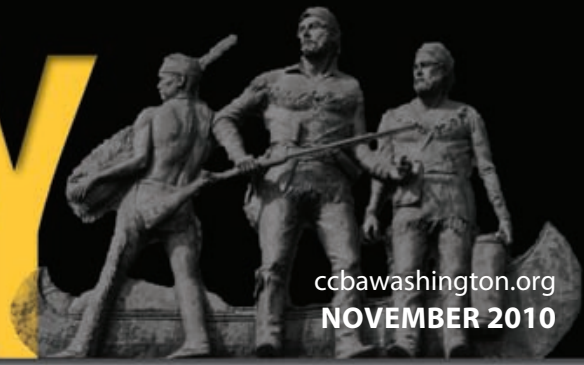


# HEARSAY



ccbawashington.org  
NOVEMBER 2010

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION



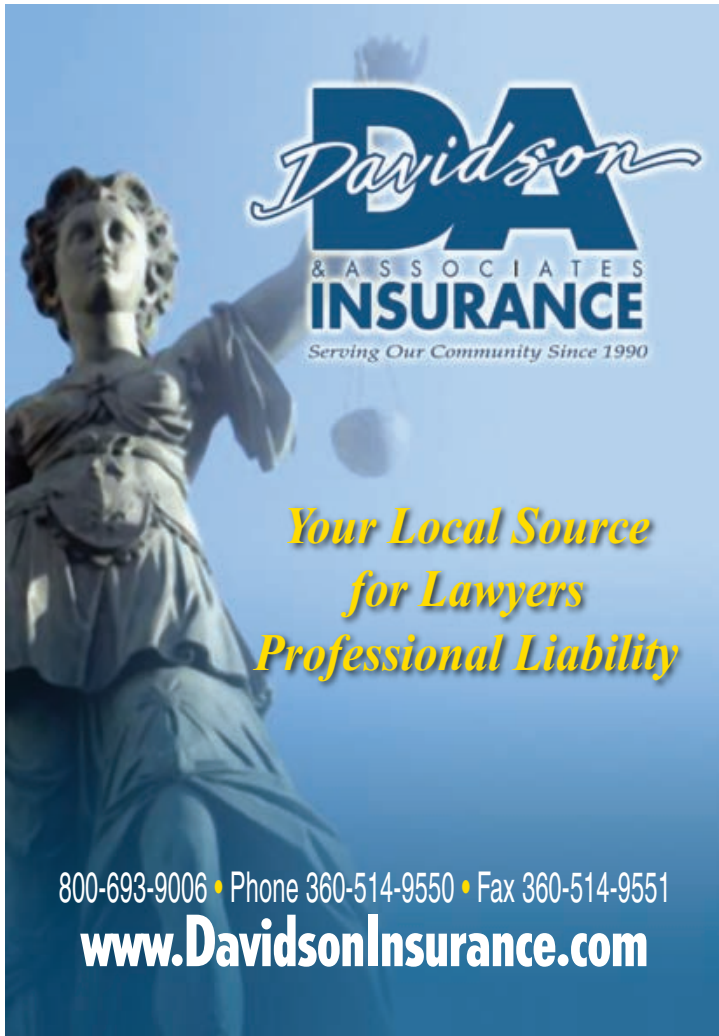
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An annual subscription is included with annual membership dues. Members may purchase additional subscriptions for \$50.00 each. Letters, news items, upcoming events and announcements are welcome. Articles by members are accepted. Submissions should 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.



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**CCBA Conference Room available to rent**  
The CCBA's office conference room is available for meetings and depositions at reasonable rates.  
**Call Diane Wheeler at 695-5975 to schedule**

## Trick or Treat



**KURT RYLANDER**  
CCBA President



As Halloween creeps up on us, I cannot help but consider the parallels between the pagan holiday and the practice of law. No, I don't mean the number of monsters and witches predominating over angels and puppies. Instead, I refer to the hallowed practice of trick or treating.

In the tradition as it has developed, the costumed devil asks the villager for a trick or treat. This is clearly a threat, punishable under our criminal code. Should the villager not give into extortion and hand over the treats (an undefined and ambiguous term), the masked suspect implicitly threatens to perform a trick upon the poor villager. Notable tricks of the past have included toilet paper upon bushes and cars, or flaming bags of poo upon the door step. So too in law.

Every time I appear in a case, or file a case, or take on a new client, or new lawyer, I wonder if I should ask "trick or treat". Oftentimes those I work with and against are indeed treats that make the practice of law enjoyable and fulfilling. Sadly, however, there are the rare occasional "tricks", that make you feel as if you've eaten a sour apple, or received the aforementioned flaming bag.

Other tricks and treats happen in the course of practice. In the past month, in the same case, both my opposing counsel and I

were felled by the vagaries of health. The day before a hearing that I and my team had been earnestly preparing for, I learned that my opposing counsel had admitted himself to the hospital with a serious illness. Obviously, there was no question of immediate consent to a set over. And then, just this last weekend, while preparing for the same set over hearing, I too was laid low and a trick was sprung upon me—or rather, upon my appendix. Yes that sad little monster of an organ screamed for attention, and demanded immediate permanent separation. Quickly my wife rushed me to the hospital (and no doubt checked our life insurance policy limits), where I then waited several hours before the surgeon's knife descended (actually, there was no knife, it was laproscopic surgery). I recovered, for less than a day, in the new Firstenburg Tower, which is a very nice hospital locale to recover in--a real treat. Word of my operation spread far quicker than I could imagine and soon I received calls, cards, flowers, and e-mails offering to help.

