

LIFE BEGINS

Senior Lawyers Section Newsletter

RELEVANT
INFORMATIVE
ENTERTAINING



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WELCOME TO THE WINTER 2025 EDITION

By Al Armstrong

As THE INTERIM CHAIR of the Senior Lawyers Section of the WSBA, I am proud to introduce the winter edition of our longstanding newsletter, *Life Begins*.

Our goal is to disseminate news of recent developments which will be relevant, informative, and entertaining to the members of our profession.

In this issue, we present a recap of our successful CLE on Oct. 4, Scams and Frauds: Detection and Strategies. We are contemplating making our CLE recaps a regular feature in these pages, allowing our readers who weren't able to attend our remote presentation to remain advised of the issues of the

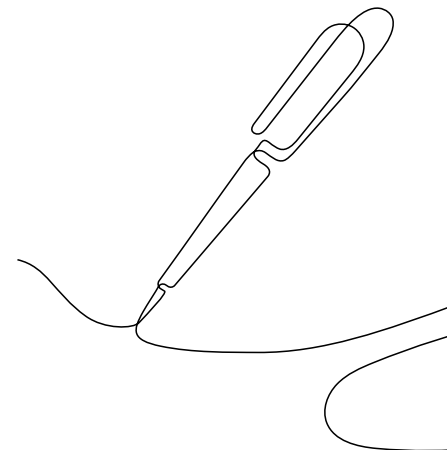
day. The CLE was well-attended and the post-CLE evaluations gave due recognition to our efforts.

Those of us that are nearing or contemplating retirement will be interested in the reprint of the ABA's Senior Lawyer Division article "Successes and Failures in Transition: From a Demanding Practice to Retirement." On a related note, I have received word that the Board of Governors has just approved key changes in WSBA membership

classifications. A retiring attorney, under the rules authorized by the Board, would be able to choose to be styled "retired" rather than "voluntarily resigned" in the Bar Directory. (It had been felt by some that the term "voluntarily resigned" hinted at some sort of forced stepping-down.) Another change is that the "honorary" category would now read "emeritus," and one may assume this title after 40 years of practice, rather than having to wait 50 years under the "honorary"

designation. I am proud to say that our Senior Lawyers Section played a leading role in bringing these innovations to fruition.

And, for this winter edition, how about a travelogue about a Siberian vacation? Longtime Executive Committee member Steve DeForest recounts his sojourn with his wife Sibby to the wilds of Siberia. Closer to home, Senior Lawyer Section member Jeff Tolman writes about his insightful views on life in his article "Live



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2024-2025

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WSBA SUPPORT

Carolyn MacGregor
carolynm@wsba.org

Like You are Moving.”

Washington Supreme Court Justice Barbara Madsen describes for us the celebration at hand as the justices return to the Supreme Court building (Temple of Justice) following its renovation. She also discusses some of the Supreme Court’s recent work.

Lastly, I am sad to announce the passing of longtime Executive Committee Member Brian Comstock on Nov. 15 at the of age 92. Brian, a 1954 graduate of the University of Washington (magna cum laude and Phi Beta Kappa) and a 1959 graduate of Harvard Law School, was with several downtown Seattle firms and served on innumerable WSBA boards and committees, including the Board of Governors. In 2006, he joined his son John in forming the Comstock Law Firm with offices in Bellevue. He will be greatly missed. //

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

Name _____

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WSBA # _____

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.)

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

Office Use Only:

Date _____

Check # _____ Total \$ _____

SUCCESSSES & FAILURES IN TRANSITION: FROM A DEMANDING PRACTICE TO RETIREMENT

By Cathy Stricklin Krendl

SINCE RETIRING, my path has been long and winding, and I am not done with the transition yet...

My Law Practice

My husband and I had a law firm with 11 lawyers, two paralegals, an office manager, and three assistants. We were all business lawyers with separate clients, most of whom were entrepreneurs. That meant we had to be available 24/7. We had exclusively a business practice, foregoing litigation, bankruptcy, divorce, and criminal law. We represented small and medium-sized businesses from the beginning to the end, hopefully through merger or acquisition. I also represented directors of public corporations on corporate governance matters and, once a year, served as an expert witness. I wrote two and edited six books for Thomson Reuters, all of which required annual updates because the subject matter was Colorado practice, and the law and/or practice changed every year. I also participated on a committee that wrote and reviewed the business laws for Colorado and spoke at two or three CLEs every year. I am describing my activities so you will know that, like you, I was very busy. This makes it much harder to transition to a world with no work demands.

Unexpected Trigger for Retirement

My transition journey began when my husband awoke from a six-hour surgery and immediately informed me he did not have the cognitive ability to practice law at our high standard. After discussion and much thought, our partners told us they did not wish to continue the firm. I knew I couldn't practice at the highest level and help my husband deal with the devastation of Alzheimer's. I was then faced with dissolving an over 30-year law firm and finding a place where

my husband could thrive as happily as possible with the awful and inevitable challenges of Alzheimer's.

Transition 1: Dissolving Our Law Firm

Dissolving the firm took nine months. Fortunately, several years before, we had developed and implemented a document destruction policy as well as a digital filing system. Both of these were enormously helpful. Nonetheless, the firm had many clients, most of whom had been with the firm for several years, with many files. I had to transition the files to the firm's former lawyers or another lawyer and transfer to clients or destroy the remaining files, all according to the firm's file destruction policies, which required several steps to ensure the files were handled according to client instructions. At the same time, I had to collect the firm's receivables, pay the firm's creditors, and terminate continuing contracts. By "I," I mean an office manager, a file clerk, an assistant, and me. Think telephones, internet, computers, malpractice, office lease, 401(k), furniture, and all shapes and sizes of supplies. That obviously kept me busy through 2013.

