



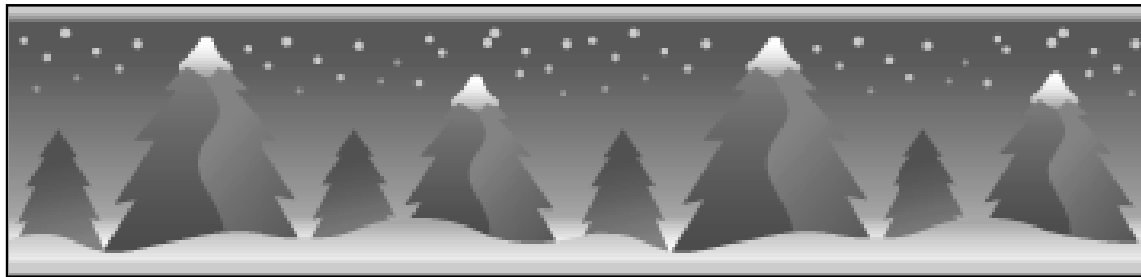
The Whatcom County Bar Association NEWSLETTER



2007

www.whatcombar.org

NOVEMBER



2007 WCBA Officers:

President: Tom Fryer
(360) 671-8500
Vice President: Steve Chance
Secretary: Jennifer Willner
Treasurer: Pete Dworkin

Newsletter Editorial Board:

Peter Arkison
Joe Bartek
Karen Funston
Steve Hager
Paula McCandlis
David A. Nelson
Elizabeth Li

Newsletter Editor:

Mike Heatherly
114 W Magnolia St. Ste. 104
Bellingham, WA 98225-4354
(360) 312-5156
northwestdrg@mhpro57.com

Turning the page on two great years

By Mike Heatherly
WCBA Newsletter Editor

It is the end of the year, and the end of my tenure as editor of the *WCBA Newsletter*. As announced earlier, I have agreed to become editor of the Washington State Bar Association *Bar News*. I will not need to relocate, so I will continue my law practice and ADR work here. However, I cannot possibly continue as *Newsletter* editor.

I have tremendously enjoyed my two years as editor. Besides giving me an opportunity to revisit my previous life as a journalist, it has allowed (okay, forced) me to become more involved in the local bar. Like a lot of attorneys, I spent many of my years toiling away in my office, concentrating on my narrow area of law, oblivious to what was going on with most of my peers in the local legal community. It is an easy rut to fall into.

Now, having been in contact with so many of you, I realize what a wonderful group of

people we have in the Whatcom County legal "family" (in which I am including not only attorneys but their families, staff and friends from other occupations). People have been unflinchingly helpful and courteous in their dealings with me despite usually having much more pressing concerns than their business with the *Newsletter*.

Likewise, my eyes have been opened to the incredible amount of community service WCBA members provide, whether it's doing *pro bono* work, donating time or money to Lawyers Take Orders or participating in activities conducted by other organizations, such as the Human Race, Habitat for Humanity or the Bellingham Bay Marathon (founded by WCBA member Steve Avery).

Of course, many people give their time to keep WCBA itself running. In my time as editor I have had the pleasure of working with two WCBA presidents, Jeff Lustick and Tom

(Continued on page 2)

Inside:

<u>Announcement</u>	2
<u>Classifieds</u>	2
<u>Pro Bono Page</u>	3
<u>Across the Line</u>	4
<u>Minutes</u>	5
<u>Advertisements</u>	6-7

Disclaimer:

The information & various articles contained within this publication have not been checked for accuracy. All opinions expressed are those of the authors and do not necessarily reflect the opinions of the Bar Association, the Newsletter, or the agents thereof.



BAR LUNCH & CLE

The monthly bar lunch and meeting will be at noon, Wednesday, December 5, 2007, at Northwood Hall. The guest speaker will be Dave Finet, Executor Director of the Opportunity Council. The meeting will be followed by a CLE entitled, "The Nuts and Bolts of the New Ethics Rules."

Also on the agenda:

- Election of WCBA officers
- Adoption of Revised WCBA Bylaws

Attorney Brunkow to lead workshop on music and movie licensing

The Law Office of Brian Brunkow will lead a workshop through the Washington Lawyers for the Arts (WLA) for the Senior Center Directors of the Area Agency on Aging in Marysville on December 13, 2007. Brunkow will address area directors' questions regarding rights and responsibilities concerning the use and performance of live and recorded music, Performance Rights Organization licensing requirements, and movies for center purposes.

