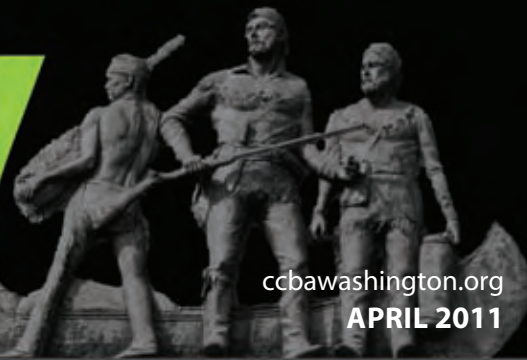


# HEARSAY



ccbawashington.org  
APRIL 2011

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION



## To Be, or Not to Be: Finances Push CCBA into Existential Crisis

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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 4:00 p.m.

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# PRESIDENT'S MESSAGE

## No Joking, Things are Serious



**KURT RYLANDER**  
CCBA President

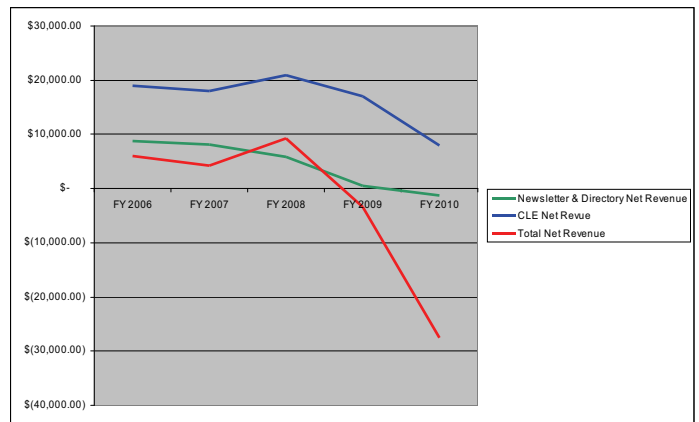
April 1st, traditionally known as “April Fool’s Day” and the date for practical jokes, originates in the Nun’s Priest’s Tale from Chaucer’s Canterbury Tales. On the thirty-second day after March, a sly fox tricks a rooster named Chauntecleer (of “cock-a-doodle-do” fame), preying on the rooster’s vanity. But fear not, in the tale the rooster escapes the fox by flattering the fox’s vanity to distract him. Once bitten twice shy, the rooster does not fall for the fox’s tricks again.

While I could make reference to lawyer vanity and lawyer tricks, this story really has nothing to do whatsoever with the state of the Bar. But it provides a humorous lead in to otherwise grim news.

When I was in Iceland last Summer, a popular t-shirt said (in Icelandic), “we have lots of ash, but no cash.” At least they have ash. The CCBA doesn’t even have that.

The state of the Bar is not well. At the current rate, the Bar will run out of money and shut its doors before the end of Summer. This sorry state results from a confluence of events: (1) declining CLE revenue as more attorneys do online webinars and the WSBA encroaches on our formerly monopolized CLE territory; (2) decreased profit margin on the newsletter due to increased printing costs (please go green!); (3) anomalous legal fees, not yet concluded, to terminate the health care plans

that were a stone around the Bar’s neck. The chart below should adequately convey to our members the reality of our financial condition.



The Bar must change to survive. One thing we must all ask ourselves is, “What do we want our Bar to be?” Some young attorneys legitimately inquire, “Why would I wish to join the CCBA?” The Hearsay is great, but it is only 10 minutes of reading once a month. Why would someone wish to be part of the CCBA? To rate judicial candidates? To go to the Barrister Bash? To participate in the Southwest Washington Lawyer Referral Service? These legitimate questions need serious answers. So, Bar, speak out. We are all ears.

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# CLARK COUNTY BAR ASSOCIATION TITLE 26 GAL TRAINING

*April 29, 30, & May 1st, 2011*

Public Service Building - 6th Floor  
1300 Franklin Street - Vancouver, WA 98660

## Friday April 29, 2011

8:00 a.m. Registration, Sign-in and coffee service  
8:30 a.m. Introduction  
9:00 a.m. Ethics and Professional Conduct  
10:00 a.m. break  
10:15: The Law and Legal Process  
12:15 p.m. Lunch with GAL PANEL DISCUSSION  
1:15 p.m. Conducting the Investigation  
3:15 p.m. Break  
3:30 p.m. Interview techniques  
5:00 p.m. Evaluations, Adjourn and sign out

## Saturday April 30, 2011

8:00 a.m. Registration, sign in and coffee service  
8:30 a.m. Report Writing  
9:30 a.m. Writing Assignment explanation  
10:00 a.m. Break  
10:15 a.m. Personal Safety, Systems and Resources  
10:45 a.m. Child Development  
12:15 p.m. Lunch (Provided)  
1:15 p.m. Child Development II  
2:45 p.m. Break  
3:00 Chemical Dependency and Mental Health  
5:00 p.m. Evaluations, Adjourn and sign out

## Sunday April 31, 2011

8:00 a.m. Registration, Sign in and Coffee service  
8:30 a.m. Child Abuse and Neglect  
10:30 a.m. Break  
10:45 Domestic Violence I  
11:45 a.m. Lunch (provided)  
12:45 p.m. Domestic Violence II  
1:45 p.m. Break  
2:00 p.m. Cultural Competency  
4:00 Law Practice and Family Dynamics  
5:00 p.m. Evaluations, Adjourn and Sign out

---

Pick up certificates (if writing report received, otherwise certificates will be mailed upon receipt of report).