Transition 2: Building a House

At the same time, I needed to find a place where my husband could have the best quality of life, given the progression of Alzheimer's. We lived in downtown Denver in a condo. That was not going to work. After discussing this with each other, we decided to move to a college town where our youngest daughter

lived with her husband and two children. My husband's most fervent wish was to be remembered by his grandchildren, and at that time, we had three. There were no condos or apartments in the college town that were not populated with college students and no houses close to our daughter's. We decided to build a house, which was my first and now-sworn-only time to build. I sold our condo and arranged for our things to be packed and shipped to the town for storage while our house was being built. This is a nightmare I would

My husband and I had a law firm with 11 lawyers, two paralegals, an office manager, and three assistants.

never have survived without the patience and persistence of my son-in-law, who had more knowledge and interest in siding, plumbing, and doors than I ever will.

Transition 3: Being with Grandchildren

Our house was built for grandchildren. Our local grandson and granddaughter had his or her own bedroom with an adjoining bath and a basement full of books and toys, including a train they could ride and a tent.

During these short years, my husband and I spent as much time as we could with our two grandchildren and another granddaughter who would come from Atlanta to stay with us. We cooked with our grandchildren,

Continued on page 4...

played imaginary games with them, and introduced them to our favorite movies, including *Stagecoach*. They were amazed there were no cars in the olden days, and people had to travel in a slow and dirty stagecoach. I also spent that time just being with my husband, reading before our fireplace and transitioning our finances from him to me while his memory was intact. I cataloged our assets and liabilities, changed our passwords, and found and listed contact information.

Transition 4: Moving to a New City to Find Appropriate Memory Care Facility

After four and a half years, my husband’s Alzheimer’s had reached the point where I could no longer care for him. A college town is not designed for older people, much less those with dementia. The doctor told us there were only four places that could care for my husband, and he could not recommend any of them. I then had to prepare for another move, this time to Houston, which had excellent choices of memory care facilities as well as our older daughter and youngest grandchild. After exploring several facilities, I found one where I could live on one floor in independent living, and my husband could live in the same building in a memory care facility. During those next one and a half years, we spent time enjoying our youngest grandchild and making sure my husband had good and consistent care. The facility was wonderful, with large, cheerful rooms and, most of all, personnel who had years of experience caring for Alzheimer’s patients. The head nurse even let my husband come to her office every day and give her legal advice.

Transition 5: Volunteering at My Grandson’s School

When my husband died, I had to make another transition, learning how to live by myself and find another purpose. My children and my grandchildren

will always be my most important purpose. I travel to spend time with them and enjoy introducing them to new adventures through reading or showing them the wonders of New York City and the glaciers of Alaska. My first attempted transition to help my youngest grandchild was a colossal failure. I was a homeroom mother for

the debate team, and that experience had changed my career from medicine to law. My decision was well-timed because the university committee charged with funding the debate team had just informed the coach that the team would have to raise 100 percent of its own funds. The challenge appealed to me. My university was

Tips for Transition from Retirement to Purposeful Activities

- Engage with people close to your own age.
- Align with people with whom you have common interests, in my case, law and debate.
- Participate in activities that require your skill set.
- Make sure you learn something to challenge your mind and add to your skill set, in my case, raising money, learning how a university works, and how to create and offer webinars.

his kindergarten class and a helper in the library for his school. I quickly learned I didn’t fit in with the younger mothers who used the internet much more frequently than I did and that being a homeroom mother primarily involved collecting money for presents for the teacher. I stuck it out for a year and then, thankfully, did not volunteer the next year. The library was a different challenge. The shelves were very low, and I soon learned my exercise routine, which consisted entirely of walking, did not develop the muscles I needed for bending to those low shelves. Another failure.

Transition 6: Raising Money for the Debate Team at My University

Next, I decided to do some volunteer work for my university. I had been on

a public university and was not equipped to raise money. The alumni had not been contacted in years, and there were no lists of former debaters with updated contact information. Working with the debate coach, I established a task force of former debaters, set up a quasi-endowment, worked with Advancement to create lists with current contact information for former debaters, worked to engage the former debaters with the university, and finally asked for money. At the same time, I convinced prominent former debaters to write letters to the president, provost, dean, and chair describing how the debate team had enhanced their careers. The end result was the president’s agreement to fund debate out of

Continued on page 5...

My biggest transition success so far has been participation in the Senior Lawyers Division of the American Bar Association.

funds from his office, bypassing the committee. The transition endeavor was a success, and it also opened doors for me to meet other donors to the university who were at the university when I was there and with whom I had much in common. Through them, I am now involved in a Speakers Series that brings prominent national figures to Texas to give speeches to inspire our graduates and support the Women's Basketball Collective. My connections led me to become a member of the College's Advisory Committee and the President's Council.

Transition 7: Being a Member of the Colorado Secretary of State's Advisory Committee

My continuing membership on the Colorado Secretary of State's Advisory Committee was a failure. I had been on that committee for years when I was practicing law. The committee asked me to return, I think because I knew the history of the committee. My membership lasted only a year because I realized knowing history was not important; knowing the issues practicing lawyers had with the Secretary of State's office was. Clearly, a transition failure.

