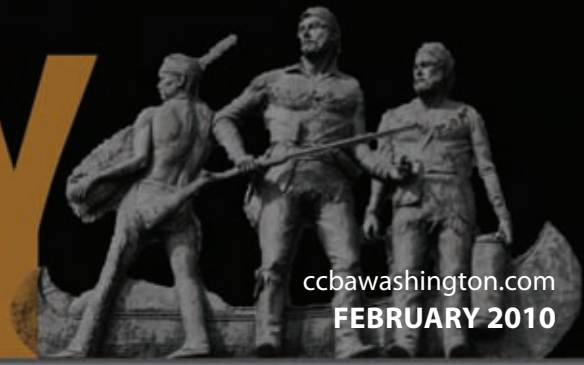


HEARSAY



ccbawashington.com
FEBRUARY 2010

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION



Governor Appoints Judge Rich Melnick to Superior Court Bench

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Attorney Fee Survey Results

page 6

CLARK COUNTY BAR ASSOCIATION

Barristers' Ball

SATURDAY
FEBRUARY 27, 2010
AT
THE RED LION HOTEL
ON HAYDEN ISLAND



Event is open to all judges and attorneys practicing in Clark County, and their spouses, staff & guests.

Tickets are \$55.00 per person. please RSVP by February 24th

See page 8 for more details

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ON THE COVER

District Court Judge Rich Melnick, who was appointed to the Clark County Superior Court Bench on January 15, 2010, by Washington Governor Chris Gregoire.

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

Time Capsule



DAVID W. RIDENOUR
CCBA President

I was rummaging through the files at our Bar Association offices a couple weeks ago and discovered a gold mine: Old issues of the Clark County Bar Association News. I wondered what was happening in our Bar exactly ten years ago, so I pawed through the old editions until I found what I wanted: The February, 2000, issue!

The cover story was written by Judge John Nichols. A learned treatise, you might ask? A law review article, perhaps? A particularly scholarly opinion that he wanted to share? No, it was something so much better. It was the announcement of the 16th Annual Beagle Awards!

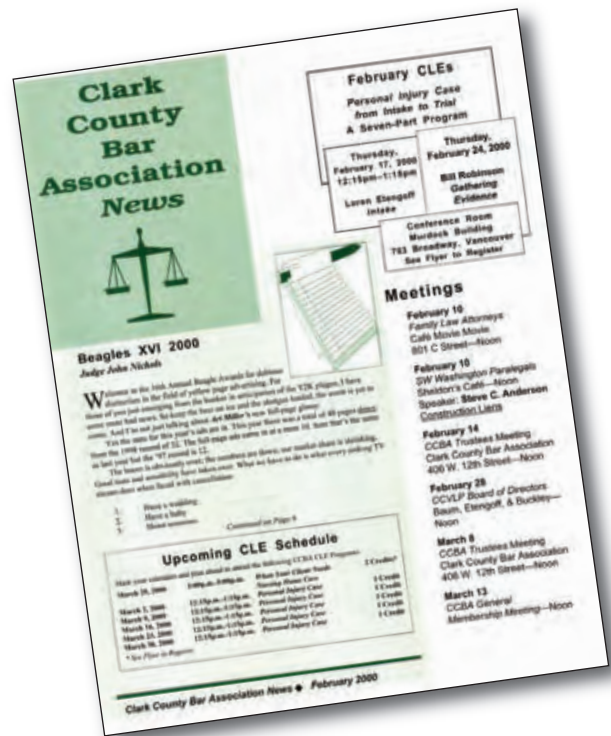
The Beagle Awards were before my time, but I'm sure most of you remember this uniquely Clark County event. For those of you who don't know, the Beagles were "awards of dubious distinction in the field of Yellow Page advertising". Judge Nichols, apparently with the help of Judges Barbara Johnson and Rich Melnick, analyzed 48 pages of Yellow Page ads by local lawyers searching for typos, mistakes, minor humorous misrepresentations, and nonsense of any kind. He didn't have to search long...

For example, the "James Brown Award" went to "the hardest working attorney in Clark County." This was a stock photo of some nameless guy in a suit, used repeatedly in the display ads for several different local firms.

My favorite award went to a local attorney who apparently didn't pick out his Sunday best before having his photo taken for his Yellow Page ad. As he announced the award, Judge Nichols said "how many of you when sitting at counsel table have been embarrassed when your client shows up better dressed than you are? Even when he's wearing the jail coveralls?"

(Notice I didn't say who the award went to? Yeah. That was intentional... Buy me lunch and maybe we'll talk...)

There's much more in this time capsule that is interesting. The cover of the Newsletter announces that the Family Law Attor-



neys were scheduled to meet at noon on February 2, 2000, for a "Café Movie Movie". What the heck does that mean? Did the Family Law Section travel as a group to watch afternoon matinees? What is a 'movie movie', and why did only the family law lawyers get to go? Wait until Family Law Section President Elizabeth Christy finds out she's been working much harder than she needs to. No more fancy lunches at Tommy O's! You're all going to start getting a link to a YouTube video and that will be it for your monthly meetings.

On the same day as the FLS movie movie ten years ago, the SW Washington Paralegals were meeting at Sheldon's Café to listen to Steve Andersen talk about construction liens. Well, Steve still knows his way around construction liens, but what happened to the Paralegal's group? For that matter, what happened to Sheldon's Café?

Naturally I checked to see if the Bar's President was forced to write a President's Message back then, too. Yep. Some things never change. The CCBA President at the time was Greg Price. Look at this photo of Greg that appeared next to his article!


Look how innocent and young and trustworthy this guy looks! I swear, he could have sold life insurance and been successful! If he was selling used cars, we'd have all lined up to buy one, no questions asked! He must have had juries eating out of his hands.

President's Message
Greg Price

I encourage everyone to attend the CCBA Winter Social which is scheduled for 6:00 p.m. on Thursday, March 23rd. The event will again occur at the Royal Oak Country Club. In addition to acknowledging the previous work of CCBA members, the social also affords an excellent opportunity to become acquainted, or reacquainted, with our members. Placing a face with someone whom you have talked to over the phone, or meeting someone for the first time, helps preserve the small town practice atmosphere, which is becoming increasingly difficult as our bar grows in numbers.

Appointments have been made for the CCBA committee chairs for 2000. The committee chairs are:

- B. Jeffrey Cooner, Superior Court Bench Bar;
- Ernest L. Nicholson, District Court Bench Bar;
- Carin S. Schlenberg, CLE;
- Peter L. Fels, Lawyer Referral Service;
- William H. Reed, Public Relations;
- Alison Green, Social; and
- Lisa L. Lewis, Policy.



Continued on page 25

Judge Melnick Appointed to Superior Court Bench

HEARSAY STAFF

Washington Governor Chris Gregoire announced on January 15 the appointment of Judge Richard Melnick to the Clark County Superior Court bench effective February 1. The appointment fills the Department 5 vacancy created by the retirement of Judge Robert Harris in December.

“I am truly impressed with Judge Melnick’s contributions to his community, not only in the courtroom, but as a volunteer,” Gregoire said in her press release announcing the decision. “It is clear that Judge Melnick deeply cares about the people he serves. I am confident that he will bring a high level of integrity to this position, and serve the citizens of Clark County well.”

“I thank Governor Gregoire for her confidence in me to serve in this role,” Melnick said in the statement. “I appreciate this opportunity, and am honored to serve the citizens of Clark County in this new capacity.”

Judge Melnick is a tireless volunteer. He has made an annual tradition of serving holiday meals to the area’s homeless. As a board member of the TODAY Foundation which supports youth athletes, Melnick is active in youth sports, coaching soccer and basketball teams, and raising funds to support local teams. Judge Melnick also helps high school students prepare for mock trial competitions.

Judge Melnick has served as a District Court Judge since 2004. He has recently acted as the presiding judge for Clark County’s Substance Abuse Court. Before coming to the bench, Judge Melnick worked for roughly 23 years in Clark County’s Prosecuting Attorney’s Office. He earned a bachelor’s degree in history and political science from Northwestern University in Chicago and his Juris Doctorate from the Northwestern School of Law of Lewis & Clark College in Portland.

Judge Melnick will be sworn in as Superior Court Judge in a ceremony to be held on Monday, February 1st at 4:00 p.m. in Department 1’s courtroom. A reception will follow at Chronis’ Restaurant, 819 Main Street in Vancouver, from 4:30 - 6:30.

The appointment followed a long and rigorous process for the applicants that culminated in final interviews by the Governor with Judge Melnick and Commissioner Dan Stahnke in January.

With Judge Melnick moving to the Superior Court bench, the Clark County Commissioners will be working to appoint a replacement to fill the District Court position that he leaves behind. Clark County Administrator, Bill Barron, plans to accept applications for the position during February. The CCBA will conduct its standard judicial evaluation poll. Applicants will then go through a double-interview process before a final selection is made by the Commissioners around the beginning of April.

