

HEARSAY



ccbawashington.org
SEPTEMBER 2012

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION



Send in
the clowns

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CCBA OFFICE HOURS: Monday through Friday, 12:00 p.m. to 4:00 p.m.

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PRESIDENT'S MESSAGE



SUZAN CLARK
CCBA President

Dear Fellow Members of the Bar:

It is a great honor to serve as your Clark County Bar Association president for the coming year. When I interviewed at the Clark County Prosecuting Attorney's Office in 1990, it marked the first time I actually exited I-5 and ventured into the City of Vancouver, Washington. 22 years later, I have lived here longer than any other place in my entire life and consider it home. Clark County provides the wonderful experience of practicing in a smaller town (where members of the bar still know each other!) and all the amenities of a large city with Portland right next door.

For those of you who are not acquainted with me, I am a 1986 graduate of the University of Oregon School of Law. My practice focuses mainly on criminal defense, family law and appeals. I frequently serve as a pro tem court commissioner on the juvenile criminal and dependency dockets. In my spare time I enjoy travel and I am an avid Duck sports fan. I hope to visit Sri Lanka



in December which would mark the 89th country on my list of places visited in this world.

The last few years have brought many challenges to our association. Our board dealt with many of the same challenges that face all of you in your personal and professional lives during this economic downturn. Having served on the board for more than 5 years, I look forward to expanding the economic stability that we have achieved and working towards building a stronger positive presence for our profession in the community. If you have questions or concerns or would just like to introduce yourself, please feel free to contact me at 735-9434 or at my e mail address: sclark4224@aol.com.

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

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The Clark County Bar Association Presents a Brown Bag CLE:

~ Family Offender Sentencing ~

Presented by:

Steve Thayer – Attorney

And

Amy Baddgor – Department of Corrections

Monday, October 8, 2012 Noon – 1:00pm

Public Service Center, 1300 Franklin St, 6th Floor Training Room

⇒ **Please bring a lunch! The Dragonfly Café is conveniently located on the main floor of the PSC** ⇐
1.0 CLE Credit – CCBA members: \$35 - non-members: \$45 - non-attorneys: \$25

To register: call the CCBA, (360) 695-5975, OR email: CLE@ccbawashington.org, OR

FAX this flyer to (360) 737-6891 with your BAR NUMBER _____,

NAME _____ PHONE # _____,

and EMAIL _____.



Steve Thayer graduated from the University of Puget sound Law School in 1976, and has practiced law in Southwest Washington since 1977, with an emphasis in criminal defense and accident injury litigation. Over the years he has recovered millions of dollars for victims injured in auto and motorcycle accidents. He has also tried and won criminal cases involving all kinds of charges including Assault, Drug Delivery, DUI, Robbery, Sexual Assault, Vehicular Homicide, and First Degree Murder, and successfully defended marijuana grow cases throughout the Northwest. He is a Founding Member and former Vice President of the

Washington Association of Criminal Defense Lawyers, has published and lectured extensively, was featured as a Super Lawyer by Washington Law and Politics in 2000, 2001, 2003, 2004 and 2005, and appears in the Bar Register of Preeminent Lawyers. He is admitted to practice in the State of Washington (1977), the U.S. District Court for the Western District of Washington (1980), the U.S. Court of Appeals for the Ninth Circuit, the United States Supreme Court (1983), and has also specially appeared in civil and criminal cases in California, Idaho, and Oregon.



Amy Baddgor graduated from the University of Portland in 1998 with a degree in Criminal Justice. Since then, she has been employed with the Washington State Department of Corrections as a Community Corrections Officer supervising adult felons released from both local jails and state prisons. In 2005, she began specializing in an all-female caseload, a first in the state, working closely the offenders to identify needs and make referrals to community resources. Since the passage of SSB 6639 in 2010, Amy has been working with both men and women sentenced under the Family and Offender Sentencing Alternative, providing opportunities for families to stay together and improve their lives.

Family Offender Sentencing

- The new statute
- Why it was enacted.
- The DOC mission statement
- The research on inter-generational incarceration
- Eligibility/exclusion criteria
- Community resources
- Case example: State v. Markel Town



Loren S. Etengoff is pleased to announce the completion of his new office building and his association of Gregory E. Price, of Counsel to the Law Offices of Loren S. Etengoff. The Law Offices of Loren S. Etengoff will relocate to the new office building located at 605 E. McLoughlin Boulevard, Suite 201, Vancouver, Washington 98663, (360) 693-2919, commencing business on October 1st, 2012.

The Law Offices of Gregory E. Price, P.S. will commence operation on October 15, 2012 in Suite 202. Greg expresses his sincere gratitude to his partners of 14 years – Bill Baumgartner and Bill Nelson – for their exceptional mentoring and support, while looking forward to his continued association with them on existing and future cases.

*Phone numbers and email addresses for the Law Offices of Loren S. Etengoff will remain the same. The Law Office of Gregory E. Price can be reached at (360) 828-5879, and greg@priceinjurylaw.com.



