

In Service of the WYLD – A Personal Reflection By Elizabeth Li



*Two roads diverged in a yellow wood,
And sorry I could not travel both
And be one traveler...*

Remember that classic Robert Frost poem *The Road Not Taken*? I do. My junior high school English teacher made me memorize it. Perhaps yours did too?

This poem holds particular meaning for me because I have always marched to my own beat. At times this beat has led me to take the more trodden path, such as sitting for the LSAT and going to law school. But more often than not, the siren song of the road less traveled has lured me down the mysteri-

ous path that “was grassy and wanted wear.” This was certainly true when I left the big city after law school to seek a judicial clerkship in bush Alaska, where the odds are good but the goods are odd. And wouldn’t you know that there, in the middle of nowhere, I met my husband, who was also marching to his own off-kilter beat.

After two adventure-filled years clerking in Alaska, I accepted a job in Bellingham and then unexpectedly found myself out of that same job in less than a year. My life in that moment was like a bad country song: I lost my job; my man left for Alaska; and my bank account was in the red. It was only a matter of time before my house burned down and my dog got run over!

At the time of my precipitous unemployment, my field of law was hot. I distinctly recall twelve pages of job advertisements seeking immigration lawyers throughout the U.S. Believe me, the ones in San Francisco certainly caught my eye. I had also received a phone call from a prominent Seattle immigration attorney inviting me to apply for a job at his well-respected firm.

But alas, by then I had fallen for Bellingham, with its snowcapped Baker and lush San Juan Islands. It didn’t hurt that Vancouver and Se-

attle were just a short jaunt away should the craving for city lights strike.

So what does a young lawyer do? With no job, few acquaintances, and a new town to conquer, I decided to set up shop as a boutique immigration lawyer. Hey, who cares if there were no other Asian lawyers in Bellingham!

To thine own self be true, but damn, did my path have to be so isolated and steep?

It turns out, surprisingly, that a young lawyer setting up shop is actually the norm in modern day Washington. I learned this fact, along with a lot of other useful tidbits related to the practice of law, through my participation on the Board of Trustees for the Washington Young Lawyers Division, the WYLD ones.

I first learned about the WYLD through my predecessor, Michelle Hull. We were at a Whatcom Women Lawyers social where she announced she was moving and therefore her spot on the Board of Trustees was available. She remarked that while a three-year volunteer commitment may seem interminable, the position was actually quite rewarding. I walked away that evening with three impressions of the WYLD: fun, travel the state of Washington, and meet young lawyers from the Eastside. *Why not*, I thought, *I’m all about having fun while traveling and meeting people.*

I stumbled onto the Board of Trustees in 2002. It’s now 2005, and my three-year term ends in September. Before I leave I would like to share what being on the Board has meant to me. In so doing I hope to generate awareness that volunteer bar service can be an enriching path toward professional development.

When I first joined the WYLD as the Northwest (Bellingham) Trustee, I had been out of law school for six years and in solo practice for two. My practice was on its feet and growing, but one good month did not guarantee another. My motto then, and now, is: Take nothing for granted; the buck stops here.

The life of the solo lawyer has many benefits. My greatest benefit is the ability to take time off for travel. This is as it should be, since my love affair with travel is what inspired me to pursue immigration law.

Of course all things come at a price. In exchange for work flexibility and exploring the Dalmatian Coast, I paid the price of not knowing when the next paycheck would come. I also paid the price of learning things on my own and feeling isolated from the legal community. You see, as a solo transactional immigration lawyer, I never go to court nor argue with lawyers. Consequently, I have little reason to come into contact with judges and attorneys.

And that’s where the Bar comes in.

Service as a trustee on the WYLD has been an unexpected gift because it has allowed me to travel both roads and be one traveler. In many ways the WYLD has substituted as my big law firm. It has allowed me to work with peers from across the state to better the practice

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Wenatchee Lawyer John M. Brangwin Elected President-elect of the Washington State Bar Association's Young Lawyers Division



On June 3, 2005 the Young Lawyers Division Board of Trustees elected Wenatchee lawyer John M. Brangwin to serve as its 2005–2006 president-elect. His term as president-elect will begin October 1, 2005, and end September 30, 2006. Mr. Brangwin will begin his one-year term as president on October 1, 2006.

Mr. Brangwin received his law degree from Gonzaga University. After law school, he went to work for the Bell Law Office (formerly Bell & Safar) in Wenatchee. While there, Mr.

Brangwin represented indigent defendants accused of crimes and developed his labor-and-industries and personal-injury practice. In 2002 he formed the Wenatchee law firm of Woods & Brangwin with University of Washington Law School alumnus Steven W. Woods.

A member of the WSBA since 1997, Mr. Brangwin is active in legal and community affairs. As a WYLD Board member, he represents the young lawyers of North-Central Washington. He is a member of the Washington State Trial Lawyers Association and the Washington Defender Association. Mr. Brangwin is also active in the Wenatchee Downtown Kiwanis Club and chairs its Revitalization of Methow Park Committee.

As WYLD president-elect and president, Mr. Brangwin envisions leading the WYLD to re-establish a statewide young-lawyer conference, focus on member service by assisting young lawyers with professional marketing techniques, and continue its current membership and public-service activities and programs. Mr. Brangwin also hopes to address student-loan debt, which he sees as the primary challenge facing young lawyers today.

“We can help young lawyers practice profitably,” says Mr. Brangwin, “and assist them in balancing their practice with their personal lives.”