Judge Melnick will be sworn in as Superior Court Judge in a ceremony to be held on Monday, February 1st at 4:00 p.m. in Department 1’s courtroom. A reception will follow at Chronis’ Restaurant, 819 Main Street in Vancouver, from 4:30 - 6:30.



Judge Melnick presides over a graduation ceremony for participants in his Substance Abuse Court on January 19.



Judge Melnick is congratulated by members of the Donald Simpson Inns of Court on January 20.



Governor Gregoire called Judge Melnick with news of his appointment the day before her January 15 announcement. He was permitted to share the news with his immediate family, and his first call was to his wife, Lori.



When asked his reaction to the news of his appointment, Judge Melnick said he felt a great sense of honor, “especially considering the other people who applied and went through the process”.



PAUL L. HENDERSON

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Phender745@gmail.com

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Survey of Attorneys' Fees in Clark County



MILA BOYD

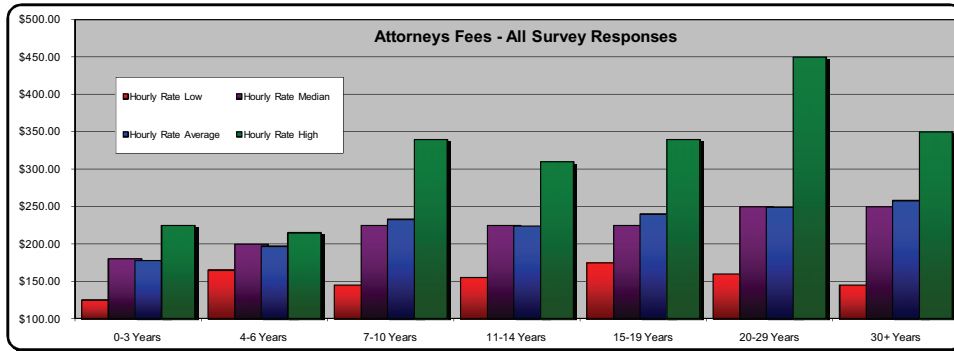
Hearsay Special Correspondent

The Clark County Bar Association recently conducted a survey regarding the hourly rates of attorneys practicing in Clark County. The purpose was to collect and share billing rate information among attorneys in the geographic area. The survey excluded government attorneys who do not have traditional billing practices. To avoid antitrust concerns, the survey responses were anonymous and of course, voluntary.

The survey was e-mailed to 325 members of the Clark County Bar Association. Members were asked to describe their main practice area, primary county of practice, years of experience, and hourly rate. From the 325 members surveyed, we received 156 responses. Approximately 3% of those who participated were not calculated in the results since they reported as charging flat fees, contingency fees, or having an inactive practice.

The results were organized by years of experience, and then analyzed to find the overall range of fees as well as the average and median fees for each experience level. The overall results reflect the billing rates of attorneys from a variety of practice areas, including family law, business and corporations, wills and trusts, litigation, bankruptcy and federal law, employment, real estate and land use, personal injury, criminal defense, insurance defense, general practice, and "other". Family law attorneys were the largest single participating group, providing 27% of the survey results. The overall results can be seen in the graph that accompanies this article.

The data was then further separated by practice area. The accompanying spreadsheets reflect the overall range of fees as well as the average fees for each experience level within each particular practice area.



Attorneys' Fees - All Responses			
155 Responses	Low	Average	High
0-3 Years	\$ 125.00	\$ 178.00	\$ 225.00
4-6 Years	\$ 165.00	\$ 197.00	\$ 215.00
7-10 Years	\$ 145.00	\$ 233.00	\$ 340.00
11-14 Years	\$ 155.00	\$ 224.00	\$ 310.00
15-19 Years	\$ 175.00	\$ 240.00	\$ 340.00
20-29 Years	\$ 160.00	\$ 249.00	\$ 450.00
30+ Years	\$ 145.00	\$ 258.00	\$ 350.00

Attorneys' Fees - Wills, Trusts, Elder Law			
17 Responses	Low	Average	High
0-3 Years	\$ 125.00	\$ 188.00	\$ 225.00
4-6 Years	\$ 210.00	\$ 210.00	\$ 210.00
7-10 Years	no response	no response	no response
11-14 Years	\$ 185.00	\$ 223.00	\$ 250.00
15-19 Years	\$ 285.00	\$ 298.00	\$ 325.00
20-29 Years	\$ 195.00	\$ 256.00	\$ 310.00
30+ Years	\$ 215.00	\$ 223.00	\$ 230.00

Attorneys' Fees - Family Law			
41 Responses	Low	Average	High
0-3 Years	\$ 175.00	\$ 188.00	\$ 210.00
4-6 Years	\$ 175.00	\$ 198.00	\$ 215.00
7-10 Years	\$ 190.00	\$ 213.00	\$ 250.00
11-14 Years	\$ 200.00	\$ 204.00	\$ 225.00
15-19 Years	\$ 195.00	\$ 211.00	\$ 225.00
20-29 Years	\$ 200.00	\$ 231.00	\$ 290.00
30+ Years	\$ 255.00	\$ 270.00	\$ 280.00

Attorneys' Fees - Litigation			
15 Responses	Low	Average	High
0-3 Years	\$ 150.00	\$ 185.00	\$ 220.00
4-6 Years	\$ 200.00	\$ 210.00	\$ 200.00
7-10 Years	no response	no response	no response
11-14 Years	\$ 250.00	\$ 250.00	\$ 250.00
15-19 Years	\$ 250.00	\$ 290.00	\$ 340.00
20-29 Years	\$ 250.00	\$ 316.00	\$ 415.00
30+ Years	\$ 250.00	\$ 292.00	\$ 325.00

Attorneys' Fees - Real Estate, Land Use			
18 Responses	Low	Average	High
0-3 Years	\$ 150.00	\$ 180.00	\$ 210.00
4-6 Years	\$ 165.00	\$ 165.00	\$ 165.00
7-10 Years	\$ 225.00	\$ 279.00	\$ 340.00
11-14 Years	\$ 155.00	\$ 238.00	\$ 310.00
15-19 Years	\$ 265.00	\$ 265.00	\$ 265.00
20-29 Years	\$ 225.00	\$ 263.00	\$ 300.00
30+ Years	\$ 250.00	\$ 250.00	\$ 250.00

Attorneys' Fees - General Practice			
19 Responses	Low	Average	High
0-3 Years	\$ 150.00	\$ 171.00	\$ 180.00
4-6 Years	no response	no response	no response
7-10 Years	\$ 160.00	\$ 160.00	\$ 160.00
11-14 Years	\$ 215.00	\$ 215.00	\$ 215.00
15-19 Years	\$ 225.00	\$ 225.00	\$ 225.00
20-29 Years	\$ 180.00	\$ 224.00	\$ 275.00
30+ Years	\$ 190.00	\$ 256.00	\$ 345.00

Attorneys' Fees - Personal Injury			
10 Responses	Low	Average	High
0-3 Years	no response	no response	no response
4-6 Years	no response	no response	no response
7-10 Years	\$ 235.00	\$ 235.00	\$ 235.00
11-14 Years	\$ 250.00	\$ 250.00	\$ 250.00
15-19 Years	\$ 175.00	\$ 213.00	\$ 240.00
20-29 Years	no response	no response	no response
30+ Years	\$ 200.00	\$ 270.00	\$ 350.00

Attorneys' Fees - Business, Corporations			
8 Responses	Low	Average	High
0-3 Years	no response	no response	no response
4-6 Years	\$ 200.00	\$ 200.00	\$ 200.00
7-10 Years	\$ 210.00	\$ 267.00	\$ 325.00
11-14 Years	\$ 230.00	\$ 230.00	\$ 230.00
15-19 Years	no response	no response	no response
20-29 Years	\$ 240.00	\$ 280.00	\$ 320.00
30+ Years	\$ 275.00	\$ 300.00	\$ 325.00

Attorneys' Fees - Criminal Defense			
8 Responses	Low	Average	High
0-3 Years	no response	no response	no response
4-6 Years	\$ 200.00	\$ 200.00	\$ 200.00
7-10 Years	\$ 145.00	\$ 145.00	\$ 145.00
11-14 Years	no response	no response	no response
15-19 Years	no response	no response	no response
20-29 Years	\$ 200.00	\$ 213.00	\$ 225.00
30+ Years	\$ 250.00	\$ 250.00	\$ 250.00

Attorneys' Fees - Other			
19 Responses	Low	Average	High
0-3 Years	\$ 180.00	\$ 180.00	\$ 180.00
4-6 Years	no response	no response	no response
7-10 Years	no response	no response	no response
11-14 Years	\$ 250.00	\$ 250.00	\$ 250.00
15-19 Years	\$ 175.00	\$ 175.00	\$ 175.00
20-29 Years	\$ 175.00	\$ 255.00	\$ 450.00
30+ Years	no response	no response	no response

Geographically, the vast majority of attorneys responding to the survey practice in Clark County. A few of the responses indicated primary practice areas in Multnomah County or Cowlitz County. However there were so few responses from counties other than Clark that these responses did not significantly change the median or average rates reflected in the graph of overall hourly rates. (The highest reported fee in our results was \$450 per hour, which was reported from an attorney whose main county of practice is Multnomah County. The highest submitted rate in Clark County was \$415, by an attorney reporting 20+ years of experience.)

