

LIFE Senior Lawyers Section Newsletter BEGINS

RELEVANT
INFORMATIVE
ENTERTAINING



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LETTER FROM THE CHAIR

By Carole Grayson, Interim Chair (Oct. - Dec. 2023)

Greetings FROM YOUR INTERIM CHAIR, autumn 2023 version. By the time you read this, in the year that will be, 2024, the Senior Lawyers Section will have rotated to our next interim chair, Jeanine Lutzenhiser.

For over a year, our Executive Committee has successfully pioneered rotating chairs, each serving one quarter of the fiscal year. I was interim chair throughout autumn 2022 and this past autumn. (My first go as chair of the Section was from 2014-17.) Our Section's leadership always has been highly collaborative, and no one joins the Executive Committee to pad their resume or seek a judgeship. Perhaps as a result, our rotating chair system has worked out very well. I can also safely report that rotating chairs is a lot less stressful than musical chairs!

Save the Date

In 2024, the Senior Lawyers Section hopes to host two CLE seminars of different lengths and different formats: a spring webinar for 2 - 2.5 CLE credits and a summer half-day hybrid (in-person with lunch, or via web, your choice!). We have selected **May 1**, May Day, for our spring webinar. Our potential theme may be non-partisan perspectives on protecting democracy, or election law, domestically or internationally. We are in the very early

planning stages, so any suggestions are welcome.

Last July's hybrid CLE (our first venture using that model) was a success on all counts: well received, well attended, and for the in-person attendees, well fed. This summer, we plan to use the same model. We are shooting for 4-4.5 CLE credits. Our 2024 date is TBD, perhaps in August. For in-person attendees, the CLE would again include lunch. Midsummer feels like a loooooong way off.

Please send suggestions for spring or summer CLE topics and speakers to cag8@hotmail.com.

It's All in the Numbers

Demographics! It's all in the numbers! Not hidden but not obvious, either! Tip to the WSBA: Make it easy for lawyers to learn about—and find—the 16 categories of membership statistics. The stats are fascinating food for thought and are updated at the beginning of every month.

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2023-2024

SENIOR LAWYERS SECTION EXECUTIVE COMMITTEE

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Young Lawyer Liaison

Vacant

WSBA SUPPORT

Carolyn MacGregor
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Letter from the Chair

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The easiest way to find it is to search “WSBA demographics” on the search engine of your choice.

https://www.wsba.org/docs/default-source/licensing/membership-info-data/countdemo_20190801.pdf?sfvrsn=ae6c3ef1_235

Oddly, counter-intuitively, the longest and most frustrating way to the link is to start with the WSBA’s own website. If your search on wsba.org for “demographics,” you get 437 results. If you search for “member demographics,” you get 431 results. (I know; I have too much time.) I diligently scrolled through several pages and voila! The 41st entry is for “Who We Are,” and from there, I could get to the demographic statistics.

Many amazing factoids are revealed in the demographics!

Here are my instructions if you are intent on finding the stats through the WSBA website:

Enter wsba.org on your browser. On its homepage, click on “for legal professionals.” Under “license renewal” click on “membership records and services.” Under “demographics” click on “view demographics and counts.” This opens a PDF of the most current demographics available.

Many amazing factoids are revealed in the demographics! I spent an hour with my law students roaming through the two pages and their 16 categories.

Page 1: Member type; By district; By state and province; By WA county; By admit year; Misc counts; By section. (Our Senior Lawyers Section has 205 members, down from 210 the prior FY. Of the WSBA’s 29 sections, we are 20th in size. See my further discussion below, at Task Force.)

Page 2: By years licensed; By age; By practice area; By languages spoken; By ethnicity; By sexual orientation; By disability; By gender; Members in firm type.

Task Force to Increase Membership

The statistic about our Senior Lawyers Section size leads me to longtime Executive Committee members Brian Comstock and Al Armstrong. They are exploring potential ways to increase the size of our Section, now at 205. (It was over 300 when I was recruited to the Executive Committee in 2007 at the tender age of 54.) You will be hearing from Brian and Al more in the future. Of the roughly 42,000 licensed legal professionals in Washington and elsewhere, perhaps more than 13,000 are 55 years or older.

Interest in the value that senior lawyers offer the profession was exemplified in the concerns raised by lawyers who spoke at the WSBA Listening Tour this past July, as Al mentions in his article on page 8 of this newsletter.

Connections and Social Conversations

The pandemic made me realize that I was a social being. I had never really thought about how the need for access to social relationships was woven into my cells. In this issue, we highlight the need for connecting to increase a sense of community.

Steve DeForest, who has served on the Executive Committee since the early 2000s, raises our Section’s strong social appeal for older lawyers,

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especially. Some EC members are fortunate to have monthly or periodic get-togethers (coffee or lunches) with members of their local legal community. Others said these used to exist but have fallen by the wayside, partly because of the pandemic and partly because younger lawyers don't seem to have the same interest. All agreed that socializing on Zoom had its limits. Look for additional ideas to increase connections in future editions.

Pilot Program: New Platform for Volunteers

The Senior Lawyers Section was one of 10 or so sections, committees, or boards recently selected for a new WSBA pilot project designed to support volunteers. The online community engagement tool is called (funny spelling, yes) WSBACommunity.

<https://www.wsba.org/connect-serve/volunteer-with-wsba/Toolbox/wsbacommunity>



WSBA Sections JOIN NOW!

Connect with others in the legal profession.

WHY JOIN?
Membership in one or more of the WSBA's 29 sections provides a forum for members who wish to explore and strengthen their interest in various areas of the law.

BENEFITS

- Continuing education
- Professional networking
- Resources and referrals
- Leadership opportunities
- Career advancement
- Opportunities to affect change in the legal system

JOIN NOW, ONLINE!
Learn more about the sections and join today!

www.wsba.org/aboutsections

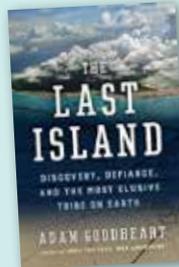
LOOKING FOR A GOOD BOOK?



