



WSBA

WASHINGTON STATE BAR ASSOCIATION

# **Board of Governors Meeting**

## **Public Session Late Late Materials**

**May 18-19, 2017**

**WSBA Conference Center**

**Seattle, Washington**



# WSBA

BOARD OF GOVERNORS

11.d. CHO & D-BOARD

Bradford E. Furlong  
President-elect

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e-mail: [bef@furlongbutler.com](mailto:bef@furlongbutler.com)

**TO:** WSBA Board of Governors

**FROM:** Brad Furlong, WSBA President-Elect and Chair of the BOG Nominations Committee

**RE:** Disciplinary Board Chair/Vice Chair and Chief Hearing Officer Nominations

**DATE:** May 17, 2017

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**ACTION:** Nominate Marc Silverman and Frank Cornelius as Chair and Vice chair of Disciplinary Board and Randolph Petgrave as Chief Hearing Officer. Appointment is made by the Supreme Court.

The Board of Governors Nominations Committee recommends the BOG nominate the following individuals to the Supreme Court for appointment:

- Disciplinary Board Chair: Marc Silverman for a term beginning October 1, 2017 and ending September 30, 2018. He was appointed by the Supreme Court as Vice Chair in 2016 and is recommended by the Disciplinary Selection Panel.
- Disciplinary Board Vice Chair: Frank Cornelius for a term beginning October 1, 2017 and ending September 30, 2018. Recommended by the Disciplinary Selection Panel.
- Randolph Petgrave as Chief Hearing Officer for a term beginning October 1, 2017 and ending September 30, 2019. Recommended by the Disciplinary Selection Panel.

Their resumes are attached.

*Working Together to Champion Justice*

825 Cleveland Avenue / Mount Vernon, WA 98273 / fax: 360.336.3318

LLM-2

**MARC L. SILVERMAN  
ATTORNEY AT LAW**

11033 NE 24<sup>TH</sup> STREET, SUITE 200  
BELLEVUE, WA 98004  
425-451-1202  
FAX: 425-454-4289  
marc@silvermanlaw.com

ADMITTED TO:

U.S. District Court for the Western District of Washington – December 5, 1982  
U.S. Ninth Circuit Court of Appeals – August 26, 1993  
U.S. Federal Court of Claims, 2001

PUBLISHED DECISIONS:

Represented Personal Representative in a successful defense of tax case against the Department of Revenue. Wrote brief and argued case in Division I, Washington State Court of Appeals. *In Re Estate of Norton*, 46 W. App. 696 (1986).

Represented a probate estate which was the plaintiff in a legal malpractice action. Dismissed based upon the statute of limitations and application of the "discovery rule." *In Re Estate of Cawdrey v. Hanson Baker, et al.*, 129 Wn.App. 810, rev. den. 157 Wn.2d 1004 (2006).

*Brinkley v. Honeywell, Inc.*, 35 F. 3<sup>d</sup> 570 (9<sup>th</sup> Cir. 1994) (wrongful termination in contravention of terms of employee handbook, summary judgment of dismissal affirmed with a dissent)

*Critz v. Union Oil of California*, 17 Fed. Appox. 560 (9<sup>th</sup> Cir, 2001) (wrongful withholding of wages, summary judgment for employer reversed and remanded)

WSBA Disciplinary Hearing Officer – 10/1/99 – 9/30/05  
WSBA Hearing Officer in *In re Kuvera*, 149 Wn.2d 237, 66 P.3d 1057 (2003)

ASSOCIATIONS:

**Washington State Bar Association:**

Member since November 1982  
Member WSBA Court Rules and Procedures Committee – 1996-1999  
Member WSBA Local Rules Task Force – 2007 – 2009)  
Member WSBA Board of Governors (BOG) – 2009 – 2012  
Member WSBA BOG Legislative Committee – 2009 – 2012  
Member WSBA BOG Diversity Committee – 2009 – 2010  
Member WSBA BOG Committee on Committees – 2010 – 2012  
Member WSBA BOG Governance Committee – 2010 – 2012  
Chair WSBA Immigration Advisory Work Group – 2011 – 2012



Chair, WSBA Rules of Professional Responsibility Review Committee – 2012 – 2013  
Chair WSBA Judicial Review, Review Committee – 2012 – 2013

Member, WSBA BOG Liaison to:

WSBA Amicus Committee – 2009 – 2012  
WSBA Rules of Professional Responsibility Committee – 2009 – 2012  
WSBA Local Rules Task Force – 2009 – 2012  
WSBA Court Rules and Procedures Committee – 2009 – 2012  
WSBA Admission to Practice Rules Task Force – 2010 – 2012  
WSBA Escalating Cost of Litigation Task Force – 2011 -- 2012