WANTED!!!

**The Hearsay is in search of new and exciting material and new and exciting contributors!
Please join us on the third Wednesday of every month at noon in Kurt Rylander's office!
If you have a great idea to share please don't hesitate to contact us.**

Call Lisa in the CCBA office at 695-5975

Send in the Clowns



DON JACOBS

Hearsay Special Correspondent

Welcome back Hearsay readers to our continuing series of feature articles about fellow CCBA members who do things loosely qualifying them as local heroes. Our subject this month is Salmon Creek medical malpractice lawyer John Gill. John grew up in Pacific Grove, California, a beautiful little coastal town just north of Monterey. He went to college at Golden Gate University in San Francisco and picked up a business degree. He must have done pretty well there because he was accepted into the prestigious Hastings College of Law in San Francisco. He graduated in 1984 and with the new degree in his quiver, figured he'd head back to Pacific Grove and hang out his shingle. That is until he actually looked around Pacific Grove. It seems the place was a very popular spot for lawyers to congregate. They were lined up wing tip to wing tip on the main drag. So John took his sheepskin and went a short ways north to the beach community of Marina. Not many lawyers there. But an awful lot of soldiers. In those days Marina was located right next to one of the biggest US military bases in the country, Fort Ord California. So John set up shop as Marina Legal Center. His firm provided young soldiers the legal services they needed. Divorces, bankruptcies, DWI's and other typical consumer legal services comprised most of the caseload. After a few years John hired some young associates and starting focusing on the personal injury cases coming into the firm. John operated the clinic for about 15 years, until 1999. Then the unforeseen happened. Congress closed Fort Ord. Talk about a ghost town. Marina just lost an army base with 40,000 servicemen as neighbors. John's business plan didn't look so good all of a sudden. So he packed up his bags and headed north to the land of easy money. The Couv. Where we all have more business than we can handle and clients want to post more of a retainer than requested. Did I mention John has some issues with business plans? But John does have some family here. He tells me attorney Bob Gregg is his cousin. And when John arrived in 2000 we still had troops at Vancouver barracks. So John came into town and immediately took both the WA and OR bar. He landed a job with Hicks & Meyer. After about a year he was hired away by Reeves Kahn & Hennessey. Then the Blair Shaeffer firm hired him about a year before they dissolved. Bad timing. Finding himself out of a job again, John began wondering whether he should just start another firm of his own. So in 2005 he hooked up with his cur-



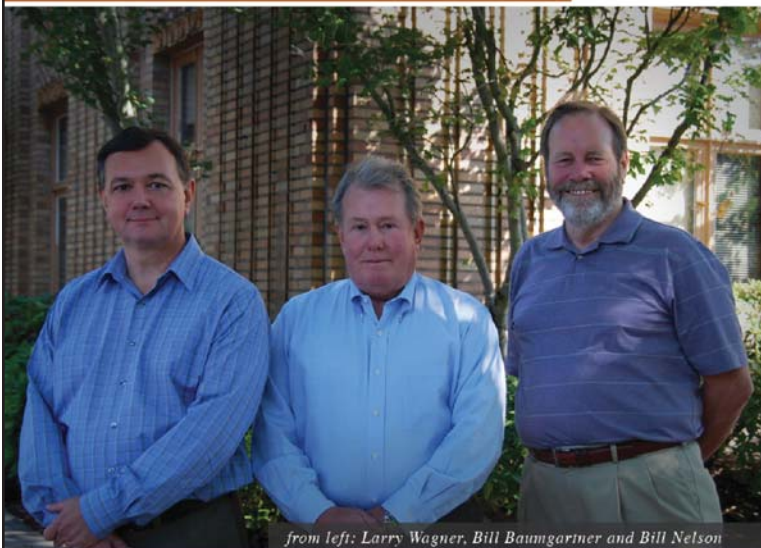
rent law partner, Trent Coons, and created the Salmon Creek Law Offices. Trent and John have been up on 134th ever since with John focusing primarily on medical malpractice.

So that's John Gill's story. I know, not exactly much different than the rest of our stories. But John's story has one thing not one of the rest of us share. You see, in his spare time, John is a clown. On many weekends he trades in his briefcase for hand buzzers and a lapel flower that squirts. Which is what got him above the Hearsay editorial board radar. For the last ten years, John has spent his off time dressing up in an outlandish suit, with painted face, baggy pants, funny nose and huge clown shoes. When John first came to town he joined the Vancouver Mason Hall, eventually becoming a Shriner. In 2002 he decided to sign on with the Shriners South West Washington Clown Unit. Sounds like it'd be a great subject for a reality show. Along with ten to twelve other unit members, John now spends his spare time performing at parades and visiting sick kids at the Portland Shriners hospital. Everything the unit does revolves around raising funds for these kids and the care they need. Many of us have heard about this place. They treat kids with a variety of birth defects and other serious ailments, all for free. Not a bad thing to support in your spare time. The unit also raise funds to help pay for the parent's transportation and lodging when the kids travel here for care.

