DEFENSE NEWS

Fighting for Justice and Balance in Civil Courts

WDTL
WASHINGTON DEFENSE TRIAL LAWYERS
Fighting for Justice and Balance in Civil Courts

July/August 2005

IN THIS ISSUE

Finding a Way to Maintain Judicial Independence

By Jeff Frank, The Seattle Times, 07-01-2005

The U.S. Senate appears to have averted its latest showdown over filibusters to block judicial nominees, and Dino Rossi won't appeal his lost gubernatorial election because he says the Washington state Supreme Court is not politically predisposed to rule in his favor. These controversies are only the latest examples of politics' increasing invasion into judicial selection.

The hallmark of our American judiciary has always been impartiality. That impartiality is increasingly at risk. In both our nation and Washington state, political divisions are deep and margins of advantage are narrow. Consequently, political parties and special-interest groups may look for new ways to influence public policy. Washington state offers exceptional opportunities for politics to affect selection of judges.

While it hasn't happened egregiously here yet, two primary avenues open the way - unlimited campaign contributions and unfettered gubernatorial appointments.

First, we are one of only four states that elect judges, yet place no limits on the amount one person or entity can contribute to a judicial candidate's campaign. That lack of limits helped enable Jim Johnson to receive more than $400,000 compared with the $156,000 raised by his opponent, Mary Kay Becker, in their 2004 race for an open state Supreme Court seat.

The fund-raising advantage allowed Johnson's campaign to run two television ads that aired a total of 222 times. In a race decided by a 52.7 percent to 47.3 percent split of the vote, those television ads and additional funds raised may well have affected the outcome.

In 2001-02, the top fund-raiser won in 20 of 25 state supreme court races nationwide, according to a study by New York University's Brennan Center for Justice. In 2002, according to the center, the candidate who spent the most on TV ads won in nine of 11 state supreme court races nationwide in which TV ads were run.

Campaign contributions are especially significant in judicial elections. Candidates for judge are prohibited by ethics rules from speaking extensively about their views on specific issues. As a result, voters have more difficulty becoming informed about judicial candidates, which in turn increases the importance of name recognition in an election campaign.

Second, because judicial vacancies often occur between elections, more than half of Washington's judges were initially appointed by the governor. Of the 31 current

Continued on Page 2

Editor: Gregory A.V. Clark
T. 206.292.8930 | F. 206.386.5130 greg.clark@bullivant.com

WDTL Executive Director, Kristin Lewis
T. 206.749.0319 | F. 206.749.0321 kristin@wdtl.org

www.wdtl.org

WDTL
WASHINGTON DEFENSE TRIAL LAWYERS
Fighting for Justice and Balance in Civil Courts

DEFENSE NEWS

The Defense News is published bi-monthly by the Washington Defense Trial Lawyers, c/o WDTL, 601 Union St., Ste 4100, Seattle WA 98101. **SUBSCRIPTION:** Included in dues of all active members. **EDITORIAL POLICY:** Defense News is edited for members of the Washington Defense Trial Lawyers. Publishing and editorial decisions are based on the editors' judgment of the quality of the writing, the timeliness of the article, and the potential interest to Defense News readers. The views expressed in the Defense News are those of the authors and may not reflect the official policy or position of WDTL or Defense News. **SUBMISSIONS:** All submissions must be typewritten, double-spaced (including citations). Include with the article an electronic format – either by email or disk. Articles may be submitted to kristin@wdtl.org or greg.clark@bullivant.com. **ADVERTISING:** All advertising inquiries should be directed to: Kristin Lewis, 601 Union St., Suite 4100, Seattle, WA 98101, (206) 749-0319 or e-mail: kristin@wdtl.org

Defense News does not screen its advertisers/advertisements and does not vouch for the quality of the services offered for sale herein.

Finding a Way

From Page 1

state Supreme Court and Court of Appeals judges, 16 were first appointed by the governor. Of the 179 current Superior Court judges, 103 were first appointed. Because incumbent judges are rarely defeated, a governor's appointees generally remain in office.

In appointing judges, no law limits the governor's discretion. We depend solely on the integrity of our state's elected leaders to make appointments based on competence. Nothing else prevents partisan considerations from taking precedence.

Our state has been fortunate to enjoy a high-quality judiciary, free of the incidents of outside influence occasionally found in other states. To ensure we sustain a high degree of judicial independence, the Washington Defense Trial Lawyers has joined with the King County Bar Association, the American Judicature Society, the League of Women Voters, the Municipal League, and other groups to form a task force to explore alternatives to our state's current judicial-selection process.

Limiting campaign contributions is certainly one of the alternatives to be explored. Another is the establishment of a merit-selection commission. Such a commission would nominate judicial candidates based on their professional qualifications and forward a short list of recommendations to the governor, who could only make appointments from that list.

To reduce the likelihood of political standoffs like the U.S. Senate's, merit-commission members would be nominated from both the legal and non-legal communities. The commission would be nonpartisan.

Merit selection is widely used across the country. A total of 24 states use merit selection to choose supreme court judges, while 21 use election.

Key studies also support merit selection. In its 1996 report on Washington state's judicial-selection process, the Walsh Commission recommended a merit commission for judicial nominees. So did the American Bar Association in its nationwide 2003 report on state judicial selection.

An independent judiciary is one of the cornerstones of state and federal government. While elected legislators and the governor are expected to have a political agenda, judges must administer the law free of outside influence. When politics plays a role in selecting judges, there is invariably the appearance of bias. In our system of government, appearance of fairness within the judicial branch is as important as fairness in fact.

We're fortunate that Washington's judges have managed to avoid political influence and maintain such a high degree of impartiality. We should give them every opportunity to continue their high standards of fairness in the future, without the risk of political or special-interest influence.

Jeff Frank is the immediate past president of the Washington Defense Trial Lawyers and a partner in the law firm of Bullivant Houser Bailey in Seattle.

Disgruntled Employees in Your Law Firm: The Enemy Within

By Sharon D. Nelson, Esq. & John W. Simek © 2005 Sensei Enterprises, Inc.

"I can take these guys out of business anytime I want"

- a law firm system administrator

If that doesn't chill your bone marrow, you need to lower your dosage of Xanax! The truth is, most law firms give the keys to their kingdom (their data) to their IT employees and pay very little attention to the inherent dangers in trusting them. Hackers and other external intruders surely remain a legitimate threat, but the greatest threat invariably comes from within.

Why do employees become disaffected? Perhaps they didn't get a raise, or feel they are not treated with sufficient respect. Perhaps they want to prove their machismo or illustrate how stupid their high paid bosses are. Some are not disgruntled but greedy, and seek to win the lottery by lifting their employer's data. The worst threat of all is the fired employee. This employee is always unhappy, and sometimes vengeful. What better way to seek revenge than to bring the law firm's technology to its knees? Without its networks, the average law firm today is virtually paralyzed.

So what can happen? Here is an example that we once had to cope with. The head of a local lawyer referral office resigned under pressure. Angry at her bar association, she performed wholesale deletions on the server, wiping out agency forms, procedures, correspondence, and historical records. Fortunately, she was not technically adroit and, with a little technical wizardry, all the deleted material was recovered despite the inexplicable absence of backup tapes. Not every employer is that lucky.

What law firms tend to worry about are power failures, system crashes, hackers, spyware and viruses. To be sure, those are all things that can and should be worried over, but the greatest danger is often close to home. It is much easier to create all manner of mayhem from within given an insider's knowledge.