TASTE... MY LIFE THROUGH FOOD

By Stanley Tucci // Published 2021

STANLEY TUCCI grew up in an Italian-American family that spent every night around the kitchen table. He shared the magic of those meals with us in *The Tucci Cookbook* and *The Tucci Table* and now he takes you beyond the savory recipes and into the compelling stories behind them. You might know him from movies such as *Julie and Julia* as well as *The Devil Wears Prada*. A fascinating storyteller, he melds his expertise in the kitchen with his life experiences. //



THE LAST ISLAND

DISCOVERY, DEFIANCE, AND THE MOST ELUSIVE TRIBE ON EARTH

By Adam Goodheart // Published 2023

A JOURNEY TO the coast of North Sentinel Island, home of the tribe believed to be the most isolated human community on earth. The Sentinelese people want to be left alone and will shoot deadly arrows at anyone who tries to come ashore. As the web of modernity draws ever closer, the island represents the last chapter in in the Age of Discovery ... the final holdout in a completely connected world. //



THE WORST HARD TIME

By Timothy Egan // Published 2006

SEATTLE AUTHOR Timothy Egan renders a fascinating true-life tale of life in the American High Plains dust bowl in the early twentieth century. In *The Worst Hard Time*, Egan presents a scenario of a vast sea of tall grass that fell prey to what can only be described as a failed (it turned out) attempt to turn that grassland into productive farmland. At first, writes Egan, wheat planting went well. Although the farmers were avidly plowing up the tall grass that had anchored the soil for millennia, the Plains experienced recurring droughts which started in 1931 that caused prolonged and widespread misery. The extreme droughts throughout the 1930s caused wholesale wind-borne erosion of the now-loosened top soil, and produced the infamous dust storms that turned day into night, coating the throats of now-impooverished growers, men, women, children, little babies, farm animals. Some storms darkened the skies of eastern cities and coated ships far out in the Atlantic. //

RETIRED SUPREMES

By Jim Riehl

As a ‘SENIOR LAWYER’ myself, I am thinking more about the R word and what it might hold. For a glimpse into the future, I turned to a few “retired” Supremes. I found their journeys inspirational and worthy of sharing.



Early in his career, **Richard Guy** briefly worked in Africa where he

discovered his passion for travel and adventure. Not surprisingly, at retirement he and his wife Lynn travelled through Egypt on a camel’s back, dining with nomads in the desert and later cruising the Nile and visiting the Pyramids. From there, Richard and Lynn travelled to Italy on “assignment” from his alma mater at Gonzaga’s Florence campus. Richard says, “Teaching the kids made me young, as did Florence.”

Next came the islands. The Guys sold their home in Steilacoom and moved to Hawaii where Richard had a fascinating nine-year career as an arbitrator. From this base, Richard and Lynn were invited to join friends in Japan, which led his service on an employment committee in Saipan. They visited there often as well as the islands in the Northern Pacific where WWII was fought.

When the cost of living in Hawaii became too high, the Guys returned to the mainland, purchasing a home in La Quinta, California, where Richard became an arbitrator in Los Angeles. In addition, Richard accepted teaching assignments for Gonzaga in Florence, making Florence his “home away

from home.” Richard finished his last arbitration in Hawaii at age 86 when Lynn said, “It’s time to really retire”.

Between arbitrations and teaching, Richard and Lynn visited Croatia, Germany, Spain, China, Ghana, Syria, and Jordan among other places. As Richard says, “We really wanted to know the world. I talked with lawyers and judges whenever I could. Learned much. People are the same anywhere. They want a better life for themselves and children and no arrest knocks at night.” In Honolulu, Richard and Lynn belonged to an adventurer’s club where the toast was “To Adventure.” Richard says, “I will always drink to that.”

After 21 years in the judiciary, 15 at King County Superior Court and six years on the Supreme Court, **Faith Ireland** decided to “retire” in 2005. That is, she changed jobs, freely admitting that she has “flunked retirement.” One of Faith’s early interests, power lifting, has become a central feature of her retirement. In 1987, only two weeks after joining superior court, Faith was rear-ended in a car crash. To overcome her back injury, she began weightlifting. What started as therapy for her back led to Faith becoming an international powerlifter. Sitting on some of the most important



cases in Washington was not quite enough. “I wanted to be able to travel for meets in foreign countries.” Beginning in 2000, Faith spent 15 years competing on four continents, winning six World Championships and 15 world records for her age and weight. Although Faith retired from the Supreme Court in 2005, she did not retire from competition until 2014 when a torn meniscus benched her from the international circuit. Although down, Faith is not out and continues to deadlift over 3 tons a week! In addition, she has a daily core routine and Tai Chi twice a week. Attention to fitness has seen Faith through two hip replacements and cancer.

Powerlifting is not Faith’s only passion. After leaving the Supreme Court she established her own firm, Just Results, focusing on mediation, public policy, appellate consulting, and arbitration. Over the years,

Just Results has morphed into results coaching. Faith spends her days counseling and advising people who are hungry for more meaning and satisfaction in their vocation and their lives.

Retirement has allowed for more family time. Faith visits her daughter who is a realtor in New York and her grandson who is a junior at NYU Film School. Faith and her husband Chuck Norem love living on Lake Washington and skiing at Sun Valley and Park City at Christmas and New Years.

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"...there is life after retirement:
fulfilling, engaging, energizing;
making a difference."

Retired Supremes
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Bobbe Bridge entered “retirement” believing that finding ways to engage your mind, heart, and social nature is important to living a long and healthy life. She understood that once you no longer have a “day job,” filling that prescription is harder, yet even more necessary. Fortunately, for Bobbe, her post-bench life has not disappointed.

Even before leaving the Supreme Court, Bobbe turned her considerable energy and focus to one of the most absorbing “adventures” of her life. She founded a nonprofit, the Center for Children and Youth Justice (CCYJ). CCYJ began operations in 2006, with a skeleton staff of one, Bobbe. In 2007, she left the court for the full-time role as founding president/CEO of CCYJ, having secured a MacArthur grant to lead juvenile justice reform. For 11 years Bobbe led CCYJ, enjoying some of the most challenging and impactful work of her life. She used the analytical skills, knowledge of the

law, and relationships developed over the years to fulfill CCYJ’s mission: improving the lives of youth in care and improving juvenile justice through systemic, multi-disciplinary, and research-based reforms. The (mostly) young, passionate, and intelligent staff at CCYJ energized, inspired, and challenged her imagination. As Bobbe says, “The voices of the young people that I got to work with continue to amaze me with their wisdom and resilience.”