John is passionate about being a clown. The guy's eyes just light up when he talks about it. And if you think it's easy being a clown, think again. First of all the outfit isn't cheap. A quality pair of clown shoes alone can set you back \$120. And it takes John over an hour to get into costume. Then you have to learn magic tricks. Things involving sleight of hand and a flick of the wrist. All just an illusion John says. He tells me it mostly depends upon the presentation, but he did admit to being pretty good at card tricks and making a ball disappear. He also had to learn how to juggle and make balloon animals. Talk about your transferrable skills. And just try walking in those shoes! But it's all worth it John says. There's nothing better than entertaining kids. Visiting sick kids at the Shriner's hospital and making one of them smile just makes your day. I asked him if he ever had any regrets. He was quick to answer. He says there is just nothing bad about being a clown. John says the best thing about being a clown is just that, being a clown. When he puts his costume on he is no longer John Gill the boring litigator, but Zig Zag the clown. He says he truly becomes a different person when he performs. He feels freer and more liberated. He can do all those silly slapstick antics expected of clowns but only rarely displayed by lawyers. And it all goes towards a good cause, helping fund the Shriners Hospital so hurt kids can get the care they need. John really loves what he's doing and plans on doing it forever. He says you just can't have a bad day being a clown. He shared an old saying with me, "It never rains on a clown". Well, let's hope John enjoys fair weather as Zig Zag the clown for many years to come.



INTRODUCING...



from left: Larry Wagner, Bill Baumgartner and Bill Nelson

Baumgartner, Nelson & Wagner have a combined experience of over 100 years. Their respective practices will continue to emphasize personal injury, wrongful death, and professional malpractice.

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2012/13 Nuts & Bolts, YLS & FLS Calendar

Date	Topic	Speaker	Committee Member
October 4, 2012 Noon – 1:00 pm PCS Training Room	YLS CLE Cross Examination Techniques	Paul Henderson	Crystal Lambert
October 8, 2012 Noon – 1:00pm PCS Training Room	CLE Family Offender Sentencing Alternative	Steve Thayer	Jane Clark
October 10, 2012 11:30am - 1:00pm Tommy O's	FLS CLE Presentation of Evidence at Trial	Judge James Rulli Judge Gregory Gonzales	Nathan Petersen
October 10, 2012 3:00pm - 5:00 pm Red Lion at the Quay	N&Bs Handling Liens in Personal Injury Cases	William Robison	Jane Clark
November 14, 2012 11:30am - 1:00pm Tommy O's	FLS CLE Judicial Assistant Panel: What to Do and What Not to Do	Linda Fish Gigi Darfler Jennifer Wolfe Becca Wittenborn	Nathan Petersen
November 14, 2012 3:00pm – 5:00pm Red Lion at the Quay	N&Bs Health Care Proxies & Financial Powers of Attorney	Peter Fels	Jane Clark
December 12, 2012 3:00pm – 5:00pm Red Lion at the Quay	N&Bs Negotiation	Richard Spier Jane Clark	Jane Clark
March 7, 2013 Time and Location TBD	CLE Strategize Your Electronic Presence	Ken Matejka, J.D., LL.M.	Jane Clark

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.

CCBA Annual meeting well attended



JEAN MCCOY

Hearsay Special Correspondent

53 people attended our Annual Meeting on September 10, 2012 at Red Lion at the Quay. Held every September, the CCBA Annual Meeting is the opportunity to hear from the different Court departments regarding successes and challenges for the coming fiscal year, as well as approval of the CCBA Budget and voting in new officers and directors.

Judge Barbara Johnson kicked off the information portion of the meeting with a positive message from Superior Court and information regarding upcoming judicial rotations. Put January 14, 2013 on your calendar for the swearing-in of new Department 2 Judge David Gregerson. Coming in January, Judge Melnick volunteered to replace Judge Nichols on the family law rotation and Judge Stahnke will take Judge Melnick's dockets. Judge Gonzales will also remain in Family Law Court through 2014. Incoming Judge Gregerson will handle Department 2 cases for the coming two year rotation and will then rotate to family court. The goal of Superior Court is not to have Judges "specialize", like private practitioners, but to have all Judges be fully experienced in all aspects of the law. Judge Johnson assured listeners that the Judges do not view the rotation to family court as a "sentence", but it is acknowledged that family court is one of the most challenging areas from a judicial standpoint. The Judges are presented with very personal and difficult arguments, and a large percentage of pro se litigants require extra diligence and patience, making family court a very intense rotation. Judge Johnson pointed out that both Judge Melnick and Judge Lewis volunteered to take the rotation, so the Judges are not treating it as a negative.

Judge Vern Schreiber then took the podium to describe the state of District Court, its workload and the District Court judicial rotation process. The rotation in District Court is a two year rotation, and is on a grid so there is no discretion regarding where the Judges are assigned. The rotations include dockets for Domestic Violence, Substance Abuse, Homeless Court, Veterans and Support enforcement (?). District Court Corrections has been merged with District Court and when entering the Clerk's Office the three lines are for Cashier, District Court Clerk, and District



Judge Schreiber gives a wealth of information on the workings of District Court.