Real Life Nightmares

• An AOL software engineer stole the personal information of 92 million (million!) customers in May, 2003 and sold the data to various and sundry spammers. He originally sold the data for the less than princely sum of $28,000 but got smarter along the way and began charging $100,000 per sale. By the time this article is published, Mr. Jason Smathers is expected to be a guest of federal authorities for an anticipated 18-24 months.

• Apple filed two lawsuits in December 2004 accusing insiders and partners of leaking proprietary information.

• A Forbes computer technician, angered at his termination, brought down five of eight network servers. All the data in those servers was deleted and none of it was recoverable. Forbes was compelled to shut down its New York Office for two days and sustained losses of more than $100,000.00.

• A Lockheed Martin employee crashed its e-mail system by sending 60,000 colleagues a personal e-mail

Continued on Page 4

WDTL STAFF

Member Services

David Penrose
4141 Agate Road
Bellingham WA 98226-8745
Phone: (360) 392-0467
Fax: (360) 392-0468
Email: service@wdtl.org

Accounting

Jackie Mintz
PO Box 27644
Seattle WA 98125-2644
Phone: (206) 522-6496
Email: accounting@wdtl.org

Executive Director

Kristin Lewis
601 Union St., Suite 4100
Seattle WA 98101
Phone: (206) 749-0319
Fax: (206) 749-0321
Email: kristin@wdtl.org

Disgruntled

From Page 3

message requesting an electronic receipt. Lockhead Martin had to fly in a Microsoft emergency response team to repair the damage.

• Prudential Insurance Co. had an employee merely frustrated with his sense that he was underpaid. His revenge consisted of purloining electronic personnel files for more than 60,000 Prudential employees. He not only sold the information over the Internet, but incriminated his former supervisor in the theft.

• Omega Engineering suffered $10 million in losses when a network engineer, agitated about his termination, detonated a software time bomb that he had planted in the network he helped to build. The bomb paralyzed Omega, which manufactures high tech measurement and control devices used by the Navy and NASA. When the bomb went off in the central file server, which housed more than 1,000 programs as well as the specifications for molds and templates, the server crashed, erasing and purging all programs. The incident resulted in 80 layoffs and the loss of several clients.

As horrific as these stories are, they are only the tip of the iceberg. If you want the hair on the back of your neck to stand up still further, check out the stories at www.cybercrime.gov/cccases.html.

Don't assume that disgruntled employees are all you have to worry about! There are other, often overlooked, "insiders" such as independent contractors, vendors and clients - and yes, those cleaning folks who come in late at night. If you left everything up and running, you have no idea what your computer may be doing at midnight.

Continued on Page 7

President's Column: WDTL Wants YOU!

By Jill Haavig Stone

A big thank you to all WDTL members who attended our recent Convention and Annual Meeting at Sun Mountain. We had great CLE presentations, hot weather and lots of family fun, time to get to know fellow members, and of course, cold beer and good food. Plan ahead to join us next year at the Westin Whistler - July 13-16, 2006.

At the Convention, new Officers and Board members were approved by the membership. Congratulations and a big thank you to all incoming Board members for this committment to WDTL. As the newly-elected President, I look forward to the coming year, and invite suggestions and recommendations from all members as to how WDTL can assist you and enhance your practice.

Membership renewals materials are in progress at this time. Please submit your renewal information promptly - and don't forget your dues! WDTL is a growing, dynamic organization and has many events and outreach activities planned that each of you will want to be a part of.

Signing up to participate in one of the substantive law sections or committees is a key way for members to really utilize the resources of WDTL. The sections and committees put you in touch with fellow members who focus their practice in areas similar to your own. Participation is also the best way to become identified as a willing speaker to potential client groups as WDTL continues to pursue alliances with other business organizations. We made several significant contacts last year and will continue our efforts in the coming year. Each individual outreach effort is coordinated with the corresponding committee or section, so those who participate have the first opportunity to market themselves and showcase their abilities.

We have several new CLE topics planned for this coming year, as well as continuing to offer those seminars which are extremely popular with the membership. In addition, we are planning three Judicial Receptions this year, at locations around the state, so your membership renewal assures you the opportunity to meet and interact with judges. Our first reception is scheduled for October 11, 2005. Join us!

Think about people you know within or outside your firm that might not be current WDTL members. Encourage them to join us or pass their names along to Kristin Lewis or any Board member. WDTL has something for everyone. I look forward to a fun and productive year working with you all.

And the Defense Wins

Eric Gillett of the Seattle law firm **Preg, O'Donnell & Gillett, PLLC** successfully defended his client, Horizon Lines LLC, a container ship transportation company, from a Jones Act/unseaworthiness claim filed by one of its seamen. Plaintiff alleged that the ship was unseaworthy and that Horizon Lines was negligent for creating an unsafe worksite where plaintiff injured himself while performing his duties as an able-bodied seaman.

The worksite included several watertight doors that required tightening with wing nuts to keep seawater out during transit. Plaintiff alleged that the doors were too difficult to tighten and required him to stand in an awkward position when tightening them. Plaintiff's counsel argued that Horizon never provided the plaintiff with instructions on how to do the job safely. Plaintiff also alleged that the tool provided for completing the task, a "cheater bar," was unsafe because it could slip off the wing nut and cause him to slip. Plaintiff tore his left biceps tendon while tightening one of the wing nuts.

The defense maintained that the job was part of plaintiff's routine activities and that he had performed the task thousands of times without injury or complaint. The defense also contended that plaintiff's biceps tendon tear was caused by preexisting degeneration of the tendon and that the act of tightening a wing nut was just the "straw that broke the camel's back."

Plaintiff's case was presented to a 12-member jury over the course of four days. The defense presented its case in less than a day. Defense experts included an orthopedist, an ergonomist and an economist. The jury returned a defense verdict after two hours of deliberation, finding that Horizon Lines was not negligent and that its ship was not unseaworthy.

Chris Tompkins and **Pam Kohli Jacobson,** of the Seattle law firm **Betts Patterson & Mines,** and co-counsel from the firm of **Fulbright & Jaworski,** acted as plaintiff's counsel for 3M Company and recovered monies owed by its former distributor, Stongard, Inc., and successfully argued against claims of trademark infringement made by Stongard.

Stongard was an authorized distributor of a 3M product called Paint Protection Film (PPF). 3M sells the PPF in bulk rolls to distributors at the wholesale level, who then convert the film into pre-cut "kits" for resale to applicators who, in turn, install the finished kit onto consumer vehicles.

In their initial complaint, 3M sought to recover over $20,000 in outstanding invoices from Stongard from 2002.[1] Stongard responded by filing counterclaims accusing 3M of trademark infringement and unfair competition under the Lanham Act, among others. Stongard alleged that 3M's use of the mark "Scotchgard" in connection with its PPF products is likely to cause confusion with the mark "Stongard", and that 3M committed trademark infringement by placing the term "Stongard" in the metatags of its PPF website.

After being presented incontrovertible evidence that showed the strength of 3M's "Scotchgard" trademark as a well established, familiar mark that has become both famous and synonymous with 3M and their products, the King County Superior Court Judge found that 3M did not infringe upon Stongard's trademark rights when it decided to use the "Scotchgard" mark on its PPF products. The court also determined that the there was no evidence that 3M willfully infringed Stongard's trademark rights with the use of the term "stongard" in the metatags of its PPF website, and Stongard was not entitled to any of 3M's profits as a result. Stongard also conceded that it did owe 3M approximately $20,000 for products purchased from 3M in 2002.

