

Career Spotlight: Working in the Juvenile Court System by Jason T. Vail

Editor's note: The last issue of De Novo featured a "Career Spotlight" article focusing on in-house counsel written by Julia Bahner. Based on the positive response we received to the article, we will be continuing with a semi-regular "Career Spotlight" feature piece where we will examine young lawyers' legal careers in practices slightly out of the mainstream. This month we will be looking at a prosecutor and public defender in the juvenile court system. We continue to welcome your feedback and suggestions for future installments of "Career Spotlight" at denovo@wsba.org.

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Even as a grade-school student, Shannon Connor knew she wanted to be an attorney. But as a person of diverse and varied interests, she pursued a different path while an undergrad student at Western Washington University by obtaining a degree in environmental science. In the years following graduation, she contemplated continuing her education to merge her interest in the law with her passion for environmental issues as an attorney in an environmental justice practice. Attending Golden Gate University School of Law in San Francisco, she specialized in environmental justice but once again found herself on a divergent track: after interning with a prosecutor's office working on elder-abuse felonies, she developed an interest in criminal prosecution.

Today Shannon is a juvenile prosecutor in Whatcom County. When she applied for the job, she specifically selected juvenile court out of a desire to work with kids. Although she is on the other side and may be viewed by the juvenile offender as "the bad guy," Shannon sees her work as beneficial to the child. "I enjoy having the opportunity to intervene in the child's behavior, to put a stop to it, and make sure the child is held accountable," she says. "The goal is to stop the behavior at this stage so that it does not occur in the future when the consequences may be more severe. Ultimately I see my role as helping kids, even though they may not like it."

In addition to helping kids, she also sees a role in helping society and defending the rights of victims. And from a professional standpoint, she enjoys the significant litigation experience she receives. Still, she returns to the notion of helping kids as central to her work: "The most rewarding thing that can happen in my job is never seeing those kids in the courtroom again," she says. She notes that seeing kids successfully complete the drug court program is particularly rewarding for her. But like any other practice, there are negatives to go with the positives: although like many attorneys Shannon tends to be a workaholic, the

heavy caseload can sometimes be challenging. She also finds herself sometimes generally frustrated when she sees so many kids committing crimes.

To help reduce criminal activity by kids and the resulting burden on the juvenile justice system, Shannon believes volunteerism is very important and a way that young lawyers can play a valuable role. She suggests young lawyers volunteer at organizations like the Boys Club and Girls Club where they can give guidance and support, and be positive role models. Young lawyers should also consider volunteering as mentors at local schools that participate in teen court programs.

Shannon thinks the biggest challenge facing the juvenile justice system is a lack of resources. She points out that the Juvenile Justice Act not only requires the juvenile be held accountable for his or her actions, but must also provide the opportunity for rehabilitation. To achieve this goal, programs designed to address problems such as mental health, family conflicts, and drug and alcohol issues must be provided. There may also be a need for foster care or safe houses for children, not only when their criminal case is pending but also after a resolution has been reached. She says, "Knowing what services or treatment would best for the youth is only half the battle. Finding a program or counseling to specifically address the issues can be difficult when the resources are not there."

Despite the challenges, Shannon highly recommends her type of practice, as it is incredibly rewarding and there is a great sense of accomplishment in the pursuit of justice. "Since becoming a juvenile prosecutor in Whatcom County, I have had extensive trial experience as well as an exposure to appellate practice. I am in court nearly every day. Because there are no juries and the time for trial is significantly shorter than it is in an adult court, the juvenile court calendar can accommodate multiple trials in one week. Depending on how a prosecutor's office is set up, a juvenile prosecutor may have the opportunity to handle a range of cases from a simple gross misdemeanor minor-in-possession to a more complex felony sex case.

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Editor's Column

by Jason T. Vail



One of the peculiarities of the editorial cycle is the fairly lengthy delay between the completion of the content of an issue of *De Novo* and the time at which you, the readership, receive it. For example, as I write this column we are enjoying a beautiful, warm late-summer day in August. I have just recently returned from a long vacation and road trip back to the family homestead on Starvation Lake in the northeast corner of our state where I got to appreciate the kind of genuine summer weather that I miss so dearly as a reluctant transplant to western Washington. However, I know that by the time this column appears in print, both the warm weather and the vacation will be distant memories as we descend into fall. By that time I will be exchanging the shorts and t-shirts I wear on my daily bicycle commute to work with layers of fleece and my bright-yellow rainsuit on those frequent days of inclement autumn weather.

There will be many other more significant changes that will occur in the interim time period as well. The approximately 1,000 applicants who sat for the bar exam just a few weeks ago will be anxiously awaiting their results which, by the time of publication, will be mere days away. Following this, the ranks of the WYLD membership will swell with newly admitted attorneys. But with every gain is a loss; the growth in our membership will be met with the departure of many of our members who will “age out” by the end of the year. This will be felt more immediately among the leadership of the WYLD as the end of September marks the time of turnover at all levels of the Bar’s volunteer corps, from committees on up. The WYLD Board of Trustees will lose the talents of Julia Bahner (King District), Jennifer Brugger (Peninsula District), and Heather Young (Pierce District), as well as President Noah Davis and Katie O’Sullivan, the WYLD’s representative on the WSBA Board of Governors. Though their terms are ending, we look forward to their continued leadership and involvement with the WYLD in the future.

