

Practicing Law without Accoutrements: The Practical Application of RPC 6.1

by Vanessa M. Vanderbrug

Practicing Law without Accoutrements:
The Practical Application of RPC 6.1 .. 1
by Vanessa M. Vanderbrug

Editor's Column 2
by Jason T. Vail

Back to School: A Former Student
Becomes the Teacher 3
by Jennifer T. Karol

The Lessons from Learning the True
Meaning of "Family Law" 4
by Betsy Vo and Heidi Ellerd

Spotlight on Former WYLD President
Kathleen J. Hopkins 5
by Julia A. Bahner

Brangwin Participates in ABA Bar
Leadership Institute 6
by Julia A. Bahner

How to Get Reciprocity Admission in
Oregon 6
by Tom Breen

Fire and Ice:
The YMCA Mock Trial Program 7
by Dubs Herschlip

WYLD Across the State 8

WYLD Upcoming Meetings and Events 8

Get Involved!
Join a WYLD List Serve Group! 8

WYLD Snohomish District
Hockey Night 8

Seattle Youth and Law Forum 9
by Jennifer R. Porto

WSBA Leadership Institute Seeks
Fellows for 2007 9

Dear Family Lawyer 10

WYLD Committee & Program Chairs 11

WYLD Board of Trustees 11



“E very lawyer has a professional responsibility to assist in the provision of legal services to those unable to pay.” So begins RPC 6.1, which asks lawyers to “aspire” to a minimum of thirty hours of *pro bono* work per year.

As a law student, I imagined this aspiration would be easy to fulfill and, in my naiveté, presumed I could easily surpass the thirty-hour annual commitment. Then came the bar examination, work for a judge, and finally work as a new associate, and the thirty-hour aspiration was quickly forgotten in the midst of learning how to be a lawyer. Had I stepped back and recalled RPC 6.1 early on in my career, I would have realized this rule, while providing benefits to those unable to pay for legal services, can be extraordinarily beneficial to the new lawyer.

It was during a conversation with a good friend, whose work is solely dedicated to providing services to those unable to pay, that I (motivated, admittedly, by guilt) decided to revisit the encouragement of RPC 6.1. With the approval of my firm, I approached the county bar association to ascertain what volunteer opportunities were available. I was searching for something that would allow me to use my legal skills, but would also involve a relatively small time commitment. (As my husband once remarked, time with him was also a community service.) My search revealed the King County Neighborhood Legal Clinics, which provide one-half hour of legal advice to community members by appointment. I was intrigued, and I followed through with the helpful liaison at the King County Bar Association who scheduled me for an orientation and training. I discovered that, as a side bonus, the training is free and provides attorneys credits toward satisfying mandatory continuing legal education requirements.

After the excellent training program and one shadow session, where I dutifully followed a seasoned volunteer through her appointments, I felt ready to begin progress toward my thirty-hour aspiration. As I parked my car and walked towards the clinic, my positive feeling began to dissipate

into one of dread as I clutched my volunteer handbook. How would I practice law without all the accoutrements I was accustomed to? No mentors to bounce ideas off of, no Westlaw? I turned back to the car and skimmed my bar review materials in the hope they would provide some enlightenment when I was asked to explain due process. I began to feel slightly ill at the prospect and imagined trying to explain malpractice claims to my bosses.

I soldiered on, more out of a sense of duty than a sense of desire, and met my first client. He entered the clinic in a wheelchair and, at first, was dismayed to learn that I (as a woman) was the only lawyer available. He was homeless and had questions regarding the availability of medical benefits. My sick feeling returned as I realized that neither my practice nor my skim of the bar review materials prepared me to explain the intricacies of public benefits. I began to envy those contestants on *Who Wants to Be a Millionaire* who could exercise a lifeline to phone a friend. I could think of many people who could provide greater insight than I.

However, I was the only person available and thus I reviewed the gentleman's paperwork. Amazingly, I realized I could provide some help with his problem, which was twofold. One, he did not know how to navigate the complexities of agencies. Two, he was unaware of other means to address his problems. After an initial period of skepticism, he began to listen to me with some intensity, and I was startled at how much I was able to assist him even without the benefit of mentors or Westlaw. Oddly, practicing law can be done with only the benefit of one's brain and listening ability. At the end of our meeting, I was surprised to hear him thank me with so much sincerity and state that I was the first person he had encountered who took the time to hear his concerns.

I've been participating in the program for over a year now and consistently hear the same thing from clients. They are thankful to have someone take them seriously, treat them with respect, and provide them guidance. The range of clients I have encountered varies, from individuals who are generally aware of their rights, to those who frankly just need someone to talk

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Editor's Column

by Jason T. Vail



It began when we were law students, and it continues to this day: We are reminded, encouraged, cajoled, and even sometimes sternly warned, of the importance of living a balanced life. As attorneys, we are told that we should find activities to offset our professional lives and our work so we do not find ourselves consumed by the stresses inherent in the practice of law. For many of us, this is often easier said than done; after all, the practice of law tends to frequently attract type-A, workaholic personalities, for whom relaxation is an alien concept. Nevertheless, the importance of a balanced life cannot be understated and is necessary for everyone, particularly lawyers. According to the ABA Commission on Lawyer Assistance Programs, attorneys and judges experience alcohol abuse problems at rates higher than that of the general population, and that stress from the practice of law and the pressure of high workloads frequently leads to chemical dependency and mental illness issues. Further, emotional stress and drug and alcohol abuse contribute to the majority of disciplinary actions against attorneys. In short, if we fail to find healthy ways to escape the pressures of our

daily work, it becomes increasingly likely that we may fall into unhealthy escapist behaviors that could ultimately be detrimental to both our professional and personal lives.

As a member of the WYLD, you need not look far to find activities and opportunities that allow you to set aside your caseload and have fun. I invite you to look over the calendar of events listed here and suggest that you consider joining one or more of our list serves to stay on top of the various goings-on within the WYLD. In particular, the WYLD Membership Committee has frequent gatherings and events at which you can put your daily work firmly behind you and simply enjoy the collegiality of your fellow members of the Bar. Membership Committee activities are regularly showcased in *De Novo*, and you will find articles about this committee's recent events in this issue. And if socializing is not your thing, there are many other WYLD committees, as well as opportunities to connect with your local bar association YLD and its activities – again, all regularly featured in *De Novo*.