Michael King, Michael Runyan, and **Emilia Sweeney** of **Lane Powell PC** recently collaborated on an appeal that overturned a substantial jury award against an insurance industry client. On Monday, June 13, the Washington State Court of Appeals, Division I, threw out a 2003 judgment on a jury verdict that awarded an Auburn oral surgeon over $1 million, including attorneys' fees and costs, against his professional liability insurer, Fireman's Fund Insurance Company.[2]

Emilia Sweeney was retained as defense counsel by Fireman's Fund when faced with dentist Robert Woo's suit. The suit was filed after Fireman's Fund refused to defend Woo against a suit brought by a former employee who had been the victim of a prank involving a set of boar's teeth that had been inserted into her mouth during oral surgery by Woo. On summary judgment, Sweeney argued that Fireman's Fund was not obligated to defend Woo because his prank was not covered under the policy. The trial court denied that motion, and found that Fireman's Fund had breached its duty to defend Woo under all three coverages contained within the policy (professional, general and employment practices). Michael Runyan was brought into the case to assist with the ensuing trial. At trial, the jury was advised that Fireman's Fund had wrongly refused to defend Woo. The jury found that decision to be in bad faith, and awarded Woo $750,000 in emotional distress damages. The trial court additionally awarded Woo the costs of the settlement he paid to his former employee, Consumer Protection Act treble damages and attorney's fees and costs. The total judgment exceeded $1.7 million.

Fireman's Fund appealed, at which time Sweeney brought in Michael King, co-chair of Lane Powell's appellate practice group. Facing Seattle appellate attorney Charles Kenneth Wiggins in the appeal, King argued that no parts of the policy - neither professional liability, comprehensive general liability, nor the employment liability rider - were ambiguous, as Woo contended, and that none applied to the incident. Judge Kennedy's opinion for the unanimous Court of Appeals supported King's arguments that the trial court erred in granting summary judgment to Woo regarding Fireman's duty to defend, and reversed and dismissed all claims of bad faith against Fireman's Fund and its affiliates, which vacated the judgment and resulted in a win for Fireman's Fund.

1. Betts Patterson & Mines was asked to substitute in after the initial claim was filed.

2. Woo v. Fireman's Fund Ins. Co., 114 P.3d 681 (June 13, 2005).

Disgruntled

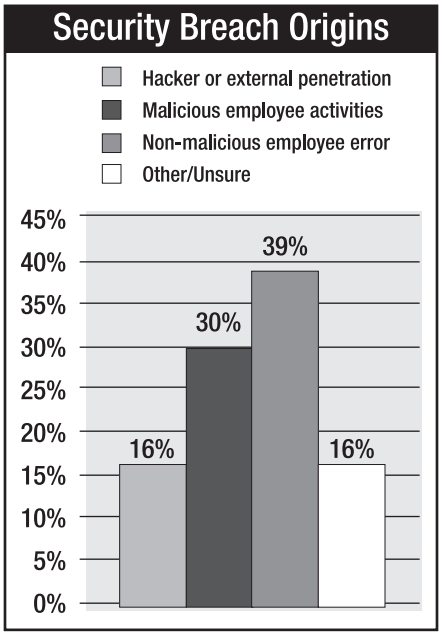
From Page 4

Statistics

The Gartner Group reports that 84% of high-cost security incidents occur when insiders send confidential information outside the company. It's easy to see why. Hacks have to figure out how to break into the network, then locate, obtain and distribute the target data, all without being detected by increasingly sophisticated security systems. People within the firm have authorized access to data AND access to the Internet - a deadly combination from a security standpoint.

The Computer Security Institute/FBI 2003 Computer Crime and Security Survey found that of 488 companies surveyed, 77% suspected a disgruntled employee as the source of a security breach. Vontu, a company which makes software designed to prevent confidential data loss, conducted assessment studies which showed that one out of every 500 outbound e-mails contains confidential data.

A 2004 study by the Pokemon Institute clearly indicates that the great threat to law firm security comes from within, whether the employee action ismalicious or merely inadvertent.



Continued on Page 14

The Latest Discovery Technology

By Marsha J. Naegeli & Troy S. Moody

Discovery is a challenging and rewarding process. The rewards are frequently based on the speed and efficiency of data acquisition and its interpretation; the pitfalls are related to the lack thereof. Therefore, success in the discovery process is only as effective as the technology used to uncover and apply it.

The newest advances in the discovery process have recently been made in audio technology. You may ask, "What's so important about audio technology?" After all, hasn't reading the text of a deposition in the courtroom been the format used by legal professionals for years? It is not that these outdated methods are unacceptable; they are simply under-convincing.

The audio portion of a deponent's testimony is critical to the discovery process. According to UCLA professor Albert Mehrabian, a pioneer in communications research, the format for presentation of information is the key to clarity and memory. His research shows that the rate of human retention for the spoken word is only a low 7 percent. This means that when attorneys read aloud from the text of a deposition, juries actually retain very little of the information presented. However, when the audio transcript synchronization is utilized, the listener becomes actively involved in a whole new way. The addition of tone alone increases a listener's retention rate to 35%. The manner in which words are spoken-including tone, inflection, volume and pauses-will have a strong emotional impact on a jury and causes the rate of retention to increase exponentially.

A good argument with great facts is only as strong as the ability to present it effectively. The emotional impact and retention of information, the most valuable commodities in legal presentations, can be lost when an attorney is limited to reading aloud from portions of a typed transcript. It becomes even more difficult if accessing that information is slow and cumbersome.

Audio technology, in its infancy only a few years ago, has finally come of age. Attorneys now have the option of using the most effective tool of all: the voice of the witness. What if an attorney could relive every heart-felt sob, nervous stutter, angry moment or long pause that was not available with only the written transcript available? If a witness appears to be a nervous liar during the deposition process, the jury needs to hear him impeach himself through his own hesitations and stammering.

> The ability to present data in a cogent manner is critical when influencing a jury, and can be the magic bullet that produces a settlement or wins your case.

Naegeli Reporting is setting the benchmark throughout the country by providing this innovative advantage with each transcript. Using an audio recording known as the Voice File, each deposition is recorded and synchronized to provide immediate access to the transcript information. This neoteric option employs a digitized CD of the deponent's testimony which is synchronized to the written transcript word-for-word. The audio file is linked to each word of the transcript using a unique software program, allowing simultaneous audio and visual access to any word or phrase. Also included in the package is an array of support programs for instant access to and extended manipulation of the textual material.

To make the most of available time is paramount in the legal profession. Busy attorneys spend many hours in transit, hours that can be frustrating and unproductive. Have you ever been on the freeway during rush hour mentally replaying the deposition you took a few days prior? If only you could use that time more productively.

The good news is that the loss of productive time is no longer necessary! Attorneys can now take advantage of the newest innovation in the Naegeli litigation support system: the Personal Audio CD for Car and Home. This CD provides a recording of a deposition and is available for use anywhere there is a media player. The flexibility of this product is extensive. Legal professionals now have more time to accomplish their goals.

Attorneys can review cases while commuting, which allows them increased opportunity to use their talents and billable time more effectively. The Personal Audio CD allows attorneys to use time to its fullest potential and take total advantage of their day. In keeping with our history of cutting-edge technology and outstanding service, Naegeli Reporting Corporation provides this innovation free to our clientele with every transcript.