A view from the podium – contribute to Hearsay!

Court Corrections. All staff is being cross-trained so the functions will be more integrated. Electronic Home Confinement (EHC) and electronic records are the big watchwords for this year. In the future, District Court is looking at availability via the Liberty system for electronic case records and District Court may be the test case for e-filing.

Scott Weber from the County Clerk's office also spoke about the Liberty system and e-filing. It is in the cards for Clark County so keep posted. The Clerk's office is serious about their auditing system to make sure the electronic file is the same as the official paper file. The electronic filing system has actually eliminated shelving in the Clerk's office, which is a great space saving. The Clerk's office is being innovative in terms of replacement of retiring clerks; in one case a clerk position was replaced with an IT professional to further increase the depth of knowledge in the department. Please make sure you are using the electronic method of strikes and setovers for efficiency. If you have any questions or ideas of ways in innovate, let Scott know at countyclerk@clark.wa.gov.



Scott Weber interests the crowd with electronic filing!

Crystal Lambert next reported on the Young Lawyers Group, as well as the Family Law Section. Crystal is the outgoing leader of Young Lawyers, and the incoming President for Family Law Section. The entire year for Family Law meetings has been planned, and there is a discount for paying in advance. Further, the Young Lawyers group will continue their Happy Hour meetings, and Senior Lawyers are always welcome for war stories, mentoring and a good time. The Happy Hour meetings are currently the second Thursday of the month at 5:00 pm at the Main Event. At this section of the meeting it had to be documented that the Senior Lawyers won the Softball Tournament against the Young Lawyers (no gloating, of course).

We had a brief Hearsay report, consisting of a call for volunteers, either long-term or one time. If you have pictures fit to print, would like to write an article, or have great information about yourself or a fellow practitioner that would be fun to share – send it in to Lisa Darco at ccbamanager@ccbawashington.org. Please also volunteer for the CLE Committee, or offer to present a topic near and dear to your heart. Advertising in Hearsay and CLE income are the biggest revenue producers for the CCBA, so keeping these committees strong is important. The CLE committee, under the leadership of Jane Clark, has many strong programs coming up to the end of the year, so sign up to attend or speak!

Voting occurred for the new officers of CCBA and the slate of officers was unanimously approved. Suzan Clark is our new President, Jane Clark, Vice President, Arin Dunn is Secretary and JD Nellor will continue as Treasurer. Incoming Trustees are Laura Mancuso and Richard McLeod.

This year marks the 35th Anniversary of the CCBA and this will be celebrated at the Barrister's Ball to be held in February at the



John Fairgrieve is ready to hand the gavel to Suzan Clark.

Pearson Air Museum again. Outgoing President John Fairgrieve outlined a Mentoring Program that he and others are looking to put in place, and if you would like to be on the committee, give John a call. The group is looking at having an informational meeting in the coming month, with training and a sponsored event occurring before the end of the year. This program is coming from scratch, and John is committed to having a great framework to pass along to future generations.

Thanks to John for all his hard work (and work to come), and thanks to Suzan, who even after working with the Board for over 5 years, was willing to head up our group and give of her time and talents over the next year!

Clark County Bar Association

2013 Barrister's Ball



Save the date for the
2013 Barrister's Ball!

February 23, 2013
Pearson Air Museum

Help us celebrate the
35th Anniversary of the CCBA!

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CCBA Monthly Board Meeting



DAVID GREGERSON
CCBA Secretary

CCBA Board meeting - Aug. 1, 2012

Board members in attendance: J. Sasser; J. Clark; D. Gregerson, J. Nellor; J. Fairgrieve (presiding); A. Dunn (12:15 arrival).