This leads to the conclusion that Halloween is not only a parallel for the practice of law, but instead for the practice of life. We all ask for treats. But tricks are often unavoidable and never planned. Boo!

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# CLARK COUNTY DISTRICT COURT JOB ANNOUNCEMENT

## Part Time COURT COMMISSIONER

Job Posting and additional details  
are available on the Clark County Web Site:

[www.co.clark.wa.us](http://www.co.clark.wa.us)

Applications for this position must be  
received (not postmarked) at  
District Court Administration  
By 4:30 pm on November 12, 2010

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The Clark County Bar Association  
Is pleased to announce its November **Nuts and Bolts** Lecture:

## **MEDIATION ADVOCACY: GETTING TO THE HEART OF THE MATTER**

*By Attorney Nancy Nellor Retsinas*

**Wednesday, November 10, 2010, 3:00 to 5:00 p.m., at the Red Lion Inn at the Quay**

---

**This lecture focuses on the nuts and bolts of mediation advocacy** so the lawyer knows how to:

- Adequately screen for the appropriateness of mediation
- Understand the underlying dynamics of their clients conflict (as opposed to the legal dynamics of their clients conflict)
- Prepare clients for what actually happens during and after mediation
- Assist clients in developing a plan for negotiating during mediation
- Ensure clients understand and consent to mediation as their alternative dispute resolution tool

**This series is designed to provide the basics in important, everyday areas of law practice for new lawyers or lawyers who are interested in something new.** The cost is \$50.00, which will get you two CLE credits and Nancy's prepared materials to download. There is an extra fee if you want to pick up the materials at the door. **Call Diane Wheeler at the CCBA, (360) 695-5975 or email: [diane@ccbawashington.org](mailto:diane@ccbawashington.org), to register.**

**Fantastic snacks, coffee and beverages are provided** during the talk. Red Lion's bar is a good place for a drink afterward, and if you want to sneak a beer into the talk that's OK too. An outline of Nancy's talk appears on page two. We hope to see you there.



**Nancy Retsinas** is an attorney in private practice in Vancouver, Washington, focusing on family law, collaborative law and mediation. She has extensive experience guiding clients through alternative dispute resolution processes, and understands the difference in roles between traditional advocacy and mediation advocacy. Her professional associations include: Collaborative Professionals of Washington, Association of Family and Conciliation Courts, Oregon Mediation Association, and the International Academy of Collaborative Professionals. Active in her community, Nancy is a member of the Vancouver Rotary Club, and serves as a board member on the Clark County Emergency Medical Services Administrative Board, the Children's Center and Community Mediation Services.

## **MEDIATION ADVOCACY: GETTING TO THE HEART OF THE MATTER**

**Nancy Nellor Retsinas**

- 1) What is Mediation?
  - a) Evaluative
  - b) Facilitative
  - c) Transformative
- 2) Advantages and Disadvantages of Mediation in a Litigation Context
- 3) The lawyer as Dispute Resolution Manager
  - a) Understanding and pre-mediation phase
    - i) Suitability for mediation
    - ii) Timing of mediation
    - iii) Scope and extent of mediation
  - b) Understanding the mediation phase
    - i) Exploring options
    - ii) Negotiation needs and interests
    - iii) Concluding mediation
  - c) Understanding the post-mediation phase
    - i) De-briefing the client
    - ii) Agreement drafting
- 4) Differences Between Traditional Advocacy and Mediation Advocacy
- 5) Ethics
  - a) Informed consent
  - b) Voluntariness
  - c) Confidentiality
  - d) Diligence and competence
  - e) Lawyer as advisor
- 6) Questions and Answers (Shall we retire to the Red Lion Lounge?)

# What CCBA Members Are Doing About Town



## RAISA JUDICATA

Guest Gossip Columnist

Enjoying one of the last great sunny fall days at Island Café on Hayden Island found the lunch bunch, Brian Gerst, David Ride-nour, special guest Clark County Sheriff detective Kevin Harper, Chris Rounds and Jessica Dimitrov swapping summer vacation stories. Croatia!?! Chris has opened up his own law practice and in between making specialty dishes with green tomatoes he is sure to welcome your referrals at [Chris@roundslaw.com](mailto:Chris@roundslaw.com).



Lunch bunchers enjoying the sun.

The Humane Society for Southwest Washington held its annual dinner and auction on October 2, 2010 and raised over one million dollars in cash donations in the live auction portion of the evening. Lisa Lowe, from Schwabe, Williamson & Wyatt was a Co-chair of the event, and Michael Bortz from Landerholm, and Kyle Sciuchetti from Bullivant Houser Bailey are on the Board of Directors. Also seen hobnobbing and donating funds toward elimination of the debt on the new building on 192nd Avenue were Brad Anderson, John Bachofner, Brent Boger, Don Russo, Kevin Sampson, Jean Shaw and Brian Wolfe. Larry Juday, one of our esteemed emeritus members, was featured prominently in the video shown during the live auction about the ongoing needs and volunteer opportunities at the shelter.