Transition 8: Being a Part of the Senior Lawyers Division

My biggest transition success so far has been participation in the Senior Lawyers Division of the American Bar Association. My husband and I learned many things the hard way during his Alzheimer's journey (including legal, medical, financial, and practical obstacles), and I wanted to share what we had learned with the audience I know best--lawyers. Thanks to Jim Schwartz, the current chair of this publication and then chair of the Senior Lawyers Division, I was able to do that. Jim and I put together five webinars, including those describing the symptoms of dementia, advisable financial preparation, the legal documents to update, the issues arising from employing caregivers as well as finding appropriate memory care facilities, and elder abuse. Patiently and thoroughly, Jim walked me through all the steps, giving me great feedback and setting high standards. We included lawyers, physicians, social workers, and, where appropriate, financial advisers on each panel. We also established a relationship with the Alzheimer's Association so we could share

information. After those webinars, I have continued to write for the *Voice of Experience* e-newsletter and have recently been elected to the Council of the Senior Lawyers Division. //

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

WHO CAN JOIN?

Any active WSBA member or law student can join. Some sections also accept public members. Learn more about membership eligibility and join today at:

<https://www.wsba.org/aboutsections>



WSBA Sections



Professor of Law, University of Denver College of Law, corporation, securities, and business planning, 1973-1983

Partner, Krendl Krendl Sachnoff & Way, corporate, securities, and M & A law, 1983-2013

Editor and Author, *Colorado Methods of Practice*, 1983-2014

President, Denver Bar Association, 1989-1990

Chairman and member, Business Law Section, Colorado Bar Association, 1983-

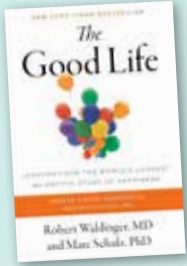
Best Lawyers in Denver, corporate, corporate governance, and M & A

Council, Senior Lawyers Division of American Bar Association, 2023-

Chairman, University of North Texas, Debate Task Force, 2018-2023

Member, President's Council, University of North Texas, 2023-24

LOOKING FOR A GOOD BOOK?



THE GOOD LIFE: Lessons from the World's Longest Scientific Study of Happiness

Robert Waldinger, M.D.
& Marc Schulz, Ph.D.
// Published 2023

WHAT MAKES A LIFE fulfilling and meaningful? The simple but surprising answer is relationships. The stronger our relationships, the more likely we are to live happy, satisfying, and healthier lives. The invaluable insights in this book emerge from the revealing personal stories of hundreds of participants in the Harvard Study as they are followed year after year for their entire adult lives. Relationships in all forms all contribute to a happier and healthier life and this book provides many examples of how to develop them. //



NOTHING DAUNTED Dorothy Wickenden // Published 2012

IN THE SUMMER of 1916, Dorothy Woodruff and Rosamond Underwood, bored

by society luncheons, charity work, and effete men who courted them, left their families and privileged lifestyle in New York to teach school in the wilds of northwestern Colorado. Nearly 100 years later, Dorothy Wickenden, granddaughter of Dorothy Woodruff, found the teachers' letters, which captured the voices of the pioneer women, the children and unforgettable characters. //



THE WAITING Michael Connelly // Published 2024

RENEE BALLARD and the LAPD's Open-Unsolved Unit get a DNA connection between

a recently arrested man and a serial rapist and murderer who went quiet 20 years ago. The arrested man is only 24, so the genetic link must be familial. His father was the Pillowcase Rapist responsible for a five-year reign of terror. When Ballard and her team move in on the suspect, they encounter a baffling web of secrets and legal hurdles. //

"The reading of all good books is like a conversation with the finest minds of past centuries." - Rene Descartes

WHAT'S UP with the BOG?

By Jordan Couch

Jordan Couch, a partner at Palace Law in Tacoma, serves as an At-Large member of the WSBA Board of Governors. He can be reached at 253-881-5626 or jordan@palacelaw.com.



SERIOUSLY WHIMSICAL

A shut down at the hotel in Olympia where the Board of Governors has, for years, hosted its annual meeting with the Supreme Court brought the September Board meeting to Great Wolf Lodge instead. The work was serious but we did convince Justice Steven González to join us in wolf ears for a group photo after we swore in our new governors and officers. Silly photos aside, we heard comments from members and the public about the pilot project of entity regulation (largely positive), we approved amendments to the public defense standards for family and appellate work, discussed lived experience stipends to bring in experts, and met with the both the Supreme Court and the Washington State Bar Foundation. A large portion of the meeting was spent discussing and approving the budget. I'm happy to report that the WSBA staff and our treasurer did incredible work keeping our budget lean and effective. As a final note, as I start my second term on the Board (and hopefully start my path to being WSBA president in a few years) I have been replaced as your liaison by the incredible Parvin Price. You're in good hands and I look forward to joining this Section when I stop being the "young lawyer" liaison. //

BACK HOME IN THE TEMPLE

By Justice Barbara Madsen

AFTER YEARS OF NOMADIC LIFE, the Supreme Court has returned to the Temple of Justice! On Oct. 29, the court heard the first oral arguments in our renovated court room and on Oct. 30, we inducted newly minted lawyers into the WSBA. The official homecoming was Nov. 22, when the court hosted the Washington Courts Historical Society's biannual CLE, featuring the use of history and historical research methods in appellate practice and the court's commitment to Righting Old Wrongs: Washington Supreme Court review of Historic Cases. A reception followed with tours of the newly renovated temple and state law library. Getting used to the new technology will take time, but it is great to be home.

In addition to the move-back, the court had a full fall agenda, beginning with the Fall Judicial Conference held at the Tulalip Hotel and Casino. The conference opened with a welcome ceremony from the Tulalip Tribe, followed by a plenary session focusing on challenges to accessing the courts and counsel. Among other topics, the conference explored the treatment of treaty rights 50 years after the *Boldt* decision, the resurgence of state constitutional rights, and what every judge needs to know about artificial intelligence. We also honored Justice Susan Owens who is ending her judicial career this year. We are looking



Justice Beasley and Justice Stephens at the National Association of Women Judges



October 30, 2024 Swearing in new bar admittees

forward to her next chapter.