The old adage, "time and tide wait for no man" is still true today. Discovery can be a rewarding process, but only

Continued on Page 12

Snapshots from the Annual Convention:

Held at Sun Mountain
July 28-31, 2005

Mark your calendars for next year's convention - July 13-16, 2006 at the Whistler Westin

Attendees enjoying the good weather and fun company at the Cowboy camp dinner.

Keating-Bucklin table at the Saturday night dinner

Jeff Frank receiving DRI exceptional performance award from Roy Umlauf

Judicial Profile: An Interview with The Grays Harbor County Superior Court Bench

By Matt Marinelli

This is the fourth of a new series of judicial profiles in the Defense News. With the assistance of Mark Scheer and the Judicial Relations Committee, we include the profile of a different judge each issue. This month's profile features the Grays Harbor County Superior Court bench, consisting of the Honorable David Foscue, the Honorable Gordon Godfrey, and the Honorable F. Mark McCauley.

Judge Foscue has been a Superior Court judge in Grays Harbor since 1986. Before becoming a judge, he was Aberdeen Corporation Counsel, Chief Deputy Prosecuting Attorney, and in private practice. In 2002, he was named Judge of the Year by the Washington Chapter of the American Board of Trial Advocates.

Judge Godfrey began his term on the bench in Grays Harbor County Superior Court in 1992. Prior to joining the bench, Judge Godfrey was in private practice for 15 years.

Judge McCauley, the newest member of the bench, joined the Grays Harbor County Superior Court in 1993. Judge McCauley clerked for the Honorable Harold John Petrie of the Court of Appeals, Division 2, and later worked in private practice for 13 years before joining the bench.

What has been your most unusual moment in the courtroom?

Judge Godfrey: There was an angry husband that threatened to flush his dog's ashes down the toilet in a dissolution proceeding.

Any recommendations for visitors to the Grays Harbor Community.

Judge Foscue: Almost any outdoor activities, such as fishing, hunting, or mountain climbing.

Judge Godfrey: Golfing.

Judge McCauley: Visit the beach, especially Ocean Shores or Westport.

Please tell me about this picture which depicts a football team from the early part of the 1900s.

Judge Godfrey: The picture includes Jim Thorpe and former Judge J.M. Phillips on PopWarner's First All American Football Team. Judge Phillips played football along side Jim Thorpe and later became the first full-blooded Native-American to serve on the bench in Grays Harbor while presiding from 1929 through 1950. Judge Phillips was the father of Gladys Phillips, one of the very first women admitted to the Washington state bar. The other photograph is Judge Phillips with Jim Thorpe.

What about the change in MAR limits, what impact do you think this will have on the courts, if any?

Judge Godfrey: The original purpose of ADR, as created by the state legislature, was to create a voluntary process for the parties to resolve disputes. Now that the process is mandatory, the burden has shifted back to the courts, yet the legislature is not creating any new judgeships to deal with the process, or allocating any additional funds to the courts to handle these cases.

Any other trends in state courts that you find encouraging/discouraging?

Judge Foscue: The courts are not sociologists, yet the court is asked to "treat" drug offenders by ordering the offenders to counseling. This creates a conflict in interest for a judge who sits in the role of a decision maker.

Judge Godfrey: I agree with Judge Foscue. We are not policy makers, we interpret the law. The recommendations coming from the court regarding drug offenders is a legislative function, which is not responding to the needs of society. There is also a lack of professionalism, courtesy, and deference to the court. The decorum in a court room, especially during oral argument, should be quiet. Listen to the judges and allow opposing counsel to speak without interruption. What I see is the opposite and it is inappropriate.

Judge McCauley: I see attorneys bickering with one another, actually turning towards each other. This detracts from the actual issues before the court and is a terrible form of practice.

If you could change anything in the court system, what would it be?

Judge Foscue: Most cases seem to be tainted by drugs, whether it is criminal

Continued on Next Page

From Page 10

or family law. This issue should be addressed by schools and/or the family.

Judge Godfrey: There is a lack of resources, not just here, but in every county. There are drug programs in which we may order a drug offender to enroll in; however, there is no space for the person to enroll. As a result, we see this person in court down the road. This also applies to foster homes and mental health programs, to name a few. There is an across-the-board lack of resources which is frustrating because the judges are given the responsibility to "solve the problem," yet the counties are not given the resources to do so.

What is more challenging, presiding over a trial with a new attorney or an older (experienced) attorney?

Judge McCauley/Judge Foscue: The "experienced" attorneys tend to know the law inside and out, thus our job as a judge is a little tougher with new attorneys in making sure they are up to date on the law. Overall, the level of preparation by an attorney will usually show at trial.

When were these murals painted on the ceiling in the atrium and within each courtroom (for those who have not seen them in person, the murals are breathtaking and appear to be brand new)?

Judge Godfrey: The courthouse itself was built in 1910-1911 and the murals were created at that time. We had a major remodel in 1970 and again after the earthquake in 2002, but the murals have been present since construction of the original courthouse.

Do you have any hometown hints for dealing with Grays Harbor attorneys?

Judge Foscue: Try to resolve issues without the necessity of judicial intervention. The best rule that has come down recently is that which requires "a good faith effort to consult with the other attorney." There are instances where parties file a motion and there has not been any conference between the attorneys. We have a friendly local bar, and I believe that most disputes can be resolved amongst the attorneys.

Do you have a preference between a criminal or civil trial?

Judge Foscue: Something that I haven't had before, whether criminal or civil.

Judge McCauley: An interesting civil trial because the criminal trials tend to become somewhat routine.

Are there any particular cases in the news that you have followed?

Collectively - Once we walk out the door, the last thing they want to do is read about other cases.

What about the governor's race?

Collectively - Glad it wasn't me.

If you could change places with any other judge on any type of court (traffic, municipal, superior, appellate, Supreme Court, military, international, etc.), what would it be?

Judge Foscue: I think I would try all of them for a day, but I enjoy the Harbor.

Judge Godfrey: I have the best job in the world. I wouldn't switch with any of them.

Judge McCauley: We live in a great county, get along with the other judges, and know the local attorneys (i.e., ditto.).

Which of you is the best judge for a defense attorney?

Judge Godfrey: If we each received 10 questions (whether plaintiff or defense oriented), each of us would answer the same way.

Judge McCauley: I noticed some affidavits when I was first appointed, likely due to my coming from a plaintiff's firm, but in the end, we all are just trying to make the decisions the right way.

Do you have any recommendations for out-of-town attorneys who have a case in Grays Harbor County Superior Court?

Judge McCauley: Know the local rules, especially those regarding scheduling. This can be particularly helpful due to the fact that the docket rotates on a three month basis (criminal, family, civil). The judge assigned to your case may need to go through a criminal calendar for a majority of the morning before hearing any other matters. To save time, attorneys may request a special set with the court administrator. This way, the motion can be heard on another day of the week and the attorneys will not be left waiting for longer than necessary.

I have also noticed that there seems to be a lack of bench copies for motions. There are times when one of us will

Continued on Page 12

Judicial Profile

From Page 11

hear a motion on another's calendar, but may not have immediate access to the file. Bench copies are very helpful in these circumstances.

Judge Foscue: Call a local attorney, especially if there is something unusual, such as ex parte matters, because there is no such thing as an ex parte calendar in Grays Harbor. An ex parte matter may be handled in the judge's chambers during a coffee break. An attorney will wait a long time before hearing "ex parte" matter during the regular court docket.

If you weren't serving on the bench, you would be. . .

Judge Foscue: In the mountains on a horse.

