardianship section. They have been meeting for approximately two years and are interested in becoming a section of the CCBA. A guardianship section proposal is in the works.

#### g) Hearsay Hardcopies

Discussed cost of printing

**h) Thanks to Rick Mc Leod** our outgoing CCBA President, who now becomes our Immediate Past President. Rick has done so much, but he is not finished yet. Thank you to Arin Dunn, who finishes his term as the Immediate Past President today! He leaves the legacy of the CCBA website, online bar polls, written procedures for judicial candidate forums, job descriptions for CCBA employees, the contract with our Hearsay publisher, and he co-negotiated the CCBA office lease. Thank you for a job well done, Arin.

Adjourned 1:00

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

# CCBA Photo Contest

Once again the CCBA challenged its members to let us know what you were up to this summer! We had a few adventurous souls send us pictures so here are the highlights.

## ALISON GREENE

---



This is Bagnoregio in Italy. I was on a cooking tour this summer and this was one of our excursions. No cars allowed....long walk!



Duomo di Orvieto in Orvieto, Italy. Another excursion from our hands on cooking tour in Tuscany.



We stayed at a Lavender Garden while attending a dog show in Sequim, Washington.



We were staying in Sequim, Washington for a dog show....demanding pugs wanting in the house!

# JEFF HOLMES

---



Costa Rican Monkey



Mount Jefferson backpack trip



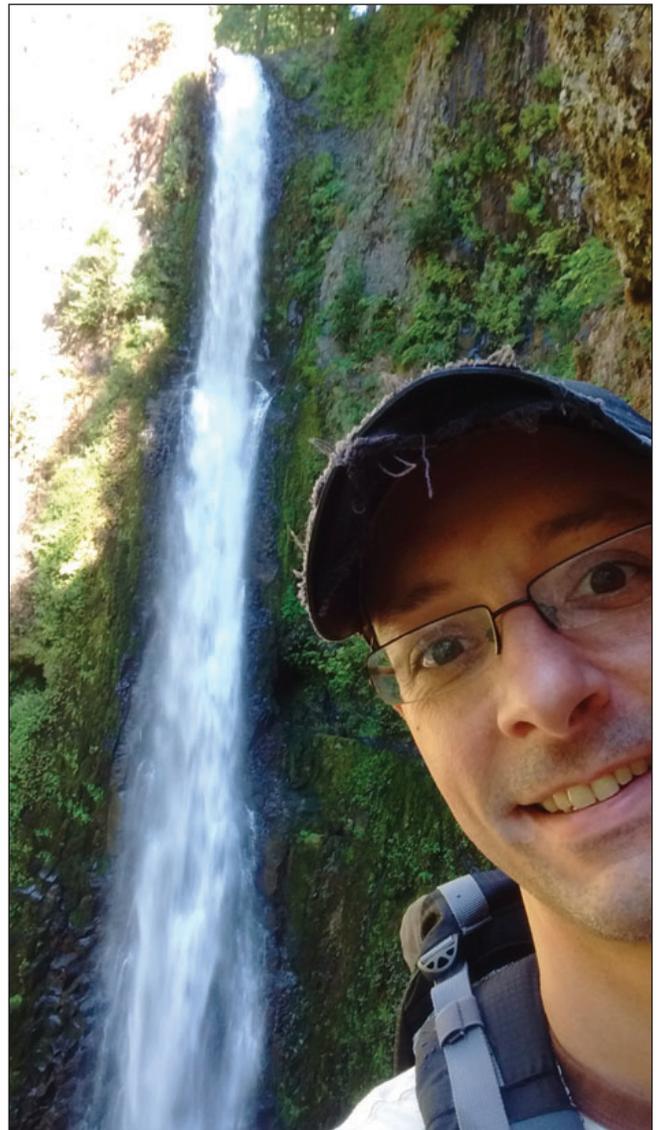
Falls Creek Falls hike



Kayaking the Cowlitz

# TOM DISTEFANO

---





The Clark County Bar Association Presents a Nuts & Bolts CLE

## **DUI Trial Preparation and Defense**

*Presented by:*

*Andrew Wheeler*

**November 9, 2016 – 3:00 pm to 5:00pm**

WareHouse '23 Event Space

100 Columbia Street - Vancouver, WA 98660

2 General CLE Credits

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

---

## **DUI Trial Preparation and Defense**

- The best defense is a good offense—use of CrRLJ 4.7(a)(1)
- Motions in Limine
- Tools in your Tool Kit
- Working Around NHTSA
- Deconstructing the breath test