Don Jacobs celebrated the opening of his newly renovated law offices on 9th Street with a party on September 27, 2010. As

with any remodel, it took longer and ate up more resources than anticipated, but the finished product is beautiful, and honors the prior historic construction. This house had been previously owned by renowned counsel Steve Thayer, Scott Horenstein, and Dennis Lane, Casey Marshall and Derek Vanderwood. Even Judge John Nichols practiced there once upon a time when the firm was Nichols, Lane & Marshall.



Don Jacobs' "Money Pit".

On the travel circuit, Ali Greene and Kalka Thangkhiew hit Vegas at the end of August to visit Ali's father, famed comedian Shecky Greene, and to attend his show at the South Point Casino. Ali's father has been in show business almost fifty years and is going strong today after some health issues in the last several years kept him sidelined. In the good old days Shecky Greene headlined the Starlight Lounge, the Tropicana, and appeared in movies and television shows, even occasionally acting as a substitute host for Johnny Carson's Tonight Show. Ali's has some of her father's "stage presence" in her role as pro-tem commissioner, she just cracks fewer jokes.



Shecky Greene is at the mic!

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@ccbawashington.org](mailto:diane@ccbawashington.org). 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.

# SAVE THE DATE

## LAST CHANCE CLE - DECEMBER 13, 2010

The “Last Chance CLE” will be held on December 13, 2010 at the public service building between 9am and 4pm.

Don’t miss this last opportunity to obtain your CLE credit hours (including ethics credits).

Speakers will include Judge Robert Lewis, Judge John Nichols and Judge Rich Melnick.

***Topics to be covered will include:***

- Ethics associated with internet based social networking
- Child abuse reporting
- Criminal law update
- Preserving issues for appeal
- Federal law practice and procedure

### Upcoming CLE Schedule

Date	Area of Law	Topic	Speakers
November 16, 2010	Employment Immigration	Laws and Events in Diverse Workplaces	Linda Frischmeyer Paul Taylor
December 13, 2010	Last Chance CLE	Preserving Issues for Appeal  Ethics Criminal Law Update Federal Practice Child Abuse Reporting	Judge R. Melnick  Judge J. Nichols Judge R. Lewis Don Willner Josephine Townsend
January 28, 2011	Internet Law	Immerging Legal Issues in Internet Use	
February	Criminal/Civil	OR Practices and Procedures	
March	Family Law	How to prep for trial What Judges expect Trial	Suzan Clark
April (2 day CLE)	Guardian Ad Litem		
May	Landlord Tenant		
June	Civil	Discovery (2-3) hours	



# CCBA Monthly Board of Directors' Meeting



**ANDREW WHEELER**  
*CCBA Secretary*

The meeting was convened at 12:00PM at the Clark County Bar Association Office at 500 W. 8th Street (Suite 65), Vancouver, Washington.

In attendance: Diane Wheeler, John Fairgrieve, Jolene Sell, David Ridenour, Kurt Rylander, Chuck Buckley, Jane Clark, Suzan Clark, and Andrew Wheeler.

## I. PRESIDENTIAL ANNOUNCEMENT

Kurt began his term as President announcing the due date for the M-1 filings of March 1st, 2011, informing the board that the CCBA had a little "breathing room"

Filings will need to be completed back to 1999. The filings will occur at one time and will be accompanied by a letter of indemnification and a request to hold the CCBA harmless. It was discussed that Mr. Thulin will likely author the letter.

## II. APPROVAL OF THE MINUTES:

The September meeting minutes were reviewed and approved by consensus.

## III. TREASURER'S REPORT:

Suzan report that membership dues have been coming in early and in higher numbers than expected.

The dues are helping bolster the CCBA's bottom line, unfortunately they are not recurring income.

Jane reported that a 4 hour CCBA CLE with 18 participants will assist with our bottom line.

It was additionally reported that the upcoming "Nuts and Bolts" seminar additionally had 18 registered.

Kurt requested that a line item be added to the budget for the upcoming M-1 costs.

## IV. OLD BUSINESS

### A. CCBA Golf Tournament

Currently the Golf Tournament has not been rescheduled.

Kurt volunteered to call Mark Carter and determine the Tournament's status

It was suggested by the Board that perhaps the golf course had not been booked in time.

## V. NEW BUSINESS

### A. WSBA Board of Governor's Meeting

The WSBA Board of Governor's would like the CCBA to publicize their upcoming meeting via e-mail. The meeting is October 29th at the Vancouver Hilton. A free lunch will be provided for members.

The CCBA Board agrees to publicize to the membership regarding the meeting and lunch.

The WSBA "Local Hero" award will be presented to Chuck Buckley.

The WSBA Board requested to meet with the CCBA Board on Thursday the 28th and will have lunch with the District and Superior Court judges the same day.

It is expected that amongst other announcements that the WSBA will announce that the Modest Means qualification will raise to 400% of the poverty guidelines.

## B. Barrister's Ball

It was requested that Diane notify those signed up for the Social Committee regarding a meeting to begin to delegate Barrister Ball arrangements.

Don Jacobs has suggested a DJ rather than a live band.

Chuck suggested that the dancing potentially begin earlier or the order of the Ball be reconfigured.

The VLP will be this year's Barrister Ball beneficiary.

## VI. DIRECTOR'S REPORT

Diane announced that we need a draw for the November meeting- either a CLE or a speaker.

Phillip Margolin (author) and Jill Johansen (judge) were suggested

Potential CLE topic, social networking and the law

Diane is hoping that suggestions can be shared via e-mail and a consensus reached this week.

Diane suggested that the CCBA Bylaws needed review- this was the determination also arrived at by Jolene.