Similarly, we look forward to the inclusion and involvement of our new admittees and new elected leadership, including President John Brangwin, whose inaugural column appears in this issue of *De Novo*, and President-elect Mark O’Halloran. We also look forward to the contributions of the newest members of the WYLD’s various committees. I would like to make particular note of the WYLD’s Editorial Advisory Board (“EAB”), the board that has oversight and input into this very publication. The EAB’s membership has been vitally important to the continuous commitment to quality of *De Novo* and it shows: At the 2006 annual meeting of the ABA in Hawaii, *De Novo* received the first-place Award of Achievement from the ABA Young Lawyer Division in its budget category. This is a great accomplishment for the WYLD and is due in large part to the exceptional work of the EAB. By the time this column goes to print, the EAB will have lost several key members, and it is my

hope that some of you will step up and become a part of this publication through participation on the EAB. Involvement with the EAB is easy and it starts by joining our list serve. Please send an email to me or denovo@wsba.org if you would like to join or if you simply have questions about the EAB.

In addition to participation on the EAB, an opportunity for service to *De Novo* can be found in the call for applications for the assistant editor position. As my term as editor winds down in early 2007, Assistant Editor Shelley Ajax will take the reins as the new *De Novo* editor and thus will need her own assistant editor who will serve her as well as she has served me. I invite you to look at the call for applications in this issue and consider applying if you have the skills and interest to assume this role. I cannot overstate both how important and downright fun involvement with this publication is, and I hope we can recruit more great talent to our team.

Finally, and of most significance to myself personally, there will be another substantial change in WYLD leadership that will occur between the time I write this and the time it appears in print: The WYLD will have a new governor on the WSBA Board of Governors (otherwise known as “the BOG”). As I mentioned above, Katie O’Sullivan’s term on the BOG will be expiring, and it is my tremendous honor to be taking her place for the next three-year term. Having a voice on the BOG is greatly important to the young lawyers of our state. Ms. O’Sullivan has most ably and effectively represented the WYLD during her term on the BOG, and so it is not without some trepidation that I intend to do my best to fill her shoes; she has, after all, set a very high bar for me, and I hope to live up to her example. It is a great privilege to serve you, the membership, on the BOG, and to that end the next issue of *De Novo* will feature a new and ongoing column: the BOG Report. This column will be my opportunity to reach out to the membership, report on the activities of the BOG, and to invite feedback on issues of concern to you. I intend for my governorship to be as transparent as possible so that I may most effectively represent you, and the BOG Report will be one of my many efforts to achieve this.

It is truly amazing how much change can happen in a short time, particularly at this time of the year. As these changes occur, I hope you will take the time to contribute your talents and seek out opportunities for service to your Bar and Young Lawyer Division. I look forward to working with you.

Jason T. Vail is editor of De Novo. Mr. Vail is a staff attorney with the Seattle office of Northwest Justice Project and is a staff attorney-legal editor with the Sargent Shriver National Center on Poverty Law’s legal journal, Clearinghouse Review. He can be reached at 206-464-1519 or jasonv@nwjustice.org. All opinions are solely his own and not those of the WYLD, the WSBA, or De Novo.

President's Column

by John M. Brangwin



After many, many years of service on the WYLD Board of Trustees, I have now been chosen to be its president. It is a great honor and will be an excellent conclusion to my service to the young lawyers of our state. During the years I have served I have matured, learned much, and made friendships that will last a lifetime. There are so many trustees that have touched my life in one way or another, and I have served on the board under eight presidents. I have learned something from each. Here are some highlights from those eight presidents.

Pat Palace: Pat is an exceptional workers' compensation and personal-injury lawyer with his own firm in the south sound area. Pat took good care of his board. He understood the board members had volunteered for this job, gave up their Saturdays, and deserved to enjoy some fun along with the work. Pat hit one big home run during his term by bringing lawyers into the public's living room via the television show *Law Talk*.

Lisa Castilleja: Lisa was an assistant attorney general and is now a court commissioner in King County. I was honored to speak highly of her when I was interviewed regarding her qualifications for the court commissioner position. She deserved the job and she got it. Lisa's time on the board was focused on public service. Every board meeting was coupled with a public-service project, from cleaning graffiti to mentoring at-risk youth.

Tom Quinlan: Tom is the managing partner in the Fircrest firm of Miller Quinlan & Auter and a litigator in a variety of civil areas. Tom was older than the typical WYLD president and brought wisdom coupled with a vast vocabulary to the job. Tom focused on the big picture, especially when it came to representing the voice of all young lawyers when it came to the WSBA's Strategic Goal number three: "The WSBA will support the Professional Development of New Lawyers." One important product of Tom's work was obtaining free membership to a WSBA section for new lawyers.

Sherri Jefferson: Sherri was, and is, an employment law attorney and now works as corporate counsel for Starbucks Coffee Company. Sherri quietly taught us all courage as she battled a brain tumor the size of an apple. Her term was cut short because of her illness, but during her time as president she struck a delicate balance between the styles of Pat, Lisa and Tom, successfully incorporating some of the best traits of each into her own unique style. Sherri had the honor of being president when we finally secured a young lawyer seat on the Board of Governors. Young lawyer leaders, including Sherri, had worked for years to get a seat at the table and it finally came true. In my opinion, that seat will forever be the greatest and longest lasting accomplishment of the WYLD. A seat on the BOG insures our collective voice will be heard.

Lance Hester: Lance is a criminal defense and personal-injury lawyer in Tacoma working with his father, the highly respected Monte Hester. Lance became president early.

Those of us on the board were very concerned, as Lance had never been involved with WYLD and was thrown into the president's spot without the benefit of a full year as president-elect. Lance surprised us all, succeeding primarily because he is simply a nice guy. Lance soundly defeats the tired adage that nice guys finish last.