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.**



**Andrew Wheeler** is a founding partner of Wheeler, Montgomery & Boyd, and focuses his practice exclusively on DUI defense. He has presented on topics including the role of criminal defense attorneys, representation at Department of Licensing Administration Hearings, and effective DUI defense for both alcohol and marijuana-based charges in previous CCBA CLEs. Andrew has represented over 1,400 clients charged with DUI in Clark County over the last 10 years. A lifetime resident of Clark County, Andrew is a graduate of the University of Idaho College of Law. He is a member of the National College of DUI Defense and is an active participant in the Clark County Bar Association.

**Mail registration with payment to:**

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

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Phone: 360.695.5975

**Pre-payment is preferred.**

# SUPERIOR COURT BENCH/BAR COMMITTEE MEETING MINUTES

October 11, 2016



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

The meeting began shortly after noon. Persons present were Judge David Gregerson, Judge Derek Vanderwood, Karen Campbell, Richard McLeod, Heather Beasley, Curtis Welch, Lou Byrd, Jolene Sell, Dan Lloyd, Clayton Spencer, Jane Vetto, and Tom Phelan.

## OLD BUSINESS:

### 1. **New Local Rules (Scheduling for Some Civil Cases):**

Judge Vanderwood announced that there is a CLE scheduled on December 14, 2016 from 3:00 p.m. to 5:00 p.m. covering the new rules. Location to be announced.

**2. LFO Reform:** Ann emailed members of the Committee a memorandum to the WSBA Board of Governors (BOG)

regarding the WSBA Council on Public Defense's Legal Financial Obligation (LFO) statement. The BOG unanimously approved the statement on September 29, 2016. Karen reviewed the statement with the Committee. Jane Vetto stated that it is the position of the Clark County Prosecuting Attorney's office that fines are part of an offender's punishment and not LFOs and that restitution is not a fine, fee, or cost. A discussion ensued about whether LFOs were defined by case law or statute. Karen pointed out that the case law is unsettled on many points of law concerning LFOs but is clear that restitution is a mandatory fine that must be repaid by a defendant. Karen mentioned prior state legislative proposals, referenced in the memorandum, that would have provided more uniformity and clarity but those did not pass.



WSBA

OFFICE OF LEGISLATIVE AFFAIRS

## MEMORANDUM

TO: WSBA Board of Governors  
FROM: Governor Phil Brady, Board of Governors Legislative Committee Chair; Travis Stearns, Council on Public Defense Member; and Alison Grazzini, WSBA Legislative Affairs Manager  
DATE: September 29, 2016  
RE: Council on Public Defense Legal Financial Obligation Statement (ACTION ITEM)

**ACTION:** Approve the statement drafted by the Council on Public Defense regarding legal financial obligation reform policies in Washington State.

## OVERVIEW:

The Council on Public Defense (Council) created a workgroup dedicated to reviewing the legal financial obligation (LFO) system in Washington State. Members of the workgroup and Council include representation from defense attorneys, prosecutors, county clerks and others who play a role in the criminal justice system. The workgroup determined that the Council should comment publicly via a statement as it relates to LFO reform to ultimately affect positive change in Washington's Legislature.

The detail below provides background regarding the issue of LFO reform as well as recent approval by the Board of Governors (BOG) Legislative Committee to authorize the use of the Council's statement.