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of law for young lawyers. It has sent me to state and national conferences so that I could attend CLEs, develop leadership skills, and learn what other bars are doing. It has allowed me to participate in the ABA's 50th anniversary reenactment of *Brown v. Board of Education*. It has exposed me to bar presidents, supreme court justices, and wildly successful lawyers practicing throughout the state of Washington. It has provided an avenue through which I could introduce myself to my local legal community. And of course, it has educated me on the actual services offered by the WSBA in exchange for mandatory membership.

In short my three-year tenure on the WYLD has allowed me to spread my professional wings and soar. No longer do I feel isolated from the legal community. No longer do I wish there were others with whom I could discuss ideas. I now have an extensive network of colleagues who are happy to take my call. Some of them would even call me friend. This is a privilege—one that I earned through service to the Bar.

*I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I—
I took the one that money can't buy,
And that has made all the difference.*

WYLD Seeks Award Nominations

The WYLD is accepting nominations for the **Thomas Neville Pro Bono Award**, **Outstanding Young Lawyer of the Year**, and the **Professionalism Award**. All three awards recognize lawyers who epitomize the best in the legal profession. Nominations are also being accepted for **Outstanding YLD Affiliate or Organization** for recognition of public service and/or member service programs.

If you know of someone who deserves to be recognized, please visit <http://www.wsba.org/lawyers/groups/wyld/default.htm> for full details and nomination form. Self-nominations will not be accepted. **Please note that a completed nomination form must accompany each nomination to be considered.**

Nominations must be received by August 12, 2005, and should be sent to Amy O'Donnell, WSBA, 2101 Fourth Avenue, Suite 400, Seattle, WA 98121, or amyo@wsba.org.

Award recipients will be determined by the WYLD Board of Trustees at their August 27, 2005 meeting. Recipients will receive awards at presentations to be held in conjunction with events within their law firm and/or legal community.

My Brand New Obsession

By Danny Bronski

Bad Marketing, Tragic Consequences?

Lawyers suck at marketing.

Let's face it, it's true. The majority of lawyers seem amazingly content with shoddy web sites, confusing firm names, and vague and meaningless practice descriptions. They seem more than happy to spend their money blindly on outmoded media like the yellow pages.

Did our distaste for solicitation of business drive us to law school in the first place?

Perhaps, but this represents opportunity for you, the young lawyer. Our profession is maturing, and most of the pretense that legal practice is dramatically different from business is fading faster than a Supreme Court justice after 8 PM.

Attorney Marketing: You Mean James Sokolove?

Of course, attorney marketing is a broad concept. It encompasses many things. For instance, when the general public thinks about attorney marketing, the first thing that might come to mind is some guy with a bad toupee feigning interest in your automobile accident during a break in the Jerry Springer show. Business people might picture a paternalistic salt-and-pepper coifed individual informing us of all the business clichés his firm can help us resolve; resolution usually involves such concepts as leveraging core somethings, optimizing and synergies. Of course, this can only occur outside of the box, where law firms like to claim they hang out.

But I'm digressing... this sorry state of affairs is not what you should be focusing your marketing efforts on, young lawyer. You can make the most difference in your career by focusing on the micro-level of marketing; namely, branding.

Brand: Is That in My Breakfast Cereal?

A brand is nothing more than a concept that exists in the mind of consumers, making it more likely that they will purchase something. That something may be a bag of fried kernels masquerading as a vegetable and drizzled in chemical sludge (sometimes known as popcorn), an automobile or legal advice from an attorney.

But not all brands are created equal; effective brands stand for something specific and memorable; memorable brands are typically both short and simple. Just ask Danny "The Entrepreneur Lawyer" Bronski; who are

Danny's preferred clients? Just ask VeriTrademark, the firm he created; what is that firm's emphasized area of expertise (oops... the bar won't let me ask that)? This is not an essay question. This is not Proust. You have permission not to think very hard.

Branding: Not Just for Cattle Anymore?

Whether you are a maverick solo or a small fish in a larger firm pond, a focus on personal branding can make a huge difference in the success of your practice. Branding is a mindset, and most attorneys aren't ever in this frame of mind. Here is an analogy to describe how most attorneys think:

Recently, I was having lunch with a more experienced attorney, describing strategies I use to promote my solo practice. With typical Danny Bronski panache, I launched into a tirade about branding. Wistfully reflecting on his own behavior, my friend mused: "When asked what I do for a living, I used to say that I work for X, Y and Z firm as a lawyer." Yup, this is how most attorneys respond, if they bother to expand beyond the fact that they are lawyers. But he continued...

"Then I finally figured out that this fact probably doesn't mean anything to most people. People would be much more likely to hire me if I focused on communicating what kinds of problems I can solve for them." Exactly! And don't emulate Proust. If you want to bolster a branding campaign, follow the rules of how people process information when they really aren't excited about what you are telling them: short, simple, catchy, memorable.

The essence of branding is merely standing for something specific in the mind of customers, so that they think of you when they have a particular problem. Being an excellent marketer requires continually evaluating and shaping what your existing clients, potential clients and referrers of clients think about when they think of the professional you. Hell, this concept pretty much extends to everyone in your life; hopefully you are more than just a brand to your significant other, but you probably weren't before he or she knew you.

How Can You Create a Brand for Yourself?

I can't really answer the question definitively. I could only share with you what is important to me, the lonely solo attorney cooped

up in Pioneer Square, trying to convince people he knows something about trademarks.