The court also tackled the crisis of public defense, long in the making. Using space borrowed from the Thurston County Board of Commissioners, the court conducted the first of two open public hearings on proposed changes to standards for indigent criminal defense. Following the template from the court's hearing on GR 31 (Access to Court Records), the court invited WSBA representatives, the Board for Judicial Administration, the Washington State Association of Counties and Washington Cities, the Office of Public Defense, the Association of Prosecuting Attorneys and members of the public to testify. TVW broadcast the hearing. A second hearing, held in the Temple of Justice was also covered by TVW.

The proposed revisions reduce the number of cases public defenders

can take in a year, set minimum requirements for the number of support staff, require public defenders to have access to their own investigation services and establish new compensation requirements for public defense attorneys and staff salaries should be commensurate with staff in local prosecutors' offices.

The proposed revisions also revise the qualifications that public defenders must meet. The Counsel on Public Defense developed the proposed amendments after several years of reviewing the existing Standards, public defense research--including a 2023 National Public Defense Workload Study--and input from the public defense community. Critics say the proposals are too costly and will triple the number of attorneys needed at a time when attorneys are hard to find. Proponents, including many



October 29, 2024 – First oral argument in the remodeled Temple.

public defenders, claim the changes are critical to saving public defense and the promise of *Gideon*. No easy decisions for the Supreme Court.

As mentioned in earlier columns, individual justices take on additional responsibilities and this fall was no exception. In October, Justice Debra Stephens spoke on The erosion of the independence of our judiciary along with Hon. Cheryl Beasley, former chief justice of the North Carolina Supreme Court. Justice Beasley was the first African American woman to serve as chief justice and the first chief justice

in the nation to speak out about racial injustice in American courts. Her stance, along with the North Carolina Supreme Court's decision holding that retroactive repeal of the Racial Justice Act (allowing death row inmates to contest their sentences by proving racism) unconstitutional, likely led to her re-election defeat.

In October in a surprise email from the White House, inviting Justice Raquel Montoya-Lewis to attend President Biden's address to the nation to the Gila River Indian Community, Arizona. Thinking the email was

a scam, it took over two hours to convince her it was legitimate. For Justice Montoya-Lewis, the event was especially meaningful, particularly the address given by Secretary of the Interior, Deb Haaland.

Wrapping up the fall term, on Nov. 6 the court elected a new chief. In the court's internal election process, Debra Stephens was selected to serve as the 59th chief justice. She will be sworn in this January, kicking off another busy year for the Supreme Court. //

LIAISON SPOTLIGHT



YOUNG LAWYER LIAISON TO THE BOARD

By Ruth Apahidean

Photo at left: Ruth on top of Buckhorn Mountain in the Olympics.

I AM excited to be the young lawyer liaison to the Senior Lawyers Section. I first heard about the position from my friend,

Sabiha Ahmad, the previous young lawyer liaison to this Section. We both went to the University of Washington School of Law and graduated the same year and attended the same class taught by Carole Grayson, which focused on running a small or solo law practice. I earned my J.D. from the University of Washington School of Law in 2019, after graduating from the University of Washington with a B.A. in History and English in 2015.

Law school was not in my line of vision until my junior year of college. Before starting law school, I had never met a female attorney. While this may sound strange, I grew up in Pierce County in the 90s, was homeschooled, and was raised to be a stay-at-home wife. But that trajectory was not to be.

Instead, joining the legal profession has helped me be the best version of myself, tapping into my strengths and helping me overcome weaknesses. I am proud to be part of this profession. I enjoy hearing war stories from attorneys who practiced decades before I was born because they highlight the legal profession as it once was and how it has changed for the better. Ever the optimist, I can hardly wait to see how the legal profession will continue to improve and how different it will be when I retire.

I have been practicing law for over four years now. I began my legal career as a 1L when I started working for a plaintiff's personal injury firm and continued to work with that firm after finishing law school. After a brief stint in real estate and personal injury litigation, I transitioned into estate planning and probate, a field I enjoy practicing. These fields and content are rewarding and make my work meaningful. I enjoy expanding my knowledge and hope to learn more about the elder law field, especially Medicaid and Special Needs planning.

Volunteering has always been part of my legal career, even during law school. Currently, I am active in KCBA's Neighborhood Legal Clinics: Elder Law Clinic, which is an activity I find rewarding. Giving clients legal advice and not having them worry about how they will pay for legal fees is a great feeling. Because I like dabbling in writing, I am also the Bar Talk Columnist for the KCBA Bar Bulletin.

In my free time, I hike and backpack as much as time allows. Connecting with nature and sitting in the stillness puts into perspective what is most meaningful in life. The longest backpacking trip I have undertaken was this past summer. The White Pass - Pilot Ridge Loop was just under 30 miles. Halfway through the trip the sole of my boot came off and I used duct tape, parachute cord, and Leukotape to fix it. Needless to say, I immediately purchased new boots when I got back. It was a great lesson in ensuring that I need to be prepared for journeys I undertake and that spending over 72 hours disconnected from my routine can bring a lot of peace. //

In 2004, TIM MCGRAW recorded *Live Like You Were Dying*, a song that held the #1 position on the national music charts for seven weeks.

The song reminds us to live to avoid regrets and undone things. No, I am not dying. I am doing something senior citizens do slightly less



commonly than dying: moving closer to kids and grandkids. Not far. About 10 miles south, still an easy commute to Poulso Municipal Court and my hometown for 46 years, Poulso.