Judge Godfrey: Golfing

Judge McCauley: Back to practicing law, with time for golf, snow-skiing, and travel.

Technology

From Page 8

if there is significant opportunity to organize available information. Flexibility and speed of data acquisition are essential to this process. The issue for attorneys is simple: Those who use the latest technology have more time to research the facts and plan an effective strategy. The ability to present data in a cogent manner is critical when influencing a jury, and can be the magic bullet that produces a settlement or wins your case. The question should no longer be what technology exists, but how best to apply it.

Marsha J. Naegeli, President and CEO of Naegeli Reporting Corporation, and Troy S. Moody, Director of Trial Technology for the firm, provide attorneys with a full complement of court reporting services which include Trial Presentation. Naegeli Reporting Corporation serves the Northwest market with offices in Oregon, Washington, and Idaho.

Welcome New Members

WDTL welcomes the following members who have recently joined our organization. A big THANK YOU to our members who referred these individuals to WDTL.

Melissa D. Carter
Preg O'Donnell & Gillett, PLLC

Robert T. Clelland Jr.
Ted Clelland Inc

Karen L. Cobb
Stafford Frey Cooper
Referred by Ted Buck

Heather S. Cohen
Marderosian Runyon Cercone Lehman & Armo

Jason H. Daywitt
Keating Jones Bildstein & Hughes, P.C.
Referred by Anne Foster,

Mark J. Fucile
Stoel Rives LLP

Gregory D. Fuller
Seattle City Attorney's Office
Referred by Sue Holm

Jennifer Gannon
Williams Kastner & Gibbs PLLC
Referred by Carin Marney

Anamaria Gil
Reed McClure

Philip T. Kasin
Schwabe Williamson & Wyatt P.C.

Matthew F. LaMotte
Lee Smart Cook Martin & Patterson

Elizabeth P. Martin
Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim LLP
Referred by Brad Maxa

D. Toby McLaughlin
Witherspoon, Kelley, Davenport & Toole, PS
Referred by Ryan Beaudoin

Lesa Olsen
Garvey Schubert Barer
Referred by Jennifer Bucher

Thomas P. Rowland
Forsberg & Umlauf, P.S.
Referred by Ronald J. Trompeter

Lisa D. Schwab
Law Offices of Shahin Karim
Referred by Shahin Karim

GailAnn Y. Stargardter
Barrett & Worden, P.S.
Referred by Barrett & Worden, P.S.

William M. Symmes
Witherspoon, Kelley, Davenport & Toole, PS
Referred by Ryan Beaudoin & Brian Rekofke

Dear WDTL Members:

As Chair of WDTL's Judicial Liaison Committee, I am extremely pleased to invite our WDTL members and their guests to this year's Judge's Reception, which will be held on Tuesday, October 11, 2005, from 5:30 - 8:00 p.m. Please join us for an intimate gathering of colleagues to meet with Federal and King and Snohomish County judges. We will also take time to recognize this year's Best Defense Attorney, Best Plaintiff Attorney, and Best Associate as previously voted on by our memberships.

Hors d'oeuvres and a hosted bar will be offered in the beautiful conference rooms of Preston Gates and Ellis LLP overlooking Puget Sound's evening skyline. We will also have an entertaining and a thought provoking guest speaker. Tickets are $70 per person and are available by contacting Kristin Lewis at 206.749.0319, or by registering online at www.wdtl.org.

I look forward to seeing you and sharing in our recognition of another tremendous year of hard work and dedication to a worthy profession.

Very Truly Yours,

Mark P. Scheer

Disgruntled

From Page 7

The Dark Side of Security

All law firms have come to recognize glumly that some level of security is necessary. With further reluctance, they acknowledge that they will have to spend serious sums on security. But they usually underestimate their needs, especially if they have not yet been burned by a security breach. It's no joke to say that security comes at a price, both literally and figuratively.

Security done right can be doggone expensive. Without question, it is always an extensive burden, and the aggravation factor doesn't decrease over time. Implementing security can slow systems down and impair productivity. There is almost always a tradeoff between security, system access and productivity. Yet the absence of security is always sorely lamented - after the fact. Tracing security breaches, remedying their effects and preventing recurrences - all of this costs a great deal more than careful preventive measures.

How to Achieve Security and Sleep at Night

• Have strong, enforced policies about computer, e-mail and Internet usage.

• Have computer security training for new employees, particularly emphasizing the dangers of social engineering.

• Check references, and run background checks on system administrators!

• Use firewalls and specialized software designed to prevent your data from leaving your firm, such as products from Vontu, Vericept, Authentica, Liquid Machines and Websense. Modern software can do such things as look for contextual clues in messages to see if they are ok to send or be coded such that particularly sensitive files can be identified and blocked from transmission. Software has evolved to the point where it can analyze a range of variables, from content patterns and relationship to sender and recipient attributes, as well as network protocols and gateway locations. Of course, this doesn't prevent a miscreant from putting the data on a thumb drive and walking out the door.

• Back up your data and do test restorations religiously.

• Use off-site "cold" storage as well as "warm" storage onsite.

• Run virus/spyware protection software that self-updates on a regular basis.

• Restrict employee access to confidential information.

• Require the use of strong passwords and regular password changes.

• Physically secure your servers and make sure all workstations are turned off when employees leave for the day.

• Monitor/filter employee activity and announce your intention to do so, making that notice a part of the dialog box when employees log-on to the network.

• Terminate employees carefully, without notice and requiring the immediate return of any company property, including laptops, PDAs, cell phones, loose media, etc. Do not allow the employee access to a computer while packing personal belongings (or have those items pre-packed) and make sure their ID is disabled so remote access is no longer possible. If misconduct is suspected, take the computer out of service until the machine can be forensically imaged and analyzed.

• Check out cyberinsurance (which we will cover in another "Hot Buttons" column) and make sure you have coverage appropriate for your firm.

In the end, the best prophylactic is using the suggestions above and constant vigilance. Disgruntled employees are a constant, but their ability to inflict severe financial damage has increased exponentially with the technological juggernaut. Only eternal vigilance really works - and even that only buys you a better shot at avoiding or surviving technological assaults.

The authors are the President and Vice President of Sensei Enterprises, Inc., a legal technology and computer forensics firm based in Fairfax, VA. 703-359-0700 (phone) www.senseient.com

Big Business Turns to Plaintiffs Lawyers for Help

Trial Skills, Lower Costs are Winning Corporations Over

By Tresa Baldas, The National Law Journal, 07-11-2005

Though once considered a thorn in the side of corporate America, plaintiffs attorneys say big businesses are hiring them with increasing frequency to help fight their legal battles.

For example, in Florida, personal injury lawyer Jack Scarola was the lead counsel in billionaire Ronald O. Perelman's recent $1.4 billion win in a securities fraud suit against investment bank Morgan Stanley.

In New York, personal injury attorney Bob Clifford of Chicago's Clifford Law Offices is representing General Electric Co.'s insurance arm in the World Trade Center litigation where insurers are suing American Airlines and airport security to recoup costs paid out for damages from September 11.

And in Illinois, asbestos litigator Jeff Cooper's Chicago firm CooperSimmons, which has seen an "explosion of interest from corporations," recently formed a business-to-business, contingency fee-based litigation practice in partnership with New York's Hanly Conroy Bierstein & Sheridan.

"Corporate America is more willing now to dance with the devil -- that being your plaintiffs lawyers -- in bet-the-company cases to represent them because there is no longer the stigma that there used to be," said Scott Marrs, an intellectual property lawyer with Houston's Beirne Maynard & Parsons who helped a company win a $130 million verdict in a patent case involving a vegetable slicer two years ago.