Accommodation: If you have a disability or medically necessary dietary condition, that may impact your participation in this seminar, please notify the Clark County Bar Association at least 10 days prior to this seminar so that we may ensure appropriate and comfortable accommodation.

Please check with the registry manager in your county to make sure that you will likely qualify for appointment before registering for this training. You do not have to be an attorney to attend this training.

***This is not the same training as the Title 11 training, Adoption GAL training, SGAL training, or Title 13 Dependency training. Lastly, sign in and sign out is required each day. Staff may not issue a certificate to anyone who misses 15 minutes or more of this training for any reason. (tardiness, cell phone usage, returning late from lunch etc.)***

**Questions? Call Diane Wheeler at the CCBA or CLE Chairperson, Josie Townsend at 360-694-7601**

**REGISTRATION FEE: \$400 - MUST REGISTER BY APRIL 15<sup>TH</sup>, 2011**

**CALL 360.695.5975 TODAY!**

### ***Please Read Before Registering***

*Cancellation fee: \$50.00 must be received by April 15, 2011. No refunds will be granted after this date. Attendees must attend all sessions on all three days to receive certification.*

*Registration and conference staff are not permitted to provide certificates of completion for any participant who misses 15 minutes or more of the training.*

*If you miss 15 minutes or more of the certification training, for any reason-Including emergencies, you must contact your county's registry manager for instruction.*

*Continental Breakfast and Lunch is provided with your registration fee.*

*Certified GAL's : Training can be attended Ala Carte at our CLE rate so that you can maintain your certification*



# Mock Trial Results Are In!



**JILL H. SASSER**

*Hearsay Special Correspondent*

Thanks to the leadership of Judge Lewis, the hard work of the high school teams and coaches, and our outstanding judge and attorney volunteers, the 2011 Mock Trial program was very successful. A big thank you also goes to the Clark County Bar Association for providing food and drinks for the volunteers.

In the local competition, teams from Ridgefield, Fort Vancouver, Camas, Seton Catholic, Stevenson, Columbia (White Salmon), and Hudson's Bay competed against each other. In Division One, the top two teams were Ridgefield and Fort Vancouver. In Division Two, the top two teams were Camas and Hudson's Bay. The best witness award was a seven way tie among students from Ridgefield, Ft. Vancouver, Seton Catholic, Hudson's Bay, Columbia and Camas. The best attorney awards went to students from Ridgefield and Camas.

The top four local teams continued on to the state competition. The Washington State Mock Trial competition was held March 25th-27th at the Thurston County Courthouse in Olympia, Washington. At the state competi-

tion, out of 22 teams, Fort Vancouver placed 10th, Camas placed 11th, Ridgefield placed 12th, and Hudson's Bay placed 19th. Further, each school had students nominated for best attorney and best witness. According to Judge Lewis, our local teams were "Very competitive -- prepared, poised and professional against tough teams from all over the state."

The names of the local attorneys and judges who volunteered during Mock Trial as raters, coaches and judges are too numerous to list. The competition simply could not be held without the assistance of all of these volunteers. One of these individuals is Craig Schauer mann. Craig has been coaching the Hudson's Bay team since 1999 and the team has also continued on to the state competition many times. Craig believes that the Mock Trial program is extremely beneficial for students, no matter what career or job they choose. Craig says, "The program teaches them to think independently and become better citizens." Craig also noted that competing at the state level allows students the opportunity to experience traveling to a different part of the state and stated that "for some students, these trips are the first time the student has ever stayed in a hotel. These types of experiences are very valuable for the development of young adults."

The Mock Trial committee thanks all of this year's volunteers. Please consider joining us again next year!



## Awards given at the District Event:

### Best Witness (7 way tie) Division One

Hailee Anderson  
(Ridgefield Orange Team)

Flynn Crawford  
(Ft. Vancouver Team 1)

Jimmy McGinley (Seton Catholic)

Destiny Schell (Ft. Vancouver Team 1)

### Division Two

Katherine Brewer (Hudson's Bay)

Nathan Devaney (Columbia)

Jason Jay (Camas Team 1)

### Best Attorney

#### Division One

Tyler Bieber (Ridgefield Orange Team)

#### Division Two

Deborah Lubanga (Camas Team 1)

### Tournament

Tyler Bieber (Ridgefield Orange Team)

## For the State Event:

*The following students were nominated for best witness during one or more trials:*

### Camas

Ben Gibson, Jacquelyn Harms, Derek Hood, Jason Jay and Garret Wilgus

### Fort Vancouver

Naima Alver, Tawney Cabales, Katie Callister and Destiny Schell

### Hudson's Bay

Katherine Brewer, Jonathan Muck, Austin Nilson and Valeria Reyna-Carranza

### Ridgefield

Hailee Anderson, Steven Call, Andrew Rath and Josh Riggs

*And these students were nominated for best attorney during one or more trials:*

### Camas

Deborah Lubanga, Sam Svilar and Hannah Tweet

### Fort Vancouver

Patrick Crawford, Stockton Pendergast, Taylor Richey and Antoinette Roberts

### Hudson's Bay

Kyle Benoit and Hannah Dinan

### Ridgefield

Tyler Bieber, Declan Daly and Katy Vance

Upcoming CLE - May 5, 2011 • 10:00 am to 1:15 pm

## “Beyond the Crash”

Where to Look When Available Auto Insurance is Woefully Inadequate  
Presented by John L. Messina and James W. McCormick