Our move is more common than not. From a big house to a one-level (No stairs! A line of mine is "I used to have a fear of failing. Now I have a fear of falling!") rambler, two blocks away from a son, his wife, and two grandkids. Moving has required my wife and me to take stock of those put-off tasks. No more "We'll do that next spring." Next spring we'll be living somewhere else. Our mantra (involuntarily) changed from "We'll get to that when we can" to "Evaluate, keep only things we will use, donate, throw away."

Looking through photos and culling the duplicates, uninteresting, or no-people, scenery pictures was a chore often slowed by moments of memory and nostalgia. There were many memories that brought up an experience, adventure, or person for a smile and, often, remembrance. But, also, there were many photos that brought on "Yes, the Indian Paint Brush in Yellowstone Park in 1986 was lovely, but not worth saving." Now, those photos are shredded.

I don't know how I ended up with 53 different golf course pencils and 13 baseball-style hats with varying fly fishing shop and golf course logos. I must have thought "You can't have enough." Well, when you are moving, you can.

Through the process of moving, I have learned many things about moving, and aging, and me. Lessons learned in the process include:

- 1 Many things will be harder to get rid of than you imagine.** A generation ago many women had cedar chests. Few do now. Fortunately, my niece Jenny was delighted to take Grandma Tolman's chest, and the piano that has been in our family since 1938. I have always been a collector. Golf ball markers. Sports autographs. Coins. I still have my baseball cards from my Little League years. Each was fun to collect, less fun to move. The family china and silverware we've not used since...forever...will be sold or donated.
- 2 Many people will tell you "Just give me a call. I'll be happy to help you move."** An inordinate number will have uncancellable plans on the time and date you need them.
- 3 The stuff in the garage attic you have planned to clean out for years is still there.** Thinking about getting to it won't change a thing. Moving is a verb, an action word, not a meditational act.
- 4 Live like you'll be moving again in the future.** Keep what you'll use, get rid of what you won't.
- 5 Be prepared to discover that your kids don't want the "treasures" you have been saving for them over the decades.** Though you can't throw away the boxes of participation trophies, macaroni art, and stories like "Fighting the Bear" they authored, they would prefer you did, rather than put them in the position to dispose of the items.
- 6 No one needs more than two cookbooks.** Cookbooks are very heavy to move and all the recipes you'll ever want or need are on the internet. Yes, it is nostalgic to read Mom's handwritten recipes for sugar cookies and divinity, but how important will the recipe box be to your kids when you pass?
- 7 Spend one evening sitting in the living room, talking about the memorable times, events and people who have joined you there.** Saying "goodbye" is an important part of closure before moving.
- 8 Most importantly, don't leave the disposal of items to the kids when you die.** I was once personal representative for a lady I had only met twice. I didn't know where she lived until she passed. Drudging through each room of her house was simply work. No joy. An interesting find once in a while. Mostly just hard work. I have often heard people profess that "I'd do anything for my family." OK, then, live like you were moving. To avoid regrets and undone things. //



WHERE IN THE WORLD IS TUVA?

And why would you want to go there?

By Steven Deforest

VERY FEW TOURISTS VISIT TUVA. It is naturally closed off to the rest of the world by mountain ranges. It should be no surprise, therefore, that its tourist infrastructure is largely non-existent. In 2008, my wife and I attended the Fifth International Symposium of Khoomei (“throat singing”) in Kyzyl, Tuva, in southern Siberia. We first learned about Tuva, and its throat singers, two years earlier when we attended a program at MOHAI in Seattle where a quartet of touring women throat singers performed. We were intrigued and wanted to know more about this distant country and its culture.

Traveling to Tuva, as we soon found out, requires a willingness to endure a long trip. Our tour leader recommended going via Moscow, even though a look at a map of the world indicated that fewer time

zones would need to be crossed if we were to fly west from Seattle. Getting across the Pacific would have been easy, but from there to Tuva would have been difficult and time-consuming. There are only two roads that cross the Tuvan border and the one from Mongolia was closed due to a territorial dispute. There is no railroad into Tuva. So, eastward we headed. We awoke at 4:45 a.m. on a Monday morning, boarded an 8:25 a.m. American Airlines flight to Chicago, and then continued on American Airlines from Chicago to Moscow, arriving on Tuesday about noon, Moscow time. Moscow has three airports. We flew into Domodenovo Airport and then transferred to Vnukovo Airport with 10 hours of time on our hands. Following an overnight flight, the waiting was exhausting. We boarded an Air Vladivostok Russian-

made jet at 10:30 p.m. while it was still light, for an overnight flight to Abakan, the capitol of Khakassia. The five-hour flight crossed four time zones, arriving in Abakan at 7:30 a.m. local time (3:30 a.m. Moscow time). We were now beginning to feel trashed, but our journey was not over. A taxi to Kyzyl had been arranged, but because one of our group members had missed his connection out of New York, there were only three of us for the taxi which resulted in a negotiated increase in the fare. The 420 km five-hour drive from Abakan to Kyzyl was through a verdant green landscape, followed by climbing a forested mountain pass and descending through semi-arid land to Kyzyl. We finally arrived at 1:30 p.m. local time on Wednesday.

The Republic of Tuva is located on the northwest corner of Mongolia.

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Travel: Where in the World is Tuva?

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The Tuvan people have lived there for many centuries in isolation from their neighbors because of the mountain ranges on it borders. In its more immediate past, Tuva was twice annexed by Russia. In 1914, Russia proclaimed Tuva a protectorate and in 1944 it became an administrative unit of the USSR and its borders sealed. Tuva is now a semi-autonomous republic and a member of the Russian Federation, founded after the collapse of the Soviet Union in 1991. Tuva has its own constitution, president and parliament. However, its foreign affairs are conducted by Russia. A prerequisite for obtaining a Russian visa from the Russian consulate in Seattle was a letter of invitation from a Tuvan official. Although we carried Russian visas, we were required to register upon arrival in Kyzyl as well as registering each time we moved within Tuva for more than three days. This requirement was time-consuming and seemingly without purpose except as a bureaucratic legacy of the Soviet Union.