Wait... that last sentence wasn't good branding! Perhaps I will discuss my own efforts in my next *De Novo* article, but only if enough people ask me to. For now you will have to settle with vague propositions. Your brand should be unique enough to be memorable and distinguishable from your competition. In fact, the specific thing(s) that you want to stand for in the mind of customers must necessarily be distinguished from most other attorneys in order to create a successful brand. As a result, attorneys should employ different tactics to build their own brands, depending on the unique circumstances of their practice and their personalities.

Brand Obsession: Not Such a Bad Thing?

Obsessions rarely lead to pro-social consequences, but marketing obsessions are the rare exception to this rule. To be good at marketing, you must think about it often. The common denominator among successful marketers in any business is that they are consumed by marketing and building their (personal) brands. They continually look for opportunities to promote their business and experiment with methods to enhance this promotion.

I hope that this article has helped you get the ball rolling in terms of how you can distinguish yourself from other attorneys via branding; I struggle daily with this same issue. I am not an expert, but rather someone who recognizes the need to move further down the expertise continuum, and I hope you share my enthusiasm.

Danny Bronski practices intellectual property law from The Grand Central Building in Pioneer Square for a firm named VeriTrademark. The firm is an army of one, and this is why everybody in the firm likes Danny. His intellectual property practice is marketed via www.VeriTrademark.com. His business practice is marketed via www.TheEntrepreneurLawyer.com. Mr. Bronski has an MBA and this might account for why he enjoys discussing ideas related to law as business (it makes him feel like he didn't throw away \$100K). When Danny refers to himself in the third person, it's often meant to be cheeky self-deprecation, though you probably didn't recognize that until now.

ABA Midyear YLD Assembly Meeting in Salt Lake City

By Jennifer Brugger



The ABA Young Lawyers Division midyear meeting was an interesting conference with many useful seminars and meetings, as well as networking and camaraderie with fellow young lawyers. This report

covers the highlights of the ABA/YLD Assembly, held on February 12, 2005.

The YLD Assembly began at 9:00 a.m. with an enthusiastic group of delegates. There were introductions and a number of presentations. The ABA YLD Chair, Barrett Watson, presented his picks for Stars of the Quarter: merit awards given to members of the YLD.

There was a presentation on student loan debt. The ABA has been working on a project to help young lawyers with large student loan debts. The program is called the Income-Contingent Repayment Option of the William D.

Ford Federal Direct Lending Program. This program provides student loan repayment options for attorneys who work in public service. Two changes the ABA is urging Congress to make are: forgiveness of the remaining debt after 15 years (currently it is 25 years), and abolishing the so-called marriage penalty. This has to do with what income is considered for a married couple when determining the repayment requirements. The ABA is encouraging Congress to implement these changes to make the program more feasible for a greater number of young lawyers.

There were two resolutions debated and ultimately passed by the YLD during the Assembly. There were lively debates by young lawyers and other professionals on both resolutions.

The first resolution was about patients' rights in the health care arena. The resolution was presented as the ABA opposing governmental actions that interfere with patients'

abilities to make informed medical decisions. The gist of the argument was whether the government should allow exceptions to regulations requiring medical providers to inform patients of health care options, based on religious or other personal beliefs. After an intense debate, the resolution was passed by the Assembly.

The second resolution involved the Federal Rules of Civil Procedure. The Resolution was presented as the ABA opposing changes to the rulemaking process set out in the Rules Enabling Act. The changes would alter the parameters of Civil Rule 11 sanctions. There was a vigorous discussion with presentations for and against the proposed resolution. After the debate, the Assembly voted and the resolution was passed.

The Assembly also included the adoption of the Consent Calendar. The Consent calendar contained many worthwhile resolutions including such topics as improving the jury system, supporting the enactment of statutes to compensate persons convicted of crimes they didn't commit, and passing legislation to prevent delays in granting lawful permanent residence to persons granted political asylum by the United States.

The meeting of the Assembly was very interesting and informative. The ABA and the ABA YLD are addressing hot topics in the legal field through resolutions and programs. The resolutions being passed by the ABA involve high-profile legal issues, and it is nice to see lawyers taking the reins at a national level. It was a very worthwhile experience, and it was fascinating to watch this part of the legal process at work.

Jennifer Brugger is a member of the WYLD Board of Trustees and represents the Peninsula District. She can be reached at jbrugger@wapa-sep.wa.gov.

Third-Party Liability Information

A Message from the Department of Social and Health Services

If your client is involved in a personal injury case and has received or is receiving medical assistance (Medicaid) payments for their medical care, you are required to contact the Department of Social and Health Services (DSHS). RCW 43.20B.060 places a lien against any settlement or judgment your client receives from a third party that is responsible for your client's injuries in order to reimburse the medical bills that have been paid by Medicaid.

Before settling your client's claim with the third party and/or their insurance company, please contact the COB Casualty Unit of DSHS at 1-800-562-6136 or COB Casualty Unit, PO Box 45561, Olympia, WA 98504-5561 to supply the information that DSHS requires or visit our website at <http://fortress.wa.gov/dshs/maa/tpc>.

Failure to pay any lien imposed by the department on any settlement or judgment obtained by your client can subject you to personal liability for any funds improperly distributed (RCW 43.20B.070).

Let us know what the WYLD is up to in your area. Send your stories, articles, photos, reports, or calendars to denovo@wsba.org. Please include author contact information.