Some variance can be seen when the overall results are compared to the results for particular areas of practice. Thus, the data suggests

that practice area may have an impact on the hourly rates charged. We do not suggest that this data describes the absolute range for attorneys fees charged in Clark County. With a response rate of 48%, the data is informative, but obviously not complete. In addition, the data is not intended to suggest or determine the reasonable fee in any particular case, or for any particular attorney.

The data and findings provide information based only on geographic locale, years of experience, and practice area. The data does not include an analysis of other factors used by attorneys to determine a 'reasonable fee' pursuant to RPC Rule 1.5. Attorneys must consider all of the factors under RPC 1.5 when determining the reasonableness of attorney's fees.

Washington State Rules of Professional Conduct - RPC Rule 1.5

(a) A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and the ability of the lawyer or lawyers performing the services . . ."



Barristers' Ball Set for February 27th

HEARSAY STAFF

The CCBA Social Committee has announced details for this year's Barristers' Ball, to be held Saturday, February 27, 2010, at the Red Lion Hotel on Hayden Island, (the same location as last year). The event will feature the traditional social hour, a formal dinner, a silent charity auction, dancing and an awards presentation. Attendance at the Ball is open to all attorneys practicing in Clark County and their guests.

Silent Auction

Once again, CCBA members as well as local businesses and dignitaries will be donating various items for the annual silent charity auction. Typically dozens of items are available ranging from gift certificates to local restaurants to theme baskets that can feature anything from a variety of Northwest wines to everything you need for a romantic get-away. Over the last few years, many thousands of dollars worth of merchandise and services have been available for bid.

This year, 100% of the auction proceeds will go to Share House. The mission of Share is to lead the hungry and homeless to self-sufficiency by providing food, shelter, housing, education and compassion through the strength of the community. The CCBA Board and Social Committee are pleased to provide financial help to this hardworking and worthwhile institution, located only blocks from the Clark County Courthouse in downtown Vancouver.

All CCBA members will receive a flyer via e-mail inviting donations of any kind. Anything you can think of would help, whether it be a book, a service, a vacation spot, or a theme basket. Simply complete and return the form, or you can contact Diane Wheeler at the CCBA office, and she will coordinate with you to make your tax-deductible donation. Purchases at the auction will likewise be tax-deductible.

Dinner

Everybody attending this year's Ball will be able to choose from four plated dinner entrees. Each dinner service includes bakery fresh artisan bread and herb butter, choice of salad, choice of dessert, Tully's regular & decaffeinated coffee and Tazo herbal tea. The dinner options are:

Flame Broiled New York Strip – 8 oz. choice, topped with a three onion demi glace, served with au gratin potatoes and fresh vegetables.

Saffron Poached Northwest Wild Halibut – Served on a bed of wilted spinach and julienne vegetables, with roasted red potatoes and tomato-fennel and basil relish.

Braised Pork – Pork braised in garlic, bourbon and molasses, served with horseradish whipped potatoes, braised red cabbage and fresh vegetables.

Vegetarian Black Bean Ravioli – Filled with savory black beans and roasted peppers tossed with a sweet corn and cilantro cream, topped with roasted sunflower seeds and leeks.

Program

- 5:30 Reception and Silent Auction begin – Social hour with no-host bar
- 7:00 Dinner served
- 7:40 Drawing for cash prize
- 7:45 Silent auction closes
- 8:00 Program and awards ceremony
- 8:30 Successful bidders pick-up auction items
- 8:30 Live music and dancing begins



THE WASHINGTON
CHAPTER PRESENTS

THE 16TH ANNUAL FAMILY LAW CONFERENCE

FRIDAY
APRIL 9, 2010

The Edgewater
On the Seattle
waterfront

Registration
Fee \$295

6.50 CLE
(credits pending)

Valuation and Disposition Strategies in a Changing Economy

Join top family law attorneys from Washington and the other eight community property states in an exploration of the new realities of property valuation and disposition strategies in a changing economy.

Learn cutting edge considerations and new approaches from every community property state.

For more information:
www.aaml-wa.org
or contact
Susan Marshack
susan@marshack.us

The program and awards ceremony will feature traditional recognition of local attorneys who have excelled in various aspects of the practice of law. Among the awards will be the Donald Simpson Award for Professionalism, the Ken Weber Award for Service to the Community, and of course the Alan Harvey Courtroom Blooper Award. Jean Waller, President of the Volunteer Lawyers Program, will also announce the VLP's Volunteer of the Year. The CCBA also plans to recognize its members who have practiced law for at least 40 years.

Live Music and Dancing

Live music will be provided for the third year in a row by the Slicers. For 25 years, the Slicers have been playing danceable rhythm and blues, country, blues rock, rockabilly, some reggae and the occasional unknown and unexpected musical gem. The band was the house band at Produce Row Tavern for many years in Portland's eastside. The Slicers are fronted by Portland criminal defense attorney Al Karpinski. Our own CCBA member Don Jacobs will be playing the drums. The rest of the band members have respectable day jobs.

Details (The Fine Print)

Who's invited: All judges and attorneys practicing in Clark County, their spouses, guests and staff are invited.

Ticket Price: Tickets are \$55.00 per person.

Location: The Red Lion on the River in Jantzen Beach, located at 909 N. Hayden Island, right across the I-5 bridge. Enter through the Main Entrance (where the hotel lobby and Shenanigan's are located).

Deadline to RSVP: Please RSVP no later than Wednesday, February 24, to accommodate meal planning and space arrangements. For your convenience, you can simply call Diane Wheeler at 360-695-5975 to RSVP and pay by credit card over the phone. If you are on our mailing list and received a printed invitation, you can also mail your invitation back to CCBA with your check.

Table Arrangements: The CCBA will do its best to accommodate your desired seating arrangements. To minimize confusion about seating and table location, all guests are invited to purchase entire tables, which seat ten people. Simply give us the names of those who will be sharing a table with you when you RSVP. The location of tables in the ballroom will be determined by random drawing.

Questions? If you have any questions about the event, contact CCBA's Executive Director, Diane Wheeler at 360-695-5975.

We are looking forward to record attendance and a fun and festive evening that will give us much to smile about until sunshine returns to the Northwest. See you there!

The Portland, Oregon office of Hoffman, Hart & Wagner is looking for an associate level trial attorney with 3-6 years of experience in civil litigation for its general insurance defense practice group.

Trial experience is a plus, but not a requirement. Must be a member of the Washington Bar and have a good understanding of Washington procedure.

Excellent academics, and legal research and writing skills are required. Salary and benefits negotiable based on experience.

Please send or email resumé and cover letter to:

Joe Traylor
Hoffman, Hart & Wagner
1000 SW Broadway, Suite 2000
Portland, OR 97205
jrtr@hhw.com



CCBA General Meeting and Lunch

Monday, March 1, 2010
12:00 – 2:30 PM
(sign in begins at 11:45)

Red Lion at the Quay
100 Columbia Street, Vancouver

This meeting will include a two credit CLE

Special Guest Speaker: David Markowitz
of Markowitz, Herbold, Glade & Mehlhaf, PC

Program Topic: Deposition Techniques
Whether you're facing your 1st or 500th deposition, you'll come away with new techniques and skills that you can put into practice immediately.

In an effort to better accommodate our members, pre-paid registration is mandatory for lunch.

Pasta Buffet \$50 (with CLE credits)
Pasta Buffet \$25 (without CLE credits)

Clark County Bar Association
500 W. 8th Street, Suite 65 (by Courier) or
P.O. Box 61815 Vancouver, WA 98666 (by Mail)
Phone: (360) 695-5975 or Fax: (360) 737-6891

Please let us know if you are planning on attending. We need to know 3 days in advance to order enough food and to have enough tables set up.

CCBA QUARTERLY MEETING

Are You a Stress-Hardy Lawyer?



JEAN McCOY

Hearsay Special Correspondent

After a nice Italian buffet, attendees at the CCBA's first quarterly meeting of the year were asked that very question by Mike Long, an attorney counselor with the Oregon Attorney Assistance Program. Mike helps attorneys during times of crisis, or at the point where they are looking to transition their practice in some way, either moving out of the practice, or changing their focus.