Brunkow is a Bellingham-based Washington and California attorney who works primarily with small businesses and start-ups on compliance and contractual issues. The WLA, established in 1976, is a non-profit service organization based in Seattle and dedicated to supporting the arts in Washington State by creating alliances and making legal resources accessible to artists and arts organizations of all disciplines.



Brunkow

Anyone wishing to schedule a speaker from WLA may contact the organization at www.TheWLA.org.

(Continued from page 1)

Fryer, as well as fellow officers Steve Chance, Jennifer Willner, Pete Dworkin and Dominique Zervas, who also was the WCBA liaison for Whatcom Women Lawyers. Contributions from these people saved me from having to put out a nearly bare *Newsletter* some months.

The work done by Law Advocates in our community is renowned. Besides the legal assistance they provide, however, they also give the *Newsletter* a steady stream of material. Every month, Jaime Blouir came up with the *Pro Bono* page, which guaranteed me at least one page of inspiring news and pictures to keep us all in touch with their good works.

I also have been blessed with two regular columnists during my term: Adam Karp, with the offbeat, entertaining and thought-provoking *Lex Bestia*, and Scott Railton, with *Across the Line*, the up-to-the-minute report on immigration law, which has gone from an esoteric field of law to a hot-button issue in the past few years. Both of these guys deserve awards of some sort. Although I am too lazy to leaf through all the back issues of the *Newsletter* right now, I believe Scott has submitted a column every single month that I have been editor. For a non-paid column in a 300-circulation newsletter, that is astonishing.

While I am at it, I would like to thank and commend a few others who have made my life easier the past two years. N.F. Jackson and the staff at the courthouse and sheriff's office have happily and diligently provided me with information for announcements and stories. Copies Now have helped improve the appearance of the *Newsletter* while cranking out the requisite number of copies every month. And 4th Corner Network

CLASSIFIED ADS

Free to all WCBA members & firms

e-mail ad copy as MS Word .doc file to:

northwestdrg@mhpro57.com

by the 15th of the preceding month

Questions? Call 312-5156

BUSY LOCAL FIRM SEEKS ATTORNEY with minimum two years' civil litigation experience for associate position and perhaps MUCH, MUCH MORE. Successful candidate must enjoy research and writing and have desire to contribute to the community. Please direct cover letter and resume to Adelstein, Sharpe & Serka LLP, Attn: Jeff Fairchild, Esq., P. O. Box 5158, Bellingham, WA 98227-5158. Full consideration to applications received prior to December 20, 2007.

has seen to it that the printed *Newsletter* gets delivered right to your desks with your other vitally important documents.

Another individual deserves high-fives from all WCBA members. Whatcom County Law Librarian Virginia Tucker has not only vastly improved the resources of the library but put up a website for WCBA, which now contains news, announcements and back issues of the *Newsletter*.

I intend to remain active in WCBA and will be seeing you around. For anyone reading this who has not participated in a WCBA-related activity recently, I encourage you to give it a try. It will feel good to help out, and you might even make some friends.



PRO BONO CONNECTION

CAMPAIGN FOR EQUAL JUSTICE

It's not justice if it's not equal.

We would like to thank those attorneys and law firms who contributed in October on behalf of LAW Advocates:

Buri Funston Mumford	Jean Melious
Pamela Englett	Nancy Neal
William Knudsen	Pritchett & Jacobsen

We appreciate all of your continued support!

CHAMPIONS OF JUSTICE

OCTOBER

Thank You to the following attorneys for agreeing to provide free legal services through LAW Advocates

Street Law

Tom Flattery
Betsy Brinson
Bill Knudsen

Direct Representation

Kirsten Barron
Larry Dauger
Pete Dworkin
Katie Esp
Bill Johnston
Bruce Smith

Clinics

Family Law
Mimi Mawson
Debtor/Creditor Clinic
Tom Lester



EXTRA, EXTRA!!



Street Law Expands to Twice-a-Month all Year Long!