It is requested that all Board members review the Bylaws before the next meeting.

Kurt explained that he is seeking a more centralized command structure for the CCBA with less requirements for General Meetings to approve expenditures, etc.

Kurt was going attempt to draft a 5500 letter that Andrew and David agreed to review.

It was proposed that a special board meeting take place to discuss Diane's salary and assign duties.

Upon motion duly made, seconded and unanimously carried the meeting was adjourned.

DATED this 28th day of October, 2010.

Andrew W. Wheeler, Secretary

*The Clark County Bar Association Presents a CLE:*

## **LAWS AND EVENTS IN DIVERSE WORKPLACES**

**November 16 2010, 10:00 am – 2:30 pm, Red Lion at the Quay**

Foreign or immigrant workers, temporary and permanent, are a growing component of workforces in Washington and Oregon; they present unique challenges for attorneys and personnel managers in both employment and immigration. Join us for an overview and insights from two local attorneys who specialize in these important areas.

2.0 CLE Credits will be offered for each of two parts: Employment, and Immigration. Participants may attend either or both sessions, earning up to 4.0 CLE credits. The cost is \$35.00 per credit (\$70.00 per session). A simple but tasty lunch between sessions is included. **To register contact Diane Wheeler, (360) 695-5975, [diane@ccbawashington.org](mailto:diane@ccbawashington.org)**

### **A.M. SESSION 10:00 - Noon: EMPLOYMENT**

*By Attorney Linda E. Frischmeyer*

The wide variety of cultures and groups represented in today's workforces present unique legal and managerial challenges. Linda Frischmeyer will discuss ways to proactively keep things running smoothly consistent with employment laws, to pre-empt or address conflict, and what to do when things fall apart.

Linda is a member of the Landerholm Law Firm's Business Department. She has practiced law in four states and for 29 years. Her employment law experience interest and focus developed during her years handling litigation and advice in the Midwest. Linda is currently licensed in Washington, Oregon and Iowa and focuses on providing training, compliance advice and strategic assistance with employment circumstances to business owners, human resource professionals, and select individuals. Her professional experiences also include seven years teaching an MBA course (The Legal and Social Environment of Business), being a mediator, and a workplace investigator. She regularly represents clients before administrative agencies (EEOC, U.S. Department of Labor, Washington Labor & Industries, Washington Human Rights Commission, Oregon BOLI, and others).



- I. LEGAL OBLIGATIONS AND AGENCY GUIDANCE OF PARTICULAR IMPORT
  - A. Discrimination
  - B. Leaves of absence
  - C. Wrongful termination
- II. NAVIGATING WORKPLACE EVENTS
  - A. Human foibles
  - B. Organizational structure
- III. WHAT NAVIGATION ENTAILS

- A. Communications
    - 1. Role of policies
    - 2. Within workplaces: employees and supervisors
    - 3. Others within workplaces: human resources, 2nd tier and higher supervisors, owners, etc.
    - 4. With 3rd persons: family members, doctors, etc.
  - B. Workplace investigations
  - C. Decisions
- IV. BEST PRACTICES

### **P.M. SESSION 12:30 – 2:30: IMMIGRATION**

*By Attorney Paul Taylor*

Immigration is a tangled web of options and tradeoffs; choosing the wrong path can result in long delays or outright rejection for applicants and their employers. Paul Taylor illuminates the ins and outs of the process as he discusses the various visa options, what they require, who they cover, and how to choose.



Paul is the principal attorney at Taylor Global Law Office. He has been a lawyer in Portland for nearly 25 years and focuses his practice exclusively on international business matters, including immigration. After working for two large Portland law firms for 13 years, Paul moved his practice to Lake Oswego and started his own law firm with a few partners. He handles a wide variety of business-related immigration. He also teaches courses in international business at Portland State University, Portland Community College and Lewis & Clark Law School. He is currently the chair of the Japan-America Society of Oregon and the Export Council of Oregon and is a past chair of the International Law Section of the Oregon State Bar.

- I. TEMPORARY VISITORS TO THE US
  - a. Visa waiver program
  - b. B visas
- II. TEMPORARY WORK VISAS
  - a. H1B visas
  - b. L visas
  - c. E visas
  - d. Other
- III. PERMANENT RESIDENCY (GREEN CARDS)
  - a. First Preference: Priority Workers
    - i. Extraordinary Ability
    - ii. Outstanding Professors/Researchers
    - iii. Multinational Executives/Managers
  - b. Second Preference: Professionals/Exceptional Ability
  - c. Third Preference: Skilled Workers
  - d. Fifth Preference: Investors



# SUPERIOR COURT BENCH/BAR COMMITTEE MEETING MINUTES

OCTOBER 12, 2010

The meeting began shortly after noon. Persons present were Judge John Nichols, Judge Robert Lewis, Ann Christian, Heather Beasley, Suzan Clark, Clark Fridley, Jolene Sell, Emily Sheldrick and John Fairgrieve.

## OLD BUSINESS:

1. Prosecuting Attorneys' (PA's) obligation to provide evidence of the prior convictions of its witnesses to the defendant under CrR 4.7(a)(1)(vi). As was noted at the committee's last meeting, the PA's office has adopted a policy concerning the disclosure of criminal records checks on the State's witnesses to defense counsel. Ann Christian stated that she had distributed copies of the policy to members of the criminal defense bar about a week ago and that she and Clay Spencer had met with John Fairgrieve to discuss aspects of the policy. Ann further stated that initial implementation of the policy seemed to be working well. She also stated that the policy would help criminal defense investigators identify conviction and non-conviction information for witnesses and would shorten the time it takes for defense counsel to receive this information.