**Washington State Association for Justice:**

Member Board of Governors, Washington State Association for Justice (WSAJ) (formerly Washington State Trial Lawyers Association, WSTLA), 1993 through present.  
WSAJ Board of Governors, 2003-2009  
Chair, WSAJ Court Rules and Procedures Committee – 2006 – 2009  
Member WSJ Legislative Steering Committee – 2000 – 20010  
Member WSJ CLE Committee 1995 through 2004  
Chair, WSJ Speakers Bureau 2001  
Member WSJ CR 35 Task Force 2003 and 2004  
WSBA Liaison 2002  
Member WSJ Judicial Relations Committee 2006-200

**American Association for Justice**

Member, 1985-2010

**King County Bar Association:**

Member, King County Bar Association – 1982 – present  
Trustee, King County Bar Association Board of Trustees 2013 – Present  
Member Lawyer Referral Service Committee 2013-present  
Member Public Policy Committee, Jan 2014-present

Member, King County Settlement Guardian ad Litem Registry 2000 – present. In addition I have served as a Settlement Guardian ad Litem numerous times over the years prior to implementation of the formal Settlement Guardian ad Litem Registry.

I served for years on WSBA Court Rules Committee, Local Rules Task Force examining local rules county by county for purposes of making major modifications.  
Served on King County Bar Association Court Rules Committee Task Force which created

pattern discovery for automobile collision cases in King County. 2006 – 2007.

**Additional:**

Over the years, I have written numerous papers and spoken at many continuing legal education seminars on a variety of subjects including tort law, evidence, discovery, insurance law, litigation, civil procedure, bankruptcy and ethics.

Member Board of Directors, LASER (Lawyers and Students Engaged in Resolution) Foundation –1994 – 2013

Member, Board of Directors, Congregation Shevet Achim, a traditional orthodox Jewish synagogue located in Mercer Island, WA. 2008-2010

**EDUCATION:**

Graduated 1982, Juris Doctor  
University of Puget Sound School of Law  
Tacoma, Washington

Graduated 1975, Bachelor of Arts  
University of Colorado  
Boulder, Colorado

# FRANK A. CORNELIUS, JR.

Frank Cornelius is a civil litigator with strong general civil litigation background and experience working general torts; insurance claims; employment discrimination; and contract disputes.

## ADMISSIONS

Admitted to the  
Washington State  
Bar November 1999

Admitted to the  
United States  
District Court for  
Western District of  
Washington

Admitted to the  
United States  
District Court for  
Eastern District of  
Washington

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## ASSOCIATIONS

King Co. Bar Assoc.

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## BOARD

### MEMBERSHIPS

City of Kent Land  
Use and Planning  
Board

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## VOLUNTEER WORK

City of Kent  
Neighborhood House  
Citizenship  
Instruction

King Co. Juvenile  
Diversion Program

King County Bar  
Assoc. Legal Clinic

## PROFESSIONAL EXPERIENCE

*Cornelius Law Firm, PLLC*, Federal Way, WA June 2013-Present

- Civil Litigation, including premises liability defense.

*Wong Fleming*, Bellevue, WA March 2009-June 2013

Partner/Senior Litigation Attorney

- Federal and State civil litigation involving creditor debtor-disputes; employment law; consumer claims/disputes; insurance coverage disputes; general torts; commercial litigation.
- Trial, arbitration, mediation, and all other pre-trial preparation and motion practice.

Insurance Defense-Civil Litigation Experience

Associate/Attorney 2000-2009

*Lee Smart, P.S., Inc.*

*Lee, Smart, Cook, Martin & Patterson, P.S., Inc.*

*Murray, Dunham & Murray*

- Insurance defense litigation involving automobile torts (small and large exposure cases—e.g. cervical fractures, traumatic brain injury, wrongful death); premises liability; legal malpractice; construction defect; condominium homeowner association representation.
- Trial, arbitration, mediation, and all other pre-trial preparation and motion practice.
- Appellate practice.

*King County Prosecutor, District Court Unit Seattle*

Deputy Prosecuting Attorney 2000

- Misdemeanor prosecution, including first appearance, arraignments, probation reviews, and trial.

## EDUCATION

*Seattle University School of Law*, Juris Doctor 1999

*University of California, Los Angeles (UCLA)*, BA Anthropology

## ARTICLES/PUBLICATIONS

*Insurance Bad Faith and Washington State's Ins. Fair Conduct Act*, WF The Gavel, April 27, 2012.