J.D. Smith: J.D. has moved from big firm to big firm learning all sides of personal injury cases, especially complex cases like medical device litigation. J.D. is now a partner at Gordon Thomas Honeywell, and he is also a statesman and diplomat. J.D. and I got involved with WYLD at the same time; we met at Skamania Lodge at what was my very first meeting as a trustee while he was the chair of the Trial Advocacy Program. We had little in common but quickly became close friends. J.D. laughs at himself—a good trait to have. The funny stories about J.D. go on and on. The best may be when he was a young man working as a jailer in Texas—long story short: the inmates all escaped on J.D.'s watch. As a successful attorney, J.D. likes to take his shoes off when he is relaxing among friends, leaving him susceptible to having his shoes taken, filled with water and frozen.

Steve Marsalis: Steve is a public defender in Spokane and despite all the grief I give him, he is a damn good one. He has won impossible trials—one client, upon hearing the two-word not-guilty verdict said, "You could push me over with a feather." Being good in trial naturally leads him to being a great negotiator—an important skill when you do not get to pick your cases. Steve and I went to Gonzaga Law School together and studied for the bar exam together. With my help he passed. Steve, who can be a lot of places at once, did a solid job as president without overcommitting. The board, as a governing body, tends to get caught up in minutia and bureaucracy. Steve cut through the crap. Steve is my best friend—he's always got "my six" because "it's the stray plane that gets shot down."

Noah Davis: Noah has his own firm, In Pacta, although I am never exactly sure what his firm does or how in the world they do it given the inordinate amount of time Noah spends volunteering for just about everything. Noah's skill is gathering and directing the masses. I told him he was crazy when he said 40 lawyers would drive to Wenatchee for a Ski-LE when there was no snow in the mountains. Sure enough, they all came.

If I can bring to the job even a hint of the best of all these fine people, we will have a very successful year. My focus for the year is "Succeeding in Practice." More on that in my next column.

John M. Brangwin is a partner in the Wenatchee law firm of Woods & Brangwin, PLLC. His practice is focused on criminal defense, especially DUI, and on plaintiffs' injury cases. He can be reached at 509-663-3915 or john@wblawfirm.com.

Sunny Spokane Hosts WYLD Express #6

by Adrienne Keith

What were you doing on July 15? If you were part of a lucky group of young lawyers, you joined the WYLD Express for its most recent stop in sunny Spokane. For those already east of the Cascades, Saturday started with a relaxed nine holes of golf before the CLE convened at the Spokane Racquet Club. Despite—or perhaps because of—the heat, the young lawyers were treated to a frank and insightful view of our roles as lawyers from experienced local practitioner Greg Morrison, Chief Judge Kenneth Kato of the Washington State Court of Appeals Division III, and e-discovery advisor John Munro.

Greg Morrison, who was honored with the first WYLD outstanding lawyer award, offered some elegant and pithy advice from his 25 years of practice: be friendly, be prompt, and keep your client fully informed.



That advice alone made the trip worthwhile for this Seattle-area lawyer! Packed with enough wisdom to last me well into my career, Greg stressed reflection and

having the right attitude so that we may avoid depression, “golden handcuffs,” or some of the other demons that lawyers face.

Chief Judge Kato spoke next, candidly sharing his career path. Judge Kato’s irreverent humor about his work and his colleagues kept his portion of the presentation interesting and lively, and his enthusiasm at having found a good professional fit was clear. Judge Kato’s comments were a refreshing reminder that judges started out as lawyers and law students just like the rest of us.

The final speaker to brave the hot afternoon was John Munro of the Document Litigation Group. Through his demonstration of the process of e-discovery,



John amazed many lawyers with the extent to which “metadata”—unseen information about your document in your document—is present. A practical tip for lawyers concerned about their documents: Converting files to Adobe’s “Portable Document Format” (.pdf) removes metadata and is the safest way to electronically produce documents.

After the CLE, presenters and attorneys alike were treated to barbecue and the chance to chat with one another. Attendees came from Seattle, Spokane, and even Idaho!

This successful and enjoyable event would not have been possible without the efforts of the Spokane Young Lawyers Division. On behalf of the Membership Committee, I would like to send a hearty “thank you!” to the group, and especially to Lisa Dickinson (the former president of the Spokane YLD), Liz Mosey (incoming president of the Spokane YLD), and Rachele Anderson (Trustee on the WYLD Board of Trustees).

Adrienne Keith is the 2005-2006 chair of the Membership Committee and in solo practice in the Seattle area. She can be reached at ak@keithlawandmediation.com.

Choose Law

by Julia A. Bahner

The ABA YLD 2006-2007 National Public Service Project Seeks to Encourage High School Students of Color to Enter the Legal Profession

The ABA YLD, through its Diversity Pipeline project, has recognized that it must assist and encourage individuals of color to become attorneys during all the years of their development. In 2006-07, the Division will stake its claim to a portion of the Diversity Pipeline: Ninth-grade high school students of color.

Although great strides have been made, individuals of color continue to be underrepresented in the legal profession. The causes for this underrepresentation are many, but they include fewer financial and educational opportunities, fewer opportunities to be favorably exposed to the legal profession, and fewer role models who have attended college or have become attorneys. Additionally, these individuals may not have access to counselors with a true understanding of the requirements of law school and the requirements of the legal profession. In 2006-07, the Division will seek to address some of these problems through its educational program “Choose Law: A Profession for All.”