2. Guardians ad Litem (GALs): Judge Lewis mentioned that the bench was encouraging attorneys to be GALs. He also stated that new GALs must live within 50 miles of the courthouse.

3. Appointment of Counsel in Criminal Cases: As was discussed last month, the Supreme Court amended CrR 3.1, CrRLJ 3.1 and JuCR 9.2 to add the following subsection and requirement as follows: "Before appointing a lawyer for the indigent person or at the first appearance of the lawyer in the case, the court shall require the lawyer to certify to the court that he or she complies with the applicable Standards for Indigent Defense Services to be approved by the Supreme Court." By order signed September 10, 2010, the Supreme Court suspended the effective date of the amended court rules until September 1, 2011.

Ann Christian stated that comments on the amendments were being sought from the WSBA. Judge Lewis mentioned that according to the new rules the court shall require lawyers to cer-

tify that he or she is in compliance with the applicable Standards for Indigent Defense Services. He asked how is this to be done? Ann Christian stated that she is working on this issue. She also stated that another issue is whether indigent defense contractors meet caseload standards. She stated that they don't in district court, and that there was a question about whether they do in juvenile court.

4. Scanning documents into Liberty by the Clerk's office: Judge Nichols told the committee that the bench has made the Clerk's office aware that the scanning of documents for addition into electronic court files needs to be a priority.

5. Revision of commissioner rulings in family law cases: Judge Nichols indicated that such revisions should go to the family law judges.

## NEW BUSINESS:

1. It was discussed that a recent memorandum from the county work crew program reflected that defendants with a prior conviction for a sex offense would no longer be eligible for work crew.

2. Appointment of attorneys in alleged incapacitated persons cases: Judge Lewis mentioned that his policy was to appoint counsel at the rate of \$75.00 per hour with an initial cap of ten hours total work. He stated that some other judges used the same \$75.00 rate but did not limit the initial work to be done on the case to ten hours. He stated that there was a need for consistency of approach among the judges.

Ann Christian stated that she preferred the ten hour initial cap with the understanding that an attorney could return to court if additional work on the case and funds were needed. She stated that this would help her plan for and track expenditures. Judge Nichols noted that the goal was to resolve such cases on an expedited basis. Ann stated that she would contact Terry Neilson of the Clerk's office to arrange to get copies of the appointment order and a monthly report of guardian cases.

3. Kurt Rylander announced that the WSBA Board of Governors was coming to Vancouver and would be hosting a lunch at the Hilton Hotel on Friday, October 29 from noon until 1:30. At the lunch they plan to recognize a Local Hero who has exhibited an “above and beyond” approach towards the legal community. The WSBA Board also plans on meeting with the Clark County Bar Association Board after the lunch.

4. Kurt Rylander announced that the Clark County Bar Association golf tournament had been postponed, probably into next spring.

5. Judge Lewis mentioned that the Mock Trial competition for 2011 was scheduled for the last week in February.

6. Suzan Clark was elected the new chair of the committee for the 2010-2011 year.

7. Next Bench Bar committee meeting: The committee will meet next on Tuesday, November 9, 2010 at noon in Judge Nichols’ jury room.

Respectfully submitted,  
John Fairgrieve

---



## CLARK COUNTY DISTRICT COURT BENCH/BAR MEETING MINUTES

October 13, 2010

The District Court Bench/Bar Meeting was held in Judge Zimmerman’s courtroom on October 13, 2010 at noon. Present were Judge Zimmerman, Sandy Slyter, Shauna McCloskey, Mark Muenster, Megan Peyton, Ann Christian, Bernita Brumbaugh, and Christie Emrich.

1) Guest Speaker Shauna McCloskey and Judge Zimmerman presented information on the new Veteran’s Court. District Court recently won a Federal Grant through the Bureau of Justice to start a Veteran’s Specialty Court. The \$350,000 grant should provide for operation of the new court through September 2013. This new specialty court hopes to serve 50 veterans. To be eligible for participation a criminal defendant must be charged with a misdemeanor crime in Clark County. He or she must have received an honorable or general discharge, live in Clark County, have a substance abuse and/or mental health disorder and want treatment for it. Upon pleading guilty, the veteran will receive intense supervision and court ordered treatment for a minimum of 12 months. Non-compliance can lead to jail time.

2) Guest Speaker Sandy Slyter presented the proposed District Court schedule changes for 2011. Mental Health Court will now

meet Monday Mornings. DVTC will continue to meet Monday afternoon. Substance Abuse Court will continue to meet all day Tuesday. Driving While Suspended Dockets will be moved to Wednesday morning. Veteran’s Court will also meet Wednesday morning. The biggest change to the current schedule is the addition of an all day PV docket on Fridays. All probation violations and failure to comply cases will be heard on Fridays in front of the Judge who handled Mandatories for that week.

3) Judge Zimmerman led a discussion regarding the Ethics Advisory Committee Opinion 10-03. The Advisory Opinion answered the question whether a court could adopt a blanket policy for all crimes with a maximum sentence of 365 days and impose a maximum sentence of 364 days to help defendants avoid possible immigration consequences. The opinion stated that judicial officers are required to examine the facts and law in each case that comes before them and make an independent determination as to whether a defendant is guilty and the sentence merited in each case. A court may not adopt a blanket policy with 365/364 day sentencing scheme as described. It was pointed out during discussion that a blanket policy of imposing only 365 days would also be prohibited.



