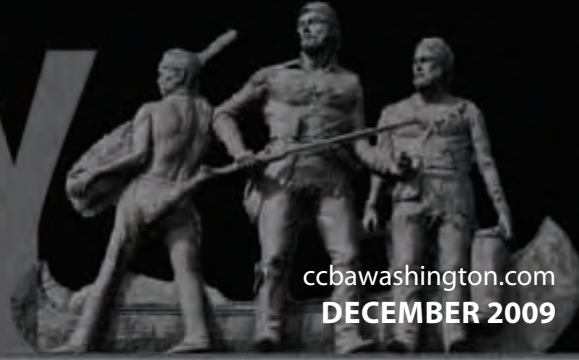


HEARSAY



ccbawashington.com
DECEMBER 2009

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION

ROASTED!

page 4



TOO BUSY TO GET THAT BIG CASE MOVING?

The daily rigors in a solo or small practice can make it difficult to stay on top of a wrongful death or serious personal injury case. We have the experience and financial backing to help you do what it takes to litigate claims properly.

The three senior partners in our firm each have over 27 years of experience. Ask about our reputation, or give us a call to discuss your client's case.



Schauermann, Thayer & Jacobs, PS

ATTORNEYS AT LAW

AV Martindale-Hubbell Rating

1700 E. Fourth Plain Blvd. + Vancouver, WA

(360) 695-4244

www.stjps.com

LEGAL OFFICE SPACE AVAILABLE!!!

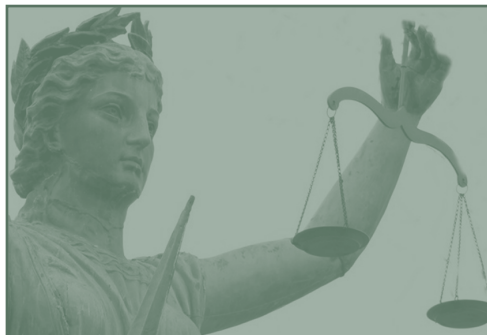
Vancouver Market Center is located at 5000 East 4th Plain Blvd. in Vancouver

It is a midsize shopping center with Albertsons and Habitat for Humanity as anchor tenants and offers an excellent location for a storefront law office.

The owner of the center is a lawyer and understands the legal business and is willing to cut an excellent deal for a startup law office in this high density residential area. There is a chiropractor in the center and no law office in the vicinity. P.I. walk in would be likely as well as other matters to serve this largely working class area.

If you or someone you know who would be interested in this possibility, please contact the undersigned to discuss landlord incentives. Drive by and take a look!

George Tamblyn @ 206-200-4119
or george@tamblyn.net



MOCK TRIAL

The Clark County District Court Mock Trial Tournament will be held at the Courthouse on **Wednesday February 24, 2010** and **Thursday, February 25th 2010**.

Please contact Judge Robert Lewis if you are able to assist in the Mock Trial this year. Robert.Lewis@clark.wa.gov

THIS MONTH'S ISSUE

President's Message	3
Judge Harris Feels the Love	4
VLP Rolls Out Housing Justice Project	6
Phil Haberthur Honored With Marshall Award	7
Clark County Swears In New Attorneys	8
Jessica Dimitrov: The Face of Change in Trust and Estate Law	9
CCBA Program Corner: The Modest Means Program	11
'Double Hearsay': What CCBA Members Are Doing About Town	12
Superior Court Bench/Bar Meeting Minutes	13
CCBA Monthly Board of Directors' Meeting	16
Family Law Section Meeting	16

Getting to Know: Bernard Veljacic	17
Clark County Volunteer Lawyers Program	19
Inns of Court	20
Law Library News	20
Attorney Bookkeeping Tips	20
Upcoming Events	22
SW Washington Lawyer Referral Service	22

ON THE COVER

Superior Court Judge Robert Harris speaks at the CCBA Retirement Dinner and Roast held in his honor on November 20, 2009.

HEARSAY is published 12 times per year and is edited by: **JEFF GOUGH, Creative Director • GOUGH CREATIVE GROUP • 360-818-4GCG • director@goughcreative.com**

An annual subscription is included with annual membership dues. Members may purchase additional subscriptions for \$40.00 each. Letters, news items, upcoming events and announcements are welcome. Articles by members are accepted. Submissions should be presented in Microsoft Word and may be edited for length, clarity and style. Submissions by members are published at the editor's discretion and space available. Views expressed in articles represent the authors' opinions, not necessarily the CCBA's. The publication does not purport to offer legal advice.

CCBA OFFICE HOURS: Monday through Friday, 8:00 a.m. to 5:00 p.m.

PRESIDENT'S MESSAGE

The Judge Robert Harris Roast & Retirement Dinner



DAVID W. RIDENOUR

CCBA President

Wow! Was that a lot of fun, or what?! I've heard several people say the bar hasn't had a bigger and more entertaining event in its history. In the end, the only thing you can really say about the Judge Harris Retirement Roast is that the evening was a total success.

Those who attended understand the amount of work that went into making that night happen. Whatever you're imagining, triple it. Some very important Thank-You's are in order. The first has to be to Judge Harris, for being such an incredibly good sport. Judge, you have to know all the fun poked at you during the evening was offered with love and respect.

Over the years I have watched a number of video transcripts of Judge Harris' civil dockets and a few short bench trials. I watched several more recently in order to find clips for the courtroom scenes played at the roast. I've been entertained by a pattern I saw in several of the cases.

First the attorneys explain their case and positions. If the judge doesn't adopt one of the positions, he might ask a few questions of his own. You can see a little frustration develop in the body language of the attorneys. You hear it creep into their voices as they struggle to get the Judge to agree with their version of the case. They're thinking 'this judge just isn't getting what I'm saying'.

Then Judge Harris explains the key fact or legal concept that clearly decides the conflict - the crucial thing that both counsel managed to miss though they had weeks or months with the case. It's so obvious when you hear it... You can almost see the light bulbs go on as attorneys realize they've just been politely schooled by Judge Harris, who managed in a matter of minutes to get to the heart of their case and make a great, well-reasoned decision. I laughed out loud several times watching those tapes, cheering for the Judge. That's all you can do - laugh and know that your turn is coming.

I don't know the recipe for this talent. The years of experience certainly help, but there is a lot more to it than that. Judge Harris, my brief associations with you have been a pleasure. I hope they don't end just because you are retiring. Thank you for letting us have

a little fun at your retirement party. We will truly miss you on the bench.

To Chief Justice Alexander, I want you to know that I talked to at least seven people right before the roast to verify that you pronounce your first name "Gary". But every single one told me it's pronounced "Jerry". After being this thorough in my fact-checking, it was with complete confidence that I mangled your name during the introduction. My apologies, Sir. And thank you very much for participating in the roast. Your presence lent an air of respectability to an otherwise... well, you were there...

To Judge Nichols, you were amazing as Master of Ceremonies, as everybody knew you would be. We may have joked about trying to find an emcee for the event, but the fact is there was always only one person it could be, and you were terrific in the role.

There must have been a couple points in the program where Judge Johnson wondered who was being roasted - Judge Harris or her! Judge Johnson, your anecdotes and delivery result in humor that is irresistible. Thank you for sharing your stories at the roast.

To LeeAnn Kunze, Judge Harris' Judicial Assistant, thank you for your hard work with Mrs. Harris and others in the Judge's family to put the slide show together, and for somehow letting me push you into speaking at the event. You were great! See, you DO have a future in public speaking!

Special thanks to Curt Wyrick, whose role in The Exit Interview movie will no doubt be talked about for years, and possibly considered for a nomination by the Academy of Motion Picture Arts and Sciences.

Thanks to Josephine Townsend for working tirelessly to make the event a success, as she has for every event the bar has sponsored during all the years I've been involved. She took care of the programs, helped throughout the planning process, and provided support for Diane Wheeler whenever she was needed.

Continued on page 21

Judge Harris Feels the Love

Nearly 300 Turn Out for Retirement Dinner and Roast



JEAN McCOY

Hearsay Special Correspondent

Friday, November 20th saw the largest gathering of judges, attorneys, staff and dignitaries the Clark County Bar Association has seen in at least fifteen years. For the nearly 300 people who attended the Retirement Roast for Judge Robert Harris, the evening was filled with good friends and much humor. With Judge John Nichols as emcee, would you expect anything different?

Those attending were relieved to hear that David Ridenour, current President of the CCBA, had drafted an Order suspending the Rules of Professional Conduct for the evening, so discipline for humiliating a sitting judge was unlikely. The relief was short lived, however, when it was disclosed that David used the rubber stamps in the Clerk's office to "sign" the Order.