*When the insurance won't cover the damages, what's next? We'll look at Underinsured Motorist Coverage, Government Liability for Negligent Design or Maintenance of Roadways, Liability of Liquor Purveyors (when the offending driver is intoxicated), Auto Manufacturer Liability for Producing a Vehicle That Was Not "Crashworthy," Liability of Department of Corrections (when the offending driver was negligently supervised), and Medical Malpractice in Treatment of Auto Crash Injuries*

### 1. Uninsured/Underinsured

**Motorist Coverage: General Principles**

### 2. Highway Liability

- a. Basis of Liability: Duty
- b. Negligent Design
  - b.i. Curvature
  - b.ii. Signing
  - b.iii. Lighting
  - b.iv. Signals
  - b.v. Guardrails
  - b.vi. Intersections
- c. Negligent Maintenance
  - c.i. Roadway surface
  - c.ii. Ice and snow

### 3. Dram Shop (Liquor) Liability

- a. Common law Cases
- b. Statutory cases
- c. Quantum of proof
- d. Causation issues

### 4. Liability of Vehicle Manufacturers

- a. Duty to produce a "crashworthy" vehicle
- b. Enhanced injury doctrine
- c. Proof required
- d. Segregation of damages

### 5. Liability of Agencies Supervising "Parolees"

- a. Duty to general public on the part of supervising officers
- b. Case law
- c. Statutory changes

### 6. Medical Malpractice after the crash

- a. Liability of tortfeasor for subsequent treatment
- b. General principles of medical malpractice apply to post-crash care
- c. Segregation of Damages



**John L. Messina**, a graduate of Gonzaga Law School, has practiced law in Washington for over 40 years. He is a founding partner of the Tacoma personal injury firm Messina Bulzomi Christensen. For more than 30 years, he has received the AV rating by Martindale Hubbell. He is a Washington Law and Politics "Super Lawyer" and was the Washington State Trial Lawyer's Association (now WSAJ) Trial Lawyer of the Year in 1979. John is a member of the American Board of Trial Advocates (ABOTA), the International Order of Barristers, and a proud Eagle member of WSAJ. He is also a fellow of the American College of Trial Lawyers, the International Academy of Trial Lawyers whose American membership is limited to 500 trial lawyers.



**James W. McCormick** earned his J.D. degree, and a simultaneous master's degree in public administration, at the University of Montana. Prior to joining Messina Bulzomi Christensen, he worked as an assistant attorney general for the Washington State Department of Labor and Industries, where he specialized in litigation involving workers' compensation and work place injury appeals and tried numerous cases all over southwest Washington as an assistant attorney general. He dedicates his practice at MBC to personal injury litigation, focusing particularly on nursing home negligence, product liability, highway design liability, and construction site and premises liability cases.



# It Started Here

HEARSAY invited candidates for the WSBA Board of Governors to submit brief articles in support of their candidacy



**BRIAN J. KELLY**

My initiation into the practice of law occurred in Clark County. I was a Rule 9 intern in the Prosecutor's Office. Jim Sellers was one of my supervising attorneys. I lived with my brother Ed Kelly and my sister-in-law Busse Nutley. Ed was a sole practitioner; Busse would go on to become a State Representative and Clark County Commissioner. The following year, Superior Court Judge Tom Lodge administered the oath of attorney to me in his courtroom.

Now, 35 years later, I am seeking to represent the lawyers of Clark County as a candidate for the 3rd Congressional District seat on the Board of Governors.

I am a principal with the Chehalis law firm of Hillier, Scheibmeir, Vey & Kelly, P.S. My practice focus is business, tax, real property, probate, and municipal law.

In 1988 I heard WSBA president Betty Braclin speak about the Bar's financial issues. She said the Board of Governors was considering whether or not to add a member at large, and perhaps a member who was a certified public accountant, to the Budget and Audit Committee. I was a CPA and volunteered. I was on that Committee from 1998 to 1994. Steve Tubbs, the WSBA Governor for the 3rd District, as WSBA Treasurer in 1993, chaired that Committee. Steve has endorsed me.

In the October 2010 Bar News, current WSBA President Tootle identified as "significant issues" matters related to the use of resources, court funding, and licensing fees (i.e., financial issues). "Whether to increase our members' licensing fees will be a huge issue for us. The BOG is cognizant of the difficult financial times all people face, including WSBA members. However, even in a difficult economy, WSBA's cost of doing business increases."

The Letters to the Bar News Editor indicate some dissatisfaction with use of Bar funds. I believe Bar funds should be used to assure the public that lawyers are competent, ethical, and profes-

sional. Bar funds should be used for member services and measures directly related to the practice of law, including Bar sections, committees, panels, and boards. Other uses of Bar funds should be securitized, minimized, and/or eliminated.

I, like many of you, have participated in various public service and bar association activities. Some of my service is listed in my WSBA Candidate Statement. I perceived a need related to WSBA financial issues/better use of resources and felt I could again contribute to a solution. I like the people I know on the BOG. I like lawyers as people, care about their families and their struggles with personal and professional demands. A Governor is expected to communicate with the members he or she represents about Board actions and issues, as well as convey member viewpoints to the Board. I am available and accessible. Your comments and concerns are always welcome.

On March 15 you should have received an e-mail from Elections Online. That e-mail contains voting instructions and a link to the ballot. If you did not receive that e-mail, a second message from Elections Online will be sent at the end of March.