Mike says you know you need help when you have a room full of work to do, and for days on end you just can't make yourself do any of it; you avoid problem files and client phone calls to the point your clients have a reasonable beef to make to the Bar; and you feel constant stress that affects every aspect of your life.

Mike talked about the general things that are always referenced in conjunction with stress management, like keeping up a proper diet, committing to weekly exercise and getting enough sleep. More interesting, however, was his discussion about research identifying what types of people are more "stress hardy", and how to tell if you are a stress hardy lawyer.

As it turns out, the most stress hardy individuals see life changes, setbacks and problems more as challenges and opportunities to grow, rather than a threat to their well-being. These executives found meaningful purpose in their lives and the work they do, and felt well connected to their peers, family and community.

Stress hardy people also look for ways to influence the outcome of stressful changes, making themselves part of the result, as opposed to feeling victimized by things outside of their control. Part of the goal is to identify how you approach stressful situations, and once identified look for ways to change your attitude so as to minimize your stress reaction. Mike pointed to the lead researcher's institute, at www.hardinessinstitute.com, for additional information regarding Dr. Salvatore Maddi's theories, and training methods that have been developed over the course of the last twenty-plus years. Mike's best sound byte of the day was that your legal career is not a sprint, it is a marathon.

In addition to the presentation from Mike Long, the meeting program included a financial report by CCBA Treasurer, Kurt Rylander, and a plea both from Kurt and from Jane Clark, CLE "Chair", for attorneys to make a point to attend local CLEs spon-



CLE Committee chair Jane Clark with guest CLE speaker Mike Long.

sored by CCBA. Not only are the CLEs less expensive than the WSBA counterparts, but you are supporting CCBA's budget, of which a large percentage comes from CLE program fees. Several CLEs last year were cancelled due to a shortage of participants. Members need to remember to sign up a week or more in advance to ensure the CCBA knows you are interested and so the CLE doesn't get cancelled. (Perhaps it will lower your stress level to be caught up with your CLE requirements, and to have your month planned in advance.)

Court Clerk Sherry Parker talked about the shorter work day for Clerk staff, with the work day to now begin at 8:30. She also explained that files are no longer able to be checked out to take back to your office. For a short set, attorneys will still be allowed to check out the file to take to the Judge's courtroom, and the in-court Clerk will then return it to the Clerk's office. Many attorneys are signing up for the Liberty Net document access system to retrieve court documents online. The cost to sign up for the program is \$1,500 for the first year and \$500 per year thereafter. Up to five attorneys can share a single username and

password and split the cost for the subscription. The Clerk's Office is not keeping an official list of those interested in "sharing" a Liberty Net subscription, but she invited attorneys to call just in case there is a pending request from another applicant that the Clerk's Office might know about.

Judge Lewis encouraged participation in Mock Trial, which will be taking place at the courthouse on February 24 and 25. You can e-mail Judge Lewis to see how best you can help. Teams have expressed they can use attorney help preparing for the actual Mock Trial sessions. This year Camas High School has three teams, and only one teacher to help support. Any and all assistance you can give will be invaluable.

The Family Law Section appears to be thriving under the great care of Elizabeth Christy. They are having a good turnout at their monthly meetings, and all are welcome to attend, whether or not family law is your focus.

Finally, the Young Lawyers Section has been resuscitated by Jamie Arledge and her cohorts, as described in last month's issue of Hearsay. Jamie reported that the Young Lawyers welcome any and all advice and support more "senior" lawyers can lend.

The next CCBA quarterly meeting is scheduled for March 1, 2010, and will feature guest speaker David Markowitz, who will speak on deposition techniques. Two CLE credits will be offered for attending the program.

Mock Trial Competition Approaches

HEARSAY STAFF

The local High School Mock Trial Tournament will be held on Wednesday and Thursday, February 24 and 25, 2010, at the Clark County Courthouse. At least ten teams are expected to compete, coming from seven different local high schools.

The Mock Trial Tournament pits teams of high school students in the roles of attorneys and witnesses against one another in cases simulating lower-court trials. (Moot court, by contrast, simulates argument during the appellate review of a case.) This

year's topic involves a case of environmental terrorism. Winners of the local event will go on to compete in the state competition.

The Mock Trial competition is spearheaded again this year by Judge Robert Lewis. A large number of volunteers are needed to act as judges and in other support roles. If CCBA members can spare any time during the two-day event, please contact Jennifer Snider at Jens@reedandjohnson.com.

Judge Harris Honored with Building Dedication

HEARSAY STAFF

The Clark County Board of Commissioners recently passed a resolution renaming the Clark County Juvenile Justice Center. The facility, located at 500 W. 11th Street, will now be called the Robert L. Harris Juvenile Justice Center, in recognition of Judge Harris' long history of support for juvenile issues.

Commissioner Steve Stuart said the idea for the honor came from other local judges. The Board of Commissioners quickly approved the idea, passing the resolution unanimously. Presiding Superior Court Judge Barbara Johnson supported the decision, citing Judge Harris' extensive involvement with young people, and saying "We felt that it was appropriate to honor him in a particularly noteworthy way."

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HEALTH INSURANCE THROUGH KAISER PERMANENTE

February is Open Enrollment Month



DIANE WHEELER
CCBA Executive Director

One of the many benefits of CCBA membership is access to comprehensive health and dental insurance through one of our Kaiser Permanente group health plans. Coverage is available for CCBA members, associate members, their employees and their families. The group plans offer important insurance coverage regardless of pre-existing conditions, (no waiting period), and without requiring a physical or an extensive medical history as part of the application process.

The next CCBA plan year will run from March 1, 2010, to February 28, 2011. Monthly premiums for those participating in the plan will not increase during this 12-month time-frame.

Medical Benefits*

The CCBA offers a choice between two separate plans, the primary difference being in the size of the deductible.

The Traditional \$15.00 Copay Plan features no deductible, and an annual out-of-pocket maximum of only \$600.00. There is no limit on the lifetime maximum benefit you can receive. Participants generally pay a \$15.00 co-payment for outpatient services, but hospital inpatient care, surgery and maternity are covered in full. The plan includes coverage for alternative care including chiropractic, acupuncture and naturopathic services. Prescription drug costs are covered, with a copay of \$15.00 for generics, and \$30.00 for brand name drugs. Routine eye exams are also covered with the copay.

The Traditional Low Deductible Plan features a \$500.00 annual deductible per subscriber, and an out-of-pocket maximum of \$2,500.00 per subscriber / \$7,500.00 per family. Most hospitalization, surgery and maternity care is provided after a 20% co-insurance payment by the subscriber. Prescription drugs are covered, with a copay of \$15.00 for generics, and \$30.00 for brand name drugs. Like the copay plan, coverage is provided for

routine eye exams and alternative care including chiropractic, acupuncture and naturopathic services.

Dental Benefits

CCBA members who participate in either of the medical plans may also take advantage of Kaiser's dental coverage plan for an additional premium. The dental plan is a 'no-deductible' plan that covers preventative and basic services, (exams, cleanings, x-rays, fillings, extractions and oral surgery), with a copay of only \$10.00 per office visit. Major services, (endodontics, periodontics, crowns, bridges and dentures), are 50% covered with the copay.

Unlike other plans, the CCBA's dental plan through Kaiser does not have an annual maximum limit on services. This is exceptional among traditional plans which usually have a \$1,000 or \$1,500 annual maximum benefit available. This offering is a substantial benefit to members and is typically not available to small employers outside of the group plan structure.

2010 Monthly Premium Rates

\$15.00 Copay Plan

	Medical Only	Medical + Dental
Subscriber Only	\$ 559.94	\$ 612.59
Subscriber + 1 Dependent	\$ 1,111.88	\$ 1,209.18
Subscriber + 2 or More Dep.	\$ 1,663.82	\$ 1,805.77

Low Deductible Plan

	Medical Only	Medical + Dental
Subscriber Only	\$ 458.76	\$ 511.41
Subscriber + 1 Dependent	\$ 909.51	\$ 1,006.81
Subscriber + 2 or More Dep.	\$ 1,360.27	\$ 1,502.22

Plan Availability

February is the open enrollment month for participation in either plan. Those who enroll this month will lock in plan coverage to begin March 1, 2010. Participation will be closed on March 1, with the next open enrollment period expected to begin February 1 of next year.

Though enrollment is generally closed after February, a number of exceptions exist that permit applications for coverage at any time during the plan year. For example, new CCBA members have 30 days from membership to enroll in a plan, regardless of when they join. New employees at a participating firm have a similar opportunity. Coverage will also typically be available at any time during the year for a participant with changed circumstances, such as adding a spouse after marriage, or a new child after birth or adoption.

More Information

Full benefit summaries and 2010 enrollment packets will be available at the CCBA office or on the CCBA website at www.ccbawashington.com. Premium payments are generally due in the CCBA office no later than the 10th of the month prior to the month of coverage. Please note that current health plan subscribers must re-apply this month if they would like to move to a different plan or add dental coverage.