In 2019, Bobbe left CCYJ and entered her “second retirement,” plunging into an activity forbidden as a judge; fundraising for fun. Using her boundless energy for good, Bobbe began leading a number of “campaigns”: United Way’s Bridge to Finish, a program assisting community college students with housing, child care, food, and other services to develop the skills necessary to interrupt persistent and generational poverty; and LifeWire’s capital campaign for supportive

housing for survivors of domestic violence and their children. Heading a nonprofit cured her fear of asking people for money and seeing the needs both illuminated and exacerbated by the pandemic, particularly for women, children, and youth, was her call to action. In her mind, Bobbe considered herself the biggest beneficiary. “I gain so much more than I give to each of these projects.”

While Bobbe and her husband Jon still call Seattle home, they now divide their time on Whidbey Island where Bobbe volunteers for the Center for the Arts, (she arranged for the Supremes to hold oral arguments at the Center last year) their home in Hawaii, and travelling frequently to Boston to visit their son Don, his wife Sarah and the grandchildren. Their dogs, Jake and Sammy, are “aging gracefully” and occasionally join Bobbe for her frequent power walks. The takeaway from Bobbe—there is life after retirement: fulfilling, engaging, energizing, making a difference. As Bobbe observed, “It helps you to ignore all those wrinkles and achy joints!” //



JUDGE RIEHL TRAINS ON DOMESTIC VIOLENCE

Judge James M. Riehl, Ret., a member of the Executive Committee of the Senior Lawyers Section and editor of *Life Begins*, presented at the Tenth Judicial Circuit Domestic Violence Symposium on October 13, 2023 in Lake Wales, Florida. The event was sponsored by the Circuit’s Domestic Violence Task Force. Present at the event were over 200 attendees from multiple disciplines including judges, attorneys, prosecutors, court staff, advocates, social workers, and law enforcement. Judge Riehl spoke on domestic violence and child custody as well as strategies for attorneys preparing witnesses for trial. //



TRAVEL

By Jim and Carol Riehl

Reducing Stress and Enhancing Enjoyment: Five Steps to a Successful Vacation

OUR DAUGHTER, EMILY, had the wonderful opportunity to study abroad in Rome, Italy, in the spring of 2022. My wife, Carol, and I enjoyed living vicariously through her as she shared her daily experiences with us via Zoom or through WhatsApp. We loved, and sometimes cringed, hearing about the sights, food, transportation, and lodging issues. She and her friends maximized their time in Italy and seemed to dash off every weekend to a new city. Not having traveled there, Carol and I definitely wanted to experience it for ourselves.

Unfortunately, because of Carol's work schedule we were not able to join Emily while she studied abroad. Shortly after she returned home, we began planning for our own Italian adventure. We soon discovered that we needed to answer a number of questions before we seriously planned the trip. In answering those questions, we discovered a number of ways to reduce the stress of such an adventure while at the same time enhancing the experience.

1 PICK YOUR DESTINATION

Consider your individual interests, realistic budget, and all the costs

associated with getting to your destination. You should also consider the best time to travel. In our case, we decided on Italy and traveling in the fall when the crowds were reduced and the temperature was a pleasant 73 degrees. The fact it was wine crushing season didn't hurt either. The budget issue was driven by the number of days we allocated to spend in Italy. Fourteen days seemed the natural amount of time to spend, knowing we would be back again to visit other areas.

2 ADVANCED RESEARCH

We can't emphasize enough the importance of doing your homework before you venture out on your vacation. We found Rick Steves' book on Italy to be immensely helpful. His self walking audio tours proved to be invaluable. During our research, we didn't limit ourselves to the number of days we initially planned for or which cities we wanted to see or how long we should stay in one city or area. We researched multiple museums, sites and attractions as well as different types of lodging and different modes of transportation.

3 TIME MANAGEMENT

After reviewing all of the information in addition to our budget, we decided the 14 days we initially set aside for the vacation would be fine. That meant we would concentrate on cities and areas that were doable in those days without spending hours and hours traveling from one site to another. We decided we would spend time in Rome and Florence but the vast amount of time would be spent in the wine country of Tuscany. That meant we would spend three nights in Rome, two nights in Florence and the rest in small towns in Tuscany. We also decided that we would not rent a vehicle in Rome, Florence, or Siena due to the significant traffic and ease of public transportation. After three nights in Rome, we took a train to Florence where we spent two nights primarily walking around the city and visiting several museums. We soon learned you could not take a bad photo in Florence ... the colors amplified by the lighting made the city magical.

After two nights in Florence we set out on the train to Siena where we spent two more nights at a lovely VRBO. Upon leaving Siena, we rented a car and spent the next three nights

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in the small town of Montepulciano in the heart of Tuscany. The walled town was spectacular with amazing restaurants and shops ... and of course ample wine. Each day we drove the car out into the countryside, visiting wineries and enjoying dining at great restaurants. After three days, we continued our adventures by driving to Assisi and staying two nights. Once again, we toured the countryside, walked the walled city and, of course, sampled the wine. We finished the Tuscany portion of our trip by staying two nights in another small walled town named Orvieto. After two days, we returned to Siena where we dropped the car and took a bus back to Rome where we flew back home on the following day. Looking back on the time spent at different places, we felt it was the best 14 days spent in Italy. We do not regret the amount of time we spent in each of the different cities and towns.