Alternately, you may e-mail Pamela Wuest at [pamelaw@wsba.org](mailto:pamelaw@wsba.org) from the e-mail address WSBA has on file for you, with your name, district, and WSBA Bar number. Pamela will then e-mail the login and password to you.

I appreciate your consideration and vote.

Brian J. Kelly  
Hillier, Scheibmeir, Vey & Kelly, P.S.  
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# 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
April 20, 2011	Evidence: Criminal and Civil		Suzan Clark & Jane Clark
May 11, 2011	Consumer Protection		Scott Matthews
June 8, 2011	Family Law		Emily Sheldrick
July 13, 2011	Setting up and Advising the Small Business		Emily Sheldrick Mark Beatty
August 10, 2011	Wills and Estates		Carol McCaulley
September 14, 2011	Criminal Trial		Suzan Clark
October 12, 2011	Bankruptcy		

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.

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If you have been looking for a position that allows you blend your legal knowledge with your talent for making the place you work run smoothly and efficiently, this is a great opportunity to utilize your diverse set of skills. This temporary position should last a minimum of 12 months and could go beyond that time.

If you are interested and qualified, please contact **Martha Olsen**, Office Administrator, for further information on the application process.

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[martha.olsen@cityofvancouver.us](mailto:martha.olsen@cityofvancouver.us)



# SUPERIOR COURT BENCH/BAR COMMITTEE MEETING MINUTES

MARCH 8, 2011



**JOHN FAIRGRIEVE**  
*CCBA Vice President*

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

## OLD BUSINESS:

1. Competency evaluations being conducted on out-of-custody criminal defendants by Western State Hospital (WSH): Ann Christian mentioned that there has been no improvement in the continuing problem with the time it takes to have out of custody criminal defendants evaluated for competency, diminished capacity or insanity and, if anything, the problem has gotten worse. Ann will continue to monitor the situation.

2. Newton pleas in criminal cases: John Fairgrieve explained to the committee that the Prosecuting Attorney's (PA's) office was reviewing its policy concerning Newton pleas and the language concerning Newton pleas contained in its current plea offer form. He stated that he hoped to be able to relay any changes to the current policy at the committee's next meeting.

3. PA's office policy concerning the use of the Residential Drug Offender Sentencing Alternative (Residential DOSA). John Fairgrieve explained that this issue was also currently being discussed in the PA's office and his hope was to have a clear policy position to outline for the committee at next month's meeting.

## NEW BUSINESS

1. Electronic discovery: John Fairgrieve described to the committee that the PA's office was exploring the possibility of moving to an electronic discovery process in criminal cases that would involve creating electronic files for discovery on a server in the prosecutor's office and giving criminal defense attorneys

access to the discovery files over the Internet. The proposal is in the early states of evaluation and many issues, not the least of which is start-up cost, need to be addressed prior to potential implementation.

2. Judge Lewis reported that the 2011 Mock Trial program was successful and that a number of teams advanced to the state finals. He thanked the large number of attorneys who donated their time to this year's program.

3. Ann Christian reported that the number of appointments of attorneys to probation violation cases for indigent criminal defendants was down for the first two months of this year as compared to the previous year.

4. Judge Lewis asked if the Prosecuting Attorney's (PA's) office had a policy concerning the number of charges that a deputy prosecuting attorney files in a case. In particular he asked if there was any value in filing multiple misdemeanor or gross misdemeanor counts in a case involving felony counts where the additional misdemeanor or gross misdemeanor counts did not change the defendant's standard sentencing range or post release supervision. John Fairgrieve stated that he would discuss this issue within the PA's office and report back to the committee.

3. Next Bench Bar committee meeting: The committee will meet next on Tuesday, April 12, 2011 at noon in Judge Nichols' jury room.

Respectfully submitted,

John Fairgrieve

# Young Lawyers' Section



**CRYSTAL LAMBERT**  
YLS President

In 2011 the Clark County Young Lawyers Section has been holding interesting and informative CLEs on the 4th Tuesday of each month at El Presidente. Most recently, on Tuesday March 22nd, Commissioner Carin Schienberg spoke to a group of attorneys about domestic violence. We thank her for her excellent presentation. In addition, we thank her for the time she donates to the Young Lawyers as our Senior Advisor.

There will be a slight change in the CLE schedule this month. Rather than holding the CLE on Tuesday, it will be held on Wednesday, April 27th from 12:00 p.m. to 1:00 p.m.

## CLE

Guest Speaker: Honorable Darvin Zimmerman  
Topic: Distric Court Specialty Courts  
Date: Wednesday, April 27, 2011.  
Time: 12:00 p.m. to 1:00 p.m.  
Location: El Presidente on Evergreen and C Street  
Cost: \$10 for CCBA members; \$25 for non-members; \$10 for law students.

## CCBA seeks input on Condemnation CLE

The CLE Committee of the Clark County Bar Association is trying to gauge what kind of interest there might be in a CLE on condemnation. Government authorities frequently approach prospective clients about the purchase of property rights for right-of-way acquisitions for road widenings or utility easements under the at-least implied threat of condemnation. However, very few condemnation actions are actually filed to acquire these rights; the transfer of property rights to state the local government is overwhelmingly voluntary.