### MOCK TRIAL

The Clark County District Mock Trial Tournament will be held at the courthouse on Wednesday, February 23, and Thursday, February 24, 2011.

## CLARK COUNTY BAR ASSOCIATION CLE SERIES

# Nuts & Bolts: What Every Practitioner Needs to Know

The Clark County Bar Association is delighted to announce that it will host a CLE series geared to the new members of the legal community titled ***Nuts & Bolts: What Every Practitioner Needs to Know***. The series will vary from one to three hours every second Wednesday of the month. Each session will feature knowledgeable attorneys in a particular area of practice, and focus on the basic issues and procedures confronting an area of law. The current list of dates and topics are as follows:

Date	Topic	Speaker	Committee Member
November 10, 2010	Mediation	Nancy Retsinas	Scott Matthews
December 8, 2010	Civil Litigation Basics & Practice Tips for Clark County	Don Jacobs	Jane Clark
January 12, 2011	Criminal Law in Clark County	Suzan Clark	Suzan Clark
February 9, 2011	Personal Injury	Jane Clark Mickey Thompson	Jane Clark
March 9, 2011	Flying Solo: Starting & Managing Your Law Practice		
April 13, 2011	Evidence: Criminal and Civil		Suzan Clark
May 11, 2011	Family		Suzan Clark
June 8, 2011	Consumer Protection		Scott Matthews
July 13, 2011	Ethics : Advising the Small Business		
August 10, 2011	Wills and Estates		

Each one of the series is on \$50 or you can purchase a discount card and attend 6 of the 12 events for \$250. We'll meet at the Quay at 3:00 and be done in time for happy hour. Materials will be provided free for download for those who register three days before the seminar, or for a modest fee at the door.

**Call 695-5975 to register**

For firms with new associates, this series is a great way to support your local bar association and provide new associates with an introduction to the community and a broad set of useful legal skills and information.

The Clark County Bar Association is pleased to announce its

***fourth* Nuts and Bolts** lecture:

~ **CIVIL LITIGATION BASICS** ~

*By Attorney Don Jacobs*

**Wednesday, Dec 8, 3:00 – 5:00 PM, at the Red Lion at the Quay**

**Forget about *International Shoe* and the Erie Doctrine.** Get a handle on the core concepts that will keep you from looking like the chief idiot on next week's docket. We know you hate it – you know you need it.

The cost is \$50.00, which will get you 2 CLE credits and Don's prepared materials to download. There is an extra fee if you want to pick up the materials at the door. **Call Diane Wheeler, (360) 695-5975, or email: [diane@ccbawashington.org](mailto:diane@ccbawashington.org) at the CCBA to register.**

We provide a super snacks buffet with coffee and beverages during the talk. The Red Lion's bar is a good place for a drink afterward, and if you want to sneak a beer into the talk, go for it. An outline of Don's talk is on the back. We hope to see you there.



Don Jacobs has practiced personal injury and insurance law in the Portland/Vancouver area since 1979. He is currently a sole practitioner with offices in Vancouver and Portland. He received his JD from Seattle University.

Mr. Jacobs is proud to be an active member of the Washington State Association for Justice (WSAJ), the Oregon Trial Lawyers Association (OTLA) and the American Association for Justice (AAJ). He currently serves on the governing Board of OTLA. He also serves as the Oregon State Delegate to AAJ. From 1993 to 2000, he served in various leadership positions on the governing board of the Washington State Trial Lawyers Association (WSTLA). In the past, WSTLA honored him with its Alvin Anderson Award as well as its Award for Professionalism. In 2008, OTLA honored him with its Presidents Award. Also in 2008, the Oregon State Bar Association presented him with the President's Special Award of Appreciation for his outstanding leadership in promoting access to justice in Oregon.

In his spare time, he fishes, hunts and plays drums with several bands of aging musicians still semi-viable in the Portland music scene.

## Outline of Presentation –Don Jacobs, Essential civil Procedure

1. **Commencement of the Lawsuit**
  - a. Superior court or district court?
  - b. Drafting the summons and complaint;
  - c. Filing the summons and complaint
  - d. Methods and timing of service
  - e. Filing of Answer
  - f. Motions for Default
  
2. **Discovery**
  - a. Interrogatories
  - b. Requests for Production
  - c. Requests for Admission
  - d. Subpoenas
  - e. Third party discovery
  - f. Depositions
  - g. Discovery disputes – Motions to compel
  
3. **Dispositive Motions**
  - a. Summary Judgment Motions
  
4. **Trial Preparation**
  - a. Setting a case for trial
  - b. ER 904 statements
  - c. Trial briefs
  - d. Jury instructions
  - e. Witness and Exhibit lists
  
5. **District Court**
  - a. Procedure in district court



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#### ***Welcomes Attorney Matthew Blum to Our Team***

Matt has practiced law in Washington since 2007, where he started as an associate attorney for a Spokane firm specializing in civil litigation. While practicing in Spokane, Matt provided litigation support for a six-week dental malpractice trial that resulted in a \$15 million jury verdict for his client.