The Choose Law project will seek to accomplish its goal to encourage individuals of color to become attorneys through use of a new video, a written curriculum, a website (www.abayld.org/chooselaw), a book, and attorney volunteers. Young lawyer leaders, including Washington state lawyer Benes Aldana, are featured speakers in the video, commenting on how they became lawyers, the obstacles they overcame, and the myriad ways a legal degree can be utilized in various professions. Through Choose Law, the students will be taught the importance of the legal profession and how the law affects all aspects of their lives. The students will also be taught that the legal profession is an honorable profession and that attorneys of color have played a crucial role in its development. Finally, the students will be taught that there are wonderful and diverse opportunities for individuals pursuing

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It's a Difficult Job, but Somebody's Got to Do It: Defending the Accused

by Laura Chuang

You would be surprised how often I get the same question: "How can you defend someone you know is guilty?" Family members, close friends, and acquaintances alike all inevitably ask it any time the subject of my work comes up. As you have probably guessed by now, I am a criminal defense attorney.

I usually give the standard answers about defending the rights of the accused, upholding the laws of our country, and protecting the freedoms that make this country so great. However, a few weeks ago my uncle stumped me. "Yeah, yeah, I understand all of that about 'defending their rights'—but really, how can you *defend* them?" He was attacking my morality.

Well, you may be shocked to find out that I do not worship the devil. I do not enjoy evil or inflicting pain on others. I do not, for instance, have a pentagram drawn in the middle of my floor at home, or torture small animals in my spare time. And I, just like others, have seen firsthand the horrible aftermath of what crime can do to its victims. It destroys lives, families, and futures.

As always, there is another side to the story. Not everyone accused is guilty. I have been involved in criminal defense for nearly three years now, both as an intern and as an attorney. I received my bar license just last November. Yet in the short span of three years, at least three clients have walked into our office who I later became certain were completely innocent of some serious accusations. Every time I think about these particular people, I remember why I am doing this. It is not just to uphold the rights of the accused, but to protect the innocent.

Did you know that since 1973, 123 people have been released from death row in over 25 states?¹ The relief was due to evidence of innocence.² Take for instance Rolando Cruz. In 1985, Mr. Cruz was

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a legal career, but that they must begin now by obtaining a good education, making good grades, and staying out of trouble if a career in the law is what they truly desire.

The Choose Law public-service project will be highlighted at this year's ABA YLD Fall Conference in Baltimore, Maryland, from October 19-21, 2006. For more information about the conference go to www.abanet.org/yld/fall06. The national Choose Law team will be in Baltimore to answer questions about the project and assist in implementing it across the country. Additionally, volunteers are needed in your area to promote and implement Choose Law in schools and youth groups throughout the state. If you are interested in assisting with this worthwhile project, please visit the Division's website at www.abayld.org/chooselaw or contact Phenise Poole at ppoole@ralaw.com or Rita Diaz at rdiaz@abanet.org. Finally, as the Washington YLD District Representative, you may also contact me for copies of the project video and the corresponding written materials. The video and the written materials are also available on the website referenced above.

Julia Bahner is the ABA YLD district representative for Washington and Oregon. She can be reached at julbahner@hotmail.com.

convicted in Illinois for the murder of a 10 year-old girl when another man had already admitted to the crime.³ Several law enforcement officials were against Mr. Cruz's prosecution, and one assistant state attorney general resigned because she believed Mr. Cruz was innocent.⁴ After Mr. Cruz's conviction was overturned in 1995, three prosecutors and four law enforcement officers were indicted for obstruction of justice in Mr. Cruz's case.⁵

I could go on, but you get the idea. While many do not want to admit it, there are problems with our justice system. Innocent people *are* found guilty. That is why it is important criminal defense attorneys do their jobs—and do them well. Of course, this does not sit well with the general population because it means that sometimes the guilty do go free.

If you practice in the criminal defense arena, you may face ridicule by people you admire and respect, including other lawyers. You may receive nasty phone calls, letters, emails, or become unwillingly engaged in confrontations. You may even wonder why you have chosen a practice so challenging professionally, ethically, and emotionally—I have often wondered this myself. But we cannot, all of us as defense attorneys, only defend the ones who are innocent. And unfortunately many people do associate criminal defense attorneys with their clients, assuming that we must lack moral fiber. I believe just the opposite is true.

The rights defense attorneys protect are more than just rights symbolizing the freedom of our country; these rights also provide balance for our ideology of a fair and honest justice system. Once accused of a crime, the accused must do battle on several fronts: the prosecutor, law enforcement officials, family, friends, peers, the court system, and the public. It is not so much to ask that one person zealously represent the accused; after all, it is not often that the truth is so fervently sought.

So, back to the question—how can I morally justify defending someone who is guilty? The answer for me is this: I can defend someone who is guilty because I know there are some unfortunate souls out there who have been wrongly accused. I can defend someone who is guilty because I understand that the rights I protect for my guilty clients are the same rights I protect for my innocent clients. I can defend someone who is guilty because I know I am helping protect the justice system by providing a balance.

The worst evil is a justice system where the innocent are poorly defended and freely convicted. Just ask Mr. Cruz.

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1 Death Penalty Fact Sheet (Aug. 1, 2006), www.deathpenaltyinfo.org/FactSheet.pdf (last visited Aug. 15, 2006).

2 *Id.*

3 Cases of Innocence, www.deathpenaltyinfo.org/article.php?scid=6&did=109 (last visited Aug. 15, 2006).

4 *Id.*

5 *Id.*

Review of 2006 ABA Annual Meeting in Honolulu

by Jaime M. Hawk

The Washington State Bar Association is gaining influence and representation in the American Bar Association. From a newly elected ABA president coming from Washington to a strong representation from the WYLD in the ABA YLD, the Evergreen State was well represented at the ABA Annual Meeting in Honolulu, August 3-7, 2006.