Staff in attendance: L. Darco

1. Fairgrieve called the meeting to order at 12:08 PM.
2. Approval of "summary" minutes from July 11, 2012 (Secretary did not attend). On motion duly made, seconded, and passed, "summary" minutes are APPROVED
3. Nellor was present and provided financials, with comparisons for year to date and previous year.
4. Old business:
 - a. Kaiser balance transfer: Nellor will continue with efforts (\$3,900 approx.).
 - b. Mentorship program: On June 21, committee convened with approx. 10 interested parties. PowerPoint presentation drafted with summary and outline of mentorship program, with goal to "launch" prior to September meeting.
 - c. Summer BBQ update: Darco reports \$325 raised in raffle, spent \$1,031 compared to \$1,500 last year. Attendance was high and feedback generally positive.
 - d. September annual meeting: September 10 at 12:00 at Inn at the Quay, CLE to be added to supplement after the meeting. Discussion held regarding program content and duration.
5. New Business
 - a. Membership surveys: Dunn is working, and this matter is set over to next meeting.
 - b. September annual meeting: September 10 at Inn at the Quay. Courts and clerk will be invited to give reports, membership sections. Board will aim to present an annual operating budget. Officer nominations and recommendations should be presented.
 - c. SGAL: Dunn reports he contacted WSBA which has no direct program or involvement for SGALs. Dunn contacted sister counties for a comparative study. Judge Johnson has requested that CCBA maintain a list of certified SGALs, but board feels it is more appropriate for list to be maintained by court administration. Input is needed from presiding judge Johnson. We may draw attorneys from other counties which may recognize our training in their local jurisdiction. Topic is ripe for an article in HEARSAY. King County program is a good template for the program.
 - d. SmartPros Legal and Ethics online CLE: tabled until later month's meeting
 - e. New Trustees: Fairgrieve reports that nominating committee is considering candidates for replacement trustees on the board. Recommendations should be complete by next week. Bylaws permit broad floor nomination process. Vote will be held at general membership meeting.
 - f. Community mediation services: Darco reports inquiry from CMS for partnership on mediation skill building. They are paying for advertising in HEARSAY and seminar may be qualified for CLE credit. Questions regarding whether the training will qualify and get recognition in the federal (Rule 39.1) and state courts.
6. There being no more business before the board, on motion duly made, seconded, and passed, the board meeting was ADJOURNED.

ASSOCIATE ATTORNEY

Vancouver law firm Marsh, Higgins, Beatty & Hatch is seeking a licensed Washington State attorney having a minimum of two years litigation experience. The candidate should have consumer bankruptcy experience and have experience in or willingness to develop, a couple other areas of law.

Basic knowledge of Microsoft word, Excel, and Outlook required.

Oregon license is a plus. The candidate will be expected to fully manage his or her own cases and have direct client contact. This position provides the opportunity for a candidate with initiative and a willingness to work hard, to quickly develop as an attorney.

We offer a competitive benefits and compensation package.

Please respond to this ad by forwarding your cover letter and résumé to

legalmanager@yahoo.com.

WILL SEARCH



Anyone having information concerning a will for **Roger Halvorson** please contact Ben Shafton at 360-699-3001 or bshafton@ccrslaw.com



CCBA Member Benefits

In an effort to add value to your CCBA Membership we've arranged for you to receive discounts and special benefits at some local businesses. The following businesses will be offering discounts to CCBA Members:

360 Pizzeria

Anytime Fitness—Vancouver

Roots Restaurant and Bar

The Source Climbing Center

Gustav's Pub & Grill—Vancouver

Spa of the Earth

To receive your discount, be sure to present your
CCBA membership card.

Be on the lookout for more information regarding new businesses
joining us throughout the year!

The Clark County Bar Association is pleased to announce its

Twenty-second Nuts and Bolts Lecture:

Handling Liens in Personal Injury Cases

by Attorney William Robison

Wednesday, October 10th, 3:00 – 5:00 PM, at the Red Lion at the Quay

The cost is \$50 for CCBA members, \$70 for non-member attorneys, and \$25 for non-attorneys. This will get you 2 CLE credits and the speaker's prepared materials to download. There is an extra fee if you want to pick up the materials at the door.

→ Refreshments and Refined Company. ←

To register: Call the CCBA, (360) 695-5975, OR email: CLE@ccbawashington.org,

OR

FAX this flyer back to the CCBA at (360) 737-6891 with your

NAME

PHONE # _____, BAR NUMBER _____

and EMAIL ADDRESS _____



WILLIAM D. ROBISON received his BA from Western Washington University, *magna cum laude*, in 1980. He received his J.D. from the University of Washington School of Law in 1983.

Bill is a principal in the trial law firm of Caron, Colven, Robison and Shafton in Vancouver, Washington. Caron, Colven, Robison & Shafton emphasizes plaintiff's litigation, insurance law and consumer litigation.

He is a member of the Washington State Association for Justice (WSAJ), American Association for Justice (AAJ) and the Washington State Bar Association (WSBA).

Mr. Robison is a contributing author of the "Automobile Litigation Deskbook," published by the Washington State Trial Lawyers Association (WSTLA), and has made numerous presentations to WSJA and the Clark County Bar Association on trial techniques and other important aspects of personal injury and tort law practice. Some of his reported cases include *State v. Aver*, 745 P.2d 479 (Wash. 1987); *Kysar v. Lambert*, 76 Wash.App. 470, 887 P.2d 431, 440 (Court of Appeals 1995); *Truck Insurance Exchange v. Vanport Homes*, 147 Wn. 2d 761 (Washington Supreme Court 2002); and *Rosander v. Nightrunners Transport, Ltd.*, 147 Wash.App. 392 (Court of Appeals 2008).

An outline of Bill's talk appears on the following page

STATE AND FEDERAL LIEN BASICS FOR WASHINGTON PERSONAL INJURY LAWYERS: COVERING YOUR BACK, MAXIMIZING YOUR CLIENT'S NET RECOVERY AND GETTING PAID

Introduction: By the end of this presentation you will be able to identify most liens seen in personal injury cases. You will be able to differentiate liens and categorize them by the legal ramifications they have on your client and your ability to collect fees. You should also have a basic understanding of the way you deal with each type of lien to maximize the recovery by your client, protect yourself from personal liability and ensure closure.