4 BOOKING TRANSPORTATION, ACCOMMODATIONS & MUSEUM TICKETS

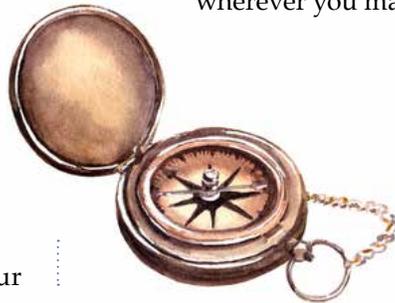
We cannot stress enough the importance of booking reservations and tickets well before you head to your destination. We used booking.com, Rick Steves' guide book, and helpful recommendations from friends that had visited. We also created a very detailed itinerary which outlined every activity, confirmation number, address, entry time, walking/driving distance, etc. As a result of our planning, at no time during our vacation were we stressed. We were thankful that we had done our research and planning well before our

trip. Once we determined the places we were going to stay, the length of time, how we were going to travel there, and tickets to museums and tours, we began the booking process. By doing so, we reduced the stress significantly in light of the fact we traveled by air, train, bus, and car throughout our trip. Don't forget, however, to build into your itinerary time to just relax and enjoy the moment. We spent several afternoons either walking through the cities and towns or spending a relaxing lunch or dinner at a favorite cafe.

5 PACKING FOR A VACATION

Over the years of traveling, we have learned that less is better when it comes to packing for a vacation. For Italy, rather than checking a large suitcase, we both packed a small roller bag as our carry on along with a backpack. In light of the fact that we utilized multiple modes of transportation, elimination of large suitcases was essential. Comfortable clothes and shoes were the most important accessories. If you find you've forgotten something, there are plenty of places to purchase items.

The approach we took in planning our vacation made a significant difference in our experience. Hopefully, these steps will enhance your vacation experiences wherever you may travel. //



Jim Riehl is a member of the Executive Committee of the Senior Lawyers Section of the WSBA and editor of the their newsletter, Life Begins. He and his wife, Carol, reside in Port Orchard, Washington, and are parents of 23 year old twins, Ben and Emily. He served as a Kitsap County District Court Judge for 32 years. He continues to train attorneys and judges nationally and internationally through the ABA.

WHAT'S UP with the BOG?

By Jordan Couch, Palace Law

Exciting things are happening at the BOG right now. At our last meeting we adopted four strategic focus areas:

- 1 Member well-being (studying, expanding, and improving resources for and assistance to legal professionals);
- 2 Technology (assessing and determining the state Bar's role in regulation, consumer protection, and support to legal professionals);
- 3 Inclusion and belonging in the legal community (understanding the detractors and drivers of belonging and creating a plan to advance inclusion and belonging); and
- 4 Support for rural practice (supporting practitioners and increasing access to justice in rural and small-town areas).

These will not be the only things the WSBA does over the next year but these will warrant some extra attention this year and probably into the next.

In addition we voted to support the practice of law board in a trial run regulating legal entities (similar to the Sandbox in Utah). More on that will be decided and announced in the new year. And the last exciting thing coming up is that the Board of Governors is soliciting feedback in the time leading up to our January 12 meeting about the Washington Bar Licensure Task Force's recommendations to the Supreme Court. For those who don't know, the WBLTF put forth two proposals ([linked here](#)) on how to improve on lawyer licensing in Washington. If you have any questions about this development I also serve on the WBLTF and would be happy to answer questions. //

Jordan Couch of Tacoma serves as an At-Large member of the WSBA Board of Governors.

WSBA "LISTENING TOUR"

By Al Armstrong

WSBA DOWNTOWN OFFICES – SEPTEMBER 13, 2023

About 20 BAR MEMBERS, plus several remote attendees, were present at WSBA headquarters to participate in the Bar's Listening Tour, designed to give WSBA members their say in Bar-related matters and issues.

AMONG THOSE remotely attending were our BOG Liaisons Kevin Fay and Jordan Couch. Several WSBA luminaries attended, including several other BOG members. Al Armstrong and Carole Grayson attended on behalf of our Senior Lawyer Section.

We were greeted by our hosts, newly minted WSBA President Hunter Abell and WSBA Executive Director Terra Nevitt. Ms. Nevitt gave us some updates about the goings-on at the Bar:

1. The WSBA made more money than anticipated from its investments. The Bar saved money during the pandemic. The Bar does not plan to raise dues at least until 2025.

2. The WSBA is not in fact wasting money by renting its headquarters in downtown Seattle—in fact, the landlord, the University of Washington, not having its own mortgage to pay, leases to the Bar at below market rates. In fact, the WSBA is now looking to extend its lease.

3. Changes to the bar exam are contemplated. Beginning in July 2026, the Bar plans to implement what it calls the "NextGen Bar Exam" which will de-emphasize rote memory and address other skills. Alternate pathways to Bar licensure will also be investigated.

The hosts then asked those in attendance to share their views and ask questions.

Seattle attorney Bob Wayne advocated for relief from Bar dues for older attorneys. Further, the Bar should consider designating retired attorneys as simply "retired" instead of "voluntarily resigned." He also questioned whether it was necessary for an attorney who has gone inactive

to have to take a full three years' worth of required CLE credits before being readmitted to regular Bar membership. And, he asked, why is it necessary for the re-joining attorney to pass a character and fitness review? He also said that the WSBA should look to the Senior Lawyers Section for guidance altering these requirements.

Carole Grayson thanked our Liaisons Kevin Fay and Jordan Couch for their attendance. She noted that there are some 13,000 attorneys who are eligible to join our Section, yet our Section only has 300 members. She stated that our Senior Lawyer Executive Committee member Brian Comstock was serving as a BOG member when he heard about the Senior Lawyers Section and joined it. Mr. Comstock is an avid advocate of enlarging our Section. Carole pointed out that it was our Section that successfully initiated a movement to allow inactive Bar members to serve as full voting members of a section executive committee if that section so elects. (BOG Liaison Kevin Fay noted this achievement also.) "We are an incredible resource," noted Ms. Grayson. Later, Carole recalled that, with a couple of exceptions, all the attorneys in attendance were either members of the Senior Lawyers Section or eligible to be a member.

Seattle attorney Mike Goldenkranz asked if the Senior Lawyers had approached the Washington Young Lawyers Committee about the subject of mentorship, and Carole replied that there was not much interest on either end for a structured mentorship program.

Another Seattle attorney, Kelby Fletcher, asked whether it is advisable

for Bar groups to give awards to judges; he thought the practice was "unseemly." He wondered who the mentors are who tutor attorneys under the Bar's apprenticeship program. Terra Nevitt said that the apprenticeship program actually predates Washington law schools. She said that CLE credits for these tutors are now allowed.