More than 5,000 lawyers from across the country traveled to Hawaii for the meeting, with many coming from Washington. The ABA is initiating many new efforts and projects that provide numerous leadership opportunities for young lawyers. The seven representatives from WYLD provided a united voice on behalf of its membership to the ABA YLD related to ABA policy and programs.

Throughout the weekend, the ABA YLD Assembly debated and voted upon important policy considerations, including a right to counsel in civil proceedings where basic human needs such as shelter, safety, health, or child custody are at stake. The ABA YLD narrowly defeated the resolution, but it was later adopted by the ABA House of Delegates.

The YLD Assembly, however, did pass a resolution sponsored by the ABA Commission on Domestic Violence, which encourages jurisdictions to provide civil protection orders to victims in all abusive relationships regardless of the victim's status. Many states only permit protection orders to victims of domestic violence who reside with or have a child in common with the alleged perpetrator. The supporters of the resolution explained that such a law often leaves victims of teen dating violence and in same-sex relationships without protection. The ABA House of Delegates adopted the policy recommendation.

The ABA House of Delegates also announced opposition to what it stated was the misuse of "signing statements" by the president. The ABA went on to say that these signing statements as used by the president are "contrary to the rule of law and our constitutional system of separation of powers..."

In addition to this policy-making role undertaken by WYLD leadership, the meeting provided all attendees an opportunity to appreciate excellent programming, to connect with lawyers from around the nation, and to listen to nationally recognized speakers, including Supreme Court Justices, national politicians, and legal scholars.

At the Annual Meeting, Bill Neukom, currently chair of Preston, Gates & Ellis in Seattle, began his tenure as president-elect of the ABA. During the YLD Assembly, Neukom received a vocal welcome from the WYLD delegation and outlined some of his initiatives and policy priorities for 2007-2008, which include a strong focus on the rule of law.



The Washington and Oregon delegations to the 2006 ABA Annual Meeting.

The WYLD also celebrated the election of Benes Aldana, another Washingtonian, as a YLD delegate to the ABA House of Delegates. Aldana has served the YLD for years and has mentored many young lawyers, especially those from Washington.

The ABA president for 2006-2007 is Karen Mathis from Colorado. Ms. Mathis is the third woman to serve as ABA president. At the Annual Meeting she announced her Youth at Risk Initiative and focus on juvenile-justice issues as a top priority for her time in office. For more information on this initiative, please visit www.abanet.org/initiatives/youthatrisk. Also, if you are interested in getting involved as a young lawyer in this effort, please visit our ABA YLD Juvenile Justice and Criminal Law Committee website at www.abanet.org/yld/committees.html, or contact me at jaimehawk@abanet.org.

One can also get connected with the work of the ABA YLD by participating in its public-service project for this year "Choose Law: A Profession for All," an initiative and DVD to encourage minority youth to enter the legal profession. For more information on this project, please visit www.abanet.org/yld/chooselaw/home.shtml.

The growing representation and involvement by Washington lawyers provides many opportunities for all WYLD members to get connected with the ABA and its efforts to promote law and justice within America and around the world.

Jaime M. Hawk is working as a public defender for a pilot project in Grant County with the Washington Office of Public Defense. She can be reached at jaimehawk@abanet.org.

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In some counties, a juvenile prosecutor also has an opportunity to argue at the appellate level." For those interested in this type of work, she suggests doing a job shadow, an internship, and – for those practicing attorneys – work as a conflict attorney or as *pro bono* counsel.

When deciding to go to law school, Nicole McGrath's father – a life-long public defender who still practices in Santa Barbara, California – warned her to avoid practicing public defense because of the toll her

work might take on her. So when she enrolled at Gonzaga Law School, Nicole intended to pursue a civil litigation career path. But after spending the summer after her 1L year interning at her father's public defender office working on a murder case, she began to realize her passion for advocacy on behalf of the poor. The turning point came with a case she worked on at University Legal Assistance, Gonzaga's legal clinic, where she represented an immigration client who had been incarcerated as a teen. After that experience, she decided to ignore her

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Seattle Attorney Mark W. D. O'Halloran Elected President-elect of the WSBA's Young Lawyers Division



The WYLD Board of Trustees has elected Seattle attorney **Mark W. D. O'Halloran** to serve as its 2006-2007 president-elect. Mr. O'Halloran's term as president-elect will begin on October 1, 2006, and end September 30, 2007, at which time he will begin his one-year term as president.

A 2002 graduate of Seattle University School of Law, Mr. O'Halloran is currently a WYLD trustee representing King County and, since the summer of 2004, an associate at the Gosanko Law Firm in Seattle, where he focuses on civil tort cases. He has also worked as corporate counsel for Network Commerce, Inc. and RealNetworks, and as an associate at Bishop Law Offices in Seattle.

In the few short years since being admitted to the Bar, Mr. O'Halloran has amassed an impressive history of service in the legal community. As a former committee chair and liaison to the WYLD Public Service Committee, he introduced the "We the Jury" public-education program and helped implement it in dozens of high schools, supervised free immigration clinics that assisted hundreds of people with legal needs, and wrote a successful grant application to the American Bar Association that helped fund a free family-law clinic. He has also been active in the King County Bar Association, the Washington State Trial Lawyers Association, the American Bar Association, and the Association of American Trial Lawyers.