As a result there is very little opportunity for most practitioners to gain the experience of litigating these cases that is helpful in evaluating and advising clients regarding proposed property acquisitions by the government. The purpose of a seminar on condemnation would be to cover how condemnation actions are actually litigated and the rights of that prospective condemnees have in order to assist attorneys in evaluating cases and advising clients.

Please contact Jane Clark or Diane Wheeler.

## Upcoming CLE Schedule

Date	Area of Law	Topic	Speakers	Committee chair
April 29 <sup>th</sup> , April 30 <sup>th</sup> and May 1 <sup>st</sup> .	Guardian Ad Litem	Title 26	Josephine Townsend & TBA	Diane Wheeler
April 26, 2011 12 – 1 pm Brown Bag Lunch		Legal Implications of New Health Care Laws	Carol McCaulley	Carol McCaulley
May 5, 2011 10:00 am to 1: 15 pm	Insurance	Beyond the Crash	John Messina James McCormick	Scott Matthews
June 10, 2011		Disclosure of Public Record	Judge Robert Lewis	Jim Sellers - Carol McCaulley
July 3 hour	Intellectual Property			Mark Beatty

# 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 6S), Vancouver, Washington.

In attendance: JD Nellor, Diane Wheeler, David Gregerson, John Fairgrieve, David Ridenour, Andrew Wheeler, Kurt Rylander, Jane Clark, and Chuck Buckley.

## **I. SPECIAL GUEST- BRIAN KELLY**

Mr. Kelly is running for the 3rd Congressional District Seat of the WSBA Board of Governors.

He is an attorney from Chehalis who practices business and commercial law.

## **II. APPROVAL OF THE MINUTES:**

The February meeting minutes were reviewed and approved by consensus.

## **III. TREASURER'S REPORT:**

There remains \$23,000 on the CCBA balance sheet of which \$10,000 is in the Family Law Section Account.

At this rate the CCBA has two and a half months or less before becoming insolvent.

The Board inquired as to the remaining expenses for Mr. Thulin and whether we can get a spreadsheet with our existing budget items. Kurt said he would meet with the bookkeeper.

A meeting will occur March 11th at 12:00PM at Kurt's office. Past CCBA presidents will be invited. David Gregerson volun-

teered to provide pizza. The P & L forms will be circulated before the meeting to Board members.

It was discussed that the printing costs of the newsletter could be cut if everyone went "green"

## **IV. OLD BUSINESS**

The final M-1s have been submitted

Thulin has contacted the Department of Labor- to hopefully alter the "track" of the late filings upon initially being processed.

## **V. NEW BUSINESS**

The CCBA will not be participating in an advertising exchange with the "Insider"- the Board cited the perception of spamming member e-mails and previous policies regarding use of the CCBA e-mail mailing list.

Kurt announced that the Golf Committee is up and running again.

**NEXT MONTH:** The Board will discuss using the Barrister's Ball for a CCBA fundraiser, Board members are also encouraged to provide fundraising ideas.

## **VI. DIRECTOR'S REPORT**

The CCBA is \$150 short following the Barrister's Ball

The Barrister's Ball raised \$3,500 for VLP

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

*DATED this 17th day of March, 2011.*

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# Family Law Section Meeting



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

The Family Law Section March 2011 meeting was spectacular! We had renowned writer Phil Margolin featured as our guest speaker. He spoke about his days as a trial attorney, his path to being a celebrated writer, and his humorous outlook on his books becoming movies. Mr. Margolin drew a large crowd and was a pleasure to have our guest.

Our next meeting will be April 14 and I am excited to introduce Joshua Foreman, a prominent attorney from King County, as our presenter. Mr. Foreman will speak to the group about his specialty of the law (Dad's) and his theory on how to win a custody case. Mr. Foreman is well known for his marketing niche as an attorney fighting for Dad's. We are offering one CLE credit for this presentation.

Our last meeting in June before our summer hiatus is right around the corner so I'd like all of our members to start thinking about being an officer for the FLS next year. We have three positions, President, Secretary, and Treasurer. Serving as an officer is a great way to connect with your colleagues. Please let me

know if you are interested in serving the FLS.

As a reminder, the monthly meetings are every second Thursday of the month. We have social time from 11:30 a.m. until 12:00 p.m. and then a presentation from 12:00 p.m. to 1:00 p.m. The meetings are typically held at Tommy O's in downtown Vancouver and cost \$13.00 for lunch. If you are a member of the CCBA and FLS the CLE credit costs \$5.00. For nonmembers, the CLE credit costs \$10.00

If you would like to attend a CCBA FLS meeting and do not currently receive the email updates, please email me at [Elizabeth@elizabethchristy.com](mailto:Elizabeth@elizabethchristy.com).

Remember to visit the blog for updates and announcements:  
<http://ccbafamilylawsection.blogspot.com/>

Best Regards,

Elizabeth E. Christy

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# What CCBA Members Are Doing About Town



## RAISA JUDICATA

Guest Gossip Columnist

I suppose it had to happen at some point. Double Hearsay has been a fixture in this publication for a little over a year and much care is taken to be accurate in the gossip tidbits you read here. Alas, in last month's articles, Nancy Retsinas was incorrectly mentioned using her maiden name, Nancy Nellor (in Raisa's defense, the alliteration is just poetic), and wrongly stated as being on the Board of the Community Foundation for Southwest Washington. Nancy Retsinas is actually on the Board, and immediate past President, of the Children's Center. Both are wonderful community service organizations. Look them up if you are interested in being involved.



