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LETTER from the EDITOR

Greetings once again to the Senior Lawyers Section. Summer is upon us, although at the time of writing this, it is still quite cold and wet, and I don't think my tomato plants are going to make it this year! As for the pandemic that has been with us for over two years, folks are starting to gather again in person, even with new COVID variants making the rounds. It is challenging and now up to us as individuals to decide our best balance between caution and connection.

I want to thank Executive Committee member Jim Riehl for providing a new infusion of energy to this Senior Lawyers Section Newsletter, including his efforts to establish a regular publication schedule and some regular recurring content. We have set an ambitious goal of quarterly publication. This edition features a column from Supreme Court Justice Barbara Madsen with news from

the Washington Supreme Court, a column on attorney wellness from Dr. Charles Ericksen, a travel feature by Carole Grayson, and a member spotlight by Jeanine Lutzenheiser. On May 26, the Section presented a webinar with Pete Roberts and Margeaux Greene reviewed here

by David Sprinkle regarding succession planning for attorneys, which is a many-layered topic, raising many considerations depending on your type of practice, firm, and stage in your legal career. We would love to hear from our members regarding what

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future content would be meaningful to you, both for the newsletter and for online programming. I for one would like to see future articles in the newsletter that address some of the individual issues raised under the umbrella of succession planning.

Thank you for your continuing support of the Senior Lawyers Section as we navigate these changing times. //



2021-2022

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Latest From the Temple of Justice

Justice Barbara Madsen

There is never a dull moment at the Temple of Justice these days. As with every profession, business, and personal communication, Zoom has taken over our world! For the past two years the justices have been refining the art of muting and unmuting (usually at the appropriate moments). Now, as if navigating the virtual world were not enough, the Legislature has added to the excitement by deciding now is the time to fund a new HVAC system for the court. The Temple closed early in the pandemic, in part because the ancient HVAC system failed, and continues to fail, to provide adequate ventilation for the Temple dwellers and visitors. As a result, while other courts go back into the physical courtroom, the Supreme Court will be absent from our digs for a predicted two years. Like any move to a smaller place, we are triaging and packing amidst weekly emails of yet another staff member reporting COVID-19.

Getting to know each other, and passing along the traditions of the court, has been challenging...

The logistics and timing have yet to be worked out, but the new 'court room', which will be located in Tumwater, will not be ready before January at the earliest.

On the personnel side, two new justices were appointed to the court, one pre-pandemic (barely) and one post. Justice Raquel Montoya-Lewis had the opportunity to sit on the bench before our lockdown, but Justice Helen Whitener has never sat in the Temple courtroom. Getting to know each other, and passing along the traditions of the court, has been challenging with only little squares through which to communicate, sometimes with colleagues inexplicably disappearing or being unexpectedly joined by their dogs. While Zoom has allowed the court to continue functioning, much of the court's decision making takes place through conversations among the justices. A tradition sorely missed since the pandemic closed the Temple is sharing lunch on court days. Justices taking turns providing lunch began as a collegiality building exercise and has continued for nearly 30 years. Now we are looking for new ways to work with each other effectively.

The pandemic has dictated many of our activities recently, including the annual memorial at the May en banc for justices who pass during the preceding year. Traditionally, there is a ceremony in the courtroom with speakers providing remembrances, which are then printed in the bound volumes of the Supreme Court Reports. Delayed for two years, the memorial ceremony was conducted this year in a hybrid form. The court celebrated three justices, Mary Fairhurst, Rosselle Pekelis, and Walter McGovern. Mary served from 2003 to 2020. Rosselle served on King County Superior Court and the Court of Appeals before joining the Supreme Court in 1995. Wally started his judicial career in Seattle Municipal Court and served on King County Superior Court until he joined the Supreme Court in 1968. Jim Anderson also passed away this year, but his memorial will be held at the May 2023 en banc.