1) Basic Principles – subrogation:

- a) Equitable and contractual subrogation
- b) Origin and judicial opposition at Common Law
 - i) Case Splitting prohibited (Mahler)
 - ii) Assignment prohibited. (Statute)
 - iii) Made whole rule. (Thiringer)
- c) Ethical considerations. RPC 1.15(g)

2) Statutory Liens

- a) DLI
 - i) The statutory lien and Tobin
 - ii) Loss of consortium and Allyn
- b) Medicare
 - i) Dealing with Medicare liens
 - (1) Opening the case
 - (2) Insurer concerns about liability
 - (3) Your concerns about liability
 - (4) Your client's concerns about liability
 - ii) Medicare supplemental policies
 - (1) Thiringer
- c) Medicaid
 - i) Basic Health Programs
 - ii) SSI vs. SSDI
 - iii) Ahlborn and settlement
- d) Medical Liens under State Law

3) Contractual Liens

- a) Non-ERISA
 - i) Insurance policies: Auto
 - (1) Barney
 - ii) Insurance policies: Health
 - (1) Brown
 - iii) Insurance policies: Disability
 - (1) Barney, Brown, Thiringer, ERISA
- b) ERISA
 - i) How to know it is an Erisa lien
 - (1) Employee benefit plans
 - ii) Exempt plans
 - (1) Government employees
 - (2) Religious organizations
 - iii) Insured
 - (1) Thiringer
 - iv) "Self-Funded"
 - v) Trusts
 - vi) Current status of the law and arguing the lien
 - (1) Identifying Self Funded plans
 - (a) Getting to the truth
 - (2) Equitable sharing and related theories
 - (a) McCutcheon, Rose and the cutting at the edge.

LEARN MEDIATION SKILLS AND EARN CLE CREDIT!

Register for Community Mediation Services Basic Mediation Training

September 6, 7, 8, 14, and 15, 2012
at the Clark County Public Service Center

Approved for 37 WSBA CLE Credits,
including 2.25 Ethics Credits.

This 40 hour training includes conflict theory, conflict styles,
active listening and communication techniques, trust building,
collaborative negotiations and the mediation process.

Register Now! Space is Limited!

Before August 20: \$595

After August 20: \$650

Non-profit and group discounts available.



For more information, call:
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Inns of Court



ELIZABETH CHRISTY
Hearsay Special Correspondent

The Inns of Court is excited to begin another entertaining and educational program for 2012-2013! Our strong team of officers this year includes Judge Stahnke as President; Commissioner Parcher as Vice-President; Rick McLeod as Programs Chair; Erin Priest as Treasurer; and, Nathan Peterson and me as Membership Co-Chairs. This year's theme is the Bill of Rights and we've started compiling a package of skits in line with our theme.

Our kick-off party was held September 19 at The Atrium. We had a healthy turnout and a good time was had by all. The next meeting is October 17 from 5:00 p.m. to 6:30 p.m. at Little Italy's located at 901 Washington Street. The meetings will be every third Wednesday of the month at the same place and time.

I hope you consider signing up for Inns this year. Not only are the programs fun and informative, but the Inns is a good place to

network with other attorneys in different practice areas. It is also a unique forum to interact with the Judges and Commissioners. The commitment is minimal and the reward is great!

The registration form can be obtained by emailing me at Elizabeth@elizabethchristy.com. The dues are graduated depending on how long the member has been practicing. The breakdown is as follows:

15+ years	=	\$210
5-15 years	=	\$160
0-5 years	=	\$110
Law Student	=	Free

Hope to see you at the next meeting!

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THE DEVIL'S ADVOCATE



The Devil's Advocate is an anonymous column that presents opposing positions of hot, politically incendiary legal topics of the day. The positions are presented from opposing view points. The author(s), who will remain anonymous, specifically do NOT endorse any position advocated, in the true spirit of legal advocacy. The author(s) take comfort in RPC 1.2(b)

"A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities."

Referendum Measure No. 74: A ROSE BY ANY OTHER NAME

This measure would allow same sex couples to get married.

END HOMOPHOBIA

There can be no justification for the continued oppressive discrimination against gay people in this State. Love is love, and should be celebrated wherever it is found. If two consenting adults wish to be married, the gender mix should make no difference whatsoever. What is freedom if you are not free to love whomever you will? And how can you be free to love whomever you will if the most basic union under the law is prohibited to you. Those barring marriage to same sex couples are not driven by reason, but instead by homophobia.

Banning gay marriage is clearly discrimination against a minority group, and it violates religious freedom by elevating some religious belief systems above others through the law.

Homosexuality is accepted today and research supports that it is a biological status—not a choice.

Moreover allowing a loving gay couple to be married does not hurt anyone.

Further, allowing gay marriage will increase child adoptions, reducing the number of unwanted children, and it will help cut down on high risk sexual lifestyles.