Mr. Goldenkranz wanted to ensure that the public is made aware of how attorneys serve the public interest, and said that the Bar should place brochures and posters in public spaces to inform the wider society about this. He urged attorneys to volunteer to advise callers with family law questions on a stand-by basis pursuant to a program he was promoting. [Although Mr. Goldenkranz did not mention this, he is the recipient of this year's APEX Pro Bono and Public Service Award.]

BOG member Kevin Fay was concerned that those in the LLLT program were currently unsupervised. He also advocated for greater WSBA effort at access to justice for those unable to afford legal representation, noting that funding needs to be provided, as "attorneys need to eat" and can't be expected to work for free.

Seattle practitioner John Hoglund advocated a public relations push to inform the public about what lawyers do for society. The WSBA's Sara Neiglowski said that such individuals as the Bar's APEX winners can help inform the public of how the work that attorneys do every day benefits the public.

BOG member Brent Williams-Ruth advocated raising the Bar dues every year.

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WSBA "Listening Tour"
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HIGHLIGHTS FROM THE SUPERIOR COURT JUDGES' ASSOCIATION

By Judge Samuel Chung, SCJA President

The Superior Court Judges' Association (SCJA) of Washington is a statutorily-created association composed of all the judicial officers in superior courts across the 39 counties of our great state. There are currently 200 judges and 59 full-time commissioners represented by the Association. I have had the honor of serving as the president since our Spring Conference in Spokane in April 2023. It's been an exciting year so far and, in this article, I would like to share with you some of the current work of the SCJA, and priorities that we intend to take on in the future.

Today's Bench

Over the last several years, the judiciary has continued to evolve into a younger, and a more diverse bench. Over half of the superior court bench has turned over since 2016, and currently 58 percent of superior court judges have been on the bench for five years or less with only 14 percent of judges having served more than 10 years. The newer and younger judges have brought great enthusiasm and new energy, and it's been wonderful to see their love of the law at work across our state. At the same time, while this diversity in experience and practice is critical to the health of the judiciary, it also poses unique challenges the Association seeks to address.

In order to recruit and retain new judicial officers, the Association supports two main strategies. First, timely and comprehensive education must be central for judicial officers to make just decisions in accordance with case law and the myriad of ever-changing statutes. However, our state's funding for required judicial education programming has remained unchanged since 2008. The Association fills in gaps with a number of webinars and brown bag events when possible, but it is not nearly enough to meet the demand.

Secondly, maintaining the work-life balance of judicial officers has taken on a deep importance since the COVID-19 pandemic. In order to address early burnout and to reduce stress, in 2022, the SCJA codified a Work-Life Balance Committee into our bylaws. This committee hosts a wide range of interactive wellness webinars for judicial officers throughout the year, including learning how to get proper rest and sleep taught by a clinical psychologist, and how to focus and concentrate taught by a renowned Seattle Symphony cellist.

Priority Work

Over the next year, the SCJA will escalate its efforts on emergent priority issues, including the shortage of attorneys in both criminal and civil matters, and evolving policies on juvenile justice. Our partnerships across the trial courts and with groups such as the Washington State Minority and Justice Commission, Gender and Justice Commission, and Interpreter and Language Access Commission are central to this work.

Judicial officers across the state also report an increase in the acrimony between counsel, litigants, court staff, and judicial officers. Civility within the courtroom is necessary to maintain the public trust and confidence in the judicial system. With public trust in the courts faltering in recent years, now is more important than ever to ensure we are demonstrating mutual respect.

The SCJA always looks forward to working with the WSBA on these and other issues of significance. To that end, we look forward to working with the senior lawyers of our state. If you would like to contact the SCJA, we can be reached through our coordinator, Ms. Allison Lee Muller at allison.leemuller@courts.wa.gov. Thank you.

Al Armstrong seconded Carole Grayson's and Bob Wayne's notions re: dissatisfaction with the category of "voluntarily resigned." He also advocated greater use of his Senior Lawyer Section members' longevity in the law. He mentioned Brian Comstock's insistence that we make greater efforts to enlist these attorneys in the Senior Lawyers Section. He suggested that perhaps the WSBA should adopt the ABA's practice of automatically including all eligible members in its equivalent senior lawyer section. Another suggestion was that the WSBA should take a stand against exorbitant law school tuition, noting that these rates do not reflect the costs necessary to operate a law school. He recalled that when he started law school 50 years ago, his tuition was \$600 per semester for the night program. Carole Grayson added that she spent just under \$9,000 for her entire law school education. Ms. Grayson advocated expanding law school debt cancellation.

Peter Heineccius, an attorney with the King County Auditor's Office, called on the WSBA to support high school mock trial programs, such as offering CLE credit to volunteer attorney-coaches at the high school and undergraduate college level, not just law school.

Attorney Lucinda Dunlap, also of Seattle, urged the same treatment for those who practice social security disability law. She also supported Bar dues reductions for certain practitioners.

The attendees felt heard by the Bar Powers-That-Be, and were thanked for their attendance. //

The world HAS CHANGED, and continues to change at an accelerating pace.

The pandemic has been a substantial contributor to the diminishment of personal connections among older lawyers. The Senior Lawyers Section provides a helpful remedy to this disturbing situation.

Voting membership in the Senior Lawyers Section is open to any WSBA member 55 years of age and older or who has been in practice in any jurisdiction for 25 years. Annual dues are established by the Executive Committee, subject to approval by the Board of Governors, and currently are \$25.

For many years I questioned the appropriateness of our section's "label." It seemed to me to discourage lawyers from getting involved with the Section. I suggested "Experienced Lawyers Section" as more consistent with the status of those lawyers, many of whom were in the prime of their practice, either as members of a law firm or in a solo practice.

Mine was a voice in the wilderness. Throughout the United States the term senior lawyer was uniformly applied to older lawyers. In the state of Washington the number of lawyers who satisfy the eligibility criteria is 13,000. It was not until the time I retired 6 ½ years ago that I became comfortable with being called "senior."

Section Activities

The Senior Lawyers Section is governed by the members of the Executive Committee who are elected annually by the Section members. The Executive Committee consists of the chair, secretary, and treasurer, each of whom is elected for a one year term; the immediate past president who is automatically on the Committee for an additional year; and up to nine other members. The one year terms begin on Oct. 1, the beginning of the WSBA fiscal year.