## HONORS

*Law & Politics* 2003 and 2004 Rising Star Attorney



# RANDOLPH O. PETGRAVE III

## EDUCATION

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2010-2012 United States Army War College, Carlisle, Pennsylvania  
*Master of Strategic Studies*

1996 – 1997 University of Washington, Seattle, Washington  
*LL.M. Taxation*

1993 – 1996 Gonzaga University School of Law, Spokane, Washington  
*J.D.*

- Cum Laude
- Editorial Board Law Review

1985 – 1989 United States Military Academy, West Point, New York  
*B.S.*

## WORK EXPERIENCE

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1998 - Present Petgrave & Petgrave, PLLC  
*Partner*

- Practice consists of 75% estate planning, probate and probate litigation; 25% civil litigation in the areas of personal injury and workers' compensation.
- Trial experience includes trying cases in Superior Court on personal injury cases; appearing before the Board of Industrial Insurance Appeals and Superior Court on workers' compensation cases; appearing before the Office of Administrative Hearings on employment security cases; appearing in Superior and Municipal Court on criminal defense cases.

1997 – Present United States Army Reserve  
*Judge Advocate*

- Commander 6<sup>th</sup> Legal Operations Detachment: Principal duties include leading, managing and resourcing a 56 person legal office (consisting of 31 attorneys and 25 paralegals and support staff); ensuring proper training and utilization of attorneys and paralegals to meet Army legal and operational needs both within the United States and abroad.
- Staff Judge Advocate 99<sup>th</sup> Regional Support Command: Principal duties include providing legal advice and counsel to the Commanding General on a variety of issues including military justice, administrative and operational law, and installation management. Lead and manage 13 person legal office.

- Regional Defense Counsel: Principal duties included managing trial defense services for active duty, Army Reserve and National Guard soldiers in six states (WA, ID, AK, MT, OR, HI). Supervised four defense teams of five attorneys each, and managed and supervised their case loads.
- Trial Defense Counsel: Principal duties included providing trial defense representation to soldiers being processed for administrative separation for drug use, misconduct, or minor violations of the Uniform Code of Military Justice.
- Trial Counsel: Principal duties included prosecuting soldiers at administrative separation boards for drug use, misconduct and substandard performance.
- Legal Advisor: Principal duties included adjudicating over administrative separation proceedings and boards of officers.
- Legal Assistance Officer: Principal duties involved legal counseling of retirees and reservists in the areas of divorce, separation, child custody, support, consumer law, real property, soldiers rights under the Soldiers and Sailors Civil Relief Act; estate planning; probate.

1996 – 1997      Randolph O. Petgrave III, Attorney at Law

*Sole Practitioner*

- Practice consisted of 40% workers' compensation; 30% general practice; 20% employment disability, discrimination, and wrongful discharge; 10% estate planning and taxpayer representation.

#### COMMUNITY ACTIVITIES

- Hearing Officer Washington State Bar Association since 2006.
- Active member of the Washington State Bar Association Bar Examiners Committee since 2001.
- Arbitrator, King County Bar Association

#### PROFESSIONAL MEMBERSHIPS

- Washington State Bar Association, WSBA # 26046



## REFERENCES

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Honorable Jack F. Nevin  
Pierce County Superior Court  
930 Tacoma Ave S, Rm 334  
Tacoma, WA 98402  
(253) 798-7502  
[supcrtdept6@co.pierce.wa.us](mailto:supcrtdept6@co.pierce.wa.us)

Mr. Lloyd D. Oaks  
Pierce County Prosecutor's Office  
930 Tacoma Ave S, Rm 946  
Tacoma, WA 98402-2102  
(253) 798-7400

Mr. Walter N. Potebnya  
Law Office of Walter Potebnya  
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Krupa & Clark  
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(253) 573-1000  
[steve@krupaclarklaw.com](mailto:steve@krupaclarklaw.com)



**WSBA**  
COMMUNICATIONS DEPARTMENT

**TO:** Nominations Committee, WSBA Board of Governors  
**FROM:** Pam Inglesby, Communications Services Operations Manager  
**RE:** Mandatory Continuing Legal Education Committee chair  
**DATE:** May 17, 2017

**Action: Optional: Support recommendation of MCLE Board for chair position, or nominate a different individual.**

The Mandatory Continuing Legal Education Committee is recommending to the Supreme Court that Melissa Skelton be appointed as chair for a term starting October 1, 2017 and ending September 30, 2018. Her resume is attached.

The Board of Governors has the option to support this recommendation, nominate a different individual, or take no action at all. The BOG Nominations Committee was presented with the same options at its May 17, 2017 meeting and elected to take no action.