WYLD Express Round 3 – Ski & CLE in Wenatchee By Julia Bahner

Round three of the WYLD's Young Lawyer Express landed in Wenatchee on the balmy weekend of February 26-27. More than 35 lawyers from around the state gathered for the free 2.75 CLE credits covering DUI and bankruptcy basics, as well as a view from the bench from a state court judge. Each of the topics proved to be informative and engaging. The DUI basics segment was taught by Steve Woods of the Wenatchee firm Woods & Brangwin PLLC. Mr. Woods specializes in this area and discussed the DUI laws or related charges that can be brought against a party, the various evidentiary issues involved in these cases, and the consequences of a conviction. Mr. Woods cleared up several misperceptions surrounding this area of the law and highlighted some amusing case stories. He also mentioned how happy he is that he now has an associate to take those middle-of-the-night calls from potential clients looking for advice. Mr. Erik Bakke Sr., of the Davis Arneil Law Firm, LLP, also located in Wenatchee, spoke about bankruptcy basics. Mr. Bakke obviously had a wealth of experience in the bankruptcy area and provided a useful handout covering bankruptcy nuts and bolts and several examples of common motions filed in the bankruptcy court. His presentation covered the major bankruptcy provisions that are of interest to both creditors' and debtors' attorneys. The Honorable Lesley Allan, a Chelan County Superior Court Judge, was the final speaker and offered valuable insights on effective courtroom practices. Specifically, Judge Allan addressed how to present effective testimony, exhibits and other evidence, ways to expedite litigation, and tips on *voir dire* and other courtroom practices. She also reminded the audience to always turn off the cell phone while in court and to serve as a judge pro tem if possible, in order to get the perspective from the bench.

The weekend involved more than just free CLE credits, however, and was followed by a free winery tour and tasting at the local Chateau Fair le Pont Winery. This beautiful new winery often hosts jazz musicians and dinners, and the attendees enjoyed wonderful cheeses and other appetizers courtesy of the WYLD CLE Committee. The husband and wife owners of the winery were our tour guides, and their enthusiasm and love of wine was conta-

gious. After the tour, many gathered at the inviting fireplace at the winery and commented on the superb wine, including the ice wine served in the edible chocolate cup. Overall, the wine tasting was a great follow-up to the CLE session. If all of this wasn't enough, the group then headed to the Buzz Inn Steak House, right across from the host hotel, to have dinner followed by several hours of karaoke with the locals. Many of the young lawyers sang, but even those who didn't had to laugh at the sight of their colleagues singing karaoke to Vanilla Ice's "Ice Ice Baby," or Abba's "Dancing Queen," to name just a few of the songs covered that night. Finally, while the first day of the program offered the chance to ski in the morning at Mission Ridge, the second day allowed the attendees to stop at Stevens Pass for skiing and/or snow-shoeing.

For me, this was my first visit to Wenatchee and I was thoroughly impressed with the town and the Ski & CLE event. All in all, Round 3 of the CLE Express was a smashing success, so look out for Round 4 to be held somewhere in Washington this summer. The WYLD Express was started by WYLD President-elect Noah Davis and the WYLD Membership Committee and they promise that Round 4 will once again involve fun social events, free CLE credits, and the chance to meet young lawyers from all over the state. The membership committee thanks WYLD North Central Trustee and Wenatchee resident John Brangwin for his help in organizing this event.

Julia Bahner is a WYLD King Country Trustee and an associate at Lane Powell PC. She can be contacted at (206) 223-7436 or bahnerj@lanepowell.com.

WSBA Ethics/ Professional Responsibility Program

Washington lawyers may call the WSBA Ethics Line (206-727-8284) and speak with the professional responsibility counsel who will discuss the situation with the caller to help clarify the ethical issues involved so that the inquirer is able to make a decision consistent with the requirements of ethical behavior.

Telephone inquiries concern all aspects of the Rules of Professional Conduct. Most lawyers call seeking help with questions about handling trust accounts, maintaining client confidences and secrets, avoiding client conflicts, problems caused by the termination of a lawyer's services, transference of client files and lawyer advertising.

The WSBA Ethics Line operates during normal business hours Monday through Friday. If the number is busy, a caller may leave a detailed voice mail message. Every effort is made to return all calls within one business day.

Tips from Jay Foonberg's “Learn the Platinum Rule of Building Your Practice” — By Elizabeth Li

I recently attended an ABA midyear meeting in Salt Lake City where Jay Foonberg, the author of “How to Start and Build a Law Practice,” presented on law practice management. Aside from being a charismatic speaker and the author of the book most often stolen from law libraries, Foonberg shared seven points that served to remind me of the ABC’s of law practice management. You see, I read “How to Start and Build a Law Practice” back in 1998, while still a glassy eyed judicial law clerk in Juneau, Alaska. Hearing Foonberg’s presentation, it struck me that he must have been the one to plant so many seeds in my then malleable brain. These seeds have served me well, so now I pass them along to our membership. Whether you’re just starting out or a been-there-done-that lawyer, I hope you glean some inspiration from these basic reminders for success.

1. Whereas the Golden Rule is to treat others as you would have them treat you, the Platinum Rule is to treat others as they would like to be treated.
2. Never let the sun set on an unreturned phone call. Keep in mind you don’t have to be the one who actually returns the call.
3. Bombard your clients with paper and email. This tactic is intended not to be obnoxious, but to keep your client informed. Always ask your client at the beginning where to send correspondence. Here’s a little poem to jog your memory:

One for the court,
One for me,
One for the client
Who pays the fee.