Also in this issue are three articles written by young lawyers, which describe the things they have discovered to help counterbalance their legal practices. Vanessa Vanderbrug writes about how her volunteer work with the King County Neighborhood Legal Clinics has allowed her to give back to the community

while learning and growing as an attorney. Jennifer Karol recounts the challenges she faced when she decided to take up part-time teaching in addition to her busy practice. Finally, Betsy Vo and Heidi Ellerd provide helpful tips and insights on how to balance being a full-time new parent and full-time attorney. It is a tremendous benefit to the *De Novo* readership to have exceptional young lawyers willing to take the time to share their experiences, and I encourage more of you to consider contributing pieces of your own.

Finding and living a balanced life is indeed crucial, and is a skill we all need to learn as young lawyers. I hope that between the inspiring stories from fellow young lawyers in *De Novo* and the ample opportunities provided by the WYLD (which are both professionally beneficial and just plain fun), we can all find ways to strike an appropriate balance in our own lives.

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Practicing Law without Accoutrement: The Practical Application of RPC 6.1 from previous page

to. Although I cannot solve each client's problem in one half-hour session, I can provide suggestions on how to proceed. Most critically, I can listen to someone who has not been listened to. Interestingly, many clients say their experience at the clinic improves their view of lawyers generally. (I suppose it is unnecessary to state that lawyers are often viewed by members of larger society, as Woody Allen insinuated in *Deconstructing Harry*, as members of the lower levels of hell.)

I am often reminded that lawyers are also counselors, a role often forgotten in this pro-litigation society. There are many problems

that cannot be resolved by resorting to the legal system, but instead can be addressed through social service agencies or simple communication. Even those problems that *can* be addressed through litigation may be better addressed through alternative means. In volunteering, I have learned much about the value of lawyer as counselor. Moreover, I have learned that the practice of law is not confined to office space, but is within each of us as lawyers. In essence, we know more than we think we do and, through providing legal services in accordance with RPC 6.1, we can exercise

those skills to the mutual benefit of the community and our profession.

Editor's note: For more information about pro bono opportunities in your county, visit www.advocateresourcecenter.org/oppsguide.cfm.

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Back to School: A Former Student Becomes the Teacher

by Jennifer T. Karol

I have just completed my first quarter of teaching at Green River Community College, where I had the opportunity to teach a constitutional law class covering topics from federalism, to search and seizure, to same-sex marriage. I had jumped at the chance to combine a career as a practitioner with that of an instructor, giving little thought to how difficult it might be to balance the demands of a full-time litigation position with the obligation to teach students two nights every week. While I realized the actual class sessions would be demanding, I had no idea what kinds of preparation must go into lecturing. All of the colleagues I spoke with before beginning this class acknowledged that preparation was time consuming, but raved about the fun and intellectual stimulation of teaching. The message was clear: I was going to love this!

After receiving my textbook and classroom assignment, I was off and running. My first task was to create a syllabus – my plan of attack for the quarter! Much to the amusement of my husband, I spent several hours rummaging through boxes of my old law school and classroom notes and class materials. After seven years of higher education, five years of practice, moves from apartment to apartment, to our first home, and on to our second home, I found nothing useful in the boxes of materials I had steadfastly refused to throw away. No matter, I thought to myself, I will craft one myself.

On a rainy Sunday, after spending all of Saturday prepping for a case at my day job, and of course just one week before my first class was set to begin, I sat in front of my computer to draft a syllabus. I had written motions and briefs, and had reviewed numerous legal documents. How hard could it be? I figured I would be done in time to spend the afternoon relaxing.

I quickly discovered that I had no idea how much material could be covered in one class session. A chapter in the textbook had about fifty pages. Was it reasonable to require the students to read a chapter a week? Was that too easy? What about briefing cases? How many should be required? One per week? Two per class session? What about the questions at the end of the chapter? If I assign them for the students to complete, I will know they read the material. But is that too much work?

Once I figured out how to structure the class sessions, I quickly became hung up on how to measure the students' performance. I always hated those classes where everything depended on one test at the end of the quarter. Instead, I decided that I would give every student a chance to excel. I would have daily assignments, which would include briefing cases, a midterm take-home exam, a paper, class participation, and a final exam. It all sounded so balanced in my mind, I had completely forgotten to factor in the time it would take me to grade all of these different tasks.

After several other comparable challenges, and of course putting my lawyerly skills to use by adding disclaimers and "official" sounding information, my syllabus was complete: I was ready to teach! Just in the nick of time too, as my first class was the next evening.

I entered the classroom with a sense of accomplishment from completing my syllabus. I had an outline with discussion points, copies of the syllabus in hand, a sheet to record attendance, instructions on how to brief a case, and instructions on what the final paper should look like. I figured that after explaining a little about myself, outlining the class, and doing introductions between students, there would be just enough time left to answer questions and dismiss the students to allow them time to purchase their books. The aforementioned events took much less time than anticipated! Yikes, now what? No matter, I thought, once we start discussing the material, things would go more smoothly.

Class number two: an introduction to federalism. I started the class by determining if the students had done their homework and had read the chapter. I was greeted by moans and groans, "It was too hard, I didn't have enough time, I haven't even bought the book yet, what homework?" What had I gotten myself into? I started my lecture for the evening and was immediately bombarded with complicated questions and hypothetical scenarios. "What if . . .?" Wow, wait a minute! I was not prepared for all of this. Note to self: brainstorm answers to "what ifs" for next class. I felt like I was in court telling the judge, "Your honor, I am not prepared to address that issue, but would be more than happy to brief it for you."

The weekend was spent reading, researching, and grading assignments. I never thought so much work went into teaching! Sitting in front of my computer, I took back all the evil thoughts I had of my professors in school. Had I known it was this hard, I would have been much more understanding.