#### **BACKGROUND:**

##### **Legal financial obligations in Washington State**

LFOs refer to the fees, fines, costs, and restitution ordered by the court as part of a criminal sentence. State and national research shows that imposing LFOs on individuals with an inability to pay creates a perpetual financial hardship that can be nearly impossible to overcome. Imposing LFOs on individuals unable to pay contributes to overall community destabilization by increasing barriers to post-sentence success for individuals seeking employment, housing, and other means to reenter society.

In addition to increased hardship on the individual, collection of these obligations also creates a hardship for the criminal justice system, law enforcement, and others whose resources are diverted during a time of budget constraint in Washington State.

Washington's LFO system has been recognized as being particularly poor for the following reasons:

- Defendants are overwhelmingly indigent. Recent statistics estimate that nearly 90 percent of all felony defendants in Washington State superior courts are represented by public counsel.
- Mandatory LFOs are becoming common practice. There are both mandatory and discretionary types of LFOs in superior courts and courts of limited jurisdiction. Mandatory LFOs deny the court discretion to consider the ability to pay before imposing the LFO. Consequently, while courts are required to consider the ability to pay, this occurs inconsistently across jurisdictions thereby resulting in a mandatory LFO being imposed.
- Interest on LFOs is high. In Washington State, LFOs accrue interest at 12 percent each year.
- Penalty for failure to pay can mean jail time. When an individual fails to meet an LFO order, jail time is a common sanction. This practice contributes to overcrowding and the use of already depleting local resources.
- Limited opportunities to modify LFOs for individuals unable to pay. Washington State statutes have limited options to allow imposed LFOs to be converted to alternative options such as community service. While waiver provisions exist, they are underutilized and can be meaningless in some jurisdictions.
- Wide disparities in enforcement lead to inequities in the system. Key terms such as "indigence" and "ability to pay" are undefined in Washington State statute. This has led to gross inconsistencies for individuals in similar situations who receive varying LFOs based on jurisdiction. Inconsistencies also exist when it comes to imposing sanctions and enforcement across jurisdictions.

In a 2015 decision, the Washington State Supreme Court also echoed problems with this system. In *State v. Blazina*, the court stated "Washington's LFO system carries problematic consequences," including "increased difficulty reentering society, doubtful recoupment of money by the government, and inequities in administration."

#### **Council on Public Defense action**

The Council considered the LFO statement during multiple meetings this year.

- During the April 1, 2016 meeting, the Council voted to affirm that the issue meets requirements under General Rule 12.1.
- During the July 8, 2016 meeting, the Council voted to formally approve the statement and continued to collect votes via email between July 13 and July 18, 2016.

#### **State legislative proposals**

There have been multiple proposals before the Washington State Legislature to change the current LFO system. During the 2015 session, E2SHB 1390 was introduced with bipartisan support. The bill aimed to eliminate the interest accrued on non-restitution portions of LFOs; require courts to not impose costs on an individual deemed to be indigent at the time sentencing; establish provisions relating to payment plans and priority of LFOs; and address court sanctions for individuals who fail to pay imposed LFOs.

While E2SHB 1390 has yet to become law, the introduction of this legislation has highlighted the growing need for change related to Washington's LFO system. There will be similar legislation introduced during the 2017 session beginning in January.

In addition to the Council, other stakeholders supporting statewide LFO reform include the American Civil Liberties Union, Statewide Poverty Action Network, Columbia Legal Services, Children's Alliance, the Post Prison Education Program, the National Alliance on Mental Illness, the Seattle and King County NAACP, and Blackout Washington.

The Council took elements of E2SHB 1390 into consideration when drafting the LFO statement.

#### **Board of Governors Legislative Committee action**

Pursuant to the WSBA Legislation and Court Rule Comment Policy, the BOG Legislative Committee convened on August 15, 2016 to discuss the issue.

BOG Legislative Committee members voted unanimously that the Council's statement met requirements under GR 12.1. Comments from committee members included this being an access to justice issue as well as identification of relevant stakeholders and future use of the statement at both the state and national levels.

Committee members voted unanimously to approve the Council's LFO statement.