The Roast Committee crafted a humorous and often touching program, consisting of presentations by CCBA Treasurer Kurt Rylander; Judge Harris' half-brother Jim Gregg; Presiding Judge Barbara Johnson; LeeAnn Kunze, Judge Harris' right hand for 20 years; and Gerry Alexander, Chief Justice of the Washington Supreme Court. Deputy Prosecutor Curt Wyrick added to the presentation by offering his droll wit as part of the "Exit Interview" video concocted by President Ridenour. David took video clips from several of Judge Harris' civil dockets and spliced them together with videotape of ridiculous interview questions posed by Wyrick as he sat in the Judge's courtroom. When asked whether the Judge understood he was to vacate his office and clean out his desk on December 31, Judge Harris said he



With the theme from Rocky playing in the background, CCBA President David Ridenour impersonates Michael Buffer, introducing Judge Harris and Judge Nichols as boxers, right down to the color of their underwear.



Retired Judge John Skimas and Court of Appeals Judge Joel Pennoyer were among the guests attending the roast.



Washington Supreme Court Chief Justice Gerry Alexander and Judicial Assistant LeeAnn Kunze enjoy one of the many humorous Judge Harris stories shared by guest speakers.



Chief Justice Alexander presents a quill pen and engraved ink well to Judge Harris.

thought he was going “month-to-month”. He later said his next job was going to be at “the Court of Appeals”. When asked what word he would use to describe his replacement, Judge Harris responded “unlucky”. The video had Jo Harris, Judge Harris’ spouse of 47 years, laughing through tears.

Justice Alexander reminded the audience during his remarks that Judge Harris was the longest sitting Superior Court Judge, having achieved 30 years on the bench, and his retirement would leave Alexander alone at the top. To ensure Judge Harris remembered the “good old days”, Justice Alexander presented Harris with a telegram filled with good wishes from the other Supreme Court Justices, along with a quill pen and engraved inkwell so he could keep up with his correspondence in retirement. Justice Alexander commented that in his many years of attending retirement parties, the outpouring of love and good will from the group assembled was noteworthy and a tribute to all.

Not to be outdone, Judge Nichols presented Judge Harris with a red flannel robe to replace his black judicial robe, a squeaky,

glow-in-the-dark inflatable gavel, and a subscription to TV Guide so he can keep up with his favorite soaps. Judge Harris thanked all, and reminded his audience that he will be taking on cases as Judge pro-tem, including a 30 year old criminal case carrying over into January, 2010. Judge Harris’ son and two daughters attended with their spouses and are looking forward to spending some quality time with their dad at the family vacation home on Hood Canal. Judge Harris said he is most looking forward to getting up and leaving the house without the neckties that have been his standard for over fifty-years.

A program of this size could not be pulled off without significant support. Thanks to all the presenters, the Social Committee consisting of Judge Nichols, David Ridenour, Josie Townsend, LeeAnn Kunze, Diane Wheeler, and for the assistance of Elena Quintana, Tara Hargrieve, and our A/V gods, Brian Gerst and Jill Sasser. Thank you also to Dorothy McCoy for the lovely flower arrangements and to the Quay for its assistance in setting up a near flawless presentation. Note to Judge Johnson: We need at least two years to regroup before the next retirement!



Judge Harris laughing at the spoof video of his ‘Exit Interview’.



Emcee Judge John Nichols presents a ratty retirement bathrobe to Judge Harris.



Judge Nichols presents Judge Harris’ new gavel for home use.



Judge Harris receives a standing ovation before making his remarks at the conclusion of his retirement roast, as wife Jo looks on.

VLP Rolls Out Housing Justice Project



DAVID GREGERSON
Hearsay Special Correspondent

The Clark County Volunteer Lawyers Project has received a federal grant of \$55,000 to create and run a new program for low-income Clark County tenants who are at risk of being evicted from their homes. Launched in October, the Housing Justice Project (HJP) will include advice clinic services at the VLP office, along with mediation services and courthouse assistance for tenants by trained lawyers during Friday morning unlawful detainer show cause dockets.

According to Susan Arney, Executive Director of the CCVLP, the funding came from the American Reinvestment and Recovery Act (ARRA) by way of the Clark County Dept. of Community Services. Grant funding runs through September, 2010. Arney hopes that the pilot project, if successful, will result in long-term successor funding. Similar programs are up and running in King and Pierce Counties.

The program is the culmination of months of effort by the VLP, Northwest Justice Project, the Clerk's office, Community Medi-

ation Services, several local landlord attorneys, and the Superior Court bench. It is designed to respond to increased eviction filings - including post-foreclosure evictions - in the wake of rising local unemployment and economic hardship, and to the perceived shortage of prompt and competent tenant representation in unlawful detainers. The overall goal is to reduce homelessness and educate tenants on how to work with landlords. The program also provides referrals for mediation and to agencies which can assist with emergency rent and/or housing.

According to Arney, the HJP has already secured the commitment of several attorneys to administer the program, and is "always looking for more." The VLP is holding a free local CLE on Dec. 11 for those interested in participating in the program.

"We're excited about this program because it's an area that the VLP has not historically served well because evictions happen so quickly," said Arney. Call 823-0423 with any questions or to find out more about the upcoming free CLE on December 11.

PROFESSIONAL OFFICE SUITE FOR RENT FURNISHED 3 ROOM OFFICE SUITE

Utilities & Security System Included
Use of Conference Room, Lobby & Mail Room
\$1,250 per Month. Available December 1, 2009

613 E MCLOUGHLIN BLVD., VANCOUVER, WA 98663
TELEPHONE: (360) 699-1440

GOGREEN

Opt-in to receive digital PDF issues of
HEARSAY via e-mail to help reduce waste
and lower CCBA production costs.

**CONTACT DIANE WHEELER TO BE
ADDED TO THE MAILING LIST!**

MEDICAL MALPRACTICE CALL 360.694.4344

With combined litigation experience
of more than 60 years, William F. Nelson and Jane E. Clark
are available for referral and/or association in medical
malpractice and wrongful death cases.



WILLIAM F. NELSON
wnelson@bnplaw.com



JANE E. CLARK
jclark@bnplaw.com
Licensed also in OR, England & Wales

BAUMGARTNER, NELSON & PRICE, PLLC

112 W 11th Street, Suite 150 • Vancouver, WA 98660
(360) 694-4344 • (360) 694-6075 fax

www.BNPLaw.com

Phil Haberthur Honored With Marshall Award

ANDREW WHEELER

CCBA Secretary

'It's 6:00 a.m. - do you know where your attorney is?' If you are represented by Schwabe, Williamson & Wyatt's Phil Haberthur, he is likely already at his desk in downtown Vancouver. Haberthur, who received the 2009 General George S. Marshall Public Leadership Award, sacrifices the snooze button in order to keep his family, employer and the citizens of Battle Ground satisfied.



Haberthur was selected from a field of sixteen qualified nominees for the Marshall Award which includes participation in the Celebrate Freedom programs as well as a trip to Lexington, Virginia to tour the Marshall Foundation and the surrounding Washington DC area.

To be nominated for the Marshall Award, nominees must be 35 years or younger, a Clark County resident who has completed a four-year college degree and is involved with the community. Selection is based on demonstrated leadership ability, commitment to public service, academic achievement, and potential for an ongoing active role in public service.

While an interest in public service led Phil Haberthur to a Political Science major at Washington State University Vancouver, (and by adding his name to a white-board list, his first student government election), Haberthur believed his service aspirations would be fulfilled later in life after raising children and establishing a law practice.

Crediting his understanding wife, Haberthur took some tentative initial steps into the realm of public service in 2006 when he began serving on the Battle Ground Planning Commission. Though not serving in a legal capacity on the Commission, Haberthur attributes a great deal of his analytical thinking skills to his early success working with his fellow Commission members and problem solving during Battle Ground's residential development boom.

While working on the Planning Commission in 2006, Haberthur was also actively engaged in the hiring process at Schwabe, Williamson & Wyatt. Phil admitted he was pleasantly surprised when his involvement on the Planning Commission was not perceived as a detriment on his resume. Instead Phil was happy to learn about the history of public service at Schwabe and the firm's encouragement of his civic involvement and his efforts to balance work, life and service.

In early 2008 an opportunity presented itself to serve on the Battle Ground City Council following the resignation of one of the elected members. Phil first cleared his intentions with his supervisors at Schwabe and then, along with eight other qualified citizens, Haberthur submitted his name for the open Council position. Following a vote of the remaining seated Council members, Haberthur joined the Council.

Phil's Political Science major prepared him for the logistics of his position on the City Council, where he assures his citizenry freshly mowed grass in the parks, well maintained roads and reliable public services. The work to achieve state and federal funding and then maintain that funding through the ups and downs of our current economic climate came as a daunting surprise to the rookie Council member.