April showers bring May flowers, but February brought a dusting of snow to the Courthouse. There was just enough snow this year for Larry the snowman to emerge, fully formed, on the Courthouse steps. You may recall last year Larry graced us with his presence during an unexpected snowfall and was captured on the pages

of this publication. This year he may be smaller, but he is tough, complete with tooth rocks contributed by a kid who got out of school that day and was cruising the Courthouse. As Larry drib-

bled away down the steps he promised he would come back bigger than ever for the judicial election year in 2012.

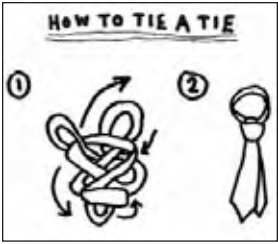


There are many different ways our Members relax and find meaning in the daily struggles of living in this society and with this profession. If you have ever tried meditation (as opposed to mediation!), or are interested in trying it, some local attorneys are heading a stress reduction/mindfulness retreat for

lawyers, judges and mental health professionals closely connected with the legal profession and their families. If you are free on Saturday, April 9th, the cost is a suggested donation (includes lunch) and it will be held at the St. David of Wales Episcopal Church, 2800 SE Harrison Street, Portland from 9 am to 3 pm. Involved with the program will be Michael Zimmerman, the former Chief Justice of the Utah Supreme Court, who maintains a law practice in Salt Lake City, and is a meditation teacher; and Dr. Jan Bays, M.D., a pediatrician (founded the CARES program at Emmanuel to investigate child abuse), mediation teacher, and co-founder of Great Vow Zen Monastery. Call 503-728-0654 or e-mail registrar@greatvow.org. We all need stress reduction – you may like it!

Raisa has been contacted by a few people, who say this column with gossip and goings-on is frivolous, and that this feature should be more





about improving the practice of law, or perhaps a “how-to” on different subjects so that people actually will get something out of these pages. Well, I have just the thing for you folks. Attorneys need to look professional at all times (even at ex parte, right Judge Rulli?) For those of you of the male persuasion who may

want to learn a new way of tying a tie, take a look here.

Now for more fun – the ladies have spoken, and we have found some very famous look-alikes among us (*see right*).

*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 raisajudicata@gmail.com. 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.*



Jill Sasser from Landerholm looks a lot like Katherine Heigel; and it's an Ugly Truth that they have the same “happy dance”.



Did you know Kathryn Holland was in a Band not so long ago? She probably never played with Reba McEntire (but could take her place on stage).



Like NYPD Blue's Sharon Lawrence, Marla Heikkala is also lookin' for justice in her disability cases.



Speaking of NYPD, Kim Delaney and Therese Lavallee represent different sides of the badge, and without question I would pick Therese to represent me!

# Clark County Washington Women Lawyers Presents :



## What Not to Wear ... In Court!

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*presented by* Dr. Jill Schmid of Tsongas Litigation Consulting

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## GETTING TO KNOW: **SCOTT STAPLES**

*"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 Scott Staples, a partner with Schuermann Thayer Jacobs & Staples in Vancouver.*



### ***Where did you grow up and how did you end up in Vancouver?***

Born and raised in Vancouver.

### ***What or who inspired you to practice law?***

My dad was and is a lawyer here in town, I worked for him during my college years and was exposed to the practice. I did not know what to do after finishing college with an English degree, and the law seemed like it might be a good fit for my strengths. Not a real inspiring tale, more of a practical one. I feel fortunate in that it has worked out so well, I thoroughly enjoy what I do.

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

I have small children (4, almost 2) who go to bed at 7:30, so most weekday evenings I only get to spend a few hours with them after work, and maybe I'll see them for an hour in the morning before I leave the house. I try to make the most out of that time, making breakfast for them, giving baths and doing bedtime, or horsing around. Even if I'm busy on a given day I always come home for that evening block of time, and if I have to go back to the office after they're in bed, or work at home, I'll do that. Luckily, with the exception of certain busy times, my hours are reasonable and I don't work too many weekends. None of it works unless my wife is a saint, which she is, and she does a tremendous job with our kids. I have given up on having hobbies that take up any significant amount of time at this point, I figure it gives me one more thing to look forward to in my later years.

### ***What activities do you enjoy in your spare time?***

See above. I do play basketball twice per week during the lunch hour (or two), and although my dedication has waned as I've become busier I still try to use my elliptical or lift weights a few times each week. I used to ski a fair amount but I've only been once the last few years. We have a pop-up tent trailer that we

try and use a few times each year for camping trips with friends. We also go every summer for a week at my family's place on Priest Lake in northern Idaho. I've been doing that since I was a child and as an adult I love making the drive, taking in the scenery of the gorge, eastern Washington, mountains, etc. My wife has had to tell me to quit enjoying the scenery so much and watch the road.

### ***When's the last time you used profanity?***

I really try not to use it regularly, it was a big no-no growing up. But the standard of play I hold myself to on the basketball court is way too high for the strictly recreational level I'm at. When I blow an easy shot or make a dumb turnover I might let something colorful loose.

### ***What type of products do you never go cheap on, for the sake of quality?***

Probably food.

### ***Describe your level of ambition.***

I'd like to think "healthy." I want to have professional success and I work hard, but not to the detriment of my family or my sanity.

### ***Do you have a desert island ""Top 5"" books or music albums?***

I tend not to read books more than once, so it will be albums.

Counting Crows- "August and Everything After." Bang for your buck, every song is great. Everything they've done since has been disappointing to me.