If you have any questions, please contact the CCBA office at 360-695-5975.

* The information provided in this article does not contain all the terms, conditions, and limitations of the actual contract. Certain exclusions and limitations apply. For a complete description of plan benefits, costs and options, please read the plan details available through the CCBA.

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DOUBLE HEARSAY

What CCBA Members Are Doing About Town

RAISA JUDICATA

Guest Gossip Columnist

December brought heartache (literally) to Dru Horenstein and her family when her very healthy 26-year-old son's heart stopped while he was working out at the gym. A quick thinking gym employee called 911 and did chest compressions until paramedics arrived, which literally saved his life. Double Hearsay is happy to report he is doing well and his family had a joyous Christmas and Hanukah indeed! If you haven't brushed up on your CPR technique, look into it today! Where the heart is not beating, first call 911 and then immediately begin chest compressions, with two hands, one over the other, in the middle of the chest, 100 times a minute and keep doing it until paramedics arrive. Read Dru's article on the next page for more details! It will save a life!

Just because you are a lawyer, doesn't mean you can't be creative. Ben Shafton and his group Fadin' by Nine held a gig on January 23, 2009 at the Magenta Theatre on Main Street. Touted as "what happens when you bring together a bass playing attorney, guitar strumming reading specialist, fire-on-the-fiddle volcanologist, banjo picking school principal and graphic artist vocalist", their blend of bluegrass, folk music and classic 60's rock roots promised a unique sound to inspire people to tap their feet and dance in the aisles. If you missed the show, you can check out some of their tunes and videos at myspace.com/fadingbynine.



Do you have a case with Andrew Wheeler? Does he seem bleary-eyed and unable to complete complex sentences?



If so, you know the reason is that Andrew's handsome new son Benjamin William Wheeler likes to be awake between 2 am and 5 am. Ben was born in the very early morning on December 30th, weighing 6 lbs, 4 oz, (including several ounces of hair!) Not only is he a welcome tax deduction, but a bundle of joy for Andrew and his wife Christina!



Have you noticed that any time it snows in Vancouver a snowman magically appears in the exact same spot on the Courthouse lawn? Is it formed by one of Santa's elves, or by another mythical creature, a lawyer with a sense of humor? During our little "snow break" on December 28th, "Larry the Snowman" magically appeared and graced the front lawn of the Courthouse for a day or so. As he melted away, Larry was heard to say.... "Don't you cry, I'll be back again someday." With the traffic snarls caused by the unexpected snowfall, we can only hope not to see Larry again this year!



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-coba@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.

Upcoming CLE's The CLE Committee is making plans to offer the following CLE's during 2010:

March 12: Criminal Law Developments with Judge Robert Lewis, 11:30 to 1:30. (Lunch provided by CCBA!)

March / April: Electronic Home Confinement.

April: Clark County Practice Tips.

May: Bankruptcy.

June: Real Estate Law and Landlord Tenant Developments.

July: Criminal Law.

September: Civil Litigation.

October: Family Law – 2 Day CLE!

November: Employment Law.

November: Estate Planning and Impacts on Medicare/Medicaid.

December: Last Chance CLE.

We are also developing programs for a number of Brown Bag Lunch CLEs, with shorter presentations on topics that may include preserving issues for appeal, federal practice, admiralty, judgment collection, and ethics.

We would also like to hear from you if you have another topic that you feel would be of value to our members.

If you are interested in presenting on any of the topics listed, please contact Diane Wheeler at 360-695-5975.

Hands Are Life Saving Devices



DRU HORENSTEIN
Hearsay Special Correspondent

My 26 year old son suffered sudden cardiac arrest in Seattle in December while exercising at a health club. If you had seen my son or another adult collapse, would you have:

1. Looked around to see if someone else would help;
2. Panicked, thinking, I have not had CPR training, or think, I wish I remembered my training, what am I supposed to do, I am afraid to help, I might hurt the person;
3. Called 911 and nothing else; or,
4. Called 911 as you rushed to the person, assessed quickly if he was breathing and had a pulse, and if not, immediately started chest compressions hard and fast in the center of the chest, one hand over the other, 100 compressions a minute to the beat of the Bee Gee song "Staying Alive."

Most people unfortunately do nothing but panic or hesitate too long. But the people who suddenly collapse with no pulse and are not breathing are victims of sudden cardiac arrest and they are dying. It does not matter at that moment in time why they went into sudden cardiac arrest, just that they are and they need immediate help.

The American Heart Association wants you to know your hands are life saving devices and you need no training to save a life with your hands. It is called Two Hands CPR. People who collapse, are unconscious, not breathing and have no pulse will die if you do not help immediately with your hands. You do not have to do mouth-to-mouth resuscitation. You do not need a special class to save a victim of sudden cardiac arrest. You just need your hands to keep oxygen flowing until help arrives or someone

brings a portable AED machine, (automated external defibrillator), that will shock the heart back into its normal rhythm. These machines need to be in every building and surprisingly are not. So until paramedics get there or you find the AED, someone has to use their hands to save this person's life.

My son was saved by the two hands of the assistant manager of the gym who called 911 while running to him where he had collapsed. She immediately assessed he was not breathing and had no pulse and started the chest compressions. Her hands saved his life. The paramedics arrived five minutes later and took over, shocked him with an AED, and he survived and is well. He now

has an ICD in his chest, (a battery operated machine that will "shock" his heart back to a normal rhythm if it happens again). The doctors found no cause, no underlying heart condition, just a fluke of the electrical components of the heart.

Sudden cardiac arrest is the leading cause of death in the U.S. killing more than 325,000 a year - more

than the total death rate for breast cancer, lung cancer, and HIV/AIDS combined. It is not a heart attack. It can happen anywhere, anytime, to anyone. There are two YouTube videos that will show you what to do, but don't let NOT seeing the videos keep your hands from saving a life. Just remember, call 911 and start chest compressions, which means push hard and fast in the center of the chest.

The links to the YouTube demonstrations from the Mayo Clinic and from the American Heart Association are:
<http://www.youtube.com/watch?v=-4BQ5qwIUY> and
<http://www.youtube.com/watch?v=VXNQqrZSaL4>.





SUPERIOR COURT BENCH/BAR COMMITTEE MEETING MINUTES

JANUARY 12, 2010

The meeting began shortly after noon. Persons present were Judge John Nichols, Judge Robert Lewis, Kurt Rylander, Heather Beasley, Clay Spencer, Ann Christian, Suzan Clark, William Reed, Greg Price, Jolene Sell, Tom Phelan, Bill Reed and John Fairgrieve.

OLD BUSINESS:

1. 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 told the committee that the Prosecuting Attorney's Office was still discussing a draft policy but that it had not been adopted yet. He stated that he hoped to be able to discuss the policy at the committee's meeting in February.

2. The Housing Justice Project: Judge Nichols stated that he had discussed the issue with the other judges and that the intent was to place all of the unlawful detainer cases on one docket per week. The goal is to begin doing so by February 1.

3. Superior Court Department 5: There was some discussion about the status of the appointment process, but it has been subsequently overtaken by Governor Gregoire's announcement that she has appointed District Court Judge Richard Melnick to the position.

4. New Pro Se Family Law Docket: It was announced that the pro se family law docket would begin on Friday, January 15, 2010. (According to Jolene Sell, the first docket did occur on January 15.)

5. Unpaid Superior Court Judicial Clerkships: Kurt Rylander reported that he spoke to the Director of Alumni Affairs at Lewis and Clark Law School and that he was excited about the possibility of such clerkships. He stated that he would speak to the Director of Career Services to make him aware of the possible opportunities.

NEW BUSINESS:

1. Closure of Portions of Criminal Trials: John Fairgrieve handed out copies of a letter from Thomas McBride, Executive

Secretary of the Washington Association of Prosecuting Attorneys (WAPA) to the Honorable Richard McDermott, President of the Washington State Superior Court Judges' Association, dated December 15, 2009. The letter expressed WAPA's concern that a number of recent open public hearing cases such as *State v. Strode*, 167 Wn. 2d 222 (2009), require changes to long-standing trial practices. In particular, WAPA is requesting that jury instruction conferences not be held in chambers, and that such conferences be held in the courtroom, on the record, with the defendant present. John also stated that it was the Prosecuting Attorney's Office position that the underlying rationale in the open public hearing cases could apply as well to any substantive decisions that occur during the course of a trial, and that as a result it would be opposing the use of side bar conferences to discuss and make such decisions. A broad discussion ensued.

Suzan Clark stated that current trial practice often leads to a terrible record on appeal because there is no record of portions of the trial. Clay Spencer noted that side bar conferences are used to speed the trial along and to avoid the delay caused by moving the jury in and out of the courtroom. Greg Price stated that a possible approach was to summarize what had occurred in side bar conferences during breaks in the trial. Judge Nichols mentioned that he felt the best practice was not to do too many side bar conferences involving substantive matters.