4. Be prompt in doing the work. Be careful when creating time expectations.
5. Give your clients a roadmap of where the case is going and what will happen next. If you litigate, explain the concept of continuances: that giving the opposing party a continuance now may be useful in the future when your client needs a continuance.
6. Every client wants four things: (a) To tell their story. (b) For you as the attorney to listen to them tell their story. A good way to demonstrate you are actively listening is to repeat what they say: “I was hit by a car.” “You were hit by a car.” “I have no insurance.” “No insurance.” (c) Validation: “You did the right thing by coming to see me, Mr. Smith...” (d) Conclusion: Ask your client “Is there anything you want to tell or ask me before you leave? I don’t want you to feel like you didn’t get a chance to say something important.” You’d be surprised at what your client will say. Make appropriate physical contact: shake hands hello and goodbye.
7. Cash up front. Every lawyer should do *pro bono* work, but *pro bono* is a decision made at the outset of a case, not at the end.

If you do the above successfully, you will develop a loyal client following and possess the coveted “Portable Book of Business.”

Again, I know these are basic rules, but sometimes, the fundamentals are all you need. For more info, see www.foonberglaw.com. Cheers!

Elizabeth Li is a member of the WYLD Board of Trustees and represents the Northwest District. She can be reached at eli@elizabethli.com.

Networking Opportunities Through the WSBA Sections!

In addition to pursuing your interest in specific areas of the law, being a member of a WSBA section provides the opportunity to expand your contacts and your resources!

Among other benefits, sections offer CLEs relevant to the needs of their members. Being active in a section can provide a forum for mentoring and learning from knowledgeable and experienced colleagues. For more information on the benefits of joining a section—including access to member listserves, newsletters, publications, and more—check out the website of the following sections:

Administrative Law	Dispute Resolution	Labor & Employment Law
Animal Law	Elder Law	Law Practice Management & Technology
Antitrust, Consumer Protection & Unfair Business Practices	Environmental & Land Use Law	Legal Services to the Armed Forces
Business Law	Family Law	Litigation
Construction Law	Health Law	Real Property, Probate & Trust
Corporate Law	Indian Law	Senior Lawyers
Creditor/Debtor	Intellectual Property	Taxation Law
Criminal Law	International Practice	World Peace Through Law

To learn more about these sections and to join, please visit www.wsba.org/lawyers/groups/sections.htm. Law students may join a section as a “subscriber” for a \$7 dues fee, but without voting rights.

The Blogging Phenomenon

By Danny Bronski

Most of us are aware of the proliferation of web logs, or “blogs”; the blogging phenomenon has been widely discussed in the mainstream media during the past year. While blogging has been evolving slowly for a decade, “blawgging” has started to take off much more recently. One of the first attorneys to get in on the act was Seattle-based young lawyer Venkat Balasubramani. Venkat, who practices with local IP boutique Newman and Newman, started his blog *Balasubramania’s Mania* in January 2003 to provide off-center commentary on a host of legal, local and other issues. In early 2004, he closed up shop on *Mania* to join *Begging to Differ*, a group blog which features diverse perspectives on politics, law and culture. *Begging to Differ* is where Venkat’s insightful and irreverent rants can now be found.

Danny Bronski sat down with Venkat to discuss how blogging has enriched his life, whether blogging is an effective marketing tool for attorneys, and how blogging is likely to change as it matures.

Danny: When did you learn about the blogging phenomenon and how long before you decided to create one yourself?

Venkat: I stumbled onto *Instapundit’s* site (I think through GlennReynolds.com on MSNBC) in late 2002. A short time later I also stumbled onto *How Appealing*, which I started reading daily. *Instapundit* appealed to me because it had a basement-pirate, short-wave radio vibe to it which I thought was really cool. In January 2003, I discovered blogger and realized how simple it was to start a blog. As it was, I read a tremendous amount of material on the Internet about a variety of topics. I thought it would be fun and interesting to point out some of the more noteworthy but obscure materials. I didn’t see anyone with an irreverent take on the law, and I thought I could provide this, along with a glimpse into Seattle’s retail and restaurant scene.

Danny: What are the main pros and cons to maintaining your own blog, in your opinion?

Venkat: My favorite thing is making a connection that I would not have made but for the blog. It sounds cliché but this really makes it worthwhile. My least favorite thing is that I’m often up late at night blogging and reading the

news. Late nights and hours in front of computer monitors are the bane of a blogger’s existence.

Danny: Do you think that blawgs are a worthwhile marketing tool for attorneys?

Venkat: Yes, a blawg is a great opportunity to display expertise in an area or even to just tell someone that you have an interest in a particular area. A blawg is a great way to sound articulate about the issues (as a client I would love to hire a lawyer who’s already following what’s going on in the relevant area). It wouldn’t be inconceivable that someone who blogs a lot about the Communications Decency Act comes up when an ISP’s in-house counsel is performing a Google search on a case or an issue—from there it’s probably fairly easy to form a relationship. A blawg can also establish or strengthen a lawyer’s recognition in the media; I imagine that blogging has increased the profiles of both Howard Bashman (*How Appealing*) and Eugene Volokh (*Volokh Conspiracy*).

Danny: Has your blog has a positive impact on your practice from a marketing standpoint?

Venkat: It hasn’t had a direct impact. Most significantly, I have always separated my blogging life from my professional life; as a blogger, I am much more irreverent than I am in my professional life. Moreover, my blogging often focuses on political and personal viewpoints, and thus people probably don’t identify me as a “blawgger,” but rather a lawyer who happens to weigh in on various issues. I think it has helped my writing and given me a better sense of what I know, but hasn’t directly resulted in any clients.