Gin Blossoms- "New Miserable Experience." One of the first CD's I ever bought, at the tender age of 12 back in 1992, and I've always loved it.

Silversun Pickups- "Swoon." I started listening to this band in the last few years and I really enjoy their sound.

Johnny Cash- "Unearthed" box set (I count that as 1). For me it's hard to pick just one by the Man in Black, but this is a value pick as it consists of I think five discs and it's some really interesting stuff from his final years.

Nirvana- "Unplugged in New York." Another one that came into my rotation as a teen and never left.

**Describe a few pet peeves of yours.**

Certain common errors in grammar, spelling, and phrasing. I know it's not an endearing trait, but I can't help it. I swear I do not go around correcting anyone but my wife, and she has never appreciated it. I now open myself up to having my future errors pointed out to me. Most behaviors associated with, and the prevalence of, online social networking. By the way, I am

30, not 70. People who, seemingly for sport, are rude to service industry folks like waiters/waitresses, customer service people, etc. People who, while in public, are oblivious to the volume and/or content of their conversation.

**Let your mother know how much she means to you, in the form of a Haiku.**

I'll cop out on this one. I love my mom very much, but I have an iron-clad policy against writing poetry.

**What has been the biggest lesson of your legal career?**

Be prepared, and do it far ahead of time if you can. Sounds like a no-brainer, but it's something I struggle with. I like to procrastinate sometimes, and although I've always eventually been ready and have yet to really fall on my face, I can't concentrate, relax, or enjoy my family when I have something pressing coming up and there are pieces of it that I've waited until the last minute to ready.

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# Clark County VOLUNTEER Lawyers Program

Susan Arney, *Executive Director*

Ashley Belisle, *Program Coordinator*

Administrative: 360-823-0423 • E-mail: [susana@ccbavlp.com](mailto:susana@ccbavlp.com)

Statistics for February include 77 clients seen in advice clinics, 20 in Family Law, 14 in Family Law paperwork review clinic, 7 in the Bankruptcy clinic, 4 in the General Law clinic and 270 in Housing Justice Project clinic. We placed 4 cases with an attorney for direct representation. There were 82 hours of volunteer attorney time donated.

The VLP exists because of you, the attorneys who volunteer your time so generously. We could not serve the clients we do without you. But, there is another side to our operations and that is financial. We need to pay our staff, pay rent, telephone, interpreters, insurance and the other expenses of running an office. Our funding comes from two main sources. The Legal Foundation of Washington who administer the Interest on Legal Trust Account (IOLTA) money and from Clark County Department of Community Services. Due to the economic times both our funding sources have reduced our grants the past couple of years. In 2007 the IOLTA fund was at 9 million dollars. This year it is 1.5 million. This money supports 22 legal aid programs throughout the state.

The VLP has cut our budget everywhere we can. We are not printing our annual report, we are not providing packets of information for our clients, our janitorial service agreed to reduce our fee, we lost a half time position. We are doing everything we can to reduce costs and not reduce services to clients.

We need your help! Yes, I am asking for money (even if you volunteer). Can you send one hour of billable time to the Campaign for Equal Justice ([www.c4ej.org](http://www.c4ej.org))? They do our fundraising and what you donate will come back to us. We are going to do a telethon in May. So, if you donate before then you will not get a phone call. Otherwise, be warned. We are going to call and ask for your help. I know you all know how important the work we do is and how it impacts the lives of our clients. Please be as generous as you can.

Thanks, Susan

**MANY THANKS TO ALL THE ATTORNEYS AND  
PARALEGALS WHO STAFFED THE ADVICE CLINICS,  
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AND VOLUNTEERED IN THE HOMELESS COURT IN  
THE MONTH OF FEBRUARY.**

*Lou Baran, Shon Bogar, Ivan Culbertson, Ed Dawson, Sidney Dolquist,  
Gavin Flynn, Phil Foster, David Gregerson, Dee Grubbs, Brian Haaland,  
Lincoln Harvey, Vickie Kesala, Christie Martin, Scott Matthews,  
Carol McCaulley, Erin McLeer, Abby Nelson, Brian Parker, Robert Russell,  
Randy Stewart, Anna Waendelin, Erin Wasley, Phil Wuest*



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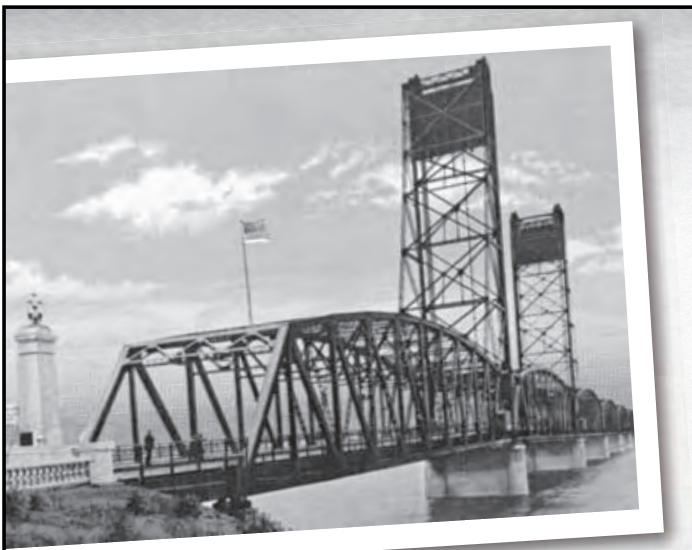
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## INNS OF COURT



**KRISTEN PARCHER**  
*CCRA Special Correspondent*

Judge Lewis' group presented on the deadly sin of ENVY.