The next week I was prepared. I had answers, I had points to debate, and I was ready with games and exercises and group discussions for the students. After an entertaining and informative class period, I left feeling that I finally had the hang of the teaching thing.

The weekend rolled around and I again spent it reading, researching, and grading assignments. An additional element had arisen: I was slated to be in a week-long trial in less than two weeks. In addition to preparing for my class, I needed to complete my trial preparations. A second look at the prized syllabus revealed that the students' midterm take-home exam was looming closer. Hmmm – when would I fit in the time to write their exam?

Somehow, looking back, I managed to find the time to prepare the test, grade the assignments, prepare for lectures, and write the final exam. I also managed to find the time to really enjoy doing all of it. The class discussions were engaging, the students were bright and genuinely interested, and despite never-ending complaints about how much work my class was, or how many hours they spent on homework, they all managed to pass the class with flying colors. We had interesting debates, entertaining contests, a few boring lectures (I must admit), and overall a pretty fun time.

Teaching is a lot harder and a lot more work than I thought it was going to be. However, I had a wonderful time, and the biggest benefit is that my students learned from my class, and that I helped them to do so. I also learned a lot from them. I am looking forward to teaching again, and everyone tells me it is a lot easier the second time around. We'll see!

Jennifer T. Karol works in the Sexually Violent Predator Unit of the Washington State Office of the Attorney General. She can be reached at 206-389-2004, or jennifert@atg.wa.gov.

The Lessons from Learning the True Meaning of “Family Law”

by Betsy Vo and Heidi Ellerd

Since becoming new parents, our lives today are 180-degrees different than they were one year ago. At this time last year, we were 150% focused on our careers and looking forward to the next fun weekend activity with our husbands. Sure, we were getting excited about the impending births of our first children, but who would have thought our lives would be turned upside down once they arrived? We knew it would not be easy to be full-time working mothers, but we did not realize how much planning and multi-tasking are involved to make it work. Here are some anecdotes and words of experience (from the mother’s point of view, of course) for those of you who are new parents or who are planning on starting a family.

Planning Maternity Leave. Once we were ready to broadcast the wonderful news of our pregnancies, it was time to have a sit-down with our supervisors to discuss our maternity leave plans. It is a good idea to check your firm or company’s policy on maternity leave and the health coverage available for you and your new baby. We both approached our employers early to lay out a clear plan on how to wind down our cases and workload when it was time for us to go on leave. It is fortunate that we had such a plan in place, since our children made their debuts earlier than expected: Heidi’s twin girls, Emma and Lauren, arrived six weeks early, and Betsy’s son, Nathan, arrived 10 days early. We both wished that we could have stayed home longer with our children, but because of finances, we both were back to work earlier than the traditional three months’ leave: Heidi returned to work full-time after eight weeks of leave, and Betsy started working 10 hours per week after eight weeks of leave. To avoid having to return to work earlier than expected because of finances, you should check to see if your firm or company has a short-term disability program.

Another thought is to look into the Family Medical Leave Act¹ and the corresponding Washington State Family Leave Act.² Having not worked with these laws previously, Betsy was surprised to learn that she was not eligible for the protections they provide; Heidi, on the other hand, had worked with these laws and already knew that they did not apply to her! Betsy had been with her company only for four months when she found out she was pregnant, and she was a month shy of a full year when she left on maternity leave. Given those

facts, her employer was not required to allow her to take up to 12 weeks of leave, nor was she entitled to return to her position (or an equivalent position) after returning from leave. Heidi was not eligible for coverage under these laws because her employer does not have enough employees. If you find yourself in a similar situation, approach your supervisor and human resources department early on to come up with a



Author Betsy Vo and her son, Nathan Vu

solution that works well for all parties. Betsy was able to spread out her accrued paid time off during the entire leave, and she started working on a modified schedule after eight weeks in order to retain benefits.

Childcare. We both decided to resume our careers after the birth of our children, but that is not to say that we did not suffer from mother’s guilt for leaving our babies in the care of others during the day. Fortunately, we were able to find wonderful caregivers: Emma and Lauren go to an in-home daycare that is one

block from home, and Nathan has a nanny. We started researching and getting references for childcare early in our pregnancies. It was surprising to find out that many places had waiting lists – some two years out! Also, many of these places also require you to continue to pay through breaks or vacations. If you do not have many breaks or vacations, then this type of childcare will be a great fit. However, if, for example, you have a husband who gets to take care of the twins all summer long (like Heidi’s husband), then paying throughout the summer is just not an option. There are many types of childcare programs out there, so it is helpful to start early with your research. Many places allow you to come in to observe their programs, which we highly recommend. Some of the best types of referrals are from other parents, so do not be afraid to ask. Although we miss our children during the day, we are able to focus and stay on task at work because we are confident that our children are happy and thriving in their childcare situations.

The Art of Multi-Tasking. The days of long showers or baths and lingering over meals are over. Shaving in the shower is now cut back to the point it is dangerous (no pun intended). Instead, it is a rush to get children clean, clothed, and fed while trying to brush your hair and put on clean clothes to look somewhat presentable for work. The mornings are usually hard for the both of us since we are the ones that get the children ready for the day (our husbands have the evening shift with the children). Sure, some experts say that babies should not be exposed to television early on in life, but we have found the miracle of Baby Einstein videos – it is the only way for us to grab quick showers. We both are not morning people and we love to sleep, so before bedtime each night, baby bags are packed, clothes for tomorrow (for mother and babies) are laid out, and other essentials for the next day are put out. Sometimes dishes have to wait, and the bulk of house chores do not get done until the weekend. Sleep is also now at a premium. No more eight-hour-minimum nights. No more sleeping-in during the weekends. Thank goodness the children are sleeping through the night now, because this is the quiet time for us to conduct legal research, write briefs, review contracts, and write *De Novo* articles! These little sacrifices allow us to spend as much time with the children as we can during the times they are awake.

continued on next page



Author Heidi Ellerd and her twins, Lauren and Emma

Spotlight on Former WYLD President Kathleen J. Hopkins

by Julia A. Bahner



Kathleen J. Hopkins

In our continuing effort to highlight former WYLD leaders in De Novo, this edition will be focusing on Seattle attorney and 1997-98 WYLD President, Kathleen Hopkins.