My service on the Executive Committee since 2006 has been a wonderful way to connect with other members of the Section and of the Washington Bar. Currently the principal activities of the Executive Committee include organizing and promoting mini-CLEs; and publication of *Life Begins*, our newsletter. Its content, often senior-lawyer oriented, includes articles by a justice of the Washington Supreme Court, traveler's tales, book recommendations, ethics advice, preparing for retirement, member profiles, and mentoring younger lawyers.

Another benefit of serving on the Executive Committee is a direct connection with the WSBA office through Carolyn MacGregor, WSBA Sections Program Specialist, who is very friendly and responsive to inquiries about the WSBA and its operation. //



Stephen E. DeForest, born in 1933, practiced law for 56 years, retiring in 2016. His practice included ERISA, qualified retirement plans, and First Amendment. After serving on the WSBA Board of Governors, he was elected President for 1992-1993. He has enjoyed foreign travel and he and his wife, Sylvia, have visited over 40 countries, both independently and on tours.

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Annual dues are established by the Executive Committee, subject to approval by the Board of Governors, and currently are \$25.

If you're not already a voting member of the Senior Lawyers Section, JOIN NOW!

Please check one:

Voting Membership:

I am an active or inactive WSBA member who is over the age of 55 or my length of practice in all jurisdictions is at least 25 years. Please enroll me as a voting member of the Senior Lawyers Section.

Non-voting membership:

I am an active or inactive WSBA member who is under the age of 55 and my length of practice in all jurisdictions is less than 25 years. Please enroll me as a subscriber member so I can participate and receive your informational newsletter.

I am a law student or law clerk. Please enroll me as a subscriber member so I can participate and receive your informational newsletter.

- Enclosed is my check for \$25 for my annual section dues made payable to **Washington State Bar Association**. Section membership dues cover Jan. 1, 2023, to Dec. 31, 2023. (Your canceled check is acknowledgment of membership.)

Name _____

Address _____

Phone _____

Email _____

WSBA # _____

Send to: Senior Lawyers Section
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Office Use Only:

Date _____ Check # _____ Total \$ _____

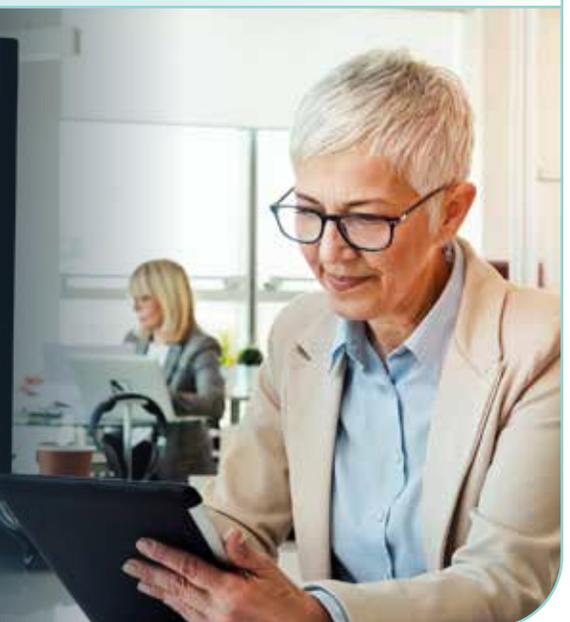
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- ✓ Complete all of your annual licensing forms (skip the paper!)
- ✓ Pay your annual license fee using American Express, MasterCard, or Visa
- ✓ Certify your MCLE reporting compliance
- ✓ Make a contribution to the Washington State Bar Foundation or to the LAW Fund as part of your annual licensing using American Express, MasterCard, or Visa
- ✓ Shop at the WSBA store (order CLE recorded seminars, link to purchase deskbooks on LexisNexis, etc.)
- ✓ Access Fastcase free legal research
- ✓ Sign up for the Moderate Means Program



Ancient Wisdom for the Human Condition in 2023

LIVING WITH DEATH

By Stanley P. Jaskiewicz

It took a pandemic for me to try podcasts – but I am glad I did.

"Don't leave any unfinished business before a person dies – say what you have to say."

I had just returned to work after my 2019 open-heart surgery, when the world shut down abruptly.

I discovered that listening to podcasts helped motivate me to continue my cardiac rehab workouts (in my basement, rather than at the hospital gym).

To this day, I still enjoy MASH star Alan Alda's *Clear + Vivid* interviews about communication.

One episode that unexpectedly resonated with me was his interview with Rabbi Steve Leder.

I did not expect that result. Amidst the heart-rending tragedies of the pandemic, why would a life-long, "cradle Catholic" choose to hear a self-identified "death professional" rabbi's wisdom (much less tear through his three books on that subject)?

Like many author interviews, the show was ostensibly about his then latest book, which explores how we manage death (both of others, and our own).

However, I learned from Rabbi Leder how what we think about our own inevitable death (and that of those whom we love) can help us live our lives more fully, and mindfully, while we are still on this side of the ground.

(I should note that we are the same age—he was born 24 days before me.)

As an attorney, as well as an adult whose parents both died within a year of my 30th birthday, I was touched by his humble admission that his years of counseling others on grief had not prepared him for his own father's passing.

Rabbi Leder graciously agreed to speak to me in early 2023, when I suggested his insight as a topic that would interest the senior attorneys who read the *Voice of Experience*.

I hope you will learn as much as I did from Rabbi Leder's responses to my questions.

(His thoughts on that subject, and many others, have been lightly edited for space and clarity.)

Information about all of Rabbi Leder's books is online at www.steveleder.com/books. His biography is at www.steveleder.com/about.

Continues on page 13...

Voice of Experience: Let me begin with the most important thing, making the most important thing, the most important thing.

How do you help those facing traumatic or life-threatening transitions balance the overwhelming emotion of the situation, and what would be your helpful or practical guidance?

Rabbi Steve Leder: That is like asking to have your second child first. It is impossible; you can only learn by experience, from the first death in your innermost circle.

My books are a memoir and field guide.