Please call (671-6079) or e-mail Jaime (jaime@lawadvocates.org) to volunteer for STREET LAW 2008. Due to popular demand, we are expanding the schedule to include twice-a-month winter sessions from September through May at the Bellingham Library. We will also have a twice-a-month schedule on Railroad Avenue during the summer months. (If sign-ups permit we will continue our former once-a-week summer schedule.) **JOIN THE STREET LAW RANKS IN 2008!**



Appeal to the Community...

Thank you to **Kathryn Hanowell** for contributions in October.

Pro Bono And the October Winner Is...
Prize Box ...Pete Dworkin



Pete received a gift certificate to Cascade Pizza! Congratulations Pete!!



Spotlight On...

PRO BONO WORK

Thank you to **David Porter** who recently closed a case representing a survivor of domestic violence. The case required numerous contempt motions for nonpayment of child support and failure to take anger management classes. After a contested trial, the Court gave the mother custody and a permanent protection order with the child protected against domestic violence for five years; child support based on income imputed

to the father, and other relief to protect his client and the child. David spent over 100 hours on the case of his own time and over 20 hours of staff time.

Kudos to **Dean Brett** who successfully represented a mobile home purchaser suffering from organ failure caused by cancer. The client had enjoyed a middle class life until disabled by his illness. The client used what remained of his savings to purchase the mobile home with a nice view to live out the remaining years of his life. He was told he could live there for at least five years with an option to renew. Unknown to him the seller had already arranged for purchase of the underlying property by a developer, who sought to evict him after less than a year. Dean prepared a Complaint seeking rescission of the sale, and then successfully negotiated a settlement allowing the client to stay for the five years promised.



*Thanksgiving dinners take eighteen hours to prepare. They are consumed in twelve minutes. Half-times take twelve minutes. This is not coincidence. -Erma Bombeck



PROVIDING ACCESS TO JUSTICE FOR
LOW-INCOME WHATCOM COUNTY
RESIDENTS
360-671-6079
WWW.LAWADVOCATES.ORG

LAW
Legal Assistance by Whatcom
Advocates

ACROSS THE LINE

IMMIGRATION AND CROSS BORDER UPDATE FROM CHANG & BOOS

By Scott Railton, 1305—11th St, # 301, Bellingham, WA 98225, E-Mail: srailton@americanlaw.com

New I-9 Form Required for All Employers

Employers should be advised that they must now complete a new, updated I-9 form for all new hires, and that there is a new list of documents for verifying employment eligibility. The USCIS has also revised its Handbook for Employers, form M-274, which instructs employers on how to complete the employment verification process. This handbook is available at www.uscis.gov. The new form needs to be completed only for new employees and in cases where re-verification is needed.

As we seem to be entering a new age of immigration enforcement, it's all the more important that employers take steps to properly verify employment authorization at time of hire, maintain and update records appropriately, and stay on the right side of employment discrimination laws. Anything else exposes employers to liability with the government, and possibly with terminated employees and non-hired applicants.

Employers were originally required to verify employment authorization pursuant to the Immigration Reform and Control Act of 1986. In 1996, Congress passed a separate sweeping piece of immigration legislation, The Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This Act reduced the number of acceptable documents for verifying work authorization, to make things easier for employers. Unfortunately, it took 10 years for the U.S. Government to revise its I-9 form and the related Employer Handbook. The Department of Homeland Security has finally done this.

The most significant change to the I-9 process is that five documents are no longer acceptable under List A. List A is the list where a single document can satisfy establishment of work authorization. The deleted documents are:

- Certificate of U.S. Citizenship (Form N-560 or N-561)
- Certificate of Naturalization (Form N-550 or N-570)
- Alien Registration Receipt Card (I-151)
- Unexpired Reentry Permit (Form I-327)
- Unexpired Refugee Travel Document (Form I-571)

Additionally, List A now includes:

- Unexpired Employment Authorization Document

The important thing here is to get the word out to employers on this change. The Government has not done so, as of yet, and this is an employment law of universal applicability. News of this change is currently buried on USCIS's webpage.

The government says it will not begin to enforce penalties related to these changes until 30 days after posting a notice on the Federal Register. However, because most employers are not diligent readers of the Federal Register, expect significant non-compliance down the road -- for using outdated forms and collecting improper information -- unless the government does a better job in the future of notifying employers.