Before law school, Ms. Hopkins worked for ten years in private practice doing a variety of jobs, including acting as the assistant director of human resources at Seton Hall University, where she received her Bachelor of Science degree in business management and industrial relations in 1988. Based in part on the recommendation of

her Seton Hall business professors, Hopkins applied to law school. She earned her law degree at the University of Washington in 1991, where she was a member of the Moot Court Honor Board and the Order of Barristers. Ms. Hopkins then joined the Seattle law firm of Riddell Williams in the bankruptcy, real estate, and litigation departments, before moving on to the law firm of Tousley Brain Stephens PLLC, focusing exclusively on real estate transactions. In 2001, Ms. Hopkins and three of her friends left Tousley and co-founded the Real Property Law Group PLLC, a boutique commercial real estate law firm with four attorneys. Ms. Hopkins focuses on complex commercial real estate deals and workouts, and is a frequent speaker and writer on real property transactions, financing, leasing and workout issues.

As a former WYLD leader, Ms. Hopkins has many fond memories of her time with the WYLD, and notes that all young lawyers can benefit from getting involved. Ms. Hopkins believes that the key benefit is networking and learning what other young lawyers are doing with their careers. While Ms. Hopkins was WYLD president, she presided over the WYLD midyear conference held in Leavenworth, where more than 150 young lawyers from across the state attended for the CLEs, professional development, and social events. During her term, Ms. Hopkins also chaired and organized a FEMA *pro bono* disaster assistance hotline after severe flooding and mudslides hit certain areas of the state.

Ms. Hopkins has some sage advice for young lawyers: Pick one bar activity to focus on and to do a really good job at it, rather than signing up to do too many things in order to pad your résumé. By following this advice, you will build a good reputation, leading to additional opportunities in the future. She also advises young attorneys to create a marketing and practice plan, and she has taught several CLE classes

on this subject to young lawyers. Related to marketing, Ms. Hopkins also recommends that young lawyers read a how-to manual on business socializing and networking: Susan RoAne's *How to Work a Room* (Harper Collins Publishers Inc., 2000).

Ms. Hopkins has taken her leadership positions in Washington to a national level with her involvement in the ABA. She was recognized by the ABA Business Law Section as a young leader, being named as a YLD business law fellow. Rising to more senior positions in the section, she is currently a member of the Business Law Section Executive Council, incoming editor-in-chief of *Business Law Today* magazine, co-editor of the Commercial Law Newsletter, and a Co-Chair of the *Pro Bono* Committee of the Business Law Section. Additionally, Ms. Hopkins is very involved in the GP/Solo Section of the ABA. In various years, Ms. Hopkins has served as a liaison to various ABA commissions, including the ABA Commission on Women in the Profession, the Commission on Renaissance in the Profession, the Commission on the Billable Hour, and the Commission on Homelessness & Poverty. Since 1998, she has represented the WSBA as a member of the ABA House of Delegates.

One of Ms. Hopkins' passions is *pro bono* service, and she has worked hard to create opportunities for lawyers to give back to the community. Currently, Ms. Hopkins is a fellow and state co-chair for the American Bar Foundation and co-chair of the ABA/NLADA's Equal Justice Conference. Additionally, as a member of the ABA Standing committee on *Pro Bono* and Public Service, Ms. Hopkins is working with the ABA Business Law Section Small Business Recovery Working Group to assist Hurricane Katrina victims by helping small businesses affected by this tragedy. Finally, Hopkins is on the advisory board of Washington Attorneys Assisting Community Organizations ("WAACO"), a statewide organization matching transactional attorneys wanting to do *pro bono* with community-based groups throughout Washington. She encourages lawyers looking for non-litigation *pro bono* options to contact WAACO at www.waaco.org.

continued on next page

The Lessons from Learning the True Meaning of "Family Law" from previous page

Having a legal career is sometimes not conducive to being a mother, but that is where prioritizing is a must. It is hard to achieve that equilibrium of work and family, but having young ones that depend on you force you to strive for that balance. Sure, we still have days where we are working late into the evening, but we also have days where we pick up the children early to spend the afternoon with them. Many employers understand the importance of family life and allow you to flex your time so that it is more manageable for you and your family. If that is an option for you – take it! Children grow and develop so much during the first few years, so it is nice to have a little bit of flexibility to not miss those important milestones.

With the children now approaching their first birthdays, we cannot imagine where the time has gone. We are sure that things will get somewhat easier. We are looking forward to no more diapers, fewer loads of

laundry, and no more bottles to sterilize. But for now, we would not have it any other way – no sleep and all. We are blessed that we enjoy our careers and are able to equally enjoy the children that have completed our lives.

Betsy Vo is the proud mother of Nathan Vu (born July 30, 2005) and is the associate general counsel for PeaceHealth, a Washington non-profit healthcare system. She can be reached at 425-564-9503, or bvo@peacehealth.org. Heidi Ellerd is the proud mother of Lauren and Emma Ellerd (born July 19, 2005) and is an associate attorney at Kuffel, Hultgrenn, Klaskke, & Shea LLP. She can be reached at 509-545-8531, or hellerd@khkslaw.com.

1 5 CFR 630.1201

2 RCW 49.78.005 *et al.*

Brangwin Participates in ABA Bar Leadership Institute *by Julia A. Bahner*

Joining nearly 300 leaders of lawyer organizations from across the country at the American Bar Association's Bar Leadership Institute ("BLI"), March 9-11, 2006, was John M. Brangwin of Wenatchee, president-elect of the WYLD.

The BLI is held annually in Chicago for incoming officials of local and state bars, special focus lawyer associations, and bar foundations. The seminar provides the opportunity

to confer with ABA officials, bar leader colleagues, executive staff, and other experts on the operation of such organizations.

Brangwin joined ABA President Michael S. Greco of Boston, Massachusetts, and ABA President-elect Karen J. Mathis of Denver, Colorado, in sessions on bar governance, finance, communications and planning.

Various ABA entities briefed the participants on resources available from the ABA for

local, state, national, and specialty bar associations and foundations.