Expecting a challenger for his Council seat by community members previously vying for the post, Haberthur happily ran 'unopposed' in the most recent election and was re-elected for another two-year Council term. While some may explain the lack of opposition to the time and effort of mounting a campaign, it is more likely that community members have recognized in Phil Haberthur what Battle Ground Mayor Michael Ciraulo wrote in his Marshall Award nomination: "Phil immediately struck me as a natural-born leader, his ability to gain others' trust, his willingness to do hard work and his global perspective on a multitude of issues make Phil an ideal recipient of this award."

That, and they would likely have to wake up pretty early to outwork Phil Haberthur.

Everything you need to know to defend a Residential Eviction Case

A LANDLORD/TENANT LAW CLE

The presentation will cover the following topics:

- Defending evictions in Clark County: procedural and substantive defenses
- Recent legislative changes in the Residential Landlord Tenant Act and Unlawful Detainer statutes, including new protections for tenants being evicted due to foreclosure and changes to RCW 59.18.375.
- Federal and state fair housing laws: an overview.
- Resolution of landlord/tenant disputes through mediation.
- Unlawful Detainer actions: a landlord's perspective.
- Post-Writ of Restitution remedies
- Mobile Home Landlord Tenant Act vs. Residential Landlord Tenant Act: a comparison.
- Subsidized housing evictions: an overview of federal protections for tenants.

This CLE is free. Attorneys will be asked to commit to providing legal assistance to tenants through the Clark County Volunteer Lawyers Program through 2010.

**Location: Clark College Gaiser Hall
Room GHL 213 - The Ellis Dunn Room**

Date: Friday December 11, 2009

Time: 1:00 PM to 5:00 PM

CLE credits - pending

Pre-registration is required. Please email Susan Arney at susana@cchavlpc.com, call Susan at 360-823-0423 or mail your reservation to CCVLP
1409 Franklin Street Suite 101 Vancouver, WA 98660

Clark County Swears In New Attorneys

HEARSAY STAFF

The Courtroom for Department 1 was filled with family members, guests and dignitaries as roughly two dozen new licensees took the Oath of Attorney on November 5, bringing them to the end of their long quest to become lawyers authorized to practice law in the State of Washington.

Several speakers addressed the large audience, including Judge Robert Harris, who presided over the Ceremony. CCBA President David Ridenour, Family Law Section President Elizabeth

Christy, and Young Lawyers Section President Jamie Arledge spoke to the new licensees about the many benefits of membership with the local bar. CCBA members Mark Baum and Steve Thayer were among the guests and family members who also shared remarks with the group.

The ceremony was followed by a reception hosted by the CCBA in the Attorney's Workroom on the 3rd floor of the Courthouse.



New licensees prepare to take the Oath of Attorney, having passed the Washington bar exam, or been granted reciprocity.



Judge Robert Harris presides over the ceremony as Judge Scott Collier administers the Oath of Attorney.



Earlier in the day, the WSBA and CCBA conducted a pre-licensing seminar for new licensees at the Public Service Building.

Jessica Dimitrov: The Face of Change in Trust and Estate Law

JAMIE M. ARLEDGE

Hearsay Special Correspondent

As lawyers, we may recall from law school the concept of the “Slayer Statute”, where a convicted killer is unable to inherit from his or her victim. That concept has been translated into modern times in support of the Vulnerable Adult Protection Act (RCW 74.34) thanks in large part to local attorney, Jessica Dimitrov. Washington’s “Slayer Statute”, RCW 11.84, now provides for the disinheritance of those who financially exploit Washington’s growing population of vulnerable adults. Jessica’s efforts, and the passage of the 2009 amendments to the Slayer Statute, will significantly impact trust and estate disputes, and the lives they involve, for years to come.

Jessica’s law practice focuses primarily on cases involving the abuse of vulnerable adults as it arises in guardianships, probate litigation, and estate planning. After repeatedly encountering acts of financial, physical and emotional exploitation against vulnerable adults in her practice, and recognizing the lack of consequences for the abuser, Jessica decided something needed to change.

Jessica became one of the founding members of the Clark County Vulnerable Adult Task Force, whose goal was to create a inter-jurisdictional network of law enforcement, social services and other interested groups to assist with better identification of the problem, education for those coming in contact with vulnerable adults, punishment of abusers and development of methods to curb the growing trend of abuse. One of those methods was to effect legislation to provide legal relief for those being exploited. Jessica introduced herself to State Representative Jim Moeller after one of his speaking engagements and asked if she could take him to lunch to talk about re-hauling the Abuse of Vulnera-

ble Adults Act, originally enacted in 1984. Moeller agreed, and with the support of the Clark County Vulnerable Adult Task Force, they successfully passed legislation during the 2007 legislative session that dramatically increased the protections offered to vulnerable adults.



ENTERTAINMENT BOOKS !

Save hundreds and even thousands by buying the .2010 Entertainment Coupon Book from the CCBA!

Steep discounts and freebies at hundreds of local restaurants and other businesses. We have only 20 books left, and must sell them by the end of December. Cost per book is only \$20! Just call Diane Wheeler this second at 695-5975, and start saving right away!

The advocates worked together again this year to pass the Slayer Statute amendments. Even more impressive than their commitment to vulnerable adults, not a penny of special interest money was used to push the amendment forward. Both the House and Senate passed it unanimously. In May, the Governor signed it into law.

Under prior Washington law, if an heir or beneficiary of a vulnerable adult financially exploited the vulnerable adult, the heir or beneficiary would nonetheless be entitled to receive a share of anything left in the vulnerable adult's estate at the time of death. Rather than the stolen assets simply being an offset against an exploiter's inheritance, if convicted, the exploiter will now lose their entire right to inherit anything they would have otherwise received from the deceased vulnerable adult. The ultimate effect of the act is to treat a financial abuser as if he or she had predeceased the victim.

Jessica reports that sadly, the abuser is typically a family member, care giver or "trusted" friend. Often, the abuser will threaten the vulnerable adult with nursing home placement or inflict other emotional abuse if the vulnerable adult resists transferring his or her assets to the abuser. Additionally, abusers commonly obtain a Power of Attorney over the vulnerable adult and then exploit the fiduciary relationship by changing bank accounts to their own names, transferring other assets and/or modifying the vulnerable adult's estate planning documents to provide a greater inheritance for themselves.

As Jessica explains, the prior law essentially enabled abusers to actually receive an "advance" on their inheritance, or a "discount" on the money he or she had to repay the estate, because the abuser was "entitled to a share of the estate – a truly absurd result that awarded the abuser when practically applied." For example, if the abuser stole \$100,000 from the vulnerable adult, the estate might obtain a judgment against the abuser for the \$100,000. The judgment would then be considered an asset of

the estate the abuser shared with the other non-abusing heirs or beneficiaries. If the abuser was the only person benefiting from the estate, the only consequence suffered was having to repay the estate, which then turned around and gave the money right back to the abuser.

Now, Jessica says, "persons taking advantage of vulnerable adults might think twice: If you steal \$10,000, instead of just having to pay back the \$10,000, you might be disinherited from a million."

The intriguing and unanswered question in applying the 2009 amendments is whether the new provision has a retroactive effect – i.e., whether it bars abusers from receiving any benefit resulting from the death of a vulnerable adult when the acts of financial exploitation, or the conviction or civil court finding regarding those acts, occurred before the 2009 amendments passed. The Legislature did not specifically address this issue. Jessica believes a good argument can be made that the Legislature intended the amendments to have a retroactive effect based on the legislative history behind the enactment of the original Slayer Statute, the existing case law discussing the equitable basis of the Slayer Statute, and the underpinning theme that "no one should be allowed to profit from his own wrong."

The recently passed amendments to the Slayer Statute are an example of the fierce advocate Jessica has become on behalf of vulnerable adults statewide. It will be fascinating to observe the impact of this new law on trust and estate disputes in the upcoming years. In the meantime, Jessica is already hard at work protecting vulnerable adults in other ways. She is supporting legislation being drafted to better regulate and enlarge the fiduciary responsibilities of 'attorneys-in-fact'. Jessica is also looking ahead to amending both federal and state law to allow the government to pursue an abuser for money recovery under Medicaid fraud statutes. Currently there is no such law – but if Jessica's past work is any indication – there soon will be.

Office Space in Established Vancouver Law Office



**Call Bob Gregg at
(360) 694-6505**

- Available now! Share office space with two attorneys, each with over 25 years of experience
- Conveniently located off of Mill Plain just minutes from the Clark County Courthouse
- Save on rent and parking by getting out of downtown
- 3 spaces available for rent. Each executive suite has raised ceilings and natural lighting. Ground floor suites are handicap accessible, upstairs suite has vaulted ceiling and skylight
- Amenities include: conference room use, receptionist use and client waiting area, kitchen, law library, and convenient off-street parking
- Free high-speed internet
- Fully furnished available

CCBA PROGRAM CORNER



THE MODEST MEANS PROGRAM



ELENA QUINTANA

CCBA Member Services

The mission of the Clark County Bar Association's Modest Means Program is to meet the overwhelming need for access to the justice system by those Clark County residents with fixed and low incomes where access to pro bono assistance is not possible, and household resources are insufficient to pay prevailing hourly rates for legal services.