"You would never, ever find a corporation hiring a plaintiffs lawyer 20 years ago to represent it in litigation," Marrs said. "It's a new phenomenon."

In the past, attorneys note, most business-to-business lawsuits were handled by traditional, full-service law firms that charge by the hour, as well as large defense-oriented firms with strong ties to the business community. Hiring a plaintiffs lawyer, such as a wrongful death or personal injury attorney, was considered taboo.

But that stigma has subsided, they assert, mainly because of two factors: rising legal fees, which have prompted companies to look for less expensive legal options; and tort reform, which has forced plaintiffs attorneys to get more creative with their services.

"I think that in part, this is a response to what we all see as a mounting assault on the tort system and a means by which to begin to build into our practices a safeguard against some draconian tort reform measures," said Scarola, the lead attorney in the Perelman case. "It's not business seeking out the skills of personal injury lawyers, but us going after them as a safeguard."

Scarola, a litigator with West Palm Beach, Fla.'s Searcy Denney Scarola Barnhart & Shipley, said Jenner & Block recruited him in 2001 to assist in Arthur Andersen litigation, and then in the Perelman case, both in Palm Beach, Fla. He said his name came up as someone to consider as local counsel.

Jerold Solovy, chairman of Chicago-based Jenner & Block, recalls bringing Scarola on board. He said that calling on a personal injury litigator to handle a complex business matter didn't concern him.

Instead, he saw Scarola's trial experience as an asset. "What you want is somebody who can try cases. Mr. Scarola knows how to try cases. That's why we picked him," Solovy said.

Continued on Page 16

Big Business

From Page 15

Ready for the Jury

Scarola said that in recent years he has seen a growing reliance upon lawyers with personal injury skills to present business matters before juries. Of course, he speaks from personal experience.

In the Perelman case, Scarola said he had to simplify complex business concepts before the jury and show how Morgan Stanley covered up the failing finances of Sunbeam Corp. so Perelman would sell his Coleman camping-equipment company to Sunbeam in exchange for cash and Sunbeam shares. Accustomed to explaining complicated medical procedures in his personal injury cases, Scarola said he was prepared for the challenge.

Scarola's tactics worked. The jury in May hit Morgan Stanley with $850 million in punitive damages and $604.3 million in compensatory damages. Coleman Parent Holdings v. Morgan Stanley, No. 2003 CA 005045 AI (Palm Beach Co., Fla., Cir. Ct.).

Attorneys for Morgan Stanley include Mark Hansen of Kellogg, Huber, Hansen, Todd, Evans & Figel in Washington and Joseph Ianno of Carlton Fields' West Palm Beach office. Neither was available for comment.

While many attorneys agree that corporations are turning to the plaintiffs bar, they don't agree on why.

Michael Slack, managing partner at Slack & Davis, a personal injury and wrongful death firm in Austin, Texas, said it is not that tort reform is driving plaintiffs lawyers to big companies, as some suggest, but that big businesses are chasing plaintiffs lawyers.

"I think somebody held a business conference somewhere and said, 'You know what, we're not being very smart about shopping for legal services if we're not hiring contingent fee-based plaintiffs lawyers," Slack said. "We were chuckling about it in-house the other day ... where it seems the inner circles at businesses are now saying, 'The same people that we've been bashing in the tort arena are our new best friends.'"

Slack said that in recent months, his personal injury firm, which deals mainly with aviation accidents and pharmaceutical cases, has been inundated with phone calls from businesses seeking contingent fee-based legal services.

"We've had more inquiries in the last six months than we have had since this firm was established," said Slack, who is planning to hire a top commercial litigator to handle this new demand for litigation services. "All of a sudden, the negative connotations that have been directed to contingent-fee lawyers over the last decade seem to have been overcome."

Then again, some plaintiffs firms find they are not up to the challenge.

Patent attorney Fred Tecce, who specializes in contingency fee-based commercial litigation, said he has seen plaintiffs attorneys cutting in on his turf in recent years.

"From what I've seen and know from talking to some of my clients, they're seeing an uptake in med-mal guys who are worried about tort reform," Tecce said. "A lot of these med-mal guys are trying to fashion themselves and repackage themselves as business-to-business litigants. But I don't mind the competition at all."

Tecce of McShea & Tecce in Philadelphia noted that in the last few years, he's picked up four referrals from plaintiffs law firms that took a shot at commercial contingency fee cases, but found out they couldn't handle them.

"If these guys take these cases, they take one of them. They get burned. And I end up getting referral work," Tecce said.

Continued on Next Page

Contingency Fee Appeal

Marc Moller of the aviation litigation and personal injury firm Kreindler & Kreindler in New York believes mounting legal fees are leading companies to plaintiffs firms that operate on a contingency fee basis.

Moller's firm is currently handling five business-to-business cases, and has settled another five in recent years.

"[Contingency fees] are very attractive for companies that are trying to control their litigation costs," Moller said. "A contingent fee lawyer only gets money if he wins."

He added that this fee makes lawyers more picky in the cases they decide to take. "There's a higher premium on winning if you're only going to get paid if you win," he noted.

Jim Beasley, managing partner of Philadelphia's Beasley Firm, which handles many products liability claims, noted that his firm represents many small businesses that have problems with Fortune 500 companies. He said the contingency fee model helps small companies that want to sue other companies, but can't afford to.

"It gives them the same key to the courthouse that a poor person would have," said Beasley, adding that contingent fee billing is also more efficient. "If you run on a contingent fee model, you know that attorneys representing you are going to be efficient. They're not just here to bill, they're here to work."

It's the Big Verdicts

But defense attorney Levi McCathern of McCathern Mooty in Dallas believes corporations are selling themselves out to the plaintiffs bar. He argues that plaintiffs attorneys are winning businesses over because of the lucrative verdicts they get.

Companies are impressed with these big verdicts, he said, so they're willing to hire plaintiffs attorneys to take on their big cases.

"I just think they'd be better served by using the defense bar," McCathern said. "Commercial litigation has long been the work of the defense bar. But not anymore. ... I've seen it go south."

McCathern also questions plaintiffs attorneys' motives in helping corporate America.

"Sometimes most of the good plaintiffs attorneys are what I call true believers – they really believe that corporations are the evil empire that control the country," McCathern said. "It's interesting to see them get on their side and work these kinds of cases. I certainly think that tort reform has placed them in that position."

There's no denying that, contend several plaintiffs attorneys.

"There's no questions that this business model can help firms become tort-reform proof," said Cooper, whose Chicago firm started the business-to-business litigation practice two months ago.

Since then, he said the firm has received more than 200 phone calls from companies of all sizes looking for legal representation. He said the stigma of hiring plaintiffs lawyers appears to be over.

"One CEO we spoke to in his office said, 'Having you guys in my office is like Nixon going to China,'" Cooper said. "We're seeing a loss of that stigma. When we first entered, we thought we'd have to sell a lot harder, and that hasn't been the case."

He said further, "There's a niche in this market that we're able to fill, and I expect other plaintiffs firms to do this."

Despite plaintiffs lawyers' claims that corporations are warming up to them, officials at many companies declined to comment for this story.

Officials at Industrial Risk Insurers, General Electric's insurance arm in the World Trade Center litigation against American Airlines, declined comment on why they picked Clifford as counsel.