Kurt Rylander stated that the open court / open hearings issue was not limited to state courts, and that it had been a central topic of discussion during a recent meeting of the Federal Bar Association for the Western District of Washington.

Judge Nichols stated that the issue of side bar conferences has not been discussed among the superior court judges. He also stated that jury instruction conferences could be done in open court and that the results of the conference could be put on the record. Judge Nichols then raised the issue of jury questions during deliberation and the need for making a record of the question asked and the action taken with the attorneys present. Tom Phelan stated that he believed a defendant could waive his right to be present when jury questions are addressed.

Judge Nichols indicated that he would speak with the other superior court judges about the issues discussed by the committee and about procedures for questioning individual jurors during voir dire.

2. Conversion of Legal Financial Obligations (LFOs) to Work Crew in Criminal Cases: John Fairgrieve raised the issue of whether the superior court judges would be willing to convert some LFOs to work crew in criminal cases. He mentioned that Baine Wilson, Supervisor of the Financial Collections Unit, opposed the idea, stating that her unit does not have the resources to monitor such a program. Judge Nichols stated that he felt Baine's concerns were valid, but that he would discuss the issue with the other judges. Suzan Clark asked if the clerk's office has statutory authority to supervise work crew compliance.

3. Kurt Rylander reported that the clerk's office had announced recently that it has new hours: 8:30-4:30 Monday through Friday. As a result, the clerk's office is asking the judges not to set any court hearings before 9:00 am.

4. Judge Lewis reported that there are ten or eleven mock trial teams from area high schools preparing to compete in the mock trial competition set for Wednesday and Thursday, February 24 and 25. Attorneys interested in acting as raters or assisting in other ways were encouraged to contact Jennifer Snider at Jens@reedandjohnson.com.

5. Next Bench Bar Committee meeting: The committee will meet next on Tuesday, February 9, 2010 at noon in Judge Nichols' jury room.

Respectfully submitted, John Fairgrieve

Note: The Superior Court Bench Bar Committee will discuss a proposed new local criminal rule at the February 9 meeting regarding bail setting and bail review. Interested members of the bar are invited to attend the meeting to comment on the issue. The proposed rule is as follows:

LCrR 3.2.1 Bail Setting and Bail Review.

At a Defendant's 1st appearance on a criminal charge, in those cases where the court determines that bail should be required, the Court shall proceed to set a reasonable bail, taking into account the factors set forth in CrR 3.2(c).


At the time set for arraignment, the Court hearing the matter may review the bail previously set, in the event that new information is made known to the court, or in the event that material circumstances have changed since the original bail setting, Thereafter, bail may be reconsidered only by proper written motion before the assigned judge, with timely notice to the Prosecuting Attorney, and only upon granting of permission by the assigned judge to hear such matter.

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Family Law Section Considers Estate of Borghi



ELIZABETH CHRISTY
Family Law Section President

Fifty-seven people turned out for the first Family Law Section meeting of 2010, held January 14, 2010 at Tommy O's! Judge James Rulli and Scott Horenstein spoke about the *Estate of Borghi* case. This recent Washington Supreme Court opinion changes the "gift to the community" presumption applied in transactions where a spouse transfers separately owned real property to joint title to include the spouse.

A Motion for Reconsideration of the opinion has been filed and accepted by the Supremes. Judge Rulli, while noting he would, of course, be following the law, observed that "the dissent was well written." Scott Horenstein was invited by the appellant to submit an Amicus Brief and correct the Supreme's mistaken belief that he agrees with their new direction.

Our next meeting is February 11, 2010, from 11:30 a.m. to 1:00 p.m. at Tommy O's. Debtor/creditor specialists Don Thacker and Stanley Horak will speak to the topic "I Lost My Job, the House is Underwater, and I Want a Divorce!" dealing with financial crisis and home ownership in a divorce. This subject is broad and complex so if you have specific questions or issues you would like addressed feel free to let me know in advance.

The Family Law Section has a blog. Keep checking for updates and reminders! <http://ccbafamilylawsection.blogspot.com/>



Superior Court Judge James Rulli (left) and Scott Horenstein discuss problems with applying the recent Washington Supreme Court case of *Estate of Borghi* during their presentation at the Family Law Section meeting held January 14, 2010 at Tommy O's.

CCBA Monthly Board of Directors' Meeting

ANDREW WHEELER
CCBA Secretary

The January 6th Clark County Bar Association Board of Directors meeting focused on upcoming CCBA events including the Barrister's Ball, the March Quarterly Meeting and the launch of CCBA's newly redesigned website. Discussion of the Board centered on becoming more inclusive and inviting to member involvement on planning committees, section activities and other CCBA events. With the continued success of CCBA's newsletter "Hearsay" and the new website, the Board is working hard to bring participation opportunities to members.

Similar to other organizations in these trying economic times, the CCBA Board is continuing to investigate new revenue sources to maintain and expand the membership benefits for CCBA members. While CCBA membership is somewhat below 2009 numbers, Board members remain encouraged as membership numbers have continued to increase past the normal registration rush.

The next Board of Director's meeting is scheduled for noon Wednesday, February 3, 2010, at the CCBA offices, and is open to all members.

Charlie's Angels' Mission: Mission Number 1

"CHARLIE"

Guest Hearsay Correspondent



Young Lawyer's Section Officers reveal their true identities as Charlie's Angels: (center) Jamie Arledge - President of International Affairs; (right) Crystal Lambert - Vice-President of Kicking Butt and Taking Names; and (left) Abby Nelson - Secretary/Treasurer of Defense.

"Good morning, Angels."

"Good morning, Charlie."

"Angels, your next mission is to strengthen the bond with our Allies in the fight for justice. I have selected three important skill partners to help you in this serious mission. This month, Judge Bennett, Judge Nichols, and Judge Johnson are committed to helping you build a solid relationship between the Bench and the young lawyers of the Bar. Read on for more details and then share them with your fellow young lawyers."

To Our Fellow Young Lawyers: Important Information about the Mission Ahead:

You have all experienced it. Your palms are sweaty. Your brain is bursting with the myriad counter-arguments you might have to handle. Your voice is definitely going to squeak as soon as you open your mouth, you just know it. But look cool. Look like you are comfortable and an old hat at all this. But you're not, and suddenly the years of work necessary to get you to this point seem woefully inadequate and normal breathing is a bit of a challenge. Did the tailor make a mistake? - because the new suit is definitely smaller. Get it together! You're going to be "on" in a matter of mere minutes.

And the door opens, everyone's rising -- The JUDGE is on the bench. Suddenly, s/he's talking to you, and then the judge makes a joke. Really? Judges make jokes? They laugh? AND smile? Whoa, you hadn't considered the "judges are human" element in preparing for this moment in court. Somehow that obvious fact escaped you.

As the hearing continues you find yourself wishing you had taken advantage of that "open door" policy and were more comfortable with

Young Lawyers' Section Upcoming Events:

SOCIAL

Nichols vs. Johnson

The Greatest Legal Battle Ever Waged in Clark County
Game Night with Judge John Nichols and Judge Barbara Johnson.

February 23 - Who Song and Larry's - 111 SE Columbia Way
5:30 to 7:30 p.m.

Cost: \$10 for CCBA Members - \$12 for Non-CCBA Members (Includes Buffet)

CLE

"Dealing with Judges and Other Necessary Evils" by Judge Roger Bennett

February 25 - Who Song and Larry's - 111 SE Columbia Way - 4:30 to 5:30 p.m.
Cost: \$15 for CCBA Members - \$20 for Non-CCBA Members (Includes Appetizers)
1.0 CLE Credit

the person behind the robe and the proceeding. But, what does "open door" policy mean? Is it merely a polite phrase and judges would be shocked and dismayed at your presumption if you walked through this so-called open door? What door is it anyway? Is there a secret knock?

The Judge suddenly interrupts your thoughts and asks you to schedule the next hearing - but you're in court! Can you really walk across the entire courtroom while court continues, then walk past the judge's bench and then through that austere door TO CHAMBERS? Staring blankly up at the judge, you wonder, "Should I ask first? Do I to raise my hand to do so?" You've heard the horror stories of getting lectured in court, maybe even yelled at - can judges really be evil and our fears sensible? How do we get past worrying about appearing in court and impressing the judge?

No matter how strenuous your preparation was in law school or as a law firm clerk, being prepared and comfortable as a new lawyer means dealing with a passel of new experiences that are often more intimidating than warranted. Many of our fears revolve around relationships with judges and knowing what to do in a courtroom. Thankfully, Judges want us to be comfortable and know what to do too. There are two huge opportunities you need to get in on this month. Take advantage of the upcoming Social and CLE and there will be no more need to hang up when the judge answers his/her phone instead of the JA.