#### **RECOMMENDED ACTION:**

The BOG Legislative Committee recommends that the Board of Governors approve the Council's statement regarding LFO reform to use when appropriate, in consultation with the WSBA Legislative Affairs Manager.

#### **Council legal financial obligation statement**

The Council supports legislative intervention to reform legal financial obligations. With regard to these reforms, the Council asks the Legislature to fund the courts sufficiently to perform their constitutional and statutory functions without reliance upon LFOs collected from poor and indigent persons.

The Council supports further study on the collection of data on LFOs, particularly on methods, practices and impacts of collection.

The Council supports the following reforms as it relates to LFOs:

1. Require courts to make an individualized finding of ability to pay before imposing costs, fines, and fees.
2. Make both discretionary and mandatory costs, fines, and fees dependent upon ability to pay.
3. A clear and consistent standard should be established to determine when a person lacks the ability to pay costs, fines and fees.
4. Require courts to conduct a full, fair and meaningful hearing on ability to pay before LFOs are imposed.
5. Eliminate interest imposed upon costs, fines, and fees and reduce interest on restitution to no more than four percent.
6. Eliminate incarceration and manual labor as a sanction for the inability to pay LFOs.
7. With consent of the defendant, convert unpaid costs to community restitution hours at a rate of no less than the minimum wage.

**3. CCBA Announcements:** There were none. Rick is no longer attending on behalf of the CCBA.

**4. Driver's Relicensing Program:** Karen reported that the next meeting of the Attorney General's stakeholder group is November 5, 2016 in Olympia.

**5. Judicial Evaluations:** Judge Vanderwood reported that he brought this issue up at the last Superior Court Judges meeting. Rick reported that some of the judges called him and provided feedback. Rick is still gathering information and will provide an update when his research and process is complete.

**6. Fugitive Calendar:** Judge Vanderwood reported that the fugitive docket is proceeding smoothly and that these matters are generally heard at the end of the docket to accommodate the Vancouver Defenders.

#### NEW BUSINESS:

**1. Runners from Prosecutor's Office:** Jane reported that the runners from the Prosecuting Attorney's office are having a difficult time finding judges available to sign documents. Jane raised the possibility of having a designated judge or having the runners use the ex parte docket. Judges Vanderwood and Gregerson thought the ex parte docket might be too crowded to effectively handle runner requests. Judge Vanderwood agreed to raise this issue at the next judges meeting. In the meantime, Judges Vanderwood and Gregerson suggested runners contact the Judicial Assistants and find out if a judge is available and to consolidate the runs to one per day if possible. Generally, later in the day is better.

**2. After-Hours Judge:** Jane also reported that law enforcement contacted the Prosecuting Attorney's office and asked if there were judges available on the weekdays after hours to sign search warrants. There is a probable-cause judge designated for the weekends but not after hours on the weekdays. There is a rotating list and law enforcement can go down the list until they are able to reach a judge. Judge Vanderwood agreed to raise this issue at the next judges meeting.

**3. First Appearance Docket:** Tom raised the issue of whether short out of custody matters could be taken at the beginning of the first appearance docket. The usual practice is for the court to handle all of the in-custody matters first. This can be very burdensome for private attorneys who may have to wait

until the end of the docket to have their matters heard. Judges Vanderwood and Gregerson stated that this has been an ongoing issue involving scheduling issues with jail transport. Tom also pointed out that the docket clerks from the prosecutor's office each handle the calendar differently making predictability difficult. Judge Vanderwood agreed to bring this issue up at the next judges meeting and suggested a meeting with Jeannie Bryant, docket clerk supervisor at the prosecutor's office.

**4. Fill-In Chair:** Rick McLeod agreed to chair the next meeting while Karen is on vacation.

**5. Next Meeting:** The next meeting will be held on November 8, 2016 in the Department 3 jury deliberation room.

Respectfully submitted,  
Karen Campbell

# jodine dixon

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- Elderly
- Petitioner of Lay Guardians

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- 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/hour)

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for details

# FAMILY LAW SECTION



**CASEY SANDERS**  
*FLS Vice President*

The Family Law Section kicked off the 2016-2017 year with a presentation by our new president Nathan Peterson on technology and practice. Nathan educated attorneys about cloud-based practice and the ethical and professional responsibilities of maintaining backup files on all client matters. He also presented on technologies which help the family law practitioner streamline billing, manage payments, and allow for access on the go.