It doesn't hurt anyone. We say yes to love.

WHAT'S THE BEEF

What is the point? As the explanatory statement to the referendum states: *"The same rights, responsibilities, and obligations that state law grants or imposes on married couples and their families also apply to state-registered domestic partners."* So why pursue this expensive referendum? Domestic partnerships have the same rights as a marital partnership. The referendum is merely a counter culture driven propaganda battle seeking to upset societal norms and beliefs.

Moreover, once the leap has been made, blurring the line on what constitutes marriage, how soon before laws prohibiting polygamy (multiple wives), polyandry (multiple husbands), and cross species cohabitation are challenged. After all the legal arguments are virtually identical as those regarding gay marriage.

The desire to be politically correct does not change the basic fact that gay marriage confuses children about prevailing marital gender roles in society.

Further, it is not a healthy lifestyle. Research shows that active homosexuals have lower life expectancy, psychological disorders, and other problems.

What you do in the bedroom is your business, but now you want to bring it into everybody else's living room. We just say no.

Next Month: Something incendiary

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CCBA Young Lawyers Section – 2012 CLE Series

The CCBA Young Lawyers Section would like to invite you to the final CLE in their 2012 Brown Bag CLE Series! A “Young Lawyer” is defined as an attorney that has been in practice for 5 years or less or is 36 years of age or younger, whichever is later. Attorneys not meeting these criteria are still invited to attend. *Everyone is welcome!*

Location: Public Service Center, Commissioner’s Hearing Room, 6th Floor

Cost: \$10.00 - CCBA Member “Young Lawyers”
 \$25.00 - CCBA Members
 \$35.00 - Non- CCBA Members
 \$5.00 - Staff

Date/Time	Speaker	Topic
October 4, 2012 Noon – 1:00 p.m.	Paul Henderson	Cross-Examination Techniques

Please RSVP by emailing ccbayounglawyers@yahoo.com

All payments must be made out to CCBA-YLS and should be sent to:
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HEARSAY PROFILE

CLARK COUNTY COURTHOUSE

HOME: Duh!

AGE: Timeless in many ways, but chronologically, 71. My grandfather was built in 1882, but he was a ball of fire, bursting into flames in 1890. My dad was built in 1890. I was built in 1941.

PROFESSION: Palace of Justice.

HOBBY: Hosting political protests and radicals wearing robes.

LAST BOOK READ: *Pillars of the Earth*.

LEGAL PHILISOPHY: "Abandon dope, all ye who enter."

LATEST ACCOMPLISHMENT: Surviving vandalism.

WHY I DO WHAT I DO: It's more interesting than being a gym.

PROFILE: Blocky, but nice.

BEVERAGE OF CHOICE: Judgment Day¹, because I like something that shakes my foundations.

Footnote 1

1 part Everclear, 1 part Jagermeister, 1 part Liqueur, coffee,
1 part Rum, overproof/151 proof, 1 part Schnapps, peppermint



What CCBA Members Are Doing About Town

RAISA JUDICATA
Guest Gossip Columnist

Have you heard the phrase “Honk if you love Jesus. Text while driving if you want to meet Him”? We are lucky to have Suzan Clark still with us. Just before Labor Day and on her way to a movie, a teenager going way too fast and texting at the time hit the car Suzan was riding in, totaling the car. Suzan then went about her usual business, hard at work for over a week before our brilliant medical system determined the three ribs that she was told were just “bruised” from the accident were actually broken! Suzan is one tough chick who doesn’t give up – beware you Prosecutors!



Unless you break the glass, Judge Bennett needs a new robe!

Those of us that didn’t know what to call Judge Roger Bennett after his retirement from the Superior Court bench (Judge; Mr. Bennett; Rog?) will now need to go back to calling him “Judge.” Judge Bennett applied and was chosen to replace

Judge Greg Gonzales as the Battle Ground Municipal Judge. Judge Bennett was sworn in on September 4, 2012 (by Judge Gonzales!) and will preside in Municipal Court on Thursdays, and at Night Court on the second and fourth Tuesdays of the month adjudicating misdemeanors and civil infractions. Being the Municipal Court Judge doesn’t preclude Judge Bennett from taking other cases or mediating. With his prior judicial robe hermetically sealed, a new robe must be on order (?)

Summer is a time for bees, fried chicken and company picnics (and more bees). Duane and Peggy Lansverk hula’ed their way around the bees at Vancouver Lake Park and won the best dressed

contest at the Landerholm summer picnic. Duane still comes into the office when he is in town and waves to his secretary, Linda.

Proving to us that Jessica Dimitrov actually does have the right stuff, Jessica and her husband John recently met Major General Charles Elwood Yeager (known to all as Chuck Yeager) and dined with him at the home of a family friend. Known fondly as “the rocket scientist”, Jessica’s husband, John told General Yeager that it was because of his example that



Peggy and Duane Lansverk get in the spirit of the picnic and win a prize for Best Hula!