While there is no way to fully grasp and prepare for the death of a loved one or your own, there are some things you can prepare for.

Don't leave any unfinished business before a person dies—say what you have to say.

You should both try to be a part of a "community of love."

If you have good relationships, you can lean on them in death. In that way, death will not be an unbearable loss.

But you will experience more pain from loss if the dying person and his loved ones have no community, no one to support them.

An "ethical will" lets you prepare for the things that matter—which has nothing to do with "stuff."

As I named a chapter in "The Beauty of What Remains," "Nobody Wants Your Crap."

(VOE: I noted the coincidence that he had quoted a favorite phrase of one VOE editor.)

There is an irony of working so hard to make money, to buy stuff, that means nothing.

Consider that most people's final words are in an estate plan, written by a stranger, who didn't know them.

All legalese and boilerplate, about who gets what and when, as if material goods can express an emotional message.

An ethical will, in contrast, is a blueprint for your non-material legacy, what others will miss most: your humor, your guidance, your laughter.

But most people leave only their material legacy.

An ethical will leaves a document about what really matters to you.

An ethical will does two things. It leaves your "legacy of values," and if you completed it honestly, it also creates an "MRI of your internal life."

You can then hold that document to the light, today, and ask the most important question: "This is what I say I believe—but am I living this way, or is my life mostly pretend?"

Dissonance is very painful. The unhappiest people are those whose professed and lived values are not the same.

The happiest people are those whose internal truths and lived truths are aligned.

It is only when you realize you are going to die that life takes on importance, and renders life meaningful.

Death wakes us up to the potential of life.

Life is more beautiful because of the pain you endured.

All life is rooted in adversity or loss.

I think that the prospect of death reveals several lessons about the life you lived:

- If you have to go through hell, don't come out empty-handed.
- Don't allow loss to be worthless.
- Pain produces equilibrium, but can be liberating. At some level, pain is the only teacher.

VOE: I couldn't agree more with your statement in your online biography, "Most important to me is being Betsy's husband and Aaron and Hannah's dad." The same applies to me, with my wife and children. Do you advise family members differently than those whom you counsel as a rabbi?

SL: No, my advice to them is no different than what I said in my books, and professionally.

VOE: Therefore, since you published your own ethical will in "The Beauty of What Remains: How Our Greatest Fear Becomes Our Greatest Gift," can I assume that your spouse and children have read it? Do you recommend

sharing your thoughts with the intended recipients while you are still alive, to allow discussion about them?

SL: Yes, a discussion of one's ethical will while you are alive is exactly its purpose.

So don't wait—write your ethical will, and share it with those you love.

I also recommend binding your ethical will with your estate plan. Nobody gets any money until they have heard your ethical will. *(VOE: Rabbi Leder had a broad smile when he said this.)*

Short of death, live out the goals of your ethical will.

VOE: Since my major surgery, I have made it a point to say "I love you" every day to my wife and children.

SL: Very good, but go deeper, what does "I love you mean" in practice?

For example, caregiving can be the most intimate experience with another person, such as when I had to empty my wife's post-surgical drain.

VOE: I had exactly the same experience after my wife's cancer surgery. I never learned to empty a J-P drain in law school.

I think your books speak particularly to attorneys, who may think they have no time for spiritual concerns, or have never pondered their spirituality in the first place.

"An ethical will, in contrast, is a blueprint for your non-material legacy – what others will miss most: your humor, your guidance, your laughter."

Continues on page 14...

VOE: Have you found that attorneys approach the process of transition to the next stage of their lives differently than others, particularly in resisting the concept of planning for inevitable transitions?

SL: Planning for death through an ethical will trickles up from clients to attorneys. Attorneys with experience with ethical wills mostly do one for themselves.

First, they buy the book and journal for their clients – and then get a copy for themselves after clients share what works.

It starts as output for an attorney's clients, but eventually becomes input for the attorney himself or herself.

In a similar way, when my physician had a virus, it was a humbling lesson in having greater empathy for patients.

Professionals like to keep a distance from people whom they help, but that distance can keep us from helping ourselves.

VOE: Let me close with a more philosophical question. Is there a place for a spiritual thought leader in the public square, as I think you have become, in a society that has become increasingly areligious?

SL: No one makes the *New York Times* best seller list, or goes on TV, if the message doesn't resonate beyond a religious community.

I do not focus on religion, or a particular religion.

More generally, I think I make ancient wisdom about the human condition more accessible, and show how to apply it to modern problems.

The human condition hasn't changed since ancient times.

America doesn't need Rabbi Steve Leder.

America needs teachers connected to what came before. (VOE: *Rabbi means teacher.*)

COVID wasn't the first plague.

The ancient truths I write about transcend distance and time.

I try to help people see the tension in all of us between our best and worst selves, and manage it.

VOE: Thank you. I have very much enjoyed our talk, and now I need to share the ethical will I wrote after reading your books with my wife and children. //

Stanley P. Jaskiewicz, Member, *Spector Gadon Rosen Vinci P.C.*, Philadelphia, PA

As a Member in the Corporate Law Department, Stanley P. Jaskiewicz assists and advises privately held and family held businesses on a wide range of legal matters, including contracts law, secured lending and negotiated acquisitions, internet and technology law, business matters arising in the practice of medicine, corporate governance, intellectual property, regulatory counseling, fine arts law and foreign law. Mr. Jaskiewicz was elected by his peers as a Pennsylvania Super Lawyer for 17 consecutive years, 2006 through 2022, in the practice areas of Corporate/Securities Law, Closely Held Businesses and Mergers and Acquisitions. He has also received an AV Preeminent rating by Martindale-Hubbell, the highest rating. In 2021, Mr. Jaskiewicz was appointed to the American Bar Association's Voice of Experience Board.



Q When a lawyer joins a nonprofit board or other community organization and is put in a position of handling the organization's funds, what ethical rules and considerations apply? Is the lawyer handling such funds required to use the same protocols required of a lawyer's trust account? If not, what, if any, is required due to the lawyer having a license to practice law?