Matt shifted his focus solely to family law in 2009 working for the Vancouver location of Stahancyk, Kent, & Hook, P.C. Matt's calm demeanor and reasoned approach with clients has led to a reputation as an attorney who brings stability to an often chaotic practice. Matt provides our office with experienced legal support and a growing client base.

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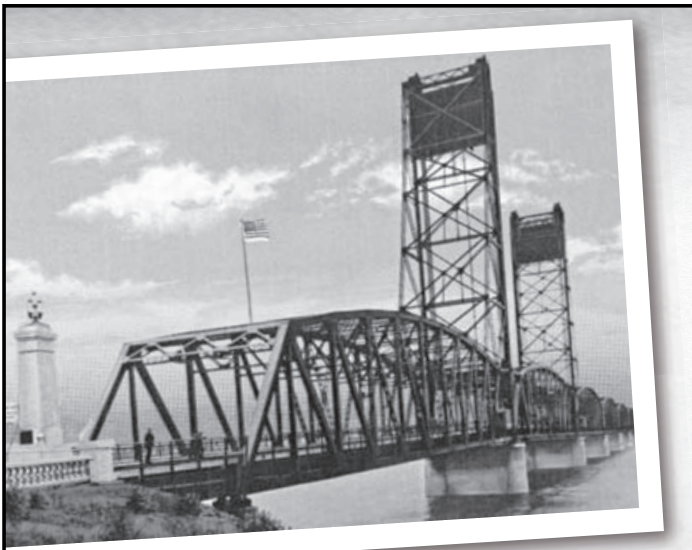
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# Family Law Section Meeting



**ELIZABETH CHRISTY**  
*Family Law Section President*

The Family Law Section's October 2010 meeting was special to say the least. Over 65 people attended to see Karl Tegland, author of sixteen volumes of West's Washington Practice, speak to our group. Mr. Tegland was one of the best speakers we've ever had and it was an honor to have him present.

Our next meeting will be November 11, 2010 and we are fortunate to have Catherine Smith and Valerie Villacin join us from King County. They will discuss family law appeals in general, standards of review, reasons to appeal, what types of issues are likely to get some traction, and strategies for dealing with appeals as a respondent. They will incorporate some discussion to satisfy an ethical credit as well.

The November 11 meeting falls on Veteran's Day. Most of the family law attorneys will be working that day so after discussion with the speakers and some members, I decided to go ahead with the meeting. This is in no way intended to take away from the appreciation for our veterans and the sacrifices they made to keep our country free.

The meeting will be held at Tommy O's from 10:30 a.m. until 1:00 p.m. We will take a half hour break for lunch from 11:30 a.m. to 12:00 p.m. to eat lunch.

The cost of the meeting will be \$13.00 for lunch plus \$10.00 for two CLE credits for CCBA FLS members. If you are not a member the cost is \$13.00 for lunch and \$20.00 for the CLE credits.

Mark your calendars for the December 9, 2010 holiday meeting. This meeting is always the most fun. Santa and his elf will give awards and prizes to our members honoring them for their many individual courtroom talents.

Remember to visit the blog for updates and announcements:

<http://ccbafamilylawsection.blogspot.com/>



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to arrange a tour of the space**

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**Contact Teresa at 360.693.4111**

# Benefits of CCBA Membership

HEARSAY Monthly Newsletter (and discounted advertising rates)

Free copy of the Membership and Resource Directory

High-quality CLEs at discounted member rates; saving you travel time and money on your annual educational requirements

Access to the Southwest Washington Lawyer Referral Service

Social and networking opportunities throughout the year: quarterly membership 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!**



## CCBA General Meeting and Lunch

**Monday, November 22, 2010 • 12:00-1:00 PM**

*(sign in begins at 11:45)*

### Red Lion at the Quay

100 Columbia Street, Vancouver

### A Trip to Cancun Buffet \$25

Jicama Garden Salad with Lime Vinaigrette • Crisp Tortilla Ribbons  
Taco Seasoned Chicken and Beef • Confetti Corn and Bean Salad  
Cancun Rice with Chopped Scallions • Seasoned Beans, Lettuce and Tomatoes  
Fresh Tortillas • Crisp Chips, Salsa and Sour Cream

**We have not received confirmation of the possible CLE to follow.  
We will announce it as soon as it is confirmed**

**In the event that we are able to provide you with a CLE to follow the meeting the additional cost would be \$25**

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

#### 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.*

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Susan Arney, *Executive Director*  
Susan DePasquale, *Program Coordinator*  
Administrative: 360-823-0423  
E-mail: [susana@ccbavlp.com](mailto:susana@ccbavlp.com)

Statistics for September include 55 clients seen in advice clinics, 27 in Family Law, 14 in Family Law paperwork review clinic, 1 in the DV clinic, and 12 in Housing Justice Project clinic. We placed 6 cases with an attorney for direct representation. There were 145 hours of volunteer attorney time donated

It is November and it is that time of year when I ask you to think about your volunteer commitment for the next year. I know it is hard to do and hard to tell when you will be able to volunteer, but I appreciate your trying. It really helps me if you sign up ahead of time. If something comes up and you have to cancel, I understand and can get someone else to fill in.

So, please watch for your clinic sign up sheets in the mail. Please take the time to mark some dates and mail them back to me. Be brave and check some boxes. You can do it.

Thank you to all the volunteers, past and present. Remember if you are not volunteering, we need you. I have a lot of areas of law where we need your help. If you feel you are not experienced enough, please call me. We will train you. Please consider giving 10 hours of your time over the next year. It really isn't much and it is what keeps our program going.