Payments: The family law section has switched to upfront, flat fee billing for lunches and CLE's for the year. This was done

to simplify the process and reduce the administrative time for the treasurer and CCBA. Please send any future payments to Lisa Ward at Navigate Law Group, 101 E 8th Street, Ste. 260, Vancouver, WA 98660.

November's Presentation: Please join us in November when Deanna L. Rusch of McKinley Irvin and Laura Markee of Markee Valuations, LLC present on the basics of business valuations in dissolution cases.

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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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# YOUNG LAWYERS SECTION



**CHRISTINA PHELAN**  
*Hearsay Special Correspondent*

Normally, the Young Lawyers Section takes a hiatus on summer events after its June elections, but this year the Board decided to change things up and host a series of Summer Happy Hours.

We started off in July at the (somewhat) new Tap Union Freehouse on Washington Street. Although the happy hour began with me losing a rousing game of Connect 4 to YLS Membership Coordinator Jesse Jacobs, the evening was overall a success. The YLS group took over the balcony area of Tap Union and had plenty of great beer and conversation.

In August, we moved our drinking to Doomsday on Main Street. Things got a little dicey when the Couve Cycle showed up at the same time as most of our happy hour goers, leaving the one bartender working with a line of about 20 people anxiously waiting for drinks, but the spacious patio on a hot summer day made up for it. The weather and beer were awesome, and this happy hour was one of our most highly attended events (which our Criminal Liaison, Ben Melnick, is taking full credit for).

We finished out the summer with last month's happy hour at Trap Door on Main street. The Board presented the membership with the newly amended YLS bylaws and, after a little bit of tweaking, the bylaws passed a vote!

Stay tuned for some exciting YLS events coming up this fall! In October, our very own CCBA President, Chad Sleight, will be presenting a CLE entitled "How to Start Your Own Practice/Firm as a Young Lawyer." This event will be held on October 27 at 5:00pm at the Pacific Continental Bank Community Room,

101 E. 6th Street Vancouver, WA 98660. Food will be provided. RSVP to Nick at [nick@greenenpllc.com](mailto:nick@greenenpllc.com).

Additionally, we will be hosting our annual Portland Winterhawks group event at the November 19th game. Contact Christina at [christina@phelanlawoffice](mailto:christina@phelanlawoffice) for more information.



## REQUEST FOR QUALIFICATIONS 2017/2018 Public Defense Contracts



Clark County has issued a Request for Qualifications for two-year public defense contracts. The DEADLINE to submit Applications is October 28, 2016.

The RFQ and Application are 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.

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**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.

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

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

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

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**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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# The Curse of the Bench



**MICHELE WESTMORLAND**  
*Hearsay Special Correspondent*



While the Senior team keeps getting old, winning never does. The Senior team did it again. They put another mark in the win column making this the sixth straight win against the Young team with the final score being Seniors-17, Youngsters-12. The agony and the embarrassment these young attorneys must be feeling losing for six straight years. Maybe they are being outcoached; most likely it just them getting outplayed old-school style.

As I sit here writing this amazing article just days before it is due, one thing I am happy about is that I kept a score book so I can refer back and make fun of and report accurately the excitement of the game.

I believe Judge Stahnke had a plan this year. The Senior team managed to rack up ten walks in a slow-pitch game. I asked the Judge about this strategy and he did say that his team trained all year on the eyes. Rachael Probstfeld, the pitcher for the Young team, made it clear that was because the Senior's baserunning cannot compete with the Young team's fielding: old hips. They

were too scared to hit, especially Judge Stahnke. I asked the Judge on what he thought about that statement and his reply was: "I am good with it because what is the score?" To be fair, the Judge did not walk once. Judge Bennett stated, "Coach Stahnke did a marvelous job; much better than he does on the bench."