Tuva encompasses an area that is a little larger than the state of Washington. Its population is about 300,000, with one-third living in the capitol city of Kyzyl. Seventy percent of the population is Tuvan. The balance are from 10 other countries, mostly Russian republics and protectorates. Contrary to our preconceptions that Tuva would be essentially an extension of the Mongolian steppes, the topography of Tuva has almost every type of landscape: luxuriant grasslands, boundless steppes, rushing mountain streams, dusty semi-deserts, over 400 lakes, and mountains up to 13,000 feet. The Sayan Mountains in southwest Tuva are the source of the tributaries that become the Yenisei, one of Siberia's major rivers flowing over 2,000 miles north to the Arctic Ocean. The climate in the summer is very hospitable: low 80s during the day, cooler at night, with occasional rain showers. The winter is very long and bitterly cold, with temperatures as



low as minus 45-50 degrees celcius.

The opening event of the Symposium was a concert in the performance hall in Kyzyl.

What a surprise! The music was varied and intriguing with colorful and elaborate costumes. Their pointy hats were topped with a satin knob and the choreography was very graceful. For the next couple days, we attended several concerts along with contests and parades. The pageantry was truly spectacular.

After the Symposium, we left Kyzyl on a 420 km drive to an area known as Bai Taigra, a Siberian word which means coniferous forest. Pines, larches, and birches predominated. It is also where Tuva's traditional lifestyle of semi-nomadic pastoralist and herders is still practiced, moving their herds out from their villages to summer pastures where they live in yurts. The range of animals they herd reflects Tuva's geographical diversity: camels, yaks, cows, horses, goats, sheep, and even reindeer in the eastern forests. Packed into a mini-van with our eight member group were our tour leader, a Tuvan translator, a highly respected teacher of throat-singing, and the Director of Humanitarian Research Center in Kyzyl and the co-author of a book on khoomei. Our first two nights were spent in a private home in Teeli. Twelve of us in three bedrooms. It was necessary for the host family to move out to a yurt in their dirt

courtyard. This was followed by two nights camping at Arjaan Shivilig. In translation, arjaan means "saint water, mineral water, curative spring." Cold spring water is piped to small primitive shower stalls. We were asked to spend no more than three minutes in the shower which was not a problem considering the water was very cold.

We returned to Kyzyl for one night (the hot water was back on), before driving to another holy spring campground (Argolic Springs) for another two nights in the tent where we could shower in cold water and take short walks in the surrounding area.

At the end of two wonderful weeks, we were ready to return home. Pillow to pillow time on the return was 56 hours. Was it worth it? You bet! The scenery had been awesome, the weather cooperative, and the people and their customs were unique and fascinating. As for the amenities, it could often be spartan. The sanitation was often questionable (there are no flush toilets outside of Kyzyl). The food ... well, you don't go to Tuva for its food, unless cabbage soup, potatoes, tough mutton, and dry bread are among your favorites. Tuvan wine is distilled from sour milk. The taste was a little raw to say the least. Despite the inconveniences, the trip was truly memorable and one that rates very high on our list of trips taken to new places. //

RECAP OF OUR OCTOBER 4, 2024 CLE

SCAMS AND FRAUDS: DETECTION AND STRATEGIES

The Senior Lawyers Executive Committee was pleased to sponsor a half-day CLE on October 4, featuring speakers from both the private and public sectors and outlining safe pathways for seniors and others targeted by fraudsters that prey on the vulnerable. Carole Grayson of the Senior Lawyers Executive Committee introduced the speakers and Senior Lawyers Section member James Rapp acted as moderator.

JULIA K. DOYLE — MANAGING ATTORNEY, CONSUMER PROTECTION DIVISION, WASHINGTON STATE ATTORNEY GENERAL'S OFFICE: AN OVERVIEW

Julia K. Doyle led off our program. Ms. Doyle was a key player in the *State v. Navient* case, the outcome of which provided restitution and debt relief to student borrowers.

She explained the Attorney General's Office's various theatres of activity: referral of individual cases to relevant state agencies, some prosecutions, affirmative civil litigation and consumer protection. Remedies available to the Attorney General's Office include injunctive relief, civil penalties, restitution to impacted consumers, and fees/costs assessed against those entities found liable.

Her talk centered on services provided by the Consumer Protection Division, the CRC. The CRC enforces and facilitates the Consumer Protection Act (19.86 RCW) as well as other state statutes. These other statutes include the state's "Lemon Law" (19.118 RCW) which affords certain purchasers of new vehicles opportunities for arbitration and possible replacement or repurchase of defective merchandise. Another Washington statute, (59.30 RCW) provides for a dispute resolution process for residents of manufactured/mobile homes, the implementation of which is overseen by the Attorney General's Office.

The Attorney General's Office has taken an aggressive approach to enforcement, of Washington's Manufactured/Mobile Home Landlord Tenant Act, 59.20 RCW. Further, Ms. Doyle said that her office works with tenants and landlords to resolve disputes as per the statute.