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 SEPTEMBER**

*Lou Baran, Shon Bogar, Chris Boyd, April Brinkman,  
Chuck Buckley, Gideon Caron, Tessa Cohen, Ed Dawson,  
Sidney Dolquist, Stefanie Ellis, Loren Etengoff, David Feeney,  
Peter Fels, Gavin Flynn, Mary Kay Gaffney, Todd George,  
Brian Haaland, Lincoln Harvey, Vickie Kesala, Dustin Klinger,  
Crystal Lambert, Juliet Laycoe, Brian Leahy, Jeff Lindberg,  
Howard Marshack, Scott Matthews, Erin McAleer, Amy McCollough,  
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Motorcycle collision -- \$500,000  
Rear end MVC. Soft tissue injury -- \$230,000

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# LAW LIBRARY NEWS



**MARIA SOSNOWSKI**  
*Law Librarian*

The Law Library held a Westlaw CLE in September. Comments from participants were very positive about the content of the training. We would like to hold future trainings on Westlaw and/or Lexis. If you are interested in being notified about future trainings, please let us know what type you are interested in and we will add you to the list to be notified. Thanks!

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Nolo will help you support your favorite library by matching any contribution you make to it. The Clark County Law Library gets **DOUBLE** your donation in money to spend on any NOLO product.

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# ATTORNEY BOOKKEEPING TIPS



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

## **Independent Contractor or Employee?**

Companies may hire people as independent contractors or as employees. To help determine how to classify the people hired, checkout the following tips:

Washington State Employment Security Department:

<http://www.esd.wa.gov/uitax/taxreportsandrates/whoandwhattoreport/independent-contractors.php>

Internal Revenue Service:

<http://www.irs.gov/newsroom/article/0,,id=173423,00.html>

## **THE CLARK COUNTY BAR ASSOCIATION 2011 Directory**

The Clark County Bar Association will be sending out the new directory to all current members in January.

We intend to have several pages of advertisements in the directory this year. If you are interested in advertising in the directory, please contact Diane Wheeler at the Bar Association office.

Advertisements will be sold on a first come first serve basis. All advertisements must be pre-paid to go into the directory.

Advertisements must be in Word format. The deadline will be December 10, 2010.

### ***Rates for advertising in the directory:***

<b>Full Back Cover</b>	<b>\$300 reserved</b>
<b>Inside Back Cover</b>	<b>\$250 reserved</b>
<b>Inside Front Cover</b>	<b>\$250 reserved</b>
<b>Full Inside Page (9.5" x 7.5")</b>	<b>\$250</b>
<b>Half Inside Page (4.75" x 7.5")</b>	<b>\$125</b>
<b>Quarter Inside Page (2.37" x 3.75")</b>	<b>\$ 90</b>

***(color ads additional cost)***



## **Entertainment Books are here!**

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# UPCOMING EVENTS

MEETING

**November 3, 2010**

CCBA Hearsay meeting; CCBA office, 500 West 8th Street, Suite 65 at 11:30 am

MEETING

**November 3, 2010**

CCBA Board meeting; CCBA office, 500 West 8th Street, Suite 65 at 12:00 pm.

MEETING

**November 9, 2010**

Superior Court Bench/Bar meeting; Judge Nichols Jury Deliberation Room – noon

MEETING

**November 11, 2010**

Family Law Section meeting to be held at the Red Lion at the Quay at 11:00 am.

MEETING

**November 22, 2010**

CCBA General Meeting Red Lion at the Quay – 100 Columbia at 12:00 pm

MEETING

**November 23, 2010**

CLE committee meeting Clark County Bar Association 500 West 8th St., Ste 65. Meeting will begin at 12:15

**November 25 & 26, 2010**

CCBA will be closed for the Thanksgiving Holiday.

MEETING

**December 10, 2010**

District Court Bench Bar Meeting; Judge Zimmerman’s Courtroom - noon

MEETING

**December 16, 2010**

CCBA Web Site committee meeting; Nellor|Retsinas|Crawford at 1201 Main Street at noon

## SW WASHINGTON LAWYER REFERRAL SERVICE



**ELENA QUINTANA**

*CCBA Member Services*

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 215 CLIENTS IN THE MONTH OF SEPTEMBER

Administrative Law .....	7
Bankruptcy .....	9
Business & Corporate .....	3
Consumer .....	14
Criminal .....	15
Debtor/Creditor .....	6
Family .....	40
General Litigation .....	49
Labor and Employment .....	15
Real Property .....	36
Wills & Trusts .....	11
Worker’s Compensation .....	4
International Law .....	4

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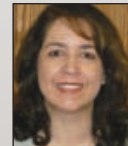
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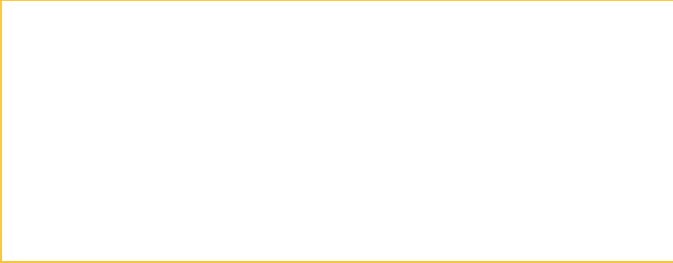


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