What Jessica and General Yeager would look like should he have been leaning against a plane a number of years ago with her at his side.

he chose the career path that he did. General Yeager is now 89 years old, but as sharp as a tack. General Yeager was only 24 years old when he broke the sound barrier at an altitude of 45,000 feet, and continued to push the limit harder and faster. As we move toward November and political battles threaten to divide, it is

comforting to recall the pride in our national heroes gone before, and those still living.

Speaking of filling some big shoes, the Columbian recently reported about Barry Brandenburg’s new employee hire, Bennett Brandenburg, Barry’s 22 year old son. Bennett will be putting in his time under the State’s law clerk program, hoping at the end of the four years to take the Bar Exam, and continue his dad’s law practice. Bennett graduated this spring from George Fox University, and will be putting in a full day at the office, studying



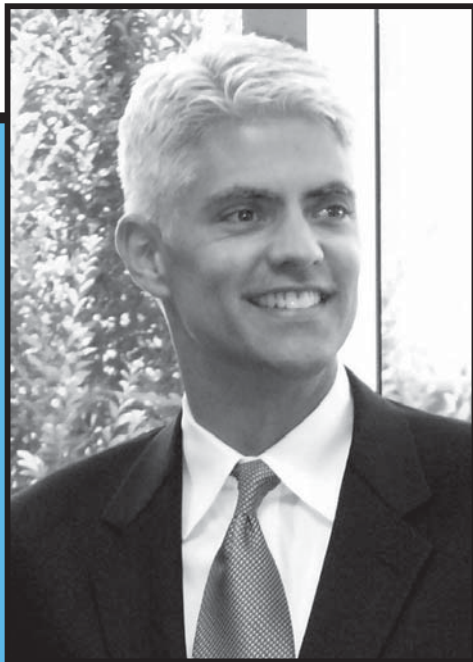
at night for his credentials. Barry's practice focuses around criminal defense and personal injury cases and he will be teaching his son all the right moves. There are currently 62 students enrolled in Washington's law clerk program, compared to 1,680 attending Washington's three law schools. Washington's program is one of only four in the United States, and has been in place for 28 years. Clark County over the years has boasted several fine "graduates" of this program. Good luck Bennett!

And finally, a sad piece of history for those of us that decided to be lawyers just like Perry Mason; the television show Perry Mason will no longer be seen at noon on KPTV five days a week. Because of declining ratings, the show that was a staple of the noon to 1 pm slot on Channel 12 is being moved to mornings on sister station KPDX. Out of a Portland metro market of 1.2 million households, only 2,200 people were watching Perry Mason in later years; the channel's lowest rated show. The move to a

different channel and an 8:00 a.m. time slot hopefully will keep the show on the air, as there is now a lower ratings threshold to be successful. The show, which originally ran from 1957 to 1966, boasted 271 episodes and the entire catalogue can be ordered on DVD. Episodes can also be seen on The Hallmark Movie Channel for those disappointed viewers. Victoria Blackwell will remember brown bagging it in the little house out back of Nichols, Lane & Marshall, and then running back when our hour-long lunch break was up to practice what we learned. Good times, good times....L;L ; ;

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.

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The Portland Marathon is getting close. I am really training hard. I will be on the start line on Sunday, October 7th. I don't know how far I will make it but I will be there. Please support me and the Volunteer Lawyers Program, If you haven't already made a pledge please find your form that was delivered to you or go to our website – www.ccvlp.org – and make a pledge. Your support is appreciated.

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 JULY

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Statistics for JULY

Cases Place for Representation	7	Volunteer Attorney Hours	181.60
Clinic	# of Clients	Clinic	# of Clients
Family Law Advice Clinic	25	Family Law Paperwork Clinic	19
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Housing Justice Project Clinic	6	Housing Justice Project Courthouse	13

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MARIA SOSNOWSKI
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FOR SALE: Through October, 2012:

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

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Litigating Employment Discrimination Cases (James Publishing) - pages plus CD Rom

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

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One find feature can be used within the form used. For example, to find a check, if check number is known:

- display a check (Banking menu > Write Checks)
- display find screen (Edit menu > Find Checks)
- enter check number
- click Find

Note: If there is more than one check with the same check number, a list will appear. Double click the line to display the check.

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LISA DARCO
CCBA Office Manager

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2013 Membership Directory: We're beginning to reserve advertising space for this years directory. Contact me for more information.

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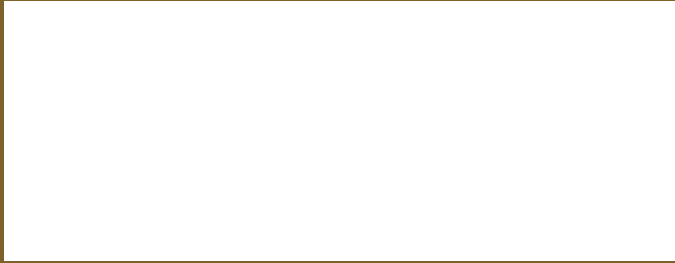
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