As WYLD president-elect, Mr. O'Halloran says his focus will be two-fold: increasing the public's awareness of the WYLD's community involvement and its many public-service projects, and getting more members excited about volunteering.

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father's warnings and chose to direct her interest in trial work toward a practice where she could give a voice to the often voiceless: public defense work.

Today Nicole works for The Defender Association ("TDA"), a public defense organization in Seattle. Because TDA attorneys are rotated through different divisions on an as-needed basis, Nicole has honed her trial skills while working on cases in misdemeanors, felonies, juvenile offenses, and now civil dependencies. After working on felony cases, she was glad to have the opportunity to work with kids. "My favorite area of practice has been representing children," she says. "Kids often suffer the most in our justice system, both on the criminal and civil dependency sides. They are often abused and cannot effectively speak for themselves. They have complex issues and problems that require a skilled advocate to explore through investigation and working with parents and professionals, and who can then present to the court a holistic picture of the child's circumstances."

Like Shannon, Nicole believes the greatest impediment to ensuring justice for children is the lack of financial resources to fund necessary services, from therapeutic homes to social workers to public defenders. "Public defenders' high caseloads have a direct bearing on the attorney-client relationship," she says. "High caseloads can affect a defender's ability to comprehensively investigate a child's case and impairs our ability to develop a close trusting relationship with our clients, thereby impacting our service as zealous advocates." Still, she believes she has a gift for working with kids and enjoys collaborating with the other players in the juvenile system (judges, attorneys, social workers, and the like) who all share a commitment to the best interests of children.

In addition to inadequate funding, Nicole sees another systemic challenge in the lack of therapeutic homes for kids who have sexually acted out. She believes that for these children, the approach should not be one of "branding" the child as a sex offender, but rather about providing the child with necessary treatment; in other words, not

"writing off" the child, but instead providing much-needed help. Nicole further argues that there needs to be a greater degree of diversity among public defenders working in the juvenile system. She believes that families, like the ones she serves in Seattle, who tend to come from diverse racial and ethnic backgrounds could benefit from representation by attorneys with similar or shared backgrounds.

Nicole believes that young attorneys can benefit greatly from giving a few years to the practice of law in the juvenile system. This kind of practice is not only as a means of developing good lawyering and litigation skills, it is also a way to fill the need for advocates to protect the rights of some of our most vulnerable citizens: children. As the law becomes increasingly punitive, there is a tremendous need for educated, experienced attorneys to work on behalf of children in order to send the message that juvenile matters are just as important as those in the adult system. For law students interested in a juvenile law practice, Nicole suggests taking a juvenile law class, working in a clinic or interning with a public defender program, and reading as much as possible about adolescent development and behavior. She also encourages attorneys to seek out volunteer work with non-profit organizations like Powerful Voices and TeamChild, and she particularly suggests YWCA Girls First (www.ywcaworks.org/girlsfirst), a leadership program targeted at teenage minority girls where volunteer opportunities include work as mentors and academic tutors. By considering a juvenile law practice or volunteering one's time, lawyers can play a critical role in the success of this vitally important, but often overlooked, component in our justice system.

Jason T. Vail is editor of De Novo. Mr. Vail is a staff attorney with the Seattle office of Northwest Justice Project and is a staff attorney-legal editor with the Sargent Shriver National Center on Poverty Law's legal journal, Clearinghouse Review. He can be reached at 206-464-1519 or jasonv@nwjustice.org.

Meet the Board

David G. Estudillo



Trustee District: King County Trustee

Personal: I was born and raised in Sunnyside, Washington, and I am fluent in Spanish. I have nine siblings and I would not mind someday having a decent-size family (of course, my fiancé will have something to say about this subject).

I started my own firm in September of 2005. I enjoy practicing law because I like to think that I am helping my clients solve their problems. If I were not a lawyer, I think I would like to teach high-school math.

WSBA Admit Date: November 1999

Education: J.D., University of Washington 1999; B.A. Business Administration, University of Washington, 1996

Employer & Contact Info: Estudillo Law Firm, PLLC, 9500 Roosevelt Way NE, Ste. 301, Seattle, WA 98115, 206-264-1219, 206-525-5346 fax, destudillo@estudillolaw.com, www.estudillolaw.com

Areas of Practice: Immigration, general civil litigation (P.I., insurance coverage, construction defect, commercial disputes)

Professional Memberships: Washington State Bar Association, King County Bar Association, American Immigration Lawyer Association, Washington State Trial Lawyers Association, Latina/o Bar Association of Washington

WSBA/WYLD Committees: I have been a member in the past of the WSBA Rules of Professional Conduct Committee and Court Rules and Procedure Committee. I hope to participate in additional committees during my tenure as a trustee.

Civic Activities: *Pro bono* attorney for Northwest Immigrant Rights Project

Pro bono attorney for King County Bar Association’s Newcomers’ Project (wage claims)

Hobbies: I enjoy: all major sports, jogging (very slow), movies, sci-fi programming, and chess.

How you got involved in the WYLD: I decided to run for this position after receiving an e-mail seeking applicants. I thought it would be interesting to discuss issues and implement policies that affect young lawyers. I also hoped to help motivate greater participation by young lawyers in the WYLD and in volunteer work.

Jennifer Durcan



Trustee District: Peninsula District (Kitsap, Mason, Jefferson, Clallam, & Grays Harbor counties)

Personal: I was raised in the dry Las Vegas desert and currently reside in not-so-dry Bremerton with my husband, Nick Andrews, a 2L at Seattle University, and our two dogs, Atticus and Finn. I first came to Washington in

the summer of 2001 as a Goldmark Intern for the Legal Foundation of Washington and was attracted by Washington’s beautiful summers, tolerable winters, and the statewide commitment to legal services.