Danny: So you don’t use your blog as a marketing tool for your practice. Do you agree that blawgs should generally not be started with the primary goal being a marketing tool?

Venkat: I do not use my blog as a marketing tool for my practice. Marketing can be a byproduct of a blawg, but at its root, blogging is more about finding your unique voice and participating in a community.

It is a grass-roots medium, and as with any other grass roots phenomenon, the “pure mar-

keting approach” is rarely effective. A blawgger who is primarily marketing (rather than having a conversation with his or her readers) is also likely to find a tepid response from the blogging community. The other question I would ask myself as a blawgger looking to market through my blawg is who comprises my readership? For the most part, lawyers, law clerks, academics and media-types read blawgs. To the extent your client fits in one of those categories (maybe an in-house lawyer reads blawgs in a certain area and stumbles across yours), you may get some direct marketing hits. To the extent you are marketing your services to non-lawyers, one thing to consider is that your average non-lawyer—to the extent he or she searches regarding legal issues on the Internet—is not necessarily going to come across your blawg when searching on the Internet. Even if they do, they are not going to experience the same conversational interaction with your blawg as an in-house lawyer or academic.

Danny: It seems that we are starting to see large law firms get into the act, using blawgs as a thinly veiled marketing tool. Do you believe that large law firm blawgs will have success finding an audience? Will blawgging succeed in “going corporate”?

Venkat: In my opinion, the appeal of a blawg is mostly the personality of the blogger (or bloggers), so it doesn’t make sense to have a “corporate blog.” Even the more successful blogs affiliated with corporations are run by individuals (for example, both GM and Boeing have blogs). Corporate blogs should still heavily reflect the personality of the individual blogger. Blogging to me is a bit counter-culture. On that level, it’s tough to imagine a blogosphere where corporate blogs live in the center and not on the fringe.

I think firms will definitely toe the line between newsletter and blog and publish up-to-date daily news that’s useful to their clients and which may also generate business for them. Preston Gates, for example, recently started an e-discovery blog that looks like it will be pretty successful. I’m sure there are other examples out there. But I’m not sure how dramatically different their blogs are going to be from their previously existing newsletters and e-mail updates. I don’t envision pitched

continued on page 10

Meet the Board

Kari Petrasek



Trustee District: Snohomish District/Trustee

WSBA Admit Date: November 2002

Education: B.A. in Criminal Justice & International Management – Gustavus Adolphus College, St. Peter, MN
J.D. from Seattle University School of Law

Employer & Contact Info: Law Offices of Alayne Spaulding, 1604 Hewitt Ave., Suite 401, Everett WA 98201 (425) 258-5458

Areas of Practice: Family & Juvenile Law

Professional Memberships: WSBA, Snohomish County Bar Assoc, Snohomish County Young Lawyers Division (SCYLD), ABA.

Civic Activities: Volunteer *Guardian ad Litem*, Trustee on SCYLD Board

Hobbies: Skiing, biking, golfing, enjoying the outdoors, reading, attending Mariner's games

How you got involved in the WYLD: I got involved with the WYLD by speaking with other WYLD members and attending WYLD events, including the Young Lawyers' Express weekends. I became more involved last summer/fall, when the SCYLD and WYLD co-sponsored a Young Lawyers' Express in Friday Harbor.

Kitsap County Young Lawyers

The Kitsap County Bar Association approved a petition on April 1, 2005, to establish the Kitsap County Young Lawyers Section. The first official meeting of the Kitsap County Young Lawyers was held on April 21, 2005. Officers were elected as follows: Chair, Stephen T. King; Secretary, Matt Kaser; and Treasurer, John Purves. Plans were discussed for a Courthouse orientation CLE for new attorneys to be held in conjunction with the WYLD CLE Committee. The group also explored the possibility of instituting a mentor program so new attorneys can be matched with more experienced ones to "show them the ropes." Ideas for social events were discussed including a proposal from the Kitsap Bar that the young lawyers take over the social committee and plan a bar social function. A report of WYLD programs and events was provided to the young lawyers in attendance. The benefits of ABA membership were also discussed, and suggestions were made on how to get more involved locally, statewide, and nationally. The Kitsap County Young Lawyers will meet the third Thursday of each month at locations throughout the county.

For more information about the Kitsap County Young Lawyers, contact Stephen T. King, Chair, at kinglaw@qwest.net or Jennifer Brugger, WYLD Trustee for the Peninsula District at jbrugger@wapa-sep.wa.gov.

Does the WYLD Have a Trial Advocacy Program for You?

Each young lawyer's first day in court will come after a great deal of preparation and skillful anticipation of pitfalls. There is a catch-22: how can we prepare if we have never been to court? Ask the masters. Each year the WSBA Young Lawyer's Division Trial Advocacy Program ("TAP") has offered lectures by trial masters and litigation experts on topics such as: discovery rules, trial preparation, admitting exhibits, preserving objections for appeal, conducting expert and lay witness depositions, effective communication techniques, *voir dire*, opening statements, direct and cross examination techniques, winning closing arguments, measuring damages, and use of technology in the courtroom.