NICHOLS V. JOHNSON: THE GREATEST LEGAL BATTLE EVER WAGED IN CLARK COUNTY!!!

Judge Nichols and Judge Johnson are headlining this month's Young Lawyers Social, a get-to-know the judges game night, and they expect your full participation. This event has received so

much positive response that it has been moved to a larger venue to accommodate the crowd. Judge Nichols is raring to go and convinced his team will trample Judge Johnson's, but she's laughing at his futile determination! Don't worry, you won't miss a bit of the action because there are no sidelines in this game – only players! You are either going to battle shoulder to shoulder with Judge Nichols or you'll be in the trenches next to Judge Johnson. One way or the other they are looking at you to help carry their teams through to victory! So young lawyers, come get in on the action at Who Song and Larry's, 111 SE Columbia Way, from 5:30 to 7:30 p.m. on Tuesday February 23. There will be a fierce battle, a bountiful buffet included with the cost of admission, and some entertaining stories from "back in the day" from both fearless leaders. You better show or you're letting a judge down!

Two days later, Judge Bennett is presenting a CLE entitled, **"DEALING WITH JUDGES AND OTHER NECESSARY EVILS!"**¹ Learn about developing good relationships with judges and the do's and don'ts of counsel in the courtroom. He'll tell us what will earn the respect of a judge and what will earn a lecture. He'll tell us how judges view the counsel before them and how we should view the judge. He'll answer, "When is it okay to switch from formal deferential 'courtroom' behavior to appropriately familiar and casual interaction?" Join Judge Bennett on February 25, from 4:30 to 5:30 p.m. at Who Song

and Larry's during happy hour where he will dispel some of the intimidating questions we all have as young lawyers. His talk will be one of the most valuable ways to spend your time.

We hope to see you at both events!

Special Note: Many many thanks to Mila Boyd for creating such a strong foundation for YLS to build on for years to come. None of these events would be possible without the time and effort she invested during her years as YLS President. Thank you, Mila for your strong support and continued guidance!

For more information on these and future YLS events go to: ccyounglawyers.com.

Special Note: Many many thanks to Mila Boyd for creating such a strong foundation for YLS to build on for years to come. None of these events would be possible without the time and effort she invested during her years as YLS President. Thank you, Mila for your strong support and continued guidance!

¹ The name of this training course has been approved by an anonymous member of the Bench. The Young Lawyer's Board of Directors expressly denies any liability arising out of the naming of this CLE, and do not imply that Judges are in fact evil. Rather, the Young Lawyer's Board believes Judges are good enough, smart enough, and that doggone it, people generally like them.



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GETTING TO KNOW:

LINDA LANGSDORF JOHNSON



"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 Linda Langsdorf Johnson, a sole practitioner with offices in Vancouver. Her practice emphasizes probate and estate planning.

What or who inspired you to practice law?

Although my father and my brother were attorneys, I had no desire to follow in their footsteps until I worked for Senator Henry M. Jackson. Upon graduation from University of Washington I worked on the Senator's re-election campaign and then was hired to work on his staff in D.C. as a military caseworker and for a period of time as his personal secretary. He was an outstanding statesman who encouraged me to go to law school.

If you were not an attorney, what do you think you would be doing?

I chose law over being a stock broker.

What is your passion outside of work?

Family, golf and reading.

What do you feel is your greatest legal accomplishment?

As the Chief Civil Deputy Prosecutor for Clark County I advised many of the elected officials. One challenge was convincing the Board of County Commissioners to table the enactment of the 1979 Land Use/Comprehensive Plan that planning staff was pushing to adopt until an Environmental Impact Statement was completed.

What is your biggest regret?

Losing contact with classmates and other attorneys and co-workers at places where I have worked.

Did anyone inspire or influence how you run your practice?

Harry Chandler, a former partner at Stoel Rives. He was a wonderful mentor assisting me on how to prepare for speaking appearances and administrative hearings.

What has been the biggest lesson of your legal career?

Take the time to confirm your knowledge of the applicable law and facts.

What is the best piece of advice you have received along the way?

Listen carefully to your client and observe their body language before giving advice.

What was your favorite television show growing up?

We didn't have television until I was in grade school and later only a black and white one without much selection. I watched Perry Mason, Mickey Mouse Club and American Bandstand.

What was your most difficult class in law school?

Contracts with Professor Myers at Northwestern Law School at Lewis and Clark.

Who inspired your practice style or courtroom demeanor?

Dennis Hunter as supervising attorney during my internship in the prosecutor's office under Jim Carty.

Where did you grow up?

Vancouver, Washington. I attended Fort Vancouver High School.

Favorite food?

Crab.

Favorite vacation spot?

Coronado, California.

Favorite memory as a child?

Playing golf with my father and listening to him to tell his four-some that I shot a lower score than him.

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

Yes, my third year of law school when I was expecting a child and working full time at a law firm as a litigation clerk. Another time was entering private practice after 9 years in the prosecutor's office.

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

Easier access to the judges and files in the clerk's office.

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

It is much easier now that I am self-employed, however, it took planning and a back-up care system for our three children. It was always a daily juggling act to ensure that I or my husband or their grandparents attended all of their games and performances.

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

My children chose not to practice law. However, I have told other persons considering a career in law that they should first spend some time working in a law office or clerking for a judge to ensure their commitment.

Inns of Court - November Meeting

KRISTEN PARCHER
Inns of Court Chapter Secretary

The Donald Simpson Chapter of Inns of Court held its first meeting of the year on Wednesday, January 20, 2010, at Hamilton Hall, Fort Vancouver. Judge Rich Melnick's team tested the group's knowledge of ethical considerations during settlement negotiations and mediations through an exciting game of Who Wants to be a Millionaire (Or be Disbarred).

Team host Greg Ferguson posed as game show host Wink Martindale, introducing three skits putting lawyers, clients and mediators in complex and sometimes hysterically obvious ethical dilemmas. Members of the audience were then asked to participate by answering various ethical questions raised during the skits.

Answers deemed 'correct' by Martindale earned prizes such as candy bars and pizza gift cards, (and in one instance, even a kiss from Carolyn Drew to Bill Dudley, who promptly volunteered to answer more questions). Incorrect answers drew derision from the crowd and a trip down the cat-walk by Carolyn holding a cue-card announcing immediate suspension or disbarment.

The next meeting is scheduled for March 24, 2010, when Judge Johnson's team will be in charge of the program. As usual, the meeting will be held at Hamilton Hall, Fort Vancouver, (605 Barnes Street), from 5:00 p.m. - 6:30 p.m. Dinner and a no-host bar are provided. Those in attendance typically earn one CLE ethics credit.

If you have any questions or are interested in joining the local Inns of Court, please contact Kristen Parcher at Kristen@greenandritchie.com or Scott Horenstein at scott@scotthorensteinlaw.com.



Inns of Court President Tom Phelan opens the meeting as Judge Melnick's team prepares its presentation.



(left to right) Curt Wyrick, Rick McLeod, and Joe Vance perform a skit involving unethical conduct by lawyers during settlement negotiations.



Greg Ferguson, disguised as his personal version of game show host Wink Martindale, asks questions of the audience after a skit demonstrating questionable activity by attorneys during the course of a mediation.

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Susan Arney, *Executive Director*
 Susan DePasquale, *Program Coordinator*
 Administrative: 360-823-0423
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Statistics for December include 53 clients seen in advice clinics, 30 in Family Law, 11 in Family Law paperwork review clinic, 11 in the DV clinic, and 10 in General Law. We placed 6 cases with an attorney for direct representation.

The Housing Justice Project is up and running. We are having a weekly advice clinic for low-income tenants at risk of or in the process of being evicted. By the time you get this newsletter, we hope to have attorneys in the courthouse on Unlawful Detainer Docket day to assist clients, attorneys and judges. We are partnering with Community Mediation Services to provide improved communications between the landlord and the tenant. We are working with other agencies to provide rent assistance, help in locating low income housing, credit counseling and other services. The overall goal is to keep clients from becoming homeless. Thanks to the attorneys who attended our free CLE and signed up to help in this program. Our thanks also to Clark County Department of Community Services for funding this program through a Federal American Recovery and Re-investment Act grant.

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 DECEMBER:

Mark Baum, Douglas Bratt, Mark Carter, Elizabeth Christy, Bruce Colven, Ivan Culbertson, Sidney Dolquist, Loren Etengoff, David Feeney, Peter Fels, Kathy Folkers, Dee Grubbs, Marlene Hansen, Lincoln Harvey, Emily Howsley, Evan Hull, Crystal Lambert, Brian Parker, Lisa Peterson, Jennifer Romer, Robert Russell, Jill Sasser, Randall Stewart, Chris Sundstrom, Helmut Wallenfels.



The bounty of office supplies given by local attorneys to the Volunteer Lawyers Program after last month's drive for donations.