The BLI is sponsored by the ABA Standing Committee on Bar Activities and Services and the ABA Division for Bar Services as part of the association's long-standing goal of fostering partnerships with bars and related organizations nationwide. Cooperating ABA staff entities included the Division for Media Relations and Communication Services.

How to Get Reciprocity Admission in Oregon *by Tom Breen*

If you have ever been curious about obtaining Oregon bar membership via reciprocity but never really looked into it, look no further. The WYLD CLE committee has come up with a weekend CLE program designed to save you time, money, and the hassle of attending various CLEs so that you can quickly be on your way to becoming a full-fledged member of the Oregon Bar.

Reciprocity: What is it?

Effective January 1, 2002, changes to Oregon's admission rules allow Washington lawyers to be admitted to the Oregon Bar without having to take a bar exam. According to Oregon rule 15.05 regarding reciprocity, "Lawyers who have taken and passed the Idaho, Utah, and/or Washington bar examinations, who are active members of one or more of those state bars as a result of the passage of those examinations, and who have lawfully engaged in the practice of law for no less than three of the four years immediately preceding their application for admission under this rule may be admitted to the practice of law in Oregon without having to take and pass the Or-

egon bar examination, subject to the requirements of this rule." So long as Washington attorneys meet all of the standard criteria for admission, they merely need to take fifteen hours of particular Oregon CLEs in order to be admitted to practice law in Oregon. For additional details about the rule, go to www.osbar.org/admissions/reciprocityFAQ.html, and for a comprehensive overview about Washington attorney reciprocity in Oregon, an informative article by Robert D. Welden, found at www.wsba.org/media/publications/barnews/archives/2001/sep-01-reciprocal.htm, is quite helpful.

What are the benefits of becoming a member of the Oregon Bar?

There are many benefits to becoming a member of the Oregon Bar. Perhaps you currently retain local counsel on cases you have in Oregon. Perhaps you could benefit from keeping some Oregon cases rather than referring them out to counsel in Oregon. Perhaps you would like some exposure to the Oregon market and want to have Oregon credentials on your résumé. Whatever your reason may be, the WYLD wants to make it as easy as possible for you to achieve Oregon Bar membership.

What are the steps to becoming a member of the Oregon Bar?

There are essentially three simple steps toward obtaining Oregon Bar membership. First, you must determine if you are eligible to apply. You are eligible only if you have active membership in Washington, Idaho, or Utah, and if you have actively practiced law for three of the last four years. If you have questions, refer to the Oregon Bar website address stated above. Second, you must apply to

the Oregon Bar and pay your fee to the Oregon Bar *before* you take any CLE credits. Third, you need a combination of fifteen particularized CLE credits from Oregon. Rather than figure out which CLEs you need, you can satisfy all of your CLE requirements in one weekend at the Reciprocity Weekend.

The Reciprocity Weekend will be held September 9 and 10, 2006, in Vancouver, Washington. The WYLD CLE Committee has coordinated with the Oregon Bar and will have video sessions that will cover all of your Oregon CLE reciprocity requirements. You do not need to figure out which CLEs to attend in Oregon or which videos to request – they will all be provided to you. The total cost to view the videos will be less than \$300, a significant reduction from what you would have to pay if you wanted to do this on your own. The weekend will include a social gathering between Washington and Oregon attorneys. By early summer, more details will be available. In the interim, if you have any questions, feel free to contact Allison Williams, co-chair of the WYLD CLE Committee, at 206-749-9460. For now, if you are interested in gaining admission to Oregon, mark off the weekend of September 9-10 on your calendar. This is a fabulous opportunity that you will not want to miss.

Reminder: It is your responsibility to apply to the Oregon Bar for reciprocity admission well in advance of the Reciprocity Weekend. The WYLD is not able to do this on your behalf. The WYLD is only able to provide you with the CLE portion of the admission process.

Tom Breen is a King County deputy prosecuting attorney and a member of the WYLD CLE Committee. He can be reached at 206-205-6643, or tom.breen@metrokc.gov.

Spotlight on Former WYLD President *Kathleen J. Hopkins from previous page*

Ms. Hopkins is a shining example of a Washington young lawyer who got involved in bar activities as a new lawyer, and has built upon this for a lifetime of service to the bar and the community.

Julia A. Bahner is a WYLD King County Trustee and is an Associate at Lane Powell PC. She can be reached at 206-223-7436, or bahnerj@lanepowell.com.

FIRE AND ICE: The YMCA Mock Trial Program

by Dubs Herschlip

Some say the world will end in fire,
Some say in ice.

From what I've tasted of desire
I hold with those who favor fire.

But if it had to perish twice,
I think I know enough of hate
To say that for destruction ice
Is also great
And would suffice.

— Robert Frost

Fire and ice may be juxtaposed as two separate fates, but imagine suffering both at once! A few young lawyers tested their trial skills by both fire and ice at the YMCA-sponsored High School Mock Trials last month in our state capitol. Every year, high school students play the roles of lawyers and witnesses in cases presenting difficult and often controversial social issues. In past years, the fictitious cases have dealt with such issues as mandatory drug testing, assisted suicide, self-defense and the right to bear arms, hate crimes, domestic violence, sexual harassment, freedom of speech, and gang-related graffiti. This year, the trial materials, authored by Mike Lang, brought to light the chemical volatility and dependency issues arising from crystal meth, hence the title, "Fire and Ice."

These participants not only survived, but grew stronger from participating in this true-to-life courtroom drama. Each team of attorneys and witnesses prepared its case for trial before a real judge in an actual courtroom. A jury of volunteer attorneys rated teams on presentation, while the presiding judge ruled on the motions, objections, and, ultimately, the merits. Participants developed critical thinking and analytical skills, learned the art of oral advocacy, and gained a respect for the role of law and the judiciary. The 19 teams from around the state competed for the state championship in Olympia over three dramatic days of head-to-head competition.