WSBA Admit Date: October 2002

Education: JD, University of Nevada, Las Vegas, 2002; BA, Southern Utah University (Cedar City, Utah), 1999

Employer & Contact Info: Kitsap County Prosecutor’s Office, Child Support Division, 614 Division Street, MS-35, Port Orchard, WA 98366, 360-337-7020, jdurcan@wapa-sep.wa.gov

Areas of Practice: Child support

Professional Memberships: ABA, WSBA, Kitsap County Bar Association

WSBA/WYLD Committees: *De Novo*

Civic Activities: Kitsap Legal Services Board

Hobbies: Spending weekends on Hood Canal, indie movies, wine tasting, vacuum-sealing copious amounts of salmon caught by above-mentioned husband.

How you got involved in the WYLD: After practicing for a few years I wanted to get more involved, and I was fortunate enough to be guided by the fine mentorship of my predecessor, Jennifer Brugger, to the WYLD.

continued on next page

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WYLD At Work

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Meet the Board

Alicia Kikuchi



Trustee District: Law Student Trustee – Seattle University School of Law

Personal: I was raised in Federal Way, and I currently live in Seattle. I am currently a 2L at Seattle University School of Law.

Education: BA, Seattle University 2004

Areas of Practice: Probably commercial litigation, but I haven't decided for sure yet.

Hobbies: Relaxing, spending time with friends and family, reading, tennis.

How you got involved in the WYLD: A notice was posted at school that the position was open, so I sent in my resumé. My interest in the position comes from my involvement with the WYLD and the SBA at school. Shortly after the interview, I was told that I was the new SU law student trustee.

Kimberly L. April



Trustee District: Pierce County

Personal: I grew up in North Seattle (now called Shoreline). I now live in Fife with my two cats – Kitty and Lucy.

WSBA Admit Date: November 1999

Education: JD, cum laude, Seattle University 1999; BA, University of Washington 1996

Employer & Contact Info: Diana Lynn Kiesel Inc. P.S., 424 Broadway, Tacoma, WA 98402, 253-274-1196, 253-274-1199 fax, kapril@tacomalaw.com

Areas of Practice: Family law

Professional Memberships: WSBA, member of Family Law Section, Tacoma-Pierce County Bar Association, Tacoma-Pierce County Bar Association Young Lawyers Section, Tacoma-Pierce County Family Law Section trustee.

Civic Activities: Volunteer Legal Services – night clinic and lunchtime clinic

Hobbies: Walking with my cat, Lucy, going to movies, spending time with family.

How you got involved in the WYLD: I have been involved with of the TPCBA Young Lawyers section for nearly seven years and I was on the board for five years. I would like to increase my involvement to the state level.

Megan Vogel



Trustee District: Law Student Trustee – University of Washington School of Law

Personal: I grew up in Mount Vernon, WA. I am married to Jeff Vogel, a middle-school social studies teacher with the Edmonds School District. We have two dogs, Clio and Ralphie, and a cat, Tilly.

WSBA Admit Date: I will graduate from law school in June 2008 (I hope to be admitted to the WSBA soon after that!)

Education: University of Washington School of Law – currently a second-year J.D. student, Western Washington University – M.B.A.; Western Washington University – B.A., Cultural Anthropology & Spanish

Employer Info: Prior to law school, I worked as an administrator for a physical therapy practice in Skagit Valley. I worked as an intern for the King County Prosecuting Attorney – Civil Division, County Services and Finance Section during the summer of 2006. I will serve as an intern in the chambers of Judge John C. Coughenour this fall and as an intern in the in-house department of Children's Hospital next spring. 360-420-3194, megvogel@u.washington.edu

Areas of Practice: I hope to practice in the field of health law representing hospitals and health organizations. I am also interested in municipal, education, and insurance law.

Professional Memberships: American Health Lawyers Association – student member, Washington Women Lawyers – student member, UW Student Health Law Organization – president, UW Law Women's Caucus - treasurer

WSBA/WYLD Committees: I am the chairperson for the Race Judicata 5K. This inaugural event will be held at Magnuson Park in Seattle on October 15, 2006.

Civic Activities: Prior to law school, I served on the board of directors for Skagit Habitat for Humanity, Mount Vernon Parks Foundation, and Skagit Storm Select Soccer.

Hobbies: I enjoy taking my dogs to off-leash parks, singing karaoke, gardening, and bowling.

How you got involved in the WYLD: I got involved with the WYLD through my participation in the Student Bar Association at the UW School of Law.

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.

Get Involved with the Membership Committee

by Adrienne Keith

Looking for a way to get involved? Come help out with the WYLD Membership Committee.

Our meetings are held on the third Tuesday of the month at the WSBA from 6 p.m. to 7:15 p.m. In addition to planning WYLD Express events, the Membership Committee plans weekly networking events in the Seattle area for young lawyers to get out and get acquainted.

We recently volunteered with Northwest Harvest and would welcome someone with the know-how to help us organize our first ever 5K race! Membership in the Young Lawyer Division, as well on the Membership Committee, is free and automatic for new lawyers. We encourage all who are interested to participate!

Adrienne Keith is the 2005-2006 chair of the Membership Committee and in solo practice in the Seattle area. She can be reached at ak@keithlawandmediation.com.



WYLD Membership Committee members volunteering with Northwest Harvest.