Ms. Doyle highlighted 70.170 RCW, Washington's Charity Care Act; this ensures that hospitals in Washington state clearly post hospitals' obligation, under federal and state law, to provide affordable

health care to residents earning less than 400 percent of the federal poverty income level, and to affirmatively screen potential patients for this eligibility. She cited the case of *State v. Providence Health Care*: In this action, the Attorney General's Office successfully clawed back some \$157.8 million from medical providers on behalf of former patients and consumers who had not been told by those providers of costs reductions available to them

under the law; previously, the providers had simply left it up to their prospective patients to self-identify as eligible.

Other examples of the Attorney General's advocacy include actions against "trust mill schemes," as illustrated by the case of *State of Washington v. CLA Estate Services*. The defendant here was alleged to have solicited seniors to redo their respective estate plans, telling them that they

would be referred to an attorney to handle this; however, the "attorney" would actually be an annuity salesperson. A total of \$14.5 million was recovered for consumers in the CLA case.

In *State of Washington v. Reed Hein & Associates*, the Attorney General's Office reached an agreement with the defendant (advertised to the consuming public as Time Share Exit Team) by which the defendant agreed to halt its deceptive practices and to refund money to some of its customers.

The Attorney General's Office, Ms. Doyle said, places great emphasis on dispute resolution of consumer complaints. Their dispute resolution process, she explained, takes "about six to eight" weeks. They received over 25,000 complaints in 2023, with consumers receiving, collectively, \$17.1 million in savings from this complaint line alone.

[The Attorney General's Office] received over 25,000 complaints in 2023, with consumers receiving, collectively, \$17.1 million in savings...

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DAVID J. SPRINKLE & BECKY CATALDO — FIDELITY NATIONAL TITLE: REAL ESTATE FRAUD AFFECTING SENIORS

Addressing the dangers seniors can face in the world of scams, frauds and real estate, two attorneys from the firm of Fidelity National Title, Senior Vice President, Commercial Underwriting (and Senior Lawyers Section Executive Committee member) David Sprinkle and Field Compliance Lead Becky Cataldo laid out the many scenarios that render the elderly, and their families and heirs, vulnerable to wrongdoers. They shared their experiences and learned expertise with us, outlining the various avenues scammers take when seeking to separate senior citizens from their life savings: romance scams, N-traps, seller impersonation, fraudulent procurement, and use of powers of attorney.

N-TRAPS AND ALL

So what is an N-trap? It's an agreement which purports to grant a thief some interest in land belonging to the victim; this could include a 40-year exclusive listing agreement and agreement to provide upkeep for the property in question, drawn up to stealthily include a real estate lien. The inducement for this can be a sum of money provided immediately to the victim, who thinks he now has a pocket full of extra spending money. In these cases, the bad guys could just wait until the property eventually comes up for sale, and then claim the right to a payment in return for lifting their lien on the subject property. In Washington, the law now restricts exclusive listing agreements to five years, and listing agreements cannot be considered liens.

Seller impersonators—who are they? These scammers are on the lookout for real estate owned free and clear (so they wouldn't have to deal with any nosy lender). They then pretend to be interested buyers, and then obtain title by fraudulently obtaining the owners' signature with little or no compensation. Elderly folk can be surprisingly vulnerable to this scheme.

Mr. Sprinkle remarked that the sale of reverse mortgages can lend itself to abuse; the fees can be more than the homeowner expected, and, while the mortgage payments will go away, the homeowner still has to pay taxes and insurance on the subject home. And the homeowner needs to pay attention to the interest rate charged by reverse mortgage providers.

Ms. Cataldo noted that in their business dealings they pay attention to interest rates charged, especially in cases involving the elderly, while watching for other red flags.

Mr. Sprinkle explained the various types and aspects of POAs—special, general, non-durable, durable, and springing. These instruments allow the attorney-in-fact (now generally referred to as the agent) to encumber, sell, lease, or mortgage the principal's property. In the wrong hands, these can spell the end of a trusting soul's financial security. Mr. Sprinkle added that POAs are of course not fraudulent in most cases, but they give such wide-ranging license to the attorney-in-fact that in their practice they do pay attention to the circumstances in which they were signed. As an aside, Ms. Cataldo said that electronic signatures do not pose much of a challenge to anti-fraud vigilance, "but we generally have to talk to a live person, even when electronic signatures are used." Additionally, our speakers recommended that those who will be travelling out of the country should leave a limited-time POA with a trusted individual for the duration of the trip.

The speakers recommended anti-fraud materials published by the FBI and the AARP.

EILEEN ALEXANDER & PAGE ULREY: ELDER FINANCIAL EXPLOITATION FROM A PROSECUTOR'S PROSPECTIVE

Each of our next two speakers brought to our audience years of experience protecting the vulnerable as senior deputy prosecuting attorneys with the King County Prosecutor's Office. They began their presentation with a real-world case study of "Marianna," who lived alone in the Seattle area and was estranged from her daughter. Marianna was befriended by a woman about her daughter's age, and soon had become a "surrogate" daughter to Marianna. In time her new friend found herself in need of financial help and asked to "borrow" money from Marianna. Over time, Marianna wrote about 20 checks to this woman, ranging in amount from \$20 to \$50,000 (\$217,000 total). Excuse followed excuse when Marianna requested repayment, and Marianna eventually concluded that she had been taken. Marianna, however, kept quiet about all this until, sometime later, she told her granddaughter, who persuaded Marianna to inform law enforcement about her situation.

Our speakers, not yet informing the audience of how Marianna's quest for justice turned out, cited several "vulnerabilities" evident in this case study: elderly, residing alone, isolated from her daughter, and subtle (but not obvious) manifestations of dementia, possibly rendering her perhaps too trusting of strangers. Add to that, Marianna was reluctant to tell anyone

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about how she was so taken advantage of. Ms. Alexander noted that as few as one in 44 cases of this kind of fraud are ever reported.