2005 – 2006

OFFICERS

PRESIDENT
Jill Haavig Stone
Burgess Fitzer, PS
1501 Market Street, Suite 300
Tacoma WA 98402-3333
253.572.5324 voice
253.627.8928 fax
JHS@burgessfitzer.com

PRESIDENT-ELECT
Steven Stocker
Stamper, Rubens, Stocker & Smith, P.S.
Suite 200 Post Place, Suite 1700
West 720 Boone
Spokane WA 99201
509.326.4800voice
509.326.4891 fax
sstocker@stamperlaw.com

SECRETARY
Ted Buck
Stafford Frey Cooper
601 Union St, Suite 3100
Seattle WA 98101
206.623.9900 voice
206.624.6885 fax
tbuck@staffordfrey.com

TREASURER
Rick Roberts
Law Offices of Sharon L Bitton
200 West Mercer St, Ste 111
Seattle WA 98119
206.286.1890 x15 voice
206.286.1941 fax
richard.roberts2@thehartford.com

PAST PRESIDENT
Jeff Frank
Bullivant Houser Bailey PC
1601 Fifth Avenue, Suite 2400
Seattle WA 98101-1618
206.521.6409 voice
206.386.5130 fax
jeff.frank@bullivant.com

BOARD ADVISOR
Joanne T. Blackburn
Forsberg & Umlauf
900 Fourth Avenue, Suite 1700
Seattle, WA 98164-1039
206.689.8500 voice
206-689-8501fax
jblackburn@forsberg-umlauf.com

TRUSTEES

Tim Ashcraft
Williams Kastner & Gibbs
1301 A Street, Suite 900
Tacoma WA 98402
253.620.6504 voice
253.620.6565 fax
tashcraft@wkg.com

Jillian Barron
Sebris Busto James
14205 SE 36th St., Suite 325
Bellevue, WA 98006
425.454.4233 voice
425.453.9005 fax
jbarron@sebrisbusto.com

Greg A.V. Clark
Bullivant Houser Bailey PC
1601 Fifth Avenue, Suite 2400
Seattle WA 98101-1618
206.684.8229 voice
206.386.5130 fax
greg.clark@bullivant.com

Jeffrey Downer
Lee Smart Cook Martin & Patterson
1800 One Convention Place
701 Pike Street
Seattle, WA 98101-3929
206.624.7990 voice
206.624.5944 fax
jpd@leesmart.com

Jesse Franklin
Preston Gates & Ellis LLP
925 Fourth Avenue, Suite 2900
Seattle WA 98104-1158
206.370.7817 voice
206.370.6063 fax
jesself@prestongates.com

Jeffrey M. Kreutz
Meyer, Fluegge & Tenney, PS
230 S 2nd St
P.O. Box 22680
Yakima WA 98908
509.575.8500 voice
509.575.4676 fax
kreutz@mfllaw.com

Carin Marney
Williams Kastner & Gibbs
601 Union Street, Suite 4100
Seattle, WA 98101
206-628-6568 voice
206.628.6611 fax
cmarney@wkg.com

Michelle Menely
Gordon Thomas Honeywell
600 University St, Ste 2100
Seattle WA 98101
206.676.7532 voice
206.676.7575 fax
mmerely@gth-law.com

Michael Nicefaro
Office of the Attorney General
900 Fourth Ave, Suite 2200
Seattle, WA 98164
206.464.7352 voice
206.587.4229 fax
mikem@atg.wa.gov

Mark Scheer
Scheer & Zehnder LLP
720 Olive Way, Suite 1605
Seattle, WA 98101
206.262.1200 voice
206.223.4065 fax
mscheer@scheerlaw.com

Emilia Sweeney
Lane Powell Spears Lubersky LLP
1420 Fifth Avenue, Suite 4100
Seattle, WA 98101
206.223.7087 voice
206.223.7107 fax
sweeneye@lanepowell.com

Matthew Wojcik
Forsberg & Umlauf
900 Fourth Avenue, Suite 1700
Seattle, WA 98164-1039
206.689.8500 voice
206-689-8501 fax
mwojcik@forsberg-umlauf.com

COMMITTEE CHAIRS

Amicus
Stewart Estes
Keating, Bucklin, McCormack
800 Fifth Avenue, Suite 4141
Seattle WA 98101-2939
206.623.8861 voice
206.233.3423 fax
sestes@kbmlawyers.com

Bar Liaison
James Macpherson
Kopta & Macpherson
365 Ericksen Avenue, Suite 325
Bainbridge Island, WA 98110
206.780.4050 voice
206.780.8868 fax
jemacpherson@cs.com

Board Development
Steven Stocker
Stamper,Rubens, Stocker & Smith, PS
Suite 200 Post Place, Suite 1700
West 720 Boone
Spokane WA 99201
509.326.4808 voice
509.326.4891 fax
sstocker@stamperlaw.com

Committee Coordinator
Michelle Menely
Gordon Thomas Honeywell
600 University St, Ste 2100
Seattle WA 98101
206.676.7532 voice
206.676.7575 fax
mmerely@gth-law.com

Community Service/Pro Bono
Jesse Franklin
Preston Gates & Ellis LLP
925 Fourth Avenue, Suite 2900
Seattle WA 98104-1158
206.370.7817 voice
206.370.6063 fax
jesself@prestongates.com

Court Rules Chair
Jeffrey Tilden
Gordon Murray Tilden LLP
1325 Fourth Avenue, Suite 1800
Seattle, Washington 98101-2510
206.467.6477 voice
206.467.6963 fax
jtilden@gmtlaw.com

DRI State Representative
Joanne T. Blackburn
Forsberg & Umlauf
900 Fourth Avenue, Suite 1700
Seattle, WA 98164-1039
206.689.8500 voice
206-689-8501fax
jblackburn@forsberg-umlauf.com

Judicial Liaison Chair
Mark P. Scheer
Scheer & Zehnder LLP
720 Olive Way, Suite 1605
Seattle, WA 98101
206.262.1200 voice
206.223.4065 fax
mscheer@scheerlaw.com

Legislative Committee
Rick Roberts
Law Offices of Sharon L Bitton
200 West Mercer St, Ste 111
Seattle WA 98119
206.286.1890 x15 voice
206.286.1941 fax
richard.roberts2@thehartford.com

Membership
Jillian Barron
Sebris Busto James
14205 SE 36th Street, Suite 325
Bellevue, WA 98006
425.454.4233 voice
425.453.9005 fax
jbarron@sebrisbusto.com

New Member Commitee
Matthew Wojcik
Forsberg & Umlauf
900 Fourth Avenue, Suite 1700
Seattle, WA 98164-1039
206.689.8500 voice
206-689-8501 fax
mwojcik@forsberg-umlauf.com

Past Presidents
Michael Runyon
Lane Powell Spears Lubersky
1420 Fifth Avenue, Suite 4100
Seattle WA 98101
206.223.7062 voice
206.223.7107 fax
runyanm@lanepowell.com

Programs
Carin Marney
Williams Kastner & Gibbs
601 Union Street, Suite 4100
Seattle, WA 98101
206.628.6568 voice
206.628.6611 fax
cmarney@wkg.com

Publications
Greg A.V. Clark
Bullivant Houser Bailey PC
1601 Fifth Avenue, Suite 2400
Seattle WA 98101-1618
206.684.8225 voice
206.386.5130 fax
greg.clark@bullivant.com