I was starting to think that the Senior's win streak was going to fold under the pressure of a six-year run. There may have been some truth in Rachael's statement about the baserunning as one of the players from the Senior team put this to the test. This was just not smart baserunning. Picture it, top of the fourth inning, Seniors up to bat, bases loaded, no outs. A scream hit to the second baseman, and when I say screaming hit, I really mean a slow-rolling ball. The second baseman fields it cleanly and tosses it to the shortstop who is covering second for the force out and out number one. The shortstop, David Loos, started tweeting about this great play when the runner that started on second base, going to third, decided to try and make it home. David had enough time to finish his tweet, high-five the second baseman, and still throw Bruce Samuelson out by six feet for out

number two. Needless to say, the Seniors ran themselves out of what could have been a big inning, and, instead, put up one run followed by a big goose egg in the fifth. Anna Kline, the right fielder for the Young team, did have an amazing, running-to-the-fence, over-the-shoulder catch, to shut the Seniors down in the fifth inning.

The bats for the Young team started to come to life in the fifth inning, and the errors started racking up for the Seniors. Chad Sleight had three errors in the fifth to contribute to the Young team's rally. They were starting to hit the ball like they wanted to win. They even tried to take out the Senior's pitcher, Scott Horenstein, but Scott's protective instinct over the "family" kicked in and he made the out. The Young team was within three runs of taking the lead going into the top of the sixth. The Seniors put up five runs in the sixth. Even Bob Vukanovich got on base. His first two at bats were not stellar but his third was amazing: he walked. The Senior team put up another run in the seventh with a solo home run by Andrew Wheeler to close the door on the Young team.

Maybe next year the Young team can put up a win. Maybe they will save some dignity. I will say it was an improvement from last year but they still lost so I can only give them so much

credit. Great job; you went from a D to a D+. I will leave you with the same advice I gave you last year: practice, practice, practice. Of course the Young team may think losing is fun.



# Hearsay Profile: Nathan Petersen

**Home:** Ridgefield, WA, but I grew up in Spokane, WA.

**Age:** 36

**Profession:** Attorney

**Hobby:** Soccer, reading, and video games. I also sell collectible comics on Ebay.

**Last Book Read:** I am currently reading the Dark Tower series and just finished the second book, The Drawing of the Three. I also recently finished Trees Volume 1 by Warren Ellis and Jason Howard.

**Legal Philosophy:** We are advocates, but we are also counselors. A good attorney advocates strongly for their client, but a great attorney counsels their clients regarding their rights, options and potential outcome of their case to help the client make decisions regarding their case. Also, Oxford commas are mandatory.

**Latest Accomplishment:** My wife and I have three children; ages 6, 4, and 2. We recently hiked Beacon Rock and Drift Creek Falls in Oregon with them. All five of us survived and enjoyed ourselves. I think that is an accomplishment.

**Why I Do What I Do:** I got bills to pay and children to feed. I also enjoy writing, advocating, and the discovery aspects of practice.

**Profile:** I was born in Portland, Oregon, but raised in Spokane, WA. My wife, Leaa, is from Seattle, but we met while in college in Utah. I attended law school in Houston, Texas and practiced there for two years before taking the Washington State Bar and moving here to start my own practice. We have three children: Corinne, Jaxton, and Layla.

**Beverage of Choice:** Ice Water with a lot of ice. I like to eat a mint or chew mint gum while I drink it because it makes the drink feel even colder. I also enjoy a Moscow Mule and Texas Style Sweet Tea.