The current rate of unemployment has driven many people closer to poverty. Our Modest Means attorneys serve people whose income falls between 125% to 200% of the federal poverty guidelines who are able to afford some legal services, but only at reduced rates. Once eligibility is determined, clients contact the assigned attorney directly and state they were approved and referred through the CCBA, Modest Means Program.

Attorneys who accept MMP referrals agree to charge no more than \$75.00 per hour for their services, and can charge a moderate retainer as well. While there are no other restrictions on the fee agreement, flexible payment schedules are encouraged, thus providing these low income citizens a resource for legal counsel that is not otherwise affordable.

There is no fee for CCBA member attorneys to participate in this program. However, attorneys are required to have active malpractice insurance. Attorneys can select from the available Modest Means panels which include collections, family law, landlord-tenant, wills and estates, immigration, and employment. Attorneys may register for as many panels as they wish.

Currently, we are experiencing greater need in the community than we have attorneys available to meet that need. With only about 13 current attorney participants, the program provides a significant source of new clients to our member attorneys, while at the same time providing a valuable community service. It is also an excellent program for newly licensed attorneys to jumpstart their practices.

For further information, or to register as a Modest Means attorney, please call Elena Quintana at (360) 695-5975, or e-mail her at Elena-ccba@qwestoffice.net and request an application.



Shawn Elpel of Duggan, Schlottfeldt & Welch speaks at the CCBA Quarterly Meeting regarding title insurance issues.

CCBA Holds Quarterly Meeting at the Quay

HEARSAY STAFF

The CCBA held its second quarterly meeting of its fiscal year at the Red Lion at the Quay on November 2, 2009. Those who attended the meeting enjoyed a hot buffet lunch and earned two CLE credits for attending the program.

CCBA member Shawn Elpel spoke to the group regarding Title Insurance and Endorsements, also providing written materials valuable to any attorney that ever gets involved with a real estate transaction. The CCBA's next quarterly meeting is scheduled for January 4, 2010. Announcements regarding location and speakers will be distributed soon.

DOUBLE HEARSAY

What CCBA Members Are Doing About Town

RAISA JUDICATA

Guest Gossip Columnist

What do you hope to be doing on your 80th Birthday? Duane Lansverk celebrated his 80th with a Norwegian buffet shared with his friends at Landerholm on November 2, 2009. Duane is still helping long-time clients with their estate planning and real estate issues, along with his charity work and wood working hobbies. He is the healthiest looking 80-year old you have ever seen!



Duane and Peggy Lansverk at the Judge Harris Roast.




And, finally, when a certain lovely young couple moved in together several years ago, it became front page news in the CCBA Newsletter. We are happy to announce that she decided she could live with the fact that his hair takes longer to style than hers. During a vacation to visit family and friends, CCBA's Immediate Past President Mila Chase and Chris Boyd eloped and are now a happily married couple. Congratulations! (I'm sure Eric Johnson will take all the credit...)



Steve Tubbs tells us he is not retired, but spending three weeks of November in Hawaii is the best way to practice law we can figure. The CLE Committee is trying to get the WSBA to approve the syllabus for his next presentation: "How to practice law during Happy Hour."

Your esteemed colleague Raisa Judicata can't be everywhere. If you have a tidbit of news you would like the world to know, send a note to CCBA at diane-ccba@qwestoffice.net. Raisa usually checks in the first Monday of every month. Remember, it is your ethical duty to support your member organization with juicy gossip and goings on.

Publish Legal Notices
ECONOMICALLY in

1909  2009

The Reflector

Adjudicated Legal Notice Publication for Clark County

Notice to Creditors.....\$110

Non-Probate\$150

Summons by Publication.....\$275
(standard length)

Notice of Trustee's Sale Free Quotes

Wednesday Publication Dates
Deadline: Monday, Noon

The Reflector
The Newspaper with Integrity

20 NW 20th Ave., P.O. Box 2020,
Battle Ground, WA 98604
(360) 687-5151 · (360) 687-5152 fax
1-800-909-0075
www.TheReflector.com · staff@TheReflector.com

Residential Real Estate
Appraisals for Divorce,
Bankruptcy, Dissolution,
Estates & Forensic Purposes



Brooks Appraisal
Services, LLC

Competent & Credible Quality
Bridging Service & Standards

Brian Brooks
*Oregon & Washington Certified
Residential Appraiser*

Mobile: 503-360-2834
Fax: 800-708-5516
brian.h.brooks@gmail.com

www.brianbrooksappraisals.com



SUPERIOR COURT BENCH/BAR COMMITTEE MEETING MINUTES

NOVEMBER 10, 2009

The meeting began shortly after noon. Persons present were Judge John Nichols, Judge Robert Lewis, Kurt Rylander, Clay Spencer, Ann Christian, Dean Langsdorf, Suzan Clark, William Reed, Clark Fridley, Jean Waller and John Fairgrieve.

OLD BUSINESS:

1. Protective Orders on Children's Justice Center (CJC) cases: Clark Fridley initially mentioned that he did not think such orders were necessary, and that if a deputy prosecuting attorney (DPA) felt that a defense attorney or investigator was acting inappropriately during a defense interview that the DPA could halt the interview, contact the assigned judge, and ask for guidance or a ruling. Ann Christian mentioned that as a result of a recent meeting criminal defense attorneys would no longer be signing off on protective orders in CJC cases.
2. Prosecuting Attorneys' obligation to provide evidence of the prior convictions of its witnesses to the defendant under CrR 4.7(a)(1)(vi): John Fairgrieve passed out copies of a letter dated October 5, 2007 from Laura Laughlin, Special Agent-in-Charge of the Seattle office of the FBI to Tom McBride, Executive Secretary of the Washington Association of Prosecuting Attorneys. The letter addressed the ability of prosecutors to disseminate criminal history information to defendants in accordance with the rules of discovery. In summary, the FBI's position is that a prosecutor may not query the National Crime Information Center (NCIC) or Interstate Identification Index (III) databases on behalf of a defendant, but if the information already exists in the prosecutor's file, it may be turned over to the defense in compliance with the rules of discovery. This led to a broad discussion.

Clay Spencer raised the question of what the prosecuting attorney was obligated to disclose to a defendant under *US v. Price*, 556 F.3d 900 (9th Circuit 2009). A brief summary of *Price* copied from the Lexis head notes follows:

PROCEDURAL POSTURE: Defendant sought review of an order from the United States District Court for the District of Oregon denying his motion for a new trial after a jury convicted him of being a felon in possession of a firearm.

OVERVIEW: Defendant argued that the Government violated the requirements of Brady by failing to turn over evidence of its

prime witness's prior arrests, conduct, and convictions. The district court ruled that defendant did not establish a Brady claim because he failed to demonstrate that the prosecutor personally had evidence in his possession that would have revealed the witness's extensive history. The Court, however, held that the District Court's reliance on the prosecutor's lack of personal knowledge of the Brady material demonstrated a clearly erroneous understanding of the law. Regardless of personal knowledge, the Court found that the prosecutor failed to fulfill his duty to learn of and disclose favorable evidence that likely was in the possession of his lead investigating officer. Because the evidence of the witness's criminal history was material as Fed. R. Evid. 608, 609 impeachment evidence, the Court held that the prosecutor violated defendant's rights under Brady. The failure to disclose the Brady material was prejudicial because there was a reasonable probability that the withheld evidence would have altered the jury's assessment regarding defendant's possession of the gun.

OUTCOME: The Court reversed the denial of defendant's motion for a new trial, and it remanded the case for further proceedings.

Bill Reed asked the question of what would happen if a state court judge ordered the FBI to reveal the criminal history of a witness and the FBI failed to comply. Clay Spencer went on to state that the criminal defense bar feels that under *Price* the PA's office has the obligation to check other databases, not necessarily kept by the PA's office but to which it has access, to determine whether state witnesses have had prior contacts with the police and whether such contacts resulted in convictions or not. He mentioned in particular the Electronic Police Report system used by many law enforcement agencies in Clark County. He stated that he believes that failure of the PA's office to run such criminal history queries on its witnesses makes convictions more vulnerable to future appeals. He also stated that defense counsel cannot conduct research on a potential witness' prior criminal conduct and convictions due to lack of access to the necessary databases and the potential cost. Finally, he stated that the defense bar planned on starting to file discovery motions based on *Price* in the near future.

Judge Nichols mentioned that he believes that situations requiring the type of discovery search contemplated by *Price* would not occur in 99% of cases; that in very serious cases it would be

done due to the nature of the case, and that in certain other cases it would be done due to the facts of the particular case and the attorneys involved.