Strategic Planning
Emilia Sweeney
Lane Powell Spears Lubersky LLP
1420 Fifth Avenue, Suite 4100
Seattle, WA 98101
206.223.7087 voice
206.223.7147 fax
sweeneye@lanepowell.com

Technology
John Schedler
Lee Smart Cook Martin & Patterson
1800 One Convention Place
701 Pike Street
Seattle, WA 98101-3925
206.624.0405 voice
206.624.5944 fax
jws@leesmart.com

SECTION CHAIRS

Construction
Pauline Smetka
Hebell Fetterman LLP
1001 Fourth Avenue, Suite 4200
Seattle, WA 98154
206.292.1144 voice
206.340.0902 fax
psmetka@hebell.com

Employment/Corporate Counsel
Kimberly Meyers
Lane Powell Spears and Lubersky, LLP
1420 Fifth Avenue, Suite 4100
Seattle, WA 98101-2338
206.223.7000 voice
206.223.7107 fax
meyersk@lanepowell.com

Government Liability
Richard Jolley
Keating, Bucklin & McCormack, Inc., P.S.
800 Fifth Ave, Suite 4141
Seattle, WA 98104 3175
206.623.8861 voice
206.223.9423 fax
rjolley@kbmlawyers.com

In-House Counsel
TBD

Insurance
Jeffrey Downer
Lee Smart Cook Martin & Patterson
1800 One Convention Place
701 Pike Street
Seattle WA 98101-3929
206.624.7990 voice
206.624.5944 fax
jpd@leesmart.com

Maritime
Katie Mattison
Lane Powell
1420 Fifth Avenue, Suite 4100
Seattle WA 98101
206.223.7000 voice
206.223.7107 fax
mattsonk@lanepowell.com

Product Liability
TBD

Professional Liability
Randa Wick
Johnson, Graffe, Keay, Moniz & Wick, LLP
925 4th Ave, #2900
Seattle WA 98104
206.223.4770 voice
206.386.7344 fax
randa@gkm.com

Workers' Compensation
Joan Morgan
Slagle Morgan LLP
801 2nd Ave, Suite 1110
Seattle WA 98104
206.839.4704 voice
206.447.0111 fax
joan@slaglemorgan.com

REGIONAL REPRESENTATIVES

Central Washington
Jeffrey M. Kreutz
Meyer, Fluegge & Tenney, PS
230 S 2nd St P.O. Box 22680
Yakima WA 98908
509.575.8500 voice
509.575.4676 fax
kreutz@mfllaw.com

South Sound
Scott O'Halloran
Williams Kastner & Gibbs
1301 A Street, Suite 900
Tacoma WA 98402
253.552.4094 voice
253.593.5625 fax
sohalloran@wkg.com

Southwest Washington
Chris Veley
Bullivant Houser Bailey
805 Broadway Street,
Suite 400
Vancouver WA 98660-3310
360.737.2313 voice
360.695.8584 fax
chris.veley@bullivant.com

Eastern Washington
Troy Nelson
Paine Hamblen Coffin
Brooke & Miller
717 West Sprague, Suite 1200
Spokane WA 99201-3505
509.455.6000 voice
509.838.0007 fax
tnelson@painehamblen.com

ADMINISTRATION

Executive Director
Kristin Lewis
Two Union Square
601 Union Street, Suite 4100
Seattle WA 98101
206.749.0319 voice
206.749.0321 fax
kristin@wdtl.org

Member Services/Webmaster
David Penrose
Top Network LLC
4141 Agate Road
Bellingham, WA 98226-8745
360.392.0467 voice
360.392.0468 fax
service@wdtl.org

Accounting
Jackie Mintz
PO Box 21644
Seattle WA 98175-2644
206.522.6496
accounting@wdtl.org

WASHINGTON DEFENSE TRIAL LAWYERS

Application for Membership

1. The undersigned hereby makes application for membership with the Washington Defense Trial Lawyers, representing that a substantial portion of my practice is devoted to representing defendants, companies, or entities in civil litigation:

Name _____

Firm Name _____

Office Address _____

City _____ State _____ Zip _____

Home Address _____

Phone (_____) _____ WSBA Bar # _____

FAX (_____) _____

E-mail _____

2. Year of Admission to Bar _____ Legislative District _____

3. State degrees held, both academic and law, year of graduation and school:

_____

4. If you were referred to WDTL by a fellow attorney, please list name here:

_____

5. 2005-2006 Membership Dues

Attorneys	
Admitted to the Bar more than 5 years	$225.00
Admitted to the Bar less than 5 years	$175.00
Other	
Government Attorney	$125.00
Retired Member	$100.00
Paralegal /Law Student	$75.00

6.a. YES! I would like to serve on the following WDTL Committees.

- ☐ Amicus
- ☐ Community Service/Pro Bono
- ☐ Judicial Liason
- ☐ Legislative
- ☐ Practice Development
- ☐ Programs
- ☐ Publications
- ☐ Strategic Planning
- ☐ Technology

6.b. YES! I would like to join the following sections

- ☐ Construction
- ☐ Employment
- ☐ Government Liability
- ☐ In-House Counsel
- ☐ Insurance
- ☐ Maritime
- ☐ Product Liability
- ☐ Professional Liability
- ☐ Workers' Compensation

7. ☐ I would like to contribute $150.00, $100.0, $50.00 (minimum $20.00) to fund WDTL's legislative advocacy and outreach program.

I understand that pursuant to Public Law 103-66, this portion of my annual WDTL dues is not deductible from federal income taxes as a business expense

8. Dues $_____ + Legislative Contribution $_____ = TOTAL:$ _____

Please make check payable to: WASHINGTON DEFENSE TRIAL LAWYERS and mail to:

MEMBER SERVICES, 4141 AGATE ROAD, BELLINGHAM, WA 98226

Or fax with credit card information to (360) 392-0468

Payment: ☐ MC ☐ VC Expires: ____/____ # _____

Credit Card Authorization Signature _____

Questions? Contact Kristin Lewis,WDTL Executive Director at (206) 749-0319 or kristin@wdtl.org

9. Dated this _____ day of _____, 20 _____

10. Signature of Applicant: _____

Upcoming WDTL Events (2005-2006) (register online at www.wdtl.org)

September

23 CLE – Hot Issues with Independent Medical Exams – Washington State Convention & Trade Center, Seattle

October

11 CLE – Client Loyalty and the Relationship with Personal Counsel in Professional Liability Cases – Preston Gates & Ellis, Seattle

11 Judicial Reception – Preston Gates & Ellis, Seattle

19-23 DRI Annual Meeting – Chicago

December

1 CLE – Ethics – College Club, Seattle
WDTL Holiday Party – College Club, Seattle

TBD CLE – Ethics – Yakima

TBD CLE – Joint Idaho/Washington Ethics – Spokane

January

24 Judicial Reception & Dinner – Tacoma

February

24 CLE – Annual Update on Construction Law, Seattle

March

31 CLE – Annual Update on Construction Law, Southwest Washington

April

7 CLE – Insurance Law Update, Washington State Convention and Trade Center – Seattle

TBD CLE – Advanced Trial Tactics – Seattle

May

TBD Judicial Reception – Spokane

TBD CLE – Defense Academy II, Seattle

19 CLE – Law Practice Roundtable, Puget Sound

July

13-16 Annual Convention – Westin Whistler, British Columbia

WDTL
WASHINGTON DEFENSE TRIAL LAWYERS
Fighting for Justice and Balance in Civil Courts

PRSRT STD
U.S. Postage
PAID
Seattle, WA
Permit No. 5390