I volunteered as a juror and attorney-rater. The quality of the presentations surpassed my expectations. I even learned a few things, like when one team graphically depicted a plaintiff failing to bear his burden of proof using a visual of a bridge with a rotten keystone (the informant) crossing the "River of Doubt." You had to be there to see the sparks. Fiery objections, based on such erudite grounds as im-

proper character testimony or opinion testimony by a witness not qualified as an expert, clashed with icy rebuttals from cool high school litigators. Participants changed into trial attorneys and witnesses so dynamically that I wondered how the change was possible.

The change in these high school students comes about due to people like you. Since 1994, WYLD has been a co-sponsor of this wonderful program, along with the Office of the Administrator for the Courts, the District and Municipal Court Judges Association, and the Washington Judges' Foundation. In addition, members of WYLD have been playing an increasingly important role both in helping teams in their pretrial preparations, and serving as scorers at the district and state events.

Many thanks go out to the YMCA, which did an absolutely fabulous job of organizing over 200 teenagers and publicizing the event, as well as feeding the attorneys and judges who volunteered. The event could not have happened without all those volunteer attorneys who enlisted to serve the community with their free time, shepherding the next generation of

lawyers. Also, thanks to King County Superior Court Judge William L. Downing, who has chaired the Mock Trial Program and co-authored the case materials for many years, and thanks to Mike Lang, who authored this year's case. Thank you all. You were a very big part of making the weekend such a rousing success. WYLD will once again be playing a key role in helping these bright and eager students learn about their society and themselves.

Anyone seeking more information about the Mock Trial Program or wishing to volunteer to work with a team or to serve as an audience rater either for the district or state rounds, should contact program organizers: Judge Downing at 206-296-9362, or the YMCA Youth and Government Program at 360-534-0155, or Dubs Herschlip at 425-259-5106, or on the web at www.youthandgovernment.org.

Dubs Herschlip is the chair of the YMCA Mock Trial Program. He can be reached at 425-259-5106.

A group of young lawyers enjoys another **WYLD Membership Committee sponsored event: A Sonics game at the Key Arena** on April 14, 2006. The Membership Committee regularly organizes social and networking

events. Contact amy@wsba.org to be added to the Membership Committee list serve. **Upcoming Membership Committee meetings will be held at the WSBA office on June 20 and July 18, 2006.**



WYLD Across the State

Lara Hemingway, trustee of the Spokane County Young Lawyers Division (“SCYLD”), reports that the SCYLD is gearing up for this spring’s Judicial Theatre CLE. Judicial Theatre is the annual ethics CLE where judges are invited to participate in skits highlighting ethical dilemmas. This CLE continues to be a smashing success for the SCYLD, and it offers a great source of low-cost ethics credits. The SCYLD has also started planning with the WSBA to coordinate its annual New Admittee CLE, featuring a new rule requiring four hours of skills training prior to admission to the Bar. The SCYLD foresees that this coordinated effort will make this annual fall CLE even better! Spokane County YLD also continues to maintain a successful reduced-fee legal referral service through the Greater Access and Assistance Program (“GAAP”). This program places clients who do not qualify for *pro bono* services with attorneys who agree to represent referrals from GAAP at a reduced rate. The project continues to grow, with increases in both the number of referrals and the list of participating attorneys. The program has also expanded, now accepting referrals from the local Volunteer Lawyer Program; this is in addition to Northwest Justice Project’s CLEAR line, which has been GAAP’s primary referral source.

South Central District Trustee Toni Meacham reports the Benton-Franklin Young Lawyers Division had its first meeting on April 13, 2006. WYLD Associate Editor Shelley Ajax called the meeting to get interested young lawyers in the Tri-Cities area together. Ten members showed up, and the group is planning monthly meetings. It was a good turnout for the first meeting, and the YLD is really excited to see what happens.

The outgoing chair of the Kitsap Young Lawyers Section, Steve King, reports that the Kitsap Young Lawyers have been busy in 2006. The Kitsap County Chapter of the Washington Lawyer Practice Manual was completed by Peninsula District Trustee Jennifer Brugger and Lynn Fleischbein. Young lawyers put on a courthouse orientation CLE in January that was well attended by a wide cross-section of members of the local bar. Superior Court Judge M. Karlynn Haberly presided over a mock hearing, demonstrating how not to behave in court. Superior Court Commissioner Thurman Lowans covered professionalism in the courtroom, and introductions to District Court and the Clerk’s office were also part of the agenda. Thanks to everyone who helped make it such a success. Also, a call for candidates to replace outgoing Trustee Jennifer Brugger was made. Jennifer’s three-year term as trustee for the Peninsula District ends September 30, and she will be hard to replace. Finally, elections for new officers were held at the March meeting. Congratulations to Kylie Purves, who was elected as chair for the coming year to replace outgoing Grand Poobah Steve King, who is officially no longer a young lawyer. Matt Kaser was re-elected as secretary, and John (“no money, no bank accounts, no problems”) Purves was re-elected as treasurer. For information on the Kitsap Young Lawyers Section, contact Kylie at kpurves@cmpyd.com, or Jennifer Brugger at jbrugger@wapa-sep.wa.gov.

WYLD Upcoming Meetings and Events

- June 9 Board of Trustees Meeting, Yakima
- June 9-11 ATJ and Bar Leaders Conference, Yakima
- June 14 *De Novo* Editorial Advisory Board Meeting, Noon at the WSBA
- June 16 Practice Conditions Forum at the Museum of History and Industry
- June 20 Membership Committee Meeting, 6 p.m. at the WSBA
- June 21 New Admittee Reception, 4 p.m. at the WSBA

Get Involved! Join a WYLD List Serve Group!

If you are interested in joining a WYLD committee or volunteering for one of our programs, the best way to get information is by joining one of our many list serves! To join one of the list serves, please contact WYLD Liaison Amy O’Donnell at amy@wsba.org.