# Providing Access to Justice

## The Cascadia Mobile Legal Clinic



**BRIAN MacKENZIE**  
*Hearsay Special Correspondent*

One of the most discussed issues across the legal world is what has been termed, “access to justice.” With the rising cost of litigation, potential clients who are middle class or below the poverty line have a difficult time finding a lawyer they can afford when they have a legal problem. According to the 2012-2013 World Justice Project Rule of Law Index, more than four out of five low-income litigants in the United States go it alone because they feel priced out of the legal market. We attorneys are feeling the crunch as well. With the rising cost of law school and the rising cost of living, attorneys are having a difficult time finding a way to provide services to low income clients. That is why, when I first heard about local Vancouver/Portland attorneys Christie Martin and Gabrielle (“Gabby”) Richards’s new mobile legal clinic at a local GAL conference this year, I immediately wanted to find out more.

Christie and Gabby started the Cascadia Mobile Legal Clinic with the goal of providing pro bono and reduced-fee legal services to rural areas of Oregon and Washington. The idea came from mobile medical and dental clinics that serve rural areas. The clinic operates out of an RV that Christie and Gabby purchased to indulge their love of traveling and to use for the clinic. Martin and Richards, LLP is also a paperless and virtual office which makes running the clinic, even in rural areas, possible. The clinic screens appointments using the federal poverty guidelines and, depending on income, clients can qualify to have the initial consultation for free and any subsequent services handled pro bono. If the clients do not qualify for a free consultation, they are charged \$35 for the initial consultation and any subsequent services are handled on a sliding scale basis for the fee. Generally the clinic handles any type of civil law such as civil litigation, estate planning, landlord tenant, guardianship, probate, and creditor/debtor. At this time, the clinic does not offer services in family law or criminal defense.

When I interviewed Christie and Gabby for this article, they told me the reaction to the clinic has been overwhelmingly positive. Word of mouth has been great and people ask them about the clinic wherever they stop in their travels because of the sign for Cascadia Mobile Clinic they put on the RV. Whenever

they pull into or pull up to a clinic, people are always excited to see them. In order to set up a clinic, Christie and Gabby contact legal aid and the local bar association in the area where they



wish to go and ask for an endorsement. The local bar association then helps Cascadia set up appointments for any individuals who wish to consult with an attorney. Local attorneys are also volunteering to help with the clinic. As of the day of our interview, the Cascadia Mobile Legal Clinic had hosted two clinics in The Dalles and Hood River, so far with great success. The bar associations are already requesting they return to host more clinics. The types of cases they handle have been all over the map ranging from evictions to helping to complete paperwork a client is having a difficult time understanding. One example Christie and Gabby shared with me involved a family who lived in HUD Section 8 housing who were suffering in the extreme heat this area experienced in July. The landlord was not allowing the tenants of the building to use window air conditioning units and instead wanted them to purchase standing air conditioning units. Standing units are much more expensive and hard for older and disabled tenants to operate. Cascadia was able to successfully help the tenants by reminding the landlord that window air conditioning units were allowed under HUD rules. The client did not feel comfortable going to a lawyer's office to get help but was able to get the help she needed at the clinic.



Looking to the future, Christie and Gabby would like the clinic to become entirely self-sustaining. As the clinic grows, it is most important to keep the good reputation of their services and be able to have all appointment slots full to maximize the number of people helped. The clinics in October will be in Washington and they hope the upcoming clinics will be as successful as the first clinics in Oregon. In the future, they hope attorneys in the areas they visit will also volunteer and more practice areas will be offered to communities.

As the debate over access to justice continues on both a state and national level, attorneys and bar associations will have to continue thinking outside of the box to offer services to low income clients. I am impressed with the Cascadia Mobile Legal Clinic and hope the service model it represents will continue to grow and flourish. For more information about the clinic, and to see upcoming locations and dates, please visit [cascadiawalawyers.com](http://cascadiawalawyers.com) or contact Martin and Richards, LLP at 503-444-3449.



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# CCBA Golf Tournament



**CHRISTINA PHELAN  
& BRANDON CAMPBELL**  
*Hearsay Special Correspondents*

Christina and Brandon covered this year's CCBA Golf Tournament (Christina from the outside as a typical "journalist" would, and Brandon going undercover as a "player" to gain insider info). Below is an account of how it went.