TAP has been running for over half a dozen years and offering intensive trial advocacy training. In the past, the course lasted 12 weeks. During the first 10 weeks, masters of trial advocacy came and shared their practice methods and secrets. Then, young lawyers competed head-to-head in series of mock jury trials in front of live juries and real judges. The attorney tourney offers real-to-life experience to lawyers on how to conduct motions *in limine*, *voir dire*, pre-emptory challenges, opening statements, cases-in-chief, jury instructions, and closing arguments. Then, the lawyers learn from jury feedback and judicial commentary. The experience has been rewarding to the select few who could make the 12-week commitment.

This year the TAP planning committee has restructured the TAP CLE to allow greater participation statewide by reducing the cost to participants and the time commitment. Young lawyers from all over the state will be able to participate in TAP, because the time commitment has been reduced to two weekends. Trial masters will share their knowledge and experience on November 4 and 5. Then, over November 11 and 12, participants will compete in an attorney "mock jury trial" tourney.

We would like to tailor this program to the young lawyers' needs and would like to hear from you. Feel free to contact Dubs Herschlip (herschlip@dle-law.com) or Amy O'Donnell (amy@wsba.org) directly with your questions or comments.

Forgiveness, Please

The Washington State Bar Foundation's Loan Repayment Assistance Program ("LRAP") is coming soon! The mission of the LRAP is to provide loan forgiveness to attorneys committed to working in the public interest, thereby helping to meet the legal needs of the people of Washington. Eligible applicants must be employed 32 hours per week or more with legal services offices, public defenders, county prosecutors, state and local government employers, tribes, or private nonprofit organizations providing direct legal representation of individuals. Eligible applicants must also make less than \$46,000 a year at the time of their initial application. Applications will be accepted in the Fall of 2005. Be sure to look out for more information in subsequent issues of *De Novo*, *Bar News*, and online at www.wsba.org.

Get Involved with WYLD Committees

The Washington Young Lawyers Division is dedicated to public service. We are urging other young lawyers to consider playing a part in the many programs and activities offered throughout the year. Participation in WYLD committees such as Membership and Pro Bono will introduce you to people from across the state and will involve you in projects that benefit other young lawyers and the public.

WYLD Public Service/Pro Bono Committee

This committee collaborates with other law-related educational organizations to coordinate free legal clinics within local communities, speak to youth organizations, and coordinate special public service projects.

Meeting Schedule: Meetings are generally held on the second Thursday of each month from 12:00 p.m. to 1:00 p.m. at the WSBA office, unless otherwise noted. RSVP to Amy O'Donnell at amy@wsba.org or 206-733-5944.

July 14, 2005

August 11, 2005

September 8, 2005

WYLD Membership Committee

This committee coordinates efforts with other WYLD committees to actively recruit members and offer various programs to young lawyers and law students to provide frequent networking opportunities for law students, young lawyers, and senior members of the Bar.

Meeting Schedule: Meetings are generally held on Tuesdays from 6:00 p.m. to 7:15 p.m. at the WSBA office, unless otherwise noted. All young lawyers and law students are encouraged to attend. RSVP to Amy O'Donnell at amy@wsba.org or 206-733-5944. Also feel free to contact Amy to be added to the Membership Committee list serve. The list serve posts the most up-to-date information on membership committee meetings, weekly social events for young lawyers and law students, and community events of interest to its members.

July 19, 2005

August 16, 2005

September 20, 2005

WYLD CLE Committee Update

By Kellea Williams

The WYLD CLE Committee has been hard at work, and is now taking a well-deserved break to enjoy the summer months. We just finished a very successful View From the Bench CLE hosted in Olympia. The turnout was great, and the judges who participated provided colorful anecdotes and real guidance about young lawyers' professionalism in the courtroom. Prior to our hiatus, we have a CLE set for June 30th with Valerie Barber of the District Court to familiarize us all with the E-filing system. Allison Williams is also working tirelessly to put together a CLE in conjunction with the Oregon State Bar to help fulfill the reciprocity requirements for bar membership for late 2005. If you are interested in becoming a member of the Young Lawyers Division CLE Committee or have topic suggestions, please contact Allison Williams at allison@flfdm.com or Stephanie Henderson at stephanie.henderson@roberthalflegal.com. Enjoy a wonderful summer!

Bridging the Gap

By Stephanie A. Henderson

The Bridging the Gap conference planning committee, whose members include Stephanie Henderson, Mona McPhee, and Victor King, meets once a month and has already planned the dates and subject matter for the next conference, which is scheduled to be held March 3-4, 2006, at the Washington State Convention and Trade Center in downtown Seattle. The event has always drawn large numbers of young lawyers due to the relevant nature of the topics discussed and high caliber of speakers who come year after year to speak to young lawyers of Washington state. Topics to be discussed this year include everything from how to create a business plan for your law practice, to effective techniques for entering your billable time, to honing your networking skills. We are excited that, for the first time, the King County Bar Associations and Washington Young Lawyers Division have collaborated on all aspects of the conference. With the combined efforts of both organizations, this year's Bridging the Gap conference is sure to be the most successful one to date.

CLE Credits for *Pro Bono* Work? Limited License to Practice with No MCLE Requirements?

Yes, it's possible!

Regulation 103(g) of the Washington State Board of Continuing Legal Education allows WSBA members to earn up to six (6) hours of credit annually for providing *pro bono* direct representation under the auspices of a qualified legal services provider.

APR 8(e) creates a limited license status of Emeritus for attorneys otherwise retired from the practice of law, to practice *pro bono* legal services through a qualified legal services organization.

For further information contact Sharlene Steele, WSBA Access to Justice Liaison, at 206-727-8262 or sharlene@wsba.org.