Future Meetings:

April 20, 2011 - Judge Harris - PRIDE

5:00 p.m. - 6:30 p.m.

LITTLE ITALY'S

For more information about Inns of Court generally, please go to [www.innsofcourt.org](http://www.innsofcourt.org). For more information about joining our local Inn, please contact Scott Horenstein at [scott@horensteinlaw.com](mailto:scott@horensteinlaw.com) or Kristen Parcher at [kristen.parcher@clark.wa.gov](mailto:kristen.parcher@clark.wa.gov).

## LAW LIBRARY NEWS



**MARIA SOSNOWSKI**  
*Law Librarian*

### FOR SALE THROUGH APRIL 2011

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

1. Washington Annotated Court Rules 2008-2009
2. Washington Court Rules 2010
3. Prosecutorial Misconduct, 2007-2008
4. Truth in Lending 6th edition plus 2009 supplement
5. Washington Insurance Law 2d edition with 2009 pocket part

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

### WEEKEND KEYCARD HOURS

If you have a keycard, please be advised that starting in April the courthouse will no longer be open on Saturdays. You will be able to access the courthouse only during the week, from 5:30am until 5:30pm at the west entry (back door). Once you are in the building you may stay as long as you like.

If you have any questions, please feel free to call the law library at 360-397-2268.

## NEWS YOU CAN USE



**DIANE WHEELER**  
*CCBA Executive Director*

**Bernard Veljacic** is now at the Clark County Prosecutors Office Civil Division, located at 1013 Franklin Street. Telephone: (360) 397-2478; Email: [Bernard.Veljacic@clark.wa.gov](mailto:Bernard.Veljacic@clark.wa.gov)

**Victoria Blachly** is with Samuels Yoelin Kantor, LLP located at 111 SW 5th Avenue, Suite 3800, Portland Oregon 97204-3642. Telephone: (503) 226-2966; Fax: (503) 222-2937; E-mail: [vblachly@samuelslaw.com](mailto:vblachly@samuelslaw.com)

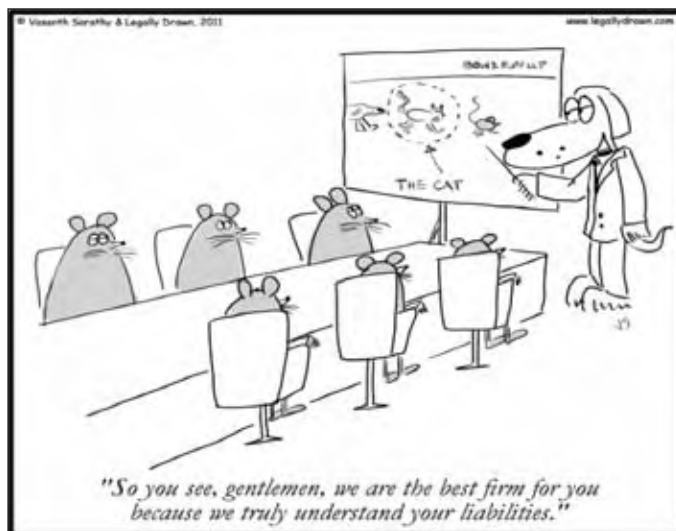
**Bruce Feldman** has a new e-mail address: [bifjd75@q.com](mailto:bifjd75@q.com)

**Eugene McKell Graff** is joining **Meredith McKell Graff at McKell Graff, PLLC** on March 1, 2011. McKell Graff is located at 3214 NE 42nd Street, Suite B, Vancouver, WA 98663. Telephone: (360) 694-9947; Fax: (360) 694-9925

**Jeffrey S. Young** is now at **Lindsay, Hart, Neil & Wagner** located at 1300 SW 5th Avenue, Suite 3400 Portland, OR 97201-5640; Telephone: (503) 226-7677; Fax: (503) 226-7697; E-mail: [jyoung@lindsayhart.com](mailto:jyoung@lindsayhart.com)

If your office is looking for a missing certified copy of a will, one was found. Please contact the Office of Laura Wolosek at (360) 254-2010.

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# UPCOMING EVENTS

MEETING

**April 12, 2011**

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

MEETING

**April 13, 2011**

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

MEETING

**April 13, 2011**

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

MEETING

**April 14, 2011**

Family Law Section meeting; Tommy O's

MEETING

**April 19, 2011**

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

MEETING CLE

**April 20, 2011**

Inns of Court – Judge Harris– PRIDE.  
Little Italy's – 901 Washington  
5:00 to 6:30

MEETING

**April 21, 2011**

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

SOCIAL

**July 15, 2011**

CCBA Barbeque  
Public Service Center Plaza

## 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.

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### THE SWLRS REFERRED 253 CLIENTS IN THE MONTH OF FEBRUARY

Administrative Law .....	16
Bankruptcy .....	7
Business & Corporate .....	2
Consumer .....	20
Criminal .....	21
Debtor/Creditor .....	6
Family .....	49
General Litigation .....	56
Labor and Employment .....	24
Real Property .....	33
Taxation .....	1
Wills & Trusts .....	14
Worker's Compensation.....	4



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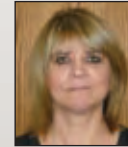
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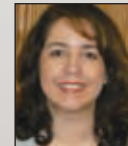
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