After July 1 the court will be in nomad status, but this reporter will bring you news from the Supremes wherever we land! //

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MEMBER SPOTLIGHT

JEANINE LUTZENHISER

June 5, 2022

“Well, you sure don’t look like a 1L!” This was my greeting from Rose, the beloved and plain-spoken judicial assistant to Judge Anne Ellington, my first-year UW Law mentor whom I was to meet that day. Rose was right, of course. In contrast to the majority of my 20- or 30-something classmates, I turned 48 that year. I had already been mistaken for another admitted student’s mother at an earlier campus visit. In retrospect, I should have seen my early membership in the Senior Lawyers Section as the writing on the wall that day. I wasn’t at all offended. It was just part of my adventure as a returning student, and I laughed and relished it.

In my previous life, I was a high school teacher: mostly French, English, and ESL. Never one to make hasty decisions, I thought about going to law school for about 15 years before actually doing it. During those years, I taught part time, volunteered in the community, and raised our two girls with my husband, also a teacher. What finally prompted me to buy that first LSAT book was seeing relatives attempting to navigate a painful legal dispute without reliable counsel. I knew I wanted to help individual people solve legal problems. I just wasn’t sure how I was going to do that.

In law school, I felt like I was on the right path in the Mediation Clinic and as a Rule 9 intern at UW Student Legal Services (the latter under the leadership of Carole Grayson, who later recruited me to the Senior Lawyers Section Executive Committee). Judicial externships at

the Superior Court and the Court of Appeals turned abstract legal concepts into concrete realities affecting real people I saw in the courtroom. After graduation, I was thrilled to continue the learning I’d started in those externships as a law clerk for Judge Leach at Division I—another wonderful experience with a wise and thoughtful judge.

After my clerkship, I landed (somewhat to my surprise and the surprise of those who know me) in civil defense litigation. I am fortunate to have learned how to be a lawyer from excellent and generous attorneys, who were willing to take a chance on a new graduate who, well, didn’t look like a new graduate (just ask Rose). The part of civil litigation I always loved best was working with the clients: hearing their stories, explaining legal processes, and working with them to achieve their goals and solve whatever legal dilemma they found themselves in. Some other parts of litigation? I loved them not quite so much.

From 1L year, first as a law student and later as a licensed attorney, I also volunteered at the walk-in clinic at Open Door Legal Services in Seattle, serving clients with low incomes and clients without homes. On my volunteer days, I went from litigation tasks in the morning to listening to the often-heartbreaking stories of ODLS clients in the afternoon: stories of domestic violence, reentry after incarceration, addiction and recovery,

estrangement from children and other family, poverty, and injustice. Sometimes, the advice I could give (most often first conveyed to me by ODLS director David Mace) helped the clients know how to move a step closer to their goals. Other times, I had to tell them they had no legal remedy. But always, the goal was to give useful legal information while also taking the time to hear their story. There were many times when I had the strong impression that this was the first time anyone had really listened to the whole story, start to finish. It felt like a gift I both gave and received.

The pandemic closed down the walk-in clinics, as it closed down so

“What finally prompted me to buy that first LSAT book was seeing relatives attempting to navigate a painful legal dispute without reliable counsel.”

much else. But in February, I joined ODLS as a staff attorney. And it feels like I have come full circle from when I first dreamed of coming alongside individual people to listen, encourage, and help solve legal problems. I may not have looked like a 1L then, but 12 years later, I feel like I’m right where I should be, doing exactly what I went to law school to do. //

Jeanine is a staff attorney at Open Door Legal Services, a ministry of Seattle’s Union Gospel Mission. She is also a volunteer mediator intern at the Dispute Resolution Center of Kitsap County.

THE CRITICALITY OF SELF-CARE BY DEMENTIA CAREGIVERS

Alison Lynn

“Stephanie” was hyper-focused on providing the best possible care for her husband, who had been diagnosed with early-onset Alzheimer’s disease—not just any regimen would do. He had a special place setting at the table, adaptive clothing, and a bin of products for sensory stimulation. When he asked the same question repeatedly, she took deep breaths so she could answer the same way every time without losing her temper. And she budgeted twice the time it usually took them to get out of the house so she didn’t have to rush him. As a former executive, she was used to tackling problems like this. And, by all accounts, she was excelling in her role as her husband’s caregiver.