The Blogging Phenomenon from page 7

battles in the comment sections of these blogs or significant linking to other blogs. I don't envision a lot of "snark." These are central features of a typical blog.

Danny: Do you think we are facing an impending "blawg bubble"? That is, do you think that the character of new blawggers is changing? Are most new blawggers lemmings who fail to grasp the significance of what makes for a relevant and interesting blog?

Venkat: I think there's room for a lot more. The medium is really young and not saturated. I think about topics that could use blogs every day, and every day I encounter a new blog that looks like it could end up being prosperous (today, for example I encountered DUI Blog ... it's been around for 3 months but it looks like it will be around for a while and pay dividends for its proprietor). As with any trend, those who latch on later on in the trend cycle may not really see the true purpose behind the trend. So you are right, more new bloggers than before maybe don't get the point. But that's part of the beauty of blogs. You can try it for a couple of months. If you don't like it or don't see it as worthwhile, then you can close up shop. No harm, no foul. (Although personally, I am ashamed to admit that one of the things that keeps me blogging is that I don't want to be seen as "quitting.")

As you mentioned, we are also seeing a wave of corporate interest in blogging. There's probably a bubble here. AOL and Google have sunk money into something that's probably not paying dividends for them. Ask Jeeves just bought bloglines, and Salon just gobbled up the Daou Report. These are not necessarily indications of a thriving niche. It was either a fire-sale situation or maybe representative of a bubble (where acquisitions at inflated prices are the norm). Apart from Nick Denton (who runs Wonkette, Gawker, etc.) I don't know of many people who are really making money blogging.

Danny: How about burnout? Do you think that would-be blawggers appreciate the dedication it takes to stay relevant?

Venkat: I am not sure that many would-be blawggers appreciate the dedication it takes

to stay relevant, particularly in the area of blawgging. Most blawgs have to provide some analysis to stay relevant. This takes time and research, even if you blawg in an area you are very familiar with from your practice. As a lawyer you don't want to put some half-baked opinion out there. You still want to double check things. Very quickly, your blawgging time starts to add up. The other anecdotal issue is that it's tough to blog directly about matters you are working on. So often, the most interesting stuff and the stuff you know the most about is not the stuff you can easily blawg about.

Danny: Any anecdotes of blawgging success stories?

Venkat: I came across a wonderful piece of secondary authority from networking with a law professor I encountered in the blawgosphere. More than once in my practice I have cited a case or other authority that came to my attention from the blogosphere that I may not necessarily have come across from doing an online search. However, I have yet to experience anything really exciting, like a judge citing my blog and then deciding in my favor.

Danny: What are your favorite blawgs?

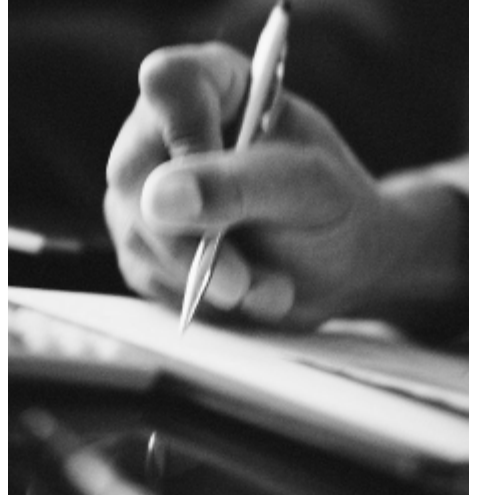
How Appealing
Volokh
Law and Politics
ACS Blog
Prof Bainbridge
Crescat Sententia
Stay of Execution
Anonymous Lawyer
Incompetent Attorney

I read a ton more, but those come to mind off-hand.

Danny: I'll add *My Shingle* and *The Non-Billable Hour*.

Danny Bronski practices in the areas of intellectual property (www.VeriTrademark.com) and commercial law (www.BronskiLaw.com). Venkat Balasubramani practices intellectual property law with the firm Newman and Newman (www.newmanlaw.com).

Soliciting Writers, Articles, and Letters to the Editor



We encourage members of the Washington Young Lawyers Division to submit letters or articles for publication in *De Novo*.

All submissions must contain a daytime telephone number for verification of authorship. Letters and articles may be edited for length and grammar.

Letters and submissions to be included in the next *De Novo* must be received no later than July 15, 2005. The next *De Novo* will be published in August 2005.

Send submissions to:
denovo@wsba.org

If e-mail is not possible, send by mail to:

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De Novo Mission Statement

De Novo is published for the young lawyers of the Washington State Bar Association. Its general mission is to provide a forum for the exchange of ideas, information and commentary, and to encourage discussion amongst the readership regarding the broad experience of young lawyers. De Novo additionally serves as a vehicle to facilitate the dissemination of information regarding member services, public service, programs, and activities of the Young Lawyers Division.

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Save the Date!

The WYLD Membership Committee and the
Pierce County Young Lawyers Division are pleased to co-sponsor

A Networking & Social Event at Emerald Downs

in Auburn, Washington

Saturday, July 23, 2005 at 2:00 P.M.

**Tickets: \$6.50 - includes entrance and reserved seating
with your young lawyer colleagues**

For more information or to sign up, please contact:

Julia Bahner (WYLD Membership Committee) at bahnerj@lanepowell.com;
Kristin Guberman (WYLD Membership Committee) at kristen@mindwaresolutions.com; or
David Laumen (Pierce County Young Lawyers Division) at dwl@sswc-law.com