Signed,
Wondering in Walla Walla

Hi Wondering,

Great question! The answer depends on whether the lawyer is providing any legal advice or representation to the organization. The trust account rule, RPC 1.15A, applies only to property that a lawyer is holding in connection with a representation or to funds like escrow that are related to a property closing. If the lawyer is not providing any representation to the nonprofit, the funds should not go in a lawyer trust account. Some lawyers don't realize that they are not allowed to keep funds in an IOLTA account unless the money is related to a representation and learn that the hard way when their trust account is audited by the bar.

If the lawyer is both on the board and is also providing the organization with legal advice, the answer is more complicated. Comment 3 to RPC 1.15A was revised in 2018 to address a similar situation where a lawyer is both a fiduciary, like a personal representative, and also acting as the lawyer for the fiduciary. In that situation, the "character of the funds controls whether the funds should be deposited in a fiduciary account or the lawyer's trust account."

The same would apply in your scenario. If you have the funds due to your representation of the organization, the funds should go into your trust account. On the other hand, if you are handling the funds for a reason unrelated to your representation, the funds should not go in the trust account. For example, you may be the treasurer of the nonprofit and receive donations on behalf of the organization and also provide the organization with legal advice about complying with employment laws. The funds you receive as treasurer are not related to your role as a lawyer for the organization and therefore should not go in your trust account.

As Comment 3 recognizes, in some situations where the lawyer has two roles, it might be permissible for the lawyer either to hold the funds in a trust account or handle them in the appropriate way for the organization.

Whenever a lawyer is serving on a board and not also serving as a lawyer for the organization, it is best to make sure the organization understands that you are not providing legal advice nor representing the organization. //

Please keep the questions coming! You can send any ethical question that you think may be of interest to other readers to ethicscolumn@anneseidel.com.

THANKING A MENTOR AND FRIEND

By Jeff Tolman



Judge Robert J. Bryan

A few YEARS AGO, I asked a young lawyer who his role models were. Who did he want to emulate? Who did he look to for professional guidance?

At the end of my inquiry the young lawyer looked at me oddly, as if I had asked him for the final digit of pi or for a definitive answer about the meaning of life. He stared at me blankly for a moment and said, “Don’t take this personally, Jeff, but we don’t do that anymore.”

The poor lawyer! I don’t know how I would have made it through 45 years of practice without role models and mentors. Whether they knew it or not, I have been guided by many extraordinary lawyers and people. Bob Utter. Paul Stritmatter. Paul Luvera. Betty Fletcher. Ron Gould. Don Curran. John Mitchell. John Tracy. Jay Roof. Betty Bracelin. Lem Howell. John McKay. Paula Boggs. Monte Hester. Steve Fitzer. Jim Riehl. There are so many role models who have guided my journey, but no one better than Judge Robert J. Bryan.

When I joined the Kitsap County Bar in March 1978, the three Superior Court judges were Jay Hamilton (a successor lawyer in the firm I practiced with for 40 years), Terrence Hanley, and Judge Bryan. Judge Bryan’s legacy in the Kitsap County Bar goes back two generations. As best I can tell, there are two families who have had three generations of practitioners in Kitsap County: Garland (Marion Garland Sr., Marion Garland Jr. and his brother Bill Garland, and Rex Garland) and Bryan (James W. Bryan Sr., James W. Bryan Jr., and Robert J. Bryan).

Following a stellar career as a student-athlete at the University of Washington (his father, Jimmie, and Bob were all recently inducted into the Kitsap Sports Hall of Fame!), Judge Bryan joined the Washington State Bar Association on March 5, 1959, and

practiced with his father as Bryan & Bryan in Bremerton from 1959 - 1967. Their general practice included insurance defense and trial practice.

At the age of 33, Bob put his name in for the open judicial seat previously held by his uncle, Frank Ryan. Judge Bryan recalls that his father was initially not in favor of the idea, feeling Bob was a fine trial lawyer and had wonderful years ahead as a practitioner. Judge Bryan turned out to be the second preference of the Kitsap Bar, but he was appointed to the Superior Court by Governor Dan Evans in 1967, at age 33, the second youngest judge in the state. Judge Bryan served on the Kitsap County bench until retirement from that position in 1984.

Following his retirement from the Kitsap bench, Bob practiced at Riddell Williams in Seattle from 1984–86. Judge Bryan did not put his name in initially for the opening on the U.S. District Court in Tacoma. He was a new lawyer at Riddell Williams and did not feel he was ready or qualified for the federal bench. The judicial selection committee was not satisfied with the names on the list they’d been given, and soon after the initial interviews, the chair of the selection committee contacted Bob to determine his interest in the position. Without contacting his law partners or spouse, Bob indicated he was interested in the seat, and the appointment process commenced. On Feb. 3, 1986, Judge Bryan was nominated by President Reagan to the District Court. He was confirmed by the U.S. Senate on April 24, and assumed the bench on May 7, 1986.

Judge Bryan assumed senior status on Nov. 1, 2000. In 2004, the Puget Sound American Inn of Court, the 25th American Inn of Court to receive

a charter, officially changed its name to the “Honorable Robert J. Bryan American Inn of Court,” in honor of its founding member and first president. In 2010, Judge Bryan (very deservedly so) received the Lifetime Service Award from the Washington State Bar Association. In 2015, he received the Professionalism Award for the Ninth Circuit.

Judge Bryan continues to be a friend, mentor, and role model to hundreds of attorneys throughout Western Washington, including me. Years ago, I wrote a Kitsap County Bar Association “Faces on the Wall” piece honoring attorneys who had passed away, including Judge Bryan’s father. Judge Bryan provided me with the following lessons from his father:

- The law is a profession, and that means the client, not money, comes first. Lawyers are, or should be, problem solvers and healers.
- Out-work and out-prepare your adversary.
- Judges and lawyers are partners in the search for justice.
- Learn to fill the courtroom with your voice.
- Settle when you can. Try cases only when you can’t settle fairly.
- Don’t practice close to the ethics line. If in doubt, don’t.

Judge Bryan ended his recollections with a simple line: “I still miss my dad after nearly 50 years.”

I write this because Judge Bryan has been a part of the lives of so many lawyers and judges, personally and professionally. He is a gift to us all. Thank you, Judge Bryan, from all of us you have befriended and mentored and showed how to be a consummate professional. //