Christina: I showed up after the tournament had started (despite my best efforts to miss as much work on a sunny Friday as possible), and was given a golf cart by Green Meadows staff to start my coverage. To my surprise, as I started driving around the course, I was excitedly greeted by each group of golfers I approached. To my disappointment, I quickly realized it was because they all thought I was the drink cart girl . . . .

After snapping a few pictures and chatting with a couple groups, I decided it would be best for my own safety (there were some close calls) and for the drinking hopes of the golfers if I turned in



my cart and went to enjoy the sun elsewhere. Thankfully, Brandon stuck around and was there to pick up my reporting slack.

Brandon: The weather held steady, if not my putting stroke. The 2016 CCBA Golf Tournament, hosted at Green Meadows Golf Club, went off without a hitch (except in various attendees back swings who shall remain nameless).

The highlight of this year's tournament was not Team Nichols holding on to their championship jackets, but rather goes to Brad Anderson who hit a hole-in-one during the tournament. The traditional hoopla followed, with Mr. Anderson hosting a

round for the attendees based on his well-placed shot. Certainly not the cheapest day to hit an ace, which is why I aim for such shots only on mid-week afternoon rounds.

As always, the Golf tournament was a great opportunity for commiserating and missing a guilt-free afternoon of work. Next year's tournament is already in the works, and hopefully will be bigger and better than ever. We are working on a different course, and reinstating the hole prizes. Anyone interested in hosting a hole, putting contest, or otherwise looking to help support next year's event is urged to contact Brandon Campbell at (Brandon@campbellatlaw.com or 360-695-9502).



## **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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Stand by your phone. Our annual Campaign for Equal Justice telethon is fast approaching. Our board members and community volunteers will be calling on Thursday, Nov 17th in the afternoon to ask you to support us by donating to the Campaign. Every dollar donated comes back to us at the CCVLP at an average of \$1.50. This is a great way to support the program so please answer our call and be generous. If you do not want to get our call, go to [www.c4ej.org](http://www.c4ej.org) and donate online. Your support is very important to us.

Thanks, Susan

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

**SEPTEMBER 2016**

Rachel Brooks, Ed Dawson, Brian Grambow, Marlene Hansen, Eric Hoffman, Jeffrey Holmes, Howard Marshack, Scott Matthews, Brian Parker, Michelle Prosser, Michael Reid, Tonya Rulli

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**MARIA SOSNOWSKI**  
*Law Librarian*

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2. Washington Lawyers Practice Manual - CD 2015
3. Is it Admissible? Revision 17
4. Kurzban's Immigration Law Sourcebook 14th ed
5. WA Practice 34 Summary Judgment and related motions 2014-15
6. WA Practice 6B Civil Jury Instruction Handbook 2015-16
7. WA Practice 11B Criminal Jury Instruction Handbook 2015-16

8. WA Practice 5-5C Evidence. Volumes are 5th ed except volume 5C is 4th ed, all with 2015 updates

9. Guide for Immigration Advocates from ILRC, 19th ed

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

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One thing we can help you do is avoid reinventing the wheel. And to avoid reinventing our own wheel, read this short article about the benefits of a county law library to practicing attorneys: <http://tinyurl.com/zv4xjr8>

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# UPCOMING EVENTS

CLE

**October 27, 2016**  
 YLS Happy Hour & CLE  
 Pacific Continental Bank Community  
 Room - 5:00pm

MEETING

**November 8, 2016**  
 Superior Court Bench/Bar  
 Clark County Courthouse - Noon

MEETING

CLE

**November 10, 2016**  
 CCBA Family Law Section  
 Lunch and CLE  
 Red Cross Building 11:30am - 1:00pm

MEETING

**November 2, 2016**  
 CCBA Board Meeting  
 CCBA Office Noon - 1:00pm

CLE

**November 9, 2016**  
 N&B CLE: DUI Trial  
 Preparation and Defense  
 WareHouse '23 Event Space  
 3:00pm - 5:00pm

CLE

**November 16, 2016**  
 Inns of Court  
 Heathen Brewing Feral Public House  
 5:00pm - 7:00pm

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