WYLD Committee for Diversity

by Pallavi Mehta Wahi

The Washington Young Lawyers Division is proud to announce the creation of its committee for diversity ("CFD"). The CFD was created as part of the WYLD's commitment to diversity and as an umbrella organization to the pre-existing Equality in Practice Committee. The primary goals of the CFD are "to increase diversity within the membership and leadership of the WYLD, to support and encourage opportunities for minority attorneys, and to raise awareness of the benefits of diversity."

The CFD is in its formative stages where its role and purpose is being defined and set by its members and the needs of young lawyers. This year, the CFD has focused its efforts on coordinating and spearheading the process of major policy change being implemented by the WYLD Board of Trustees. The most important of these changes is the WYLD Board's recommendation that the bylaws be amended to create a new at-large seat for the sole purpose of increasing diversity on the Board and in the Young Lawyer Division. The CFD has also been working with the minority and specialty bar sections to solicit comments, feedback, and input to ensure that the process is best suited to meet that goal. Thanks to all of you who contributed and made this such a collaborative and cooperative process.

We look forward to informing you about a number of exciting activities in the next year and encourage you to consider joining our committee. Some of the potential projects for next year include: (1) planning and coordinating sensitivity trainings for the WYLD leadership; and (2) coordinating and facilitating the process of election of the new WYLD Board's at-large seat for diversity. The current members of the CFD are: Pallavi Mehta Wahi (chair), Venkat Balasubramani, Cynthia Buhr, Abigail Daquiz, Noah Davis, Simi Jain, Thuy Leeper, Martha Rodriguez Lopez, Toni Meacham, Anh Nguyen, Mark O'Halloran, Amy Robinson, and Todd Wyatt.

We hope you can join us in the efforts to promote diversity among the young lawyers of this state. Please contact Pallavi Mehta Wahi at pallavi.wahi@stokeslaw.com if you are interested in becoming a member of this committee.

De Novo, WSBA Young Lawyers Division Publication, Receives National Award

At the 2006 Annual Meeting of the American Bar Association (ABA), held in Honolulu August 2-8, 2006, it was announced that the Washington State Bar Association Young Lawyers Division (WYLD) newsletter, *De Novo*, was awarded a first-place Award of Achievement.

The annual Awards of Achievement Program provides state and local young lawyer organizations affiliated with the ABA Young Lawyers Division the opportunity to submit their best projects for evaluation and recognition by a jury of their peers.

Seattle attorney **Jason T. Vail** is editor of *De Novo*, which is published six times a year. *De Novo* is available online at www.wsba.org/media/publications/denovo.

WYLD Seeks De Novo Associate Editor

De Novo associate editor: The Washington Young Lawyers Division (WYLD) Editorial Advisory Board (EAB) is seeking a practicing member of the WYLD to serve as *De Novo* associate editor. Responsibilities include assisting the editor with procuring and editing feature articles, working with authors, and managing *De Novo* correspondence. The associate editor will work closely with the editor, the EAB, and the WYLD Liaison in the areas of organizing content, proofreading, and coordinating articles and schedules to meet specific deadlines. The associate editor will ultimately assume the position of editor of *De Novo*. Editorial/publication experience is desirable.

Please submit résumé and writing samples to: *De Novo* Associate Editor Search, WSBA, Attn: Amy O'Donnell, 2101 4th Avenue, Suite 400, Seattle, WA 98121-2330. Applications must be received by 5:00 p.m. on December 1, 2006. It is anticipated that the associate editor will begin his or her duties in January 2007. The position term is 18 months as associate editor, followed by 18 months as editor.

Any active member of the Washington State Bar Association is also a member of the Washington Young Lawyers Division until the 31st day of December of the year in which he or she turns thirty-six (36) years of age or until the 31st day of December of the fifth (5th) year in which he or she has been admitted to practice, whichever is later.

WYLD Committee and Program Chairs – 2006-2007

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Vacant**

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**Youth and Law Forum
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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.

Readers are invited to submit correspondence and articles. They may be sent via e-mail to denovo@wsba.org. By submitting articles, the author licenses *De Novo* to publish and permit reprints of the author's article at the sole discretion of the editor. The editor reserves the right to edit articles and correspondence as deemed appropriate.

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Race Judicata 5K

Magnuson Park – October 15, 2006

Join WYLD members, law students and other members of the Seattle legal community for the inaugural **Race Judicata 5K**. WYLD, the UW Student Health Law Organization, and the UW Public Interest Law Association will serve as the charter sponsors of this event. The event seeks to raise funds to support student work in public interest law geared toward public health and health care issues.

USA Track & Field will certify the running course and the race will be chip-timed by BuDu Racing. Race times will be posted on the Internet following the event and all participants will receive a t-shirt and post-race snacks. Come join fellow young lawyers for a fun event at Seattle's beautiful Magnuson Park next to Lake Washington!

Early Registration (prior to 10/1/06): \$20, General Registration: \$25

Online sign-up:

www.active.com/event_detail.cfm?event_id=1332717

Please e-mail Megan Vogel (megvogel@u.washington.edu)
with any questions.

Save the Date!

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

A Networking & Social Event at an Everett Silvertips Hockey Game

in Everett, Washington
Friday, October 6, 2006 at 7:35 pm

Tickets: **\$13** - includes entrance and reserved seating
with your young lawyer colleagues

Starting at 5:00 p.m., enjoy food, drinks and pre-game
socializing at the **FLYING PIG** located at **2929 Colby Ave**,
just 4 blocks from the Everett Event Center.
(Just ask for the Young Lawyers Group.)

TO BUY TICKETS, or for more information, please contact:
Kari Petrasek (WYLD Snohomish District trustee) at
kpetrasek@bellingham.com