Kurt Rylander expressed the concern that if the court forced the PA's office to run criminal history queries on witnesses at the defendant's request that the FBI may deny the PA's office access to the databases it operates, in particular NCIC and III. Ann Christian stated that she would research how other states address this issue and get back to the committee with her findings.

John Fairgrieve stated that the PA's office had developed a draft policy to address this issue and that he hoped to be able to present it to the committee at the next meeting.

3. Use of the Old Child Support Forms: The consensus of opinion is that the new forms should be used for all matters to be entered after October 1, 2009.

NEW BUSINESS:

1. Clark Fridley reported that in some cases the PA's office provides discovery of police reports and other documents in only an electronic format (using CDs and DVDs) and that he and some other attorneys want it in hard copy format. He stated that the DVDs of photographs were very helpful, but by only giving defense attorneys discovery of reports and other documents in the form of CDs the PA's office was effectively shifting the cost of reproduction from the PA's office to defense counsel. There was also some discussion of problems with highlighting or marking electronic documents as opposed to traditional methods used to do so with paper copies.

John Fairgrieve explained that the PA's office had decided to move to electronic discovery in its Major Crimes Unit only, based on the volume of discovery involved in many of its cases and the need in such cases for the State to be able to prove that all discovery was provided to the defense. He stated that shifting the cost of paper reproduction of documents to the defense was not one of the reasons for the change. He also indicated that there are many other potential benefits to electronic discovery including the ability to search documents that have been scanned using Optical Character Recognition software, as is currently being done by the PA's office. He did state that no training has been provided to attorneys to prepare them to take advantage of this feature. John also stated that there was some discussion of expanding the use of electronic discovery to other areas of the office with the goal of cutting down on the costs of reproduction and speeding the discovery process.

A number of attorneys who practice in the civil arena spoke about the advantages of electronic documents and document management software in larger, document intensive litigation. Ann Christian mentioned that she had discussed the cost-shifting issue with Dennis Hunter, the chief criminal deputy of the PA's office, and that it would be an issue in future budget discussions.

2. Composition of the Superior Court Bench Bar Committee: Kurt Rylander mentioned that a number of CCBA members

who are not currently members of the committee had expressed a desire to serve on the committee - more than Judge Nichols' jury room could accommodate. He also mentioned that certain positions on the committee have historically been reserved for representatives of certain areas of practice of the bar such as the two judge positions, a prosecuting attorney position, a criminal defense position, the indigent defense coordinator and a representative of the attorney general's office. Bill Reed mentioned that he was concerned about the membership of the committee becoming too ingrained after a time. Kurt Rylander asked if anyone had a strong opinion about how committee membership should be determined. Judge Nichols and Judge Lewis mentioned that they did not have a preference about how the other members of the committee should be chosen. Kurt mentioned he would give the issue some additional thought. It was also noted that the committee meetings are open, and that any member of the bar was welcome to attend.

3. Jean Waller, the President of the Clark County Volunteer Lawyers Program, addressed the committee about a new program it is offering called the Housing Justice Project. The project provides legal assistance to low-income tenants, provides education to tenants and landlords about landlord/tenant law, and provides resources to resolve disagreements between tenants and landlords. One of the chief goals of the program is to prevent homelessness. Jean explained that the program would provide attorneys to appear during unlawful detainer dockets in an effort to shorten the dockets by moving cases off the docket that shouldn't be there. She further explained that the program plans on starting clinics later this month and providing lawyers for tenants at the Courthouse in January of 2010. Attorneys interested in assisting with the program can contact the Volunteer Lawyers Program at (360) 823-0423.

4. Mock Trial Program for 2010: Judge Lewis mentioned that there are ten teams from seven schools preparing for the annual mock trial competition that will occur in February, 2010. Individuals interested in assisting in the competition are encouraged to contact Judge Lewis.

5. Next Bench Bar Committee meeting: The Committee will meet next on Tuesday, December 8, 2009 in Judge Nichols' jury room.

Respectfully submitted,

John Fairgrieve

DISTRICT COURT BENCH / BAR MEETING

LINDA SHAW

Judicial Assistant to Judge Zimmerman

The District Court Bench / Bar Committee did not meet in November. The next meeting is scheduled for December 9 at noon and will be held in Judge Zimmerman's Courtroom. The meetings are open to all attorneys and judges.

RIDER & ASSOCIATES, INC.
REPORTING & TRANSCRIPTION SERVICES

Rider & Associates Inc. provides superior court reporting services to the legal profession in Southwest Washington and the Portland, Oregon region. We have successfully served our clients since 1979 by offering many features and benefits tailored to your needs. We specialize in complex medical and technical terminology and offer the latest technology in both software and hardware applications to support the needs of a demanding industry. Rider & Associates, Inc. will guarantee the highest level of professionalism with personalized service and attention to detail.

Our Services Include:

- 7-10 day turnaround time without an expedite fee
- Full-Time Staff
- Realtime Reporting
- Computerized Transcription
- Caseview/Live Note
- e-Transcript
- Immediate Delivery
- Conference Rooms
- Scanning and Archiving of Exhibits
- Internet Realtime
- Realtime Captioning for Hearing Impaired



Affiliations:

- NCRA National Court Reporters Association
- WCRA Washington Court Reporters Association
- STAR Society for the Technological Advancement of Reporting
- MTIA Medical Transcription Industry Association
- AHDI Association for Healthcare Documentation Integrity
- AHDI-Washington Association for Healthcare Documentation Integrity of Washington
- AHDI-Oregon Association for Healthcare Documentation Integrity of Oregon



P.O. Box 245
Vancouver, WA 98666
Phone: 800.869.0864
Fax: 360.693.1037
E-mail: Teresa@RiderandAssociates.com
Web: www.RiderandAssociates.com

NEW TO THE CLARK COUNTY BAR ASSOCIATION

*Criminal Defense
Professional Misconduct
Juvenile Delinquency*

*16 Years of Experience as a
Deputy District Attorney
Deputy State Public Defender
Private Practitioner*

*Accepting Referrals
Available for Co-counsel Arrangements*

Timothy Talkington
Counselor and Attorney at Law

360.600.5155

email: tt@ttlaw.net

web: www.ttlaw.net

P.O. Box 742
CAMAS, WA 98607

Licensed in Washington and Colorado

**CLARK COUNTY INDIGENT DEFENSE
REQUEST FOR APPLICATIONS**

**Juvenile Offender and Truancy*
Indigent Defense Contracts
January 1, 2010 – December 31, 2010**

APPLICATIONS for one-year (2010) Clark County Indigent Defense Contracts for legal representation in Juvenile Offender and Truancy cases* will be available on November 2, 2009. The deadline to submit applications is November 20, 2009.

Applications will be emailed directly to attorneys who have expressed their interest in Juvenile Offender or Truancy contracts to the Indigent Defense office over the past year. If you want to place your name on the list to receive an Application directly by email or if you have any questions, please contact Madison King at: madison.king@clark.wa.gov or (360) 397-2333.

The Application form and more detailed information on the proposed contracts will be available November 2, 2009 on Clark County's website at: www.clark.wa.gov/general-services/indigent.html

*One small Juvenile Court contract for an additional case type may be available for 2010. Please contact the Indigent Defense Office or check the Indigent Defense website for more details at: <http://www.clark.wa.gov/general-services/indigent.html>

Family Law:
trust

Divorce,
Custody, Support

No matter which side of the river you call home, facing tough legal issues means you need an attorney who will protect your family. Someone with that special balance of sensitivity and tenacity who can help you feel secure. Someone who knows the law, and your neighborhood, too. For nearly 30 years we've limited our practice to just family law in Washington and Oregon. That's over a quarter century of doing one thing very well.



**Zach Fruchtengarten, your advocate
in Washington & Oregon**

Representing clients in
Washington & Oregon

360.823.0410 503.227.1515
gevurtzmenashe.com

GEVURTZ Attorneys at Law
♦ **MENASHE**

The firm you want on your side

CCBA Monthly Board of Directors' Meeting



ANDREW WHEELER
CCBA Secretary

The November 4 Clark County Bar Association Board Meeting began with a presentation from Carol Jacobsen, the Regional Director of the "Gear Up" Program. Gear Up is a college access program, supporting about 100 local high school students. Ms. Jacobsen spoke about the goals of the program and how CCBA members can be of assistance both personally and professionally. The Board asked Ms. Jacobsen to author an article for an upcoming issue of Hearsay in order to better inform CCBA members as to the various volunteer opportunities with the "Gear Up" program.

The Board then turned its focus to the upcoming Roast for Judge Harris. The Board was encouraged by the brisk early ticket sales

and encouraged CCBA Executive Director Diane Wheeler to make sure the word was out that the deadline to purchase tickets was November 10.

The November meeting concluded with the Board being introduced to the upcoming Housing Justice Project. Chuck Buckley shared some insight with the Board on the program's development along with the role of the CCBA in allowing use of the Courthouse's attorney workroom. The Board was encouraged by the program's goals and looked forward to its implementation.