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DIANE WHEELER
CCBA Executive Director

Brian Walker has a new e-mail address:
brian@brianwalkerlawfirm.com .

Patricia Arjun is now Law Office of Patricia Arjun, P.C. located at 720 S.W. Washington Street, Suite 210 Portland, OR 97205; Telephone: (503) 227-0655; Fax: (503) 248-0295; E-mail: patty@arjunlaw.com; Website: www.arjunlaw.com .

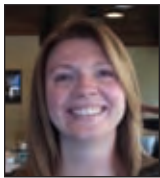
Debbie Fong-Uribe of Debbie L. Fong-Uribe, P.S. is now located at 7700 NE 26th Avenue, Vancouver, WA 98665; Telephone: (360) 576-0111; Fax: (360) 576-0112; E-mail: Debbie@debbielawfirm.com; Website: www.debbielawfirm.com

John F. Adlard is now with American Family Insurance located at 11850 S.W. 67th Avenue, Suite 160 Portland, OR 97208; Telephone: (503) 403-1880 ext. 53685; Fax: (971) 235-4023; E-mail: jadlard@amfam.com

Anna Waendelin has a new e-mail address:
waendelinlaw@sbcglobal.net

Shannon Tissot is now Shannon Tissot, Attorney at Law, P.C. located at PO Box 1074, The Dalles, OR 97058; Telephone: (541) 980-1373; E-mail: tissot_shannon@hotmail.com

ATTORNEY BOOKKEEPING TIPS



EMANUELA SANDRI
Attorney Bookkeeping Services, Inc.

Dues paid to clubs with a principal purpose of providing entertainment to members or guests are not deductible. Included are dues paid to country clubs, golf and athletic clubs, airline, hotel and business luncheon clubs. Business meals and entertainment at these clubs are 50% deductible if other requirements are met.

Dues are deductible for most business organizations such as business leagues, trade and professional associations, as well as civic and public service organizations such as Kiwanis, Lions, Rotary and similar groups. However, if the principal purpose of any of these organizations is to provide entertainment, the dues paid will not qualify for a deduction.

LAW LIBRARY NEWS



MARIA SOSNOWSKI
Law Librarian

Staffing Changes:

The Law Library would like to welcome Nadine Beckel as the new Assistant Law Librarian. Nadine started her employment on January 4, so please introduce yourself to her when you come in, (and then introduce yourself again because it takes a long time to learn all the names). She has a legal background so should be a good asset here after she gets familiar with the collection and the procedures.

Lesley Buhman had her last day in December. She will continue to teach legal research to paralegal students.

Items for Sale:

We are taking bids on the following items through February:

1. Price on Contemporary Estate Planning - 2009 edition
2. Washington Court Rules - State - 2008
3. Consumer Bankruptcy Law and Practice through 2008 Supp - NCLC

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

Thanks! Maria

Maria Sosnowski
Clark County Law Library
PO Box 5000
Vancouver WA 98666
360-397-2268

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PRESIDENT'S MESSAGE - *Continued from page 3*

Greg's article encourages people to attend the "Winter Social", to be held on a Thursday at the Royal Oak Country Club. That hasn't changed much either, because I definitely plan to encourage you all to attend the event this year as well, except that now we call it the Barristers' Ball. (And that's only because my quest to re-name it Lawyers' Prom never caught on. The idea of voting on a King and Queen also fell on deaf ears.)

The rest of your Officers ten years ago were Lisa Lowe - Vice-President; Margaret Phelan - Secretary; and Mike Higgins - Treasurer. The Trustees were David Christel, Terry Greenen, and Scott Sonju.

There you have it! I hope you enjoy the rest of this futuristic issue of your CCBA Newsletter, (which will look equally dated ten years from now, I'm sure).

The Barristers' Ball really is getting close. We'll be dining and dancing into the wee hours on Saturday, February 27! You won't be turned away at the door for violating a dress code, but we should all still try to pick out something nice to wear, okay? At least something that looks better than jail coveralls...

See you at the Ball! -- David

Benefits of CCBA Membership

**HEARSAY Monthly Newsletter
(and discounted advertising rates)**

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meetings, annual Golf Tournament,
Winter Social, and the Summer Barbeque**

**The opportunity to participate in
committees and sections pertinent
to your interests and practice**

Call 695-5975 to become a member!

UPCOMING EVENTS

CLE

February 1, 2010

Criminal Law CLE – Immigration Consequences of Crimes – 10:00 to 3:00 Public Service Center, 6th floor training room.

SOCIAL

February 1, 2010

Swearing In Ceremony for Superior Court Judge Rich Melnick. 4:00 p.m. – Dept. 1. Reception to follow.

MEETING

February 3, 2010

Newsletter Committee meeting, CCBA office, 11:30.

MEETING

February 3, 2010

CCBA Board meeting, CCBA office, 12:00.

MEETING

February 9, 2010

Superior Court Bench/Bar meeting. Judge Nichols' Jury Deliberation Room, 12:00.

February 15, 2010

Presidents Day – CCBA closed for the Holiday.

CLE

February 16, 2010

Business Law CLE, 11:30 to 4:30. Public Service Center, 6th floor training room.

MEETING CLE

February 17, 2010

Inns of Court: 5:00 to 6:30. Hamilton Hall. Judge Lewis' Team Presenting.

MEETING

February 18, 2010

Family Law Section meeting; Tommy O's 801 Washington Street at 11:30.

MEETING

February 23, 2010

CLE Committee meeting, CCBA Office, 12:15.

SOCIAL

February 23, 2010

YLS Game Night. "Nichols vs. Johnson"

February 24 & 25, 2010

High School Mock Trial Tournament, Clark County Courthouse.

CLE

February 25, 2010

YLS CLE with Judge Bennett. 4:30-5:30

MEETING

February 25, 2010

CCBA Web Site Committee, Nellor|Retsinas|Crawford at 1201 Main St., 12:00.

SOCIAL

February 27, 2010

Barrister's Ball! Dinner, Dancing, Silent Auction and Fun! Red Lion on the River. 5:00 – 11:00.

MEETING CLE

March 1, 2010

CCBA Quarterly Meeting, 12:00 to 2:30. Guest Speaker: David Markowitz, "Deposition Strategies, Tactics & Skills"

CLE

March 12, 2010

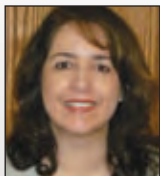
Criminal Law CLE with Judge Robert Lewis, 11:30 to 1:30. Public Service Center, 6th floor Training Room.

MEETING CLE

March 24, 2010

Inns of Court: 5:00 to 6:30. Judge Johnson's Team Presenting!

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

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

THE SWLRS REFERRED 200 CLIENTS IN THE MONTH OF DECEMBER

Administrative Law	6
Bankruptcy	6
Business & Corporate	2
Consumer	4
Criminal	9
Debtor/Creditor	7
Family	36
General Litigation	44
Labor and Employment	12
Real Property.....	30
Taxation	2
Wills & Trusts	13
Workers' Compensation	14
International Law	15

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



IMMEDIATE PAST PRESIDENT
Mila Boyd
(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
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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**

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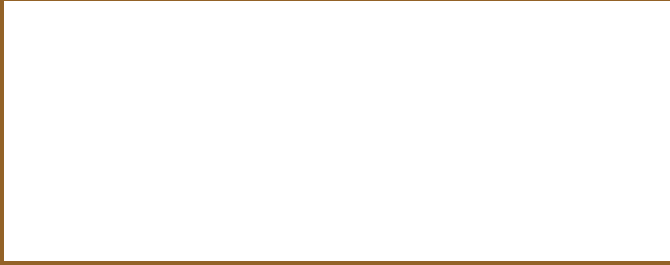
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CLARK COUNTY BAR ASSOCIATION

BUSINESS LAW CLE February 16, 2010

Clark County Public Service Building 6th floor training room

12:00 p.m. to 5:00 p.m. (Sign in at 11:45 p.m.)

Cost: \$166.25 for members registered in advance
\$213.75 for non-members registered in advance

Add \$20.00 if you register at the door

4.75 credits

12:00 – 1:00 Brown Bag Lunch Presentation

“What’s Immigration got to do with it?”

Franz Laurent

“Where’s My Money? Unique Issues in Collection and Lending”

1:00 – 1:45 “Inside and outside debts
creditor claims against LLC member interests”

Todd Mitchell - Bullivant Houser Bailey, Vancouver

1:45 – 2:45 Predatory Lending Defense:

The \$375 million lesson from the Yellowstone Club case.

Troy Greenfield & Larry Ream - Bullivant Houser Bailey, Seattle

3:00 – 4:00 The Fraud Exception to Discharge in Bankruptcy

Russ Garrett - Bullivant Houser Bailey, Vancouver

4:00 – 5:00 Identifying, Perfecting and Seizing Intellectual Property Assets

Michael Ratoza - Bullivant Houser Bailey, Portland

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