The WYLD has list serves for the following groups:

- ABA Committee
- Committee for Diversity
- CLE Committee
- Editorial Advisory Board (EAB)
- Membership Committee
- Pro Bono/Public Service Committee
- Practice Conditions Committee
- Trial Advocacy Program

WYLD Snohomish District Hockey Night

On March 3, 2006, the WYLD and young lawyers from the Snohomish County Young Lawyers Division gathered together for an Everett Silvertips Hockey Night. About 20 young lawyers attended the event. Prior to the game, the group of young lawyers gathered at the Flying Pig in Everett for a fun-filled social, and then proceeded to the hockey game. Young lawyers enjoyed the thrilling, action-packed game between the Everett Silvertips and the Seattle Thunderbirds, which ended with the Silvertips winning. It is safe to say that the WYLD Snohomish District Hockey Night was a huge success.

Kari Petrasek is the WYLD Snohomish District trustee. She can be contacted at kpetrasek@bellingham.com.

Seattle Youth and Law Forum

by Jennifer R. Porto

The Washington Young Lawyers Division was among the many proud sponsors of the Sixteenth Annual Seattle Youth and Law Forum. The forum was held on April 8, 2006, at First AME Church on Capitol Hill. The theme this year was "Youth and Truth SOS." Students of all ages attended, from elementary school through high school. Parents and guardians were also encouraged to attend.

The day began with words of encouragement, inspiration, and wisdom for the 300 youths. Among the speakers was our own YLD President Noah Davis. The keynote address was given by the Honorable Richard Jones, inspiring the students with his own story of success. He urged the students to follow their dreams, and left them with this goal: "You can be whatever you want to be, just be the best." Other distinguished speakers included: the Honorable Charles V. Johnson; Bonnie Glen, Esq., deputy chief of staff, Office of the King County Prosecutor; the Honorable Phillip Hubbard, juvenile court judge; the Honorable Norm Maleng, King County prosecutor; Chief Nicolas Metz, assistant chief, Seattle Police Department; the Honorable Kimberly Prochnau, King County Superior Court commissioner; Sheriff Susan Rahr, King County sheriff; Rev. Carey Anderson, First AME Church; and William Witt, Black Law Enforcement Officers of Washington.

After the opening remarks, the students were wowed by the Seattle Police Department's bomb-detection demonstration and the drug-sniffing dogs. Students were then dismissed to the various workshops taught by members of the legal and law enforcement communities. The workshops included: "Cleaning Up Your Act," taught by Judith Dubester, Esq., and Karen Clark, Esq.; a mock trial, led by Jacqueline Walker, Esq., of the Attorney General's Office; fingerprinting, taught by Heather Baum and Cyndi Zeller of the King County Sheriff's Office; evidence detection, taught by Lori Moore and Sherrie Wrapsir of the King County Sheriff's Office; internet safety, taught by Leanne

Shirey of the Seattle Police Department; identity theft, led by Sean O'Donnell, Esq., and John Hunt; "Major Acts of Reconstruction," taught by Detective Syb Heimstra of the Seattle Police Department; "What's Love Got to Do with It," taught by Judge Judith Hightower; and "Crash Course," taught by JD Smith, Esq., and Judge Charles Johnson. After the workshops, students ate lunch and enjoyed DJ SharpSkills, who rapped about positive subjects.

The youths left the forum with a greater understanding of the law from many angles. The speakers and workshop presenters not only spoke words of wisdom, but also words of compassion and support. Most importantly, the students left knowing that all the adults in attendance were there to support, teach, and encourage knowledge and success. It was wonderful to see the leaders of today giving up their busy schedules to spend time with the students, our future leaders of tomorrow. Their words of inspiration and wisdom were priceless. Likewise, it was impressive to see students giving up their Saturday for such a positive and worthwhile cause.

The YLD was well represented at this event. In addition to participating in the planning of the event, Noah Davis, Bertha Diaz, and I helped out wherever we could on the day of the event, including the fingerprinting and mock trial workshops. Overall, we were overwhelmed by the positive spirit of the event and hope to be able to participate in larger numbers next year. We thank Judge Leroy McCullough and Nancy Stephens, Esq., the chairs of the event, for welcoming our participation.

Jennifer R. Porto is an attorney with Lee, Smart, Cook, Martin & Patterson, P.S., Inc. She can be reached at 206-624-7990, or jrp@leesmart.com.

WSBA Leadership Institute Seeks Fellows for 2007

The Washington State Bar Association seeks applicants for the 2007 WSBA Leadership Institute. The WSBA Leadership Institute recognizes that many lawyers, especially those from diverse backgrounds and other underrepresented groups, have not been traditionally recruited for leadership positions or made aware of opportunities for leadership training, skill development, and professional growth available through the WSBA. Ten to 12 attorneys who have been in practice for three to 10 years will be carefully selected for the third year of the program, which began in February 2005. The 2007 program will take place from January through August 2007.

The program is a collaborative, experiential, and individualized curriculum that includes eight professional development seminars. WSBA Leadership Institute fellows will benefit from the latest trends in professional leadership development, exposure to the legislative and judicial systems, interaction with high-level state and local officials

and judges, and opportunities to meet high-profile attorneys from the private and public sectors. The program is a two-year commitment. Following the completion of the first year, fellows are expected to serve on a WSBA section, committee or bar-related activity. Fellows will earn 30 CLE credits. The program is free of charge.

To be considered for the program, applicants must: 1) complete an application with cover letter, résumé, and three references; 2) be an active WSBA member; 3) have practiced law in a United States jurisdiction for three to ten years; 4) be nominated by his or her employer, or if self-employed, by another individual; and 5) provide evidence of interest in community and WSBA activities. Applications for the 2007 WSBA Leadership Institute will be available by mid-summer 2006 for submission in early fall. Application forms and instructions will be available on the WSBA website at www.wsba.org/lawyers/leadership_institute.htm.



Dear Family Lawyer

A column answering family law questions

“Dear Family Lawyer” is prepared for De Novo by the Family Law Section of the Washington State Bar Association

Dear Family Lawyer:

I am new to the practice of family law. One of my clients told me recently that she has been physically abused by her husband. I know that evidence of domestic violence against my client is legally relevant for parenting arrangements, but I am also worried for my client’s safety. I want to give her the most effective advice, but I don’t have training in domestic violence and don’t want to take on an inappropriate role with my client. Are there resources available to help me learn how best to represent domestic-violence victims in family law cases?