## MELISSA DOEBLIN SKELTON

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8500 148th Ave. NE, Apt. Q-1052 • Redmond, Washington 98052 • (785) 766-3002 • [melissadoeblynbusiness@gmail.com](mailto:melissadoeblynbusiness@gmail.com)  
*Licensed to Practice in Washington and Kansas*

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### LEGAL & REGULATORY EXPERIENCE

#### **Seattle City Light**

Seattle, WA

##### *Legal Affairs Advisor*

April 2015 – Current

- Ensure legal services are delivered with an eye on excellent internal client service and value, keeping management abreast of legal matters and key issues affecting the utility. Coordinate and oversee all utility legal matters, working as the primary interface between the City Law Department and City Light. Advise management in decisions to balance legal advice with business judgment.
- Oversee and monitor budget and expenses associated with obtaining legal advice and work. Ensure that legal work is performed effectively, timely, cost-efficiently, and in a manner that protects the interests of the utility and its customers.
- Attend attorney meetings, hearings, mediations, trials, etc. to stay informed on key cases and to influence legal strategy.
- Supervise one paralegal in work on public disclosure requests, including: coordinating and collecting documents, redacting information, and responding to all public disclosure requests to ensure compliance with the Public Records Act.

#### **Washington State Bar Association**

Seattle, WA

##### *Manager of Mandatory Continuing Legal Education*

January 2015 – April 2015

- Serve as Manager in Regulatory Services Department for the Mandatory Continuing Legal Education (MCLE) program.
- Apply a thorough knowledge of the rules and regulations of Admission and Practice Rule 11 of the Washington Courts to effectively serve as Executive Secretary of the MCLE Board.
- Administer WSBA MCLE program, including: course accreditation decisions, appeals of decisions made by staff to Executive Secretary and MCLE Board, and accreditation of sponsors.

#### **Kansas Electric Cooperatives, Inc.**

Topeka, KS

##### *Manager of Government Relations*

November 2012 – June 2014

- Analyze Kansas statutes to determine effect on electric cooperatives. Provide legal advice to electric cooperatives on issues such as: environmental, endangered species, emergency management, and other subject matters.
- Draft legislative bills and amendments on energy-related issues. Review legislative proposals and identify consequences on rural electric program. Work directly with state and federal legislators to ensure their understanding of electric cooperative concerns.
- Monitor regulatory agency activities affecting electric cooperatives; advise senior management and outside counsel on activities; participate in hearings and rule-making.



**Kansas Corporation Commission**

*Advisory Counsel*

Topeka, KS

December 2009 – November 2012

- Provide legal opinions directly to three state Commissioners on matters pending before the Commission, and draft orders analyzing complex regulatory filings. Research legal issues and advise Commissioners on matters in dockets to set rates, site transmission lines, and develop energy-efficiency policy.
- Preside as prehearing officer in hearings by working with technical staff and utility representatives to promote orderly conduct of proceedings. Assist quasi-judicial state regulatory agency in providing safe and reliable electricity at just and reasonable rates.

**Office of Revisor of Statutes, Kansas Legislature**

*Assistant Revisor*

Topeka, KS

November 2007 – December 2009

- Revise statutes and draft legislative bills and resolutions. Research legal issues related to potential and pending legislation. Present and respond to questions regarding legal research in writing and orally to legislators and committees.
- Consult with state legislators and committees, including the House Committees on Energy & Utilities and Senate Committees on Utilities, as well as other subject matter committees.

**PRESENTATIONS & AWARDS**

**Women Attorneys Association of Topeka**

*2012 Luncheon CLE Seminar: Administrative Law Refresher*

**Kansas Women Attorneys Association**

*2011 Annual Lindsborg Conference: Administrative Law CLE*

**Kansas Bar Association**

*2011 Kansas Outstanding Young Lawyer Award*

**EDUCATION**

**Washburn University School of Law**

Juris Doctor with a Certificate in Natural Resources Law

Topeka, KS

May 2005

**Washburn Law in London, Comparative Law Program**

Summer 2003

**University of Kansas**

Bachelor of Science in Biodiversity, Ecology & Evolutionary Biology

Lawrence, KS

December 2001

## **PROFESSIONAL & COMMUNITY INVOLVEMENT**

### **Kansas Continuing Legal Education Commission**

- Commissioner, Appointed by Kansas Supreme Court, 2013-present

### **Energy Bar Association**

- Member, 2013-2014

### **Kansas Bar Foundation**

- Board of Trustees: At-Large Representative, 2012-present; Co-Chair of Residual Funds Ad Hoc Committee; Young Lawyers Delegate, 2011-2012
- Fellow, 2011-present

### **Kansas Bar Association**

- Board of Governors, 2010-2011
- Membership Committee, 2010-present

### **Kansas Bar Association, Young Lawyers Section**

- Pro Bono Liaison, 2012-2014
- Kansas Bar Foundation Delegate Representative, 2011-2012
- President, 2010-2011
- President-Elect, 2009-2010
- Legislative Liaison, 2008-2009
- Social Chair, 2006-2008
- CLE Liaison, 2005-2006

### **American Bar Association, Young Lawyers Division**

- ABA YLD Section of Public Utility, Communication, & Transportation Law, Chair, 2011-2012; Vice-Chair, 2010-2011
- ABA YLD Scholar, 2010-2011

### **Lawrence Tennis Association**

- Board of Directors, 2010-2014