Employers may also wish to now review their I-9 practices and audit their I-9 files. This is a good idea. Doing so, however, can sometimes uncover unfortunate information, such as the suspicion or knowledge that a person is unauthorized to work. As such, any such audits need to be conducted systematically, in a non-discriminatory manner, so as to limit employer liability for employment discrimination suits and complaints. Larger employers are well advised to seek assistance in such processes, especially if they suspect issues, to provide guidance

and add an extra layer of insulation in case of later investigation by the government.

Briefly . . .

Firemen Stopped at Border for 8 Minutes on 911 Call.

The Champlain, New York, Volunteer Fire Department recently made CNN news due to a border snafu. Quebec firefighters were held up for eight minutes at the border, on a 911 call, because Customs and Border Protection wanted to check the ID's and license plates on the fire truck. A mutual-aid agreement has been in place since the 1950s. CBP said that the admissibility of one of the firefighters was in question.

CBP Examined by GAO, Senate Hearing.

In a recent Senate Hearing, Senator Akaka of Hawaii stated, "staffing shortages, forced overtime and inadequate training contribute to serious morale problems at CBP," regarding the agency manning the border. During the same hearing, Senator Voinovich of Ohio said, "It's ridiculous that we do not have a performance measure for the traveler-inspection program that identified Custom and Border Protection's effectiveness in apprehending inadmissible aliens and other violators." Richard Stana, GAO's Director on Homeland Security, stated that about 20 percent of CBP's work force is nearing retirement, which could have a "devastating effect" on the agency. He also reports up to 40 percent of ports are understaffed. (Congress Daily, 11-13-07).



**Whatcom County Bar Association
Minutes of Monthly Meeting of November 7, 2007
Northwood Hall, Bellingham, Washington**

- I. **Call to Order:** President Fryer called the meeting to order at approximately 12:19 p.m.
- II. **Recognition of Judicial members:** President Fryer recognized and welcomed Hon. (Ret.) Mick Moynihan, Superior Court Judge Chuck Snyder, Superior Court Commissioner Leon Henley; Superior Court Commissioner Tom Verge; and District Court Commissioner Tony Parise.
- III. **Approval of Minutes:** The Minutes of the monthly meeting of October 3, 2007, were unanimously approved.
- IV. **Law Advocates Report:** Amy Robinson thanked the membership for the support of Lawyers Take Orders, which generated \$43,199 in revenue for Law Advocates. The prize drawing for *pro bono* service was conducted and Pete Dworkin won a visit to Cascade Pizza.
- V. **Committee Reports and Announcements:**
- A. **Treasurer's Report:** Treasurer, Pete Dworkin, delivered the October 2007 Treasurer's Report. As of October 31, 2007, the Association's balance is \$14,095.21. *Secretary's note:* Any dues-paying WCBA member may obtain a copy of the complete September 2007 Treasurer's Report.
- B. **Whatcom County Women Lawyers:** President Laura Ekert noted that all are welcome and invited to the monthly WCWL meetings, held on the third Wednesday of the month, 5:00 p.m. at The Vines Du Jour Bistro and Wine Shop.
- C. **Committee on Law Day in the Schools:** No report.
- D. **CLE Committee:** CLE Committee Member, Phil Buri, noted that the Open Government CLE will immediately follow the meeting. Phil also reminded everyone that next month is the annual, not-to-be-missed, always popular, ever thought-provoking, Ethics CLE. "We're your Bar. We're here for you," remarked Phil.
- E. **By-Laws Revision Committee:** President Fryer reported that he had received several comments and suggested revisions to the proposed new WCBA bylaws. Another draft will be submitted to the membership for final review.
- F. **Newsletter:** The Newsletter is in desperate need of a new Editor. After two years of stellar publishing, Editor Mike Heatherly will be stepping down to accept the position of editor for the Washington State Bar News.
- VI. **New Business:** President Fryer announced the names of individuals nominated to be the 2008 Association Officers: Steve Chance, President; Katti Telstad Esp, Vice President/President Elect; Simi Jain, Treasurer; and Marie Gallagher, Secretary. Election of 2008 Officers will be conducted at the December 2007 monthly meeting.
- VII. **Guest Speaker:** Treasurer Pete Dworkin introduced Karen Burke, Executive Director of Domestic Violence and Sexual Assault Services of Whatcom County (DVSAS). Karen gave an informative and interesting presentation of DVSAS. Members are encouraged to call Karen for more information about how DVSAS can assist their clients or other people they may know: 360-715-1563.
- VIII. **Adjournment:** President Fryer adjourned the meeting at approximately 12:50 p.m. until December 5, 2007.