However, on the inside, Stephanie vacillated between feeling empty and overwhelmed with emotion. If she ate a meal at all, she had leftovers while standing over the sink. She canceled her own medical check-ups, and her gym membership. When she lost her temper with her husband, she berated herself internally for being a bad caregiver.

Stephanie was compelled to start psychotherapy after a particularly bad week. Her husband would follow her around the house (a common behavioral symptom of dementia), and when she tried to hire a caregiver so that she could go to lunch with a friend, he was so distressed that the caregiver called her and asked her to come home. She told me through tears that she had resigned herself to never leaving the house again, or at least until her husband died.

A few weeks into our relationship, I asked her, “Have you ever thought of applying the same thoughtfulness, care, and compassion you put into caregiving towards yourself?”

She looked at me blankly.

I am used to this reaction. As a social

worker at the Penn Memory Center, I provide various forms of support to hundreds of dementia caregivers a year.

And, without fail, the question I ask that is hardest for my clients to answer is, “How are you taking care of yourself?” Often, the answer sounds something like, “Well, I used to golf with my friends but I can’t anymore” or, “With what time?” A large part of my job is to help these individuals understand that self-care is not selfish, but rather self-preservation.

Self-care as a concept has become particularly buzzy over the past decade, and especially so over the course of the pandemic. It was offered as the solution to everything. Burnt out at work? Self-care! Stuck home-schooling two kids while working fulltime? Self-care! Then came the backlash—think pieces pointing out that this advice implies that individuals are to blame for their own stress, rather than that the society and systems they live in are not working properly. Like most things, the answer probably lies somewhere in the middle—self-care can be a wonderful thing, and it can also be used as a weapon to make people feel bad about themselves.

But for dementia caregivers, self-care is more than just a trendy buzzword—it is a survival mechanism. Because Alzheimer’s disease in most cases is a slow, progressive disease that moves from diagnosis to death, on average, over the course of eight to 10 years. Family caregivers are often dedicating up to a decade of their lives to providing daily care that grows in intensity as the years go on. The Alzheimer’s Association’s annual Facts & Figures report found that in 2021, well over half of the caregivers studied

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WSBA Sections

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had been providing care for four or more years. And it has been well documented that dementia caregivers suffer significantly higher rates of depression, anxiety, chronic health problems, and untimely death.

There have been countless therapeutic interventions aimed at reducing this kind of caregiver burden, including the Penn Memory Center's seven-week psychoeducational class "Caring for the Caregiver." When I review participants' feedback, they share that the lesson that's made the biggest difference for them in terms of their mood and physical health is understanding and implementing more self-care into their routines. Many link this practice to their sustained ability to keep a loved one at home and out of a nursing home. Others note that one small shift in perspective (that they, too, matter; and that they must take care of themselves in order to care for someone else) helped alleviate their feelings of guilt when they took a very necessary break.

Self-care does not have to be about buying products or scheduling fancy spa days. In fact, the most sustainable self-care (particularly for caregivers) fits easily into a daily routine, is free or low-cost and can take as little as one minute. It is anything that one does to protect one's own sense of mental or physical well-being. In general, it might mean:

- Meeting your basic care needs, such as taking a shower or brushing your teeth;
- Choosing something from your normal routine to do with a little extra TLC, such as taking a bath or buying yourself a coffee;
- Getting out of the house, even if it's just to sit in the sun for a few minutes;
- Moving your body, whether it be an intense workout or ten minutes of gentle stretching
- Taking a short nap; and
- Attending to your mental and

Self-care does not have to be about scheduling fancy spa days.

physical health by keeping up with your regular medical appointments, meeting with a therapist or attending a support group.

For a dementia caregiver it might also mean:

- Setting boundaries with an acquaintance who always says, "but he doesn't even look sick!";
- Saying "I don't know" to your care partner and going to another room for 5 minutes to give yourself a timeout;
- Relaxing the 'rules' of your family. For example, if you always cooked a large meal for Thanksgiving and you still want to host, consider carrying-in;
- Choosing your battles. What harm will it do if your care partner wants to put ketchup on his cake? and
- Scheduling consistent, regular breaks by hiring a caregiver or asking a family member for help.

On a deeper level, caregiver self-care can also be the missing piