

# WASHINGTON JOURNAL

www.wajournal.com

Vol. 10 / No. 13 / \$3

1402 Third Avenue, Suite 314, Seattle, Wash., 98101

Monday, March 26, 2001

## State's Appellate Attorneys Create New Association

By Carol Angel  
WASHINGTON JOURNAL PROFILES EDITOR

Last summer, a group of 20 appellate lawyers got together for a spaghetti feed. Out of that meeting came a new organization, the Washington Appellate Lawyers Association, which held its inaugural meeting in January.

Catherine Smith of Edwards, Sieh, Smith & Goodfriend in Seattle came up with the idea for the association and hosted the spaghetti dinner. "I was amazed at how many showed up," said Smith, who handles civil appeals.

Smith, the organization's inaugural president, explained her reasons for getting the group together: "I'm a member of the American Academy of Appellate Lawyers and have a blast every time I go to those meetings, talking about the practice and having social interaction with people who do this type of practice."

"There are a number of people in Washington whose practice focus is appeals — many of us have 20 or 30 appeals pending at the same time. I enjoy seeing these people in court and thought it would be a good idea to get together to share experiences, and to provide input into the appellate process on a more formal basis."

The 30 current members include government attorneys and both civil and criminal lawyers. "We want to be inclusive, and statewide," Smith said.

The appellate practice area, like other areas of the law, has become more specialized in recent years. "In the past, most attorneys were generalists and maybe did a few appeals a year at most," she said. "Now, people who do appeals recognize that it takes a certain set of skills. We thought it would be useful to have a mechanism for continued contact with others. We want to make our skills as good as we

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## The Recent Office-Building Exodus Reflects Law Firms' Search for Style

By Laura Cutland  
WASHINGTON JOURNAL STAFF WRITER

Seattle law firms are packing up and moving out of their old homes in large numbers.

The reasons are many: Office-tower lease rates are climbing and high-tech spaces are coming on the market. And partners are becoming increasingly eager to leave their corner offices and stately hardwood floors behind in favor of offices that look more like their cutting-edge clients' offices.

The biggest exodus is from Seattle's tallest skyscraper, the Bank of America Tower at Fifth Avenue and Columbia Street. It has been home to Preston Gates & Ellis, Cairncross & Hempelmann and Oles Morrison Rinker & Baker, but it is no longer the building of choice. Many are eschewing it for One Convention Place, Pioneer Square or other locales in the area.

One Convention Place is a hot property and has attracted Oles Morrison, Lee Smart Cook Martin & Patterson and Betts Patterson & Mines, which say they were lured there by its design, high-tech wiring and central location in the downtown core at Seventh Avenue and Pike Street.

Inflexible building management at the BofA tower was another factor, according

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PHOTO BY C. TAYLOR

▲ **MOVING ON UP** — Preston Gates will leave the stately atmosphere of the Bank of America Tower for the new IDX Tower under construction (above) at Fourth Avenue and Madison Street.

## TeamChild Group Believes in Power Of Rehabilitation

By Laura Cutland  
WASHINGTON JOURNAL STAFF WRITER

In these days of Columbine and Santana shootings and zero-tolerance programs, some juvenile justice officials in Washington state have taken an unusual approach to dealing with threats and violence in schools.

### Access to Justice

THIRD IN A SERIES

A recent case involving a ninth-grade student illustrates the two-pronged approach followed by a partnership between the public defender's office and TeamChild, a civil legal services organization for teens.

In this case, the student was in a computer class learning how to compose essays on a computer. As a joke, he wrote about bombing the school, and after the bell rang, he realized that he should erase the document before anyone misinterpreted it.

However, he hadn't learned how to delete text yet, so he panicked and ran out of the classroom. A teacher found the document and told school officials, and Robert immedi-

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## Harvard Law Student Leaves 'Survivor' Fans Drooling

By Lynn Thompson  
WASHINGTON JOURNAL STAFF WRITER

Some law-oriented "Survivor" fans may have noticed an eerie resemblance between the wildly popular CBS reality show and life in a law firm: Hypercompetitive strangers are thrown together in a hostile environment in which they must cooperate while competing for the chance to win lots of money.

Maybe that's what the television producers were thinking when they conceived "First Years," the new law drama on NBC that tracks the lives of five beautiful young associates at a San Francisco law firm.

It turns out, however, that television already had an almost-lawyer scraping by for survival.

Meet Nick Brown, "Hot-stuff Nick" as readers of Salon.com know him.

Brown is a second-year Harvard Law School student, reserve Army lieutenant and soon-to-be summer associate at Heller Ehrman White & McAuliffe in Seattle. He was an associate in the firm's San Francisco office last summer.

Observers of the first "Survivor" series note that most of the second cast seems to have been chosen for their buff bodies and movie star good looks. Brown, who has modeled for Calvin Klein, is no exception. His sculptured cheekbones and tall, muscular

body have led the usually caustic Salon.com to refer to him as "Nick the beautiful" in addition to the aforementioned "Hot-stuff Nick."

Given the promising career trajectory of most Harvard graduates, one might ask what Brown is doing on the show. What sort of person would offer up his or her body and personality to the scrutiny of 30 million viewers?

That's a mystery to many viewers of the show, who say Brown is usually on the periphery of the action and only rarely speaks.

"He seems to be sneaking in under the radar," said Matt Carvalho, a litigation attorney at Heller Ehrman in Seattle and a "Survivor" fan.

Carvalho noted that, while some of the other contestants have aroused intense dislike for their scheming, back stabbing or generally bitchy ways, Brown probably has not uttered more than a dozen sentences over the first eight episodes.

"It's almost weird how little he talks," said another "Survivor" junkie who preferred to remain anonymous. "You have to wonder if they're editing it to bring out whatever aspects of his personality they want."

In the third episode, Brown helped the zealous hunter, Michael, corner a suspiciously sluggish pig. Brown looked on in



NICK BROWN

apparent shock as Michael stabbed the pig to death.

"It was gross and very brutal," Brown later told the camera, though he joined in with the other ravenous Kucha tribe members (except for the whiny vegetarian Kimmi) to devour the roasted meat.

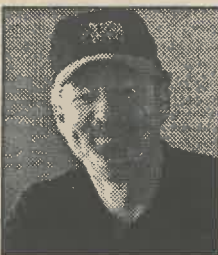
In the seventh episode, he reacted with

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### Inside This Issue

#### Profile

Three years ago, Guy Zajonc found himself on a Russian research vessel anchored above a sunken Japanese submarine lying 17,200 feet beneath the surface. He and his partners were the first to find that sub, and they were the first to send deep-water submersibles to photograph and research the warship's resting spot. **PAGE 2**



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# Appellate

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can."

Smith was named president of the association at the January meeting. Other officers are Michael King of Lane Powell Spears Lubersky in Seattle, first vice president; Phil Buri of Brett & Daugert in Bellingham, second vice president; Bill Collins of the state attorney general's office in Olympia, secretary; and Jim Lobsenz of Carney Badley Smith & Spellman in Seattle, treasurer and membership chair.

Membership in the association is limited to those who have been lawyers for at least 10 years and who have been lead counsel in at least 25 appeals. "We're not some exclusive club; you don't have to be invited to join," King said. "You just have to meet the experience requirements."

King agreed with Smith that it's important to recognize that appellate practice differs from trial practice. "I think the notion that appellate practice is something different has reached the critical-mass point in Washington. Those people, like me, who have been involved in it a long time on the private side, those doing criminal appeals on a regular basis, and those in government have come to recognize that it is an art form and that we need to develop some sort of institutionalized voice so we can deal with the concerns of the appellate courts," he said.

One of those concerns, King said, is what he called the "cyberization" of appellate court practice. "In the next five years, there's going to be a radical transformation in the way appeals are handled by counsel and the courts, with CD-ROM briefs, where the record is put in cyberspace form, and a reader can with a click of a mouse go to the document in question, the page in question and the point

in question, and see what it actually says," he said.

To date, there have been very few experiences with this "brave new world" of high-tech appellate law, he said, but it definitely is coming.

"If you don't have people in the trenches who are used to being there and who know how they are laid out, where to dig and how to shore them up, you will have imposition of [CD-ROM] rules that will backfire, with a deterioration of quality in the way cases are handled and a deterioration of the courts. We need people who are experienced in appeals to work on this problem," King said.

The association's formal goals include working to "promote and encourage changes and reforms in appellate procedure designed to insure effective representation of appellate litigants and more efficient administration of justice" and to support "the integrity of the appellate process and principles of ethical

appellate advocacy."

According to Smith, the association also plans to offer continuing legal education and to provide a more formal liaison to the state and federal appellate courts.

"Occasionally, I and other appellate lawyers get letters from judges asking for input on changes of rules, etc., and there is no formal way to do that now. Appellate law is process-based, not substantive-based, and we will focus on the process," said Smith.

"We're concerned about developing a day-to-day working relationship with the courts and clerks, so they know we're there and can share common complaints and concerns," King said. "The judges have not had people they could talk to on a regular basis, and we can help identify problems that may be below their radar screen.

"We're taking baby steps, but hope that within a year we will be known and the courts will agree we're performing a useful service."

The association also will serve a networking purpose, King said. "We'll get to know each other, and develop a sense of collegiality," he said.

The association will meet quarterly, with the next meeting set for April 24. "We have extended an invitation to [Washington State Supreme Court] Chief Justice Gerry Alexander and hope he will come and meet with us," King said.

For more information on the association, call Catherine Smith at (206) 624-0974.

## Profile

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The second project, again with McDowell and other partners, is to research an unknown undersea target located off the south Florida coast in waters used by Spanish galleons in the 1600s and 1700s.

"We don't know what it is. But if it is a vessel, it's very deep and it's certainly not been disturbed. To find a vessel that old and that well preserved would be of significant historical interest," Zajonc said.

Finding gold or silver onboard could be important, but Zajonc has learned it's a risky game to bank on hitting an underwater jackpot.

Plus, there would be the inevitable battle of contesting parties if anyone finds a significant amount of money in an underwater expedition.

"If you find anything worth a lot, the lawyers come out of the woodwork. You'll have to go through all sorts of legal battles then. It's almost not worth it," he said.

Looking to 2002, Zajonc, McDowell and McGinnis hope to charter the Russian submarines again for one more visit to the two possible targets they found during the hunt for Amelia Earhart.

Since her disappearance, Earhart has become a mythic American. Some books suggest she crashed onto reefs near Howland Island and then lived for a year before dying.

Other historians have suggested that the Japanese, who were patrolling that area of the Pacific at the time, captured Earhart and took her to Japan as a prisoner of war, where she later died.

If Earhart's aircraft is recovered, Zajonc said, his goal would be to give it to a museum to preserve it for future generations.

Even if that trip produces just another round of stories and no airplane, Zajonc believes the expedition will have used the best technology available and will have prepared him for the next adventure.

"The reason I find this job so interesting is the people who you work with. Just about everyone you work with is fascinating and has a great story. It's a great way to explore the world."



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