Minutes Prepared by: *Jennifer Willner*, WCBA Secretary

Michael Heatherly

◆ Attorney



- Personal injury representation
- Co-counsel or contract work on any civil litigation project

(360) 312-5156LAW OFFICE OF
PAMELA E ENGLETT, PLLC

Welcoming clients who need
assistance in civil domestic violence
and family law cases

Thank you for your referrals!

580 Bellingham Towers • 119 N Commercial St • Bellingham, WA 98225
Phone 360.738.4659 • FAX 360.738.8498 • Email pam@englettlaw.com

Guardian Ad Litem Services*For Family Law Cases***David A. Nelson**

Member of the Whatcom County Guardian ad Litem Registry, and able to serve as a Guardian ad Litem in matters under R.C.W. Chapter 26

Timely and fully cited reports that fulfill the court mandate in a definitive manner.

Please contact my office for fee schedule, references & report sample

Law Office of
David A. Nelson, P.S.

301 Prospect Street, Bellingham, WA 98225
Tel: 676-1459 / Fax: 676-1135

E-mail: nelsonlaw@openaccess.org

Visit our website

www.northwestdrg.com

For information on our:

Services
Fees
Neutrals

We have helped attorneys and their clients resolve cases involving:

**Probate
Guardianship
Personal Injury
Medical Negligence
Employment
Construction Defects
Family Law**

Hon. Mick Moynihan, Ret.
Hon. David Nichols, Ret.
Hon. John Daffron, Ret.

Mike Heatherly
Loch Clark
Marian Exall
Rob Kelly



NORTHWEST DISPUTE RESOLUTION GROUP

(360) 312-5156 northwestdrg@mhpro57.com**DANIEL W. SOBEL**

- Available for research and writing
- Experience in several practice areas
- Local reference available



*J.D., 2007 - The University of Arizona Rogers College of Law
Experience with motions practice support - Awaiting bar results*

Phone: (360) 510-7816 • Email: danielsobel@gmail.com

**LEGAL
VIDEO
OF
WASHINGTON**

**Specializing in criminal, civil and
personal injury videography**

*Certified, experienced, professional, local***360-820-8581**lvow@comcast.netwww.legalvideoofwashington.com

Dan Leniczek
owner, CCVS

When it comes to DUI defense,
we've got you covered.



We focus on one area of the law: DUI defense. From our long-time base near Seattle, we've successfully handled many cases both east and west of the mountains. And with the addition of our new Bellingham office, we've expanded our group of trial lawyers into the northern part of the state. Our team has more than 100 years of DUI litigation experience. Put your clients in the best of hands. Ours. For more information call **360.671.4384** or visit foxbowmanduarte.com.

FOX > BOWMAN > DUARTE
The nation's toughest DUI laws demand the toughest DUI lawyers.



**Evan B. Freedman
Ph.D.**

Licensed Psychologist #2306
www.freedman-associates.com

**FORENSIC PSYCHOLOGICAL
EVALUATION & CONSULTATION**

Experience

Hundreds of evaluations & expert testimony in a variety of legal venues.

Scope of Practice

Evaluations for juveniles & adults in the areas of:

- Family/Custody
- Pre-Sentencing
- Probation
- Risk Assessments
- Standard Psychological Evaluations

PROFESSIONAL – THOROUGH – EXPEDIENT – ETHICAL

evan@freedman-associates.com

Phone: 360-734-2664 Fax: 360-671-8006

**LAW OFFICES OF
ELIZABETH S. FASANO, P.S.**

Now Accepting Referrals for:

- Vacating/Sealing Criminal Records
- Firearm Rights Restoration
- Canadian "Port-of-Entry" Rehabilitation
- Personal Injury Cases
- Family Law/Custody Cases



Thank you for your referrals!

2102 Young Street
Bellingham, WA 98225

Phone: (360) 647-9676
Email: lisa@fasanolaw.com