The next Board of Director's meeting is scheduled for Wednesday, December 2, 2009, at the CCBA offices, and is open to all members.

Family Law Section Meeting



ELIZABETH CHRISTY
Family Law Section President

The Family Law Section had its most recent meeting on November 12, 2009 from 11:30 a.m. – 1:00 p.m. at Tommy O's. Business valuers Blake Runckel and Cary Carruthers from Corporate Valuations, Inc. and CPA Greg Mettler spoke to the group regarding the nature of their practices, their years of experience, and their practice focus. The presenters were informative and entertaining. Greg Mettler stated that he feels Oregon has lousy case law compared to Washington. I'm sure we would all tend to agree.

Our next meeting is everyone's favorite annual holiday meeting and will take place on December 10, 2009 at Tommy O's from 11:30 a.m. to 1:00 p.m. Santa and his elf will present "awards" to the cast of characters known as the Family Law Section. Our former Santa, Judge Nichols, retired from the position, so we will unveil our new Family Law Section Santa at the meeting.

Remember to keep checking the blog:
<http://ccbafamilylawsection.blogspot.com>.

Best Regards, Elizabeth E. Christy



(left to right) Guests Greg Mettler, with Blake Runckel and Cary Carruthers from Corporate Valuations, Inc., discussed business valuation issues in a family law context during the FLS November meeting.



GETTING TO KNOW: BERNARD VELJACIC

"Getting to Know" is a monthly feature designed to better acquaint the membership with our local attorneys, judges and other people of interest to the Clark County bench and bar. This month's subject is Bernard Veljacic, Deputy Prosecuting Attorney with the Clark County Prosecutor's Office, where he serves as in-house counsel for the County.

What or who inspired you to practice law?

My wife. Coming from a working class family I had no idea what I wanted to do after college besides "get a job." I always figured a doctor or lawyer would be an honorable profession. I was a pre-med in undergrad initially, then took calculus, genetics, and a biology course in one semester along with a political thought course. As may be obvious, the political thought course was a bit more bearable than the others. My girlfriend (now wife) encouraged me to do something after college. Everyone has their muse and mine inspired me to continue my schooling. Since the doctor thing had been eliminated I figured I'd go to law school.

What would you be doing if you were not an attorney?

I have no idea. I love being a lawyer, and the complexity and policy of law. If I have to pick something I'd like to be Michael Jordan.

At any points did you have doubts about becoming an attorney?

Yes. I hated my first year of law school but was not raised to quit, so I stuck it out. I got used to law school and met some wonderful people. Then, I hated my first job. However, I found passion for the work in co-founding and being director of a legal clinic for the homeless at Seattle's Union Gospel Mission. Then, after moving to the Portland-Vancouver area, I discovered trial work as a prosecutor, which was exciting, a good cause, and I made some great friends. It was worth overcoming my short-term doubts in exchange for the amazing job I have now.

Who inspired your practice style or courtroom demeanor?

A lot of people. I try to anticipate what questions the judge will ask and be ready. I learned that from Judge Rulli - having been a docket deputy in front of him every Monday and Tuesday for about two years. He was tough, but definitely raised the bar for me on what being an attorney is all about. I also try to know nuances of the law. Alan Harvey has a pretty astounding legal mind. Ask anyone who's worked with him; the guy is an encyclopedia. I've tried to emulate that aspect. As far as tone in the courtroom, I watched Kim Farr and Mike Kinnie in court. And, although I'd never admit it while I was prosecuting, I picked something up from Tom Ladouceur and Mike Foister. All of these people seemed smooth, never shaken, always calm regardless of what was transpiring in the courtroom. I noticed it engendered trust. I tried to replicate that, but the jury is still out on whether I've done so successfully.

What advice would you give an attorney beginning a practice?

Organize. Prepare. Read the statutes and court rules. It is amazing how much information is in the rules that a lot of lawyers (including me) simply don't take the time to read. If you prepare for court and anticipate the other side's arguments, you will have gone a long way

toward winning for your client.

If you could change one thing about the local court system, what would you change?

Since I've been on the civil side of the prosecutor's office for about three years now, I don't make it to court much anymore. However, as a criminal prosecutor I always found it difficult to sit on the criminal dockets for so long waiting for a case to be called. An idea would be to set cases at 10 minute intervals so that lawyers aren't sitting for hours waiting for their case to be called. Caveat: this presumes lawyers show up on time ...

How do you balance work with the demands of having a family?

I understand that the life of a lawyer involves ebb and flow of workload. It sometimes requires days where I have to spend a lot of time working - meeting a deadline, doing a trial, working on a solution for a client. At the same time, the best thing I can give my family is my time. I keep a realistic list of what I want to complete for the day and week and I stick to it, leaving room for the inevitable emergency that always comes up. Establishing goals and boundaries for work is important and I try to do that. In this way, I get to enjoy time with my family. I'm also lucky to have a wife who is a lawyer, so she understands that it is sometimes a delicate balance.

What would you advise your children if they wanted to pursue a legal career?

Do so only if you can go to law school without incurring very much debt; go to a state school if possible.

What activities do you enjoy in your spare time?

I love hanging out with my wife and our kids, ages 4 and 1. I also cycle to work most days, which is a great workout and very therapeutic. (Bernard's wife is Pam Loh, who just opened her own practice, focusing on immigration and naturalization law.)

What was your favorite television show growing up?

I watched a ton of TV growing up. Loved it and can still sing a few theme songs. I'd have to say early Happy Days was my favorite during my elementary school years. When they redesigned Arnold's and cut out Ralph Malph and Potsy, instead opting for Joanie and Chachi and fake-leather Fonzi, the show lost its street cred.

What was your most difficult class in law school?

Civil procedure, which is funny given that I now practice civil litigation. What does "relates back" mean again?

CLE

ETHICAL ISSUES IN MEDIATION

Sponsored by the Clark County Bar Association and U.S. Arbitration & Mediation of Oregon

2.5 CLE Credits (1.5 are Ethics)

December 15, 2009

1:00 p.m. to 3:45 p.m. (Sign in at 12:45 p.m.)

Clark County Public Service Building

1300 Franklin Street, Vancouver, WA - 6th Floor Training Room

To register, please contact Diane Wheeler

CLARK COUNTY BAR ASSOCIATION

500 W. 8th Street, Suite 65 (by courier)
PO Box 61815, Vancouver, WA 98666 (by mail)
Telephone: (360) 695-5975 (by credit card)

AGENDA

12:45pm - 1:00pm Sign-In and Welcome

Evan Seifert, USA&M Managing Attorney

1:00pm - 2:00pm How to Select Cases for Mediation

How to Send Cases to Mediation

*Evan Seifert, USA&M Managing Attorney
Sheryl Clinkscales, USA&M Case Manager*

Panel: Ethical Issues in Mediation

Appropriate and Inappropriate Misrepresentations

Hon. Frank Bearden, USA&M panel member

NonDisclosure of Information

Brett Byerly, State Farm Insurance Adjuster

Partial Disclosure of Information

Jane Clark, USA&M panel member

Overt Misrepresentation of Information

John Holmes, USA&M panel member

Unconscionable Tactics and Agreements

Hon. John Skimas, USA&M panel member

2:00pm - 2:15pm Break

2:15pm - 3:30pm

Mock Mediation:

Panel members will conduct a mediation using a mock scenario and play different roles in the mediation. They will discuss different approaches to handling frequently encountered negotiation roadblocks and ethical dilemmas.

3:30pm - 3:45pm

Q & A Session



**CHUCK
CORRIGAN**

**MEDIATION
ARBITRATION**

503.241.0677

REAL PROPERTY purchase/sale, development, construction, HOAs/CCRs, boundaries/easements, condemnation

BUSINESS formation, sales contracts, employment, insurance, non-competes, dissolution

TORTS injury, death, malpractice, civil rights

Washington admissions:
Washington, 1977;
USDC-Eastern District, 1977;
Western District, 1979.
Member CCBA since 1979.

For scheduling & fee information:
www.corrigan-law.com
1000 SW Broadway, Suite 2130
Portland, OR 97205

**Significant changes in
bankruptcy procedural laws
may not stop your client from
achieving their goal of a
fresh start.**



STANLEY F. HORAK
ATTORNEY AT LAW
www.shorak.com
1104 Main Street, Ste 300
Vancouver WA 98660
(360) 695-1497

If you have questions about how bankruptcy will affect your clients' divorce, personal injury claim, preservation of your legal fees, retainer agreement, or other legal matters, call to get advice to protect the benefits of your legal work for your clients.

I have 28 years of bankruptcy experience and knowledge in the Western District of Washington to assist you and your clients.

If your client needs representation in a bankruptcy or a contested matter arising in their bankruptcy, I can represent them.