So why don't victims in cases such as these report? A New York state study listed some reasons: sometimes the victim is simply unaware of the theft, they fear consequences for themselves (and for the perpetrator in some cases), fear that their families will conclude they can't handle their own finances, and shame at being fleeced in the first place.

In Marianna's case (when she finally did report) the police concluded that Marianna was competent to handle her own affairs and were reluctant to take action. But Marianna's granddaughter persisted, and the King County Prosecutor's Office was eventually brought on board. (The Prosecutor's Office can only take cases referred by law enforcement, not from aggrieved members of the public.)

So, how did Marianna fare? Following the prosecutors' involvement, she sat for a battery of mental evaluations, which reflected definite indicia of dementia. Dementia, we learned, involves a decrease in executive function, hampering a victim's ability to understand the consequences of their decisions. The prosecutors obtained bank records of the offender, and discovered that she had spent Marianna's money on such items as expensive travel and psychics. The suspect was charged with Theft I with sentencing enhancements. Rejecting a plea bargain which would have sent her to jail for 12 months, she was convicted at trial, and was sentenced to the standard range, up to 43 months. The prosecutors bore the burden, at trial, of proving that the perpetrator was aware of Marianna's disabilities.

The King County Prosecutor's Office has since successfully lobbied the Legislature to specifically classify theft from a vulnerable adult a crime, with a standard sentencing range of 12-14 months (that is, prison, not local jail time). The statute of limitations for Theft I and II is now six years when accomplished by theft or deception, or with a vulnerable adult as the victim. Our speakers called for more trained, dedicated abuse detectives and more prosecutors to handle these types of cases.

DANICA NOBLE & SARAH SHIFLEY: FEDERAL TRADE COMMISSION OUTLOOK ON FRAUD AND FRAUD IN THE AGE OF AI

Both of our speakers are locally-based attorneys with the Federal Trade Commission. Danica Noble is also the co-chair of the Antitrust, Consumer Protection and Unfair Business Practices Section of the WSBA. Sarah Shifley previously served as an assistant attorney general in the Consumer Protection and Public Counsel sections of the Washington State Attorney General's Office.

Ms. Noble began the discussion and addressed the role that AI – artificial intelligence – now plays in fleecing victims, and the part the federal government, through the Federal Trade Commission, is playing in protecting members of the public. "AI can be used to target a specific person," she said. That is, scammers can use AI to thoroughly research the target, i.e. past addresses, past spouses and other relations, work history, etc. This ability affords wrongdoers a wealth of intelligence on which to construct a

credible scenario with which to insert themselves into the private and financial lives of others. Romance scammers, investment fraudsters and other thieves can do their online homework using the latest resources prior to swooping in on their unsuspecting targets. Of recent concern to the FTC are the growing number of impersonation schemes—thieves purporting to be from the FTC, FBI, or IRS, say, who talk their victims into divulging their personal information. The FTC has enacted a new rule that makes it illegal to impersonate a government entity or officer, or to misrepresent affiliation with a government agency. A further rule, currently in the rule-making stage, will extend that rule to include impersonating private citizens.

Unbelievably, there are now malefactors out there who can "clone" your voice, once they have a recording of you. They can then use this AI "voice" of yours to fleece your family and friends. "Hey, Grandpa, I'm stuck in Mexico City without any money..."

One aspect of FTC authority involves the enforcement of federal statutes and the filing of lawsuits on behalf of consumers. One such case involved a company called Robot Lawyer, which sold legal forms and claimed these forms would enable the recipients to prosecute a legal claim without the use of an in-court lawyer at all. The FTC secured \$200,000 from this company as reimbursement to customers who had been taken in. Another company, Rytr, sold its services as an AI writing assistance program,

but whose main purpose was to generate phony positive online business reviews. Another type of disreputable practice is the “online” store front, which sells technical assistance plus inventory to buyers who have been convinced to invest in an online business through over-promises and other misleading come-ons.

Ms. Noble indicated there is strong bi-partisan public support for anti-scam regulation.

Sarah Shifley spoke more about specific instances where the FTC has taken an aggressive stance against fraud and unfair competition. The FTC takes its mission from Section 5 of the FTC act, 15 USC 45, which prohibits “unfair and deceptive acts or practices in or affecting commerce.” Ms. Shifley stated that her agency has received some 2.6 million reports of fraud in 2023 alone,

such practices costing consumers some \$10 billion. She reported that schemes involving impersonation are now among the most common of the various tactics used by fraudsters. Reports of online shopping fraud, involving goods purchased but not received, or unordered goods mysteriously winding up in shoppers’ online carts, are also common.

In June 2023, the FTC and Publishers’ Clearing House reached an agreement, following an FTC filing, mandating that PCH stop its practice of leading sweepstakes players to believe they had to make a purchase in order to participate in the sweepstakes, refrain from adding surprise shipping and handling fees for products that were ordered, and stop misrepresenting its policies on selling personal data of its customers to third parties. In addition, PCH turned over to the FTC the sum of \$18 million, to be used for customer refunds and related expenses.

Other examples of FTC action include actions against Nexway Inc, for involvement in a tech-support scam, and against ZyCal Biocellulars, Inc., for fraudulent claims about its product’s ability to promote cartilage and bone growth.

How can older folks avoid these scams? Cautioned Ms. Shifley, “If you are called and you don’t recognize the caller’s number, don’t answer the phone!” She noted that a great many scams start with just that one phone call, with the caller tricking the answering party to part with personal information. Don’t make quick purchasing decisions, don’t succumb to “buy now” pressure. What should you do if you feel you have been the victim of a scam? Call your credit card company immediately. Contact law enforcement, and, perhaps, the FTC. //

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