Signed, Wanting to Help

Dear WTH:

At some point in their careers, family law attorneys will undoubtedly represent someone who has survived domestic abuse. Studies show that domestic violence tends to escalate when the victim tries to leave the relationship, so the separation process is a particularly volatile time. As a lawyer, even if you already have a good understanding of the legal relevance of domestic violence in family law proceedings, there are several things you can do to better represent a client in this situation.

Understand Domestic Violence

Attorneys representing victims of abuse should understand domestic violence in order to provide the most effective representation to their clients. Under Washington law, domestic violence is defined as: “... (a) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.” RCW 26.50.010(1).

Social science defines domestic violence as a pattern of physically and/or emotionally abusive behavior used to control another person with whom the abusive person has an intimate or family relationship. Examples of such behaviors include physical attacks, sexual assault and coercion, restraining an intimate partner’s freedom of movement, stalking, destroying property, threatening to hurt or take the children, verbal abuse, isolating from family and friends, threatening in the workplace, threatening immigration status, and controlling access to family finances.

Despite the growing awareness of the prevalence and severity of domestic violence, the public still believes certain myths about domestic violence.

- *Myth: The Victim Can Just Leave the Relationship.* When social scientists began studying domestic violence in the 1970s, they characterized the failure of many women to escape their relationships as resulting from “learned helplessness.” This theory supposed that women stayed in abusive relationships because they became emotionally beaten down and unable to make protective choices for

themselves. It is now understood that the rates of lethality for victims increase substantially when attempting to leave violent relationships. Thus, in order to survive an abusive relationship, it may be safer to remain with the abuser. Practitioners should understand that for some spouses or partners, leaving a violent relationship can be a long and sometimes repeated process.

- *Myth: Domestic Violence Occurs Only in Low-Income Communities.* Unlike the general public, most family law attorneys know that domestic violence occurs in all kinds of families, regardless of income, education, and social status.
- *Myth: Domestic Violence is Accepted by Some Cultures.* Just because domestic violence exists in a culture does not mean it is appropriate or accepted by the majority of people in that culture. For example, domestic violence is very prevalent in the United States, but it is certainly not considered acceptable by either the legal system or the majority of people in this country.
- *Myth: Children Are Not Harmed by Domestic Violence.* The American Bar Association reports that children whose parents are abused are more likely than the general population to exhibit violent behaviors in their own intimate relationships, to be abused in their adult relationships, and show signs of trauma including learning and behavioral problems.

Learn About Safety Planning

The most important issue facing a domestic-violence victim is safety. While the legal system plays an important role in protecting against further acts of domestic violence, it is not a failsafe tool. Thoughtful safety planning may be instrumental in preventing future violence. Family law practitioners should make appropriate referrals for this service, just as an attorney would refer his or her client to a therapist for counseling.

- *Refer Client to Advocates for Survivors of Domestic Violence.* Help your client connect with an advocate at a local domestic-violence program. These advocates have safety-planning expertise and will help the client develop an individual safety plan. Contact the Washington State Domestic Violence Hotline (1-800-562-6025 V/TTY) for information about advocacy programs in your community.
- *Informal Mediation is Not Appropriate.* Some counties require mediation in family law cases. Seek a waiver of this requirement in all cases involving domestic violence. Informal mediation is almost never appropriate in cases of domestic violence, because of the power dynamics in the relationship.
- *Consider Safety in the Courthouse.* Help the client plan for court appearances. Meet outside the courthouse and walk there together, or encourage your client to bring a friend. If your client has been stalked, suggest alternatives to driving so the abuser will not be able to identify a car. If the opposing party has made threats, consider asking for law enforcement stand by during court hearings.

continued on page 12

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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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Dear Family Lawyer from page 10

- *Consider Safety in Formal Mediation Proceedings.* In a formal mediation, ask the mediator to use the caucus method, in which the attorney and client are in a separate room and never interact with the opposing party. Consider setting different arrival and departure times from the mediator's office. Trained family law mediators may have additional suggestions for minimizing danger.
- *Take Your Client's Fears Seriously.* Your client has lived with this abuse and understands the risks better than anyone else.
- *Consider Your Own Safety.* Make sure your office is safe for yourself and your staff. If you feel threatened, take steps to protect yourself when traveling to and from court. To maintain privacy and safety, many family law practitioners maintain unlisted home telephone numbers.

Resources to Help You and Your Client

- For lawyers needing technical assistance in cases involving domestic violence, contact the Northwest Women's Law Center at 206-682-9552. There are also excellent resources for lawyers available at the website of the American Bar Association's Commission on Domestic Violence at www.abanet.org/domviol.
 - *Advocates at Domestic Violence Programs.* Attorneys should not generally expect advocates to provide declarations for hearings or appear as witnesses in trials. However, advocates can provide other valuable assistance to attorneys for battered clients. They can help you maintain contact with a client in shelter or who otherwise has to relocate due to violence. They can help with referrals to appropriate counseling services, supervised visitation services, and batterers' treatment programs. As noted above, they can help both clients and attorneys plan for safety throughout the representation. Advocates can serve as an educational resource for attorneys new to a practice involving representation for victims of domestic violence.
- *Shelters:* To locate the nearest shelter, victims should call the Domestic Violence Hotline, 1-800-562-6025.
 - *Address Confidentiality Program:* The Washington State Address Confidentiality Program is a free service that provides safe addresses to victims of domestic violence and/or sexual assault. To apply, an applicant should call 1-800-822-1065 (voice) or 1-800-664-9677 (TTY). The applicant will speak to a "designated application assistant" who will help the client prepare the application. Once approved, the applicant will receive a post office box through which all mail will be forwarded. This address may be used as a service address.
 - *Crime Victims' Compensation ("CVC"):* The CVC program provides compensation for some injuries incurred to victims arising from crime, as long as the victim reported the crime to law enforcement within one year or within one year of the time a report could reasonably have been made. The program may cover expenses like medical bills, counseling, or lost wages. The amount of benefits is capped, and the applicant's insurance policies must be used first. However, the program can be helpful for some crime victims, particularly for coverage of uninsured costs. Clients can call 1-800-762-3716 for an application.
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