Accepting referrals and consultations

Clark County
VOLUNTEER
 Lawyers Program

Susan Arney, *Executive Director*
 Susan DePasquale, *Program Coordinator*
 Administrative: 360-823-0423
 E-mail: susana@ccebavlp.com

Statistics for October include 58 clients seen in advice clinics, 29 in Family Law, 14 in Family Law paperwork review clinic, 9 in the DV clinic, and 12 in General Law. We placed 9 cases with an attorney for direct representation.

The end of another year is upon us. It has been a year of uncertain economic times. We have seen more clients because of the times. We have gotten through the year without decreasing any services.

Now is the time I want to say thank you to all the attorneys in Clark County who support the Volunteer Lawyers Program. You have done an outstanding job this year. We have added clinics and you have stepped up and staffed them. You continue to take cases and represent clients. Your ongoing support is very gratifying and appreciated by both the staff here and the clients. I look forward to next year. My goal is to continue to add services, grow and serve clients, with your help and support. The need is there and together we can meet it and help those who without us would not get access to equal justice.

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 IN THE MONTH OF OCTOBER

Lou Baran, April Brinkman, Chuck Buckley, Marisha Childs, Tessa Cohen, Ivan Culbertson, Carolyn Drew, Christie Emrich, David Feeney, Peter Fels, Martha Finn, Gavin Flynn, Kathy Folkers, Mary Kay Gaffney, Amy Gelnett, Leylan Greb, Dee Grubbs, Sam Gunn, Marlene Hansen, Michael Higgins, Evan Hull, Alison Milne, David Nordeen, Kristen Parcher, Brian Parker, Lisa Peterson, Jeffrey Riback, Michael Roe, Robert Russell, Jill Sasser, Kate Shaw, Randall Stewart, Zack Stoumbos, Diane Sweet, Ryan Taroski, Diana Tehrani, Marie Tilden, Anna Waendelin, Helmut Wallenfels, and Jean Waller.

We are creative about protecting intellectual property



- | | | |
|------------|--------------------|---------------|
| Patents | Trade Secrets | Licensing |
| Trademarks | Unfair Competition | Counseling |
| Copyrights | Litigation | Due Diligence |

406 West 12th Street
 Vancouver, WA
 (360) 750-9931
www.rylanderlaw.com



RYLANDER
 & ASSOCIATES PC
 Trial & Patent Attorneys



PAUL L. HENDERSON
360.699.1530
Phender745@gmail.com

**MEDICAL NEGLIGENCE
 PERSONAL INJURY • WRONGFUL DEATH**
Representative Jury Verdicts and Settlements:

- Failure to diagnose brain tumor — \$4.5 million
- Obstetrics malpractice — \$3.5 million
- Obstetrics malpractice — \$1.6 million
- Trampoline accident — \$1 million
- Electrocution at work -- \$900,000
- Motorcycle collision -- \$500,000
- Rear end MVC. Soft tissue injury -- \$230,000

Available for referral or association on serious injury, wrongful death and medical negligence cases.

INNS OF COURT - NOVEMBER

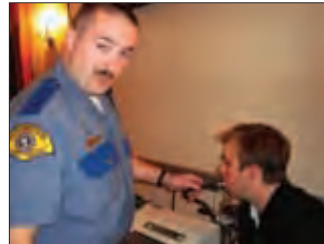
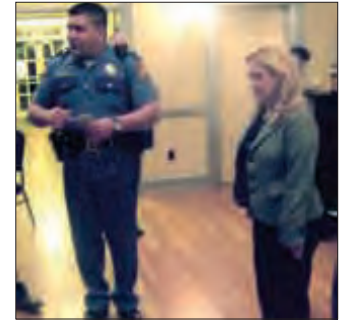
KRISTEN PARCHER

Inns of Court Membership Chairman

Judge Schreiber's team put on a presentation on the inner-workings of a DUI stop with the help of the Washington State Patrol at the Inns of Court November 18 meeting at Hamilton Hall. Three troopers took us through the process of a DUI investigation, including the administration of field sobriety and breath tests.

Jennifer Nugent, Matt Philbrook, Megan Peyton and Judge Schreiber's own Judicial Assistant, Robin Trenda volunteered their services as potential arrestees, actually drinking alcohol in various amounts before the meeting so that members could observe their conduct during the tests. Some performed better than others. Predictably, the six beers and five shots of Tequila consumed by Philbrook had a noticeable but entertaining effect on his ability to function and interact with the Troopers. All volunteers were assigned a designated driver for the event.

The Inns of Court is not meeting in December but will be back January 20, 2010, when Judge Melnick's team will do a presentation on Alternative Dispute Resolution. Food is always provided, and those who attend usually earn a CLE ethics credit. If you have any questions or are interested in joining the Inns of Court, please contact Kristen Parcher at Kristen@greenandritchie.com or Scott Horenstein at scott@scotthorensteinlaw.com.



(Clockwise from top left) Megan Peyton (.086) tries to track the movement of Trooper Jen Ortiz' index finger during a field sobriety test; Jennifer Nugent (.075) prepares to attempt walking in a straight line as instructed by Trooper Ben Taylor; J.A. Robin Trenda (.114) staggers erratically through her sobriety tests; Trooper Shane Madsen administers the breathalyzer to Matt Philbrook who blew an impressive .157. The intensity of Philbrook's hangover the next day could not be measured.

LAW LIBRARY NEWS

MARIA SOSNOWSKI

Law Librarian

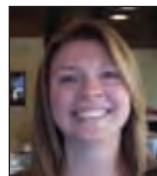
I hope this occasional column will increase awareness of the features and services available in the Clark County Law Library. We can help you prepare a case, increase your productivity, or find that obscure source you are looking for.

Did you know:

- Jury instructions, both civil and criminal, are available free online at <http://government.westlaw.com/linkedslice/default.asp?SP=WCCJI-1000>.
- The Law Library's Westlaw subscription includes Jury Verdicts Northwest, over 600 law reviews and journals, and case law from all states and federal circuits, among other things.
- You can do limited Boolean searches at www.google.com by putting phrases in quotes and connecting them with the word "and" to find pages containing multiple phrases. This is an easy way to narrow down the number of hits. Unfortunately, Google treats the "or" connector like an "and" so keep that in mind.
- We can often order materials that we don't have from the Washington State Law Library. You can search their catalog at <http://www.courts.wa.gov/library/> and let us know if there is something you need. Materials arrive 3-4 days after they are ordered and can be checked out from here.
- If there is something you need or wish we had, please ask us about it. Often we have a resource that will assist you, or can obtain what you need in another way.

ATTORNEY BOOKKEEPING TIPS

Non-Deductible Portion of Dues



EMANUELA SANDRI

Attorney Bookkeeping Services, Inc.

There are some organizations for whom a portion of their dues are not deductible from federal income tax because that portion represents expenses incurred or expected to be incurred for political activity.

For most organizations, this information is provided on the signup/renewal form. If there is a portion of the dues allocated to lobbying/political activity, record that portion as a separate line item so that tax preparers can easily find the information.

For the Washington State Bar Association, the 2010 non-deductible portion of the license fee is \$8.66. For the Multnomah Bar Association, the 2010 non-deductible portion of dues is \$5.00. The above non-deductible portions are fairly small. The non-deductible dues of other organizations may be as much as 20% or 30% of the total dues.

PRESIDENT'S MESSAGE - Continued from page 3

Thanks to Kurt Rylander for his work on "The Life and Times of Judge Harris". To Jim Gregg for sharing his humorous and more personal thoughts and memories of Judge Harris. To Elena Quintana and Tara Hargrieve for helping Diane Wheeler and Josephine Townsend at the front desk. Thanks to Jamie Arledge for providing the fun background music played during dinner, and to Jane Clark for her photos. Thanks to the CCBA Board of Directors for its guidance. And I can't forget Brenda Baker at the Red Lion. She anticipated our needs and did an incredible job under difficult circumstances arranging the room so that everybody could see and hear the show.

To Diane Wheeler, the CCBA's Executive Director, upon whom falls the sometimes impossible administrative work of making something like this happen, thank you for doing such an incredible job. I honestly don't know how you did it. You really excelled on this one, and I so appreciate it.

Thanks to Jean McCoy, who rather than take a much deserved break after serving the bar tirelessly for years, has instead stepped up the contributions of her time and effort. Jean and her mother, Dorothy, provided the beautiful floral centerpieces for the tables. She handled the tribute cards at each table, and the album for the event that will be given to Judge Harris. She attended the meetings, guided development of the program, and worked with me on many creative aspects of the production. She also writes important copy for the Newsletter every month, and assists with the editing. As usual, I don't know what I would have done without her.

I want to say a special thank you to Brian Gerst and Jill Sasser, who helped me personally get through the event itself. I don't know how, but the Landerholm firm always seems to get the greatest people... Jill provided much appreciated emotional and beverage support, (don't underestimate the importance of that), while Brian assumed the role of A/V expert for me. The plan had been for me to run the technical aspects of the program, with Brian backing me up during some of the trickier parts. There was a light board, an audio board, multiple programs running on multiple computers, and dual projectors that had to be toggled on and off several times during the night at precise cues. Despite hours of planning, it was a nightmare and a disaster waiting to happen.



In the end, I was a basket case, so Brian assumed responsibility for the entire production. The fact that he got through it so seamlessly is more amazing because the whole time, I was a mother hen at his side, hitting him, squawking about the timing of production events, grabbing at our paperwork, checking anticipated cues from the podium, and generally getting in his way. I should

have simply returned to my table and enjoyed the show. He had it completely under control. He put up with me patiently, because he's such a great guy and a good friend. Brian, thank you. I owe you calzone and tots at Tom's Pizza for at least a month.

There were many others, without whom the event just wouldn't have been the same. I know I've failed to mention everybody, and I apologize. But thank you all, and to everybody who attended as well. I think we succeeded in making that a very special evening for a very deserving person.

I promise to get back to my usual super-serious and learned messages next month. Until then, best wishes for a safe and happy holiday season. —David

LEGALLY DRAWN

Reproduced with permission. For more cartoons and information, go to <http://www.legallydrawn.com>.



"It's really no surprise, Ralph, your clients fired you because you applied the 'wait-three-days-before-calling-back' rule."

© Legally Drawn & Vasanth Sarathy, 2009

LOCATION LOCATION LOCATION

Sole practitioner looking for small executive suite office space? Would you like to be across the street from the Clark County Courthouse? Here is the perfect location for you! One year lease includes: Reception/waiting area for clients, free conference room use, copy machine availability, fax machine availability, separate 7 x 10 storage space available for lease, kitchen/break room. Utilities and janitorial included.

Contact Teresa at 360.693.4111

UPCOMING EVENTS

MEETING

December 2, 2009

CCBA Board meeting, CCBA office, at noon.

MEETING

December 8, 2009

CLE committee meeting, CCBA office, at 12:15.

MEETING

December 8, 2009

Superior Court Bench/Bar meeting, Judge Nichols' Jury Room at noon.

MEETING

December 9, 2009

District Court Bench/Bar Committee meeting, Judge Zimmerman's Courtroom at noon.

MEETING

December 10, 2009

Family Law Section meeting, Tommy O's 801 Washington Street, at 11:30. A visit from Santa!

CLE

December 11, 2009

All day - Last Chance CLE.

CLE

December 15, 2009

Mediation Process CLE - 8:30 a.m. to 12:30 p.m.

MEETING

December 17, 2009

CCBA Web Site Committee meeting, Nellor|Retsinas|Crawford (1201 Main Street) at noon.

December 25, 2009

CCBA office will be closed for the Holiday.

MEETING

January 4, 2010

CCBA Quarterly Meeting – Watch for details!

CLE

February 1, 2010

Criminal Law CLE, starts at 8:30 am. (Rescheduled from October 19.) Please contact the CCBA for further information.

SOCIAL

February 27, 2010

Barrister's Ball!

SW WASHINGTON LAWYER REFERRAL

ELENA QUINTANA

CCBA Member Services

The CCBA's Lawyer Referral Service is designed to assist the general public find an appropriate attorney for their needs, and it provides a source of new clients exclusively to our members. Every day I speak to dozens of clients who express their appreciation for the referrals they receive through the Lawyer Referral Service. I would like to pass this appreciation on to all of the attorneys that are part of the Referral Service. You are an outstanding asset to our community.

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

THE SWLRS REFERRED 259 CLIENTS IN THE MONTH OF OCTOBER

Administrative Law	3
Bankruptcy	11
Business and Corporate.....	2
Consumer	9
Criminal.....	20
Debtor/Creditor	14
Family Law	50
General Litigation	56
Labor and Employment	12
Real Property.....	44
Taxation	3
Wills and Trusts.....	18
Workers' Compensation	14
International Law.....	3

2010 DIRECTORY TO BE PUBLISHED IN JANUARY

The Clark County Bar Association will be sending out the new 2010 Directory to all current members of the bar in January. The Directory provides an excellent opportunity to advertise to your peers and others in the legal community who rely on the Directory for contact information throughout the year. And the rates are incredibly low! If you are interested in advertising in the Directory, please contact Diane Wheeler at the Bar Association office for more information before the December 20 deadline.

2009/2010 CCBA OFFICERS & TRUSTEES



PRESIDENT
David Ridenour
(360) 906-1556
davidwr@copper.net



IMMEDIATE PAST PRESIDENT
Mila Chase
(360) 695-1497
milachase.law@gmail.com



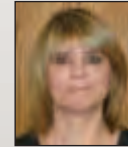
VLP REPRESENTATIVE
Charles Buckley
(360) 693-2421
cbuckley@cbuckleylaw.com



VICE-PRESIDENT
Jolene Sell
(360) 397-2265
jsell@wapa-sep.wa.gov



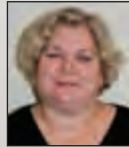
TRUSTEE
John Fairgrieve
(360) 397-2261
john.fairgrieve@clark.wa.gov



EXECUTIVE DIRECTOR
Diane J. Wheeler
(360) 695-5975
diane-ccba@qwestoffice.net



TREASURER
Kurt Rylander
(360) 750-9931
rylander@pacifier.com



TRUSTEE
Suzan Clark
(360) 735-9434
sclark4224@aol.com



MEMBER SERVICES
Elena Quintana
(360) 695-5975
elena-ccba@qwestoffice.net



SECRETARY
Andrew Wheeler
(360) 690-0064
awheeler@vancouverlaw.net



TRUSTEE
Jane Clark
360-694-4344
jclark@bnplaw.com



BOOKKEEPER
Jolene Rentaria
(360) 695-5975

CLARK COUNTY BAR ASSOCIATION

Last chance CLE December 11, 2009

Location: City Hall – 210 E. 13th Street

Cost: \$175 members - \$225 non-members

Time: 8:30-2:45

5 credits including 1 ethics

ETHICS	Honorable Judge Richard Melnick
CHILD ABUSE REPORTING	Josephine Townsend
BREAK	
PRESERVING ISSUES FOR APPEAL	Scott Anders
LUNCH	Provided by CCBA
CRIMINAL LAW UPDATE	Judge Robert Lewis
COMMENCING THE CIVIL SUIT	Mickey Thompson

CALL DIANE WHEELER TO REGISTER:

360.695.5975

500 W. 8th Street, Suite 65 (by courier)
PO Box 61815, Vancouver, WA 98666 (by mail)

A bridge to Oregon courts.



Don Jacobs can be your bridge to Oregon courts. A plaintiff's attorney of 30 years, Jacobs is available to handle your Oregon trials. Past Pres., OR Trial Lawyers Assn.



360-695-1624

don@nwinjurylawcenter.com

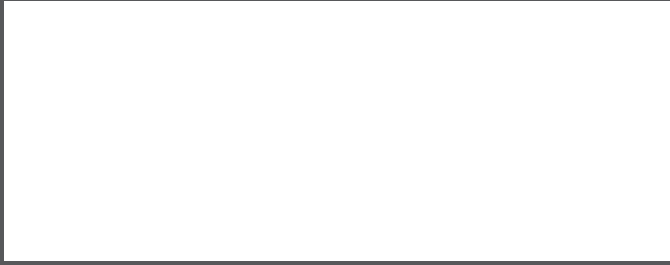
www.nwinjurylawcenter.com

CLARK COUNTY BAR ASSOCIATION

500 W. 8th Street, Suite 65

Vancouver, WA 98660

PRSR STD
U.S. POSTAGE
PAID
VANCOUVER, WA
PERMIT NO. 620



**ATTENTION
ATTORNEYS:**

Hansen Appraisal Services, LLC

When expertise matters.

Your clients need properly supported, reliable documentation providing an accurate determination of property value for estate planning. Hansen Appraisal Services understands these needs and is experienced in working with all parties involved. We provide appraisal reports tailored to meet the requirements of your various clients and streamline your documentation.

You can rely on Hansen Appraisal Services, LLC. for the utmost in professionalism, credibility, and expertise. With more than 17 years of local experience, we stand ready to assist as you help your clients plan for their futures.

We look forward to building a partnership with you.

Larry Hansen
Hansen Appraisal Services, LLC.

Office: (360) 666-9628

Cell: (360) 281-3927

Lhansen@BGwireless.com

Serving Clark County and the surrounding metro areas since 1992.

www.HansenAppraisal.com



Advertise in HEARSAY

**Does your business cater to the legal industry?
Get targeted exposure to CCBA members and associates!**

Reserve your ad space today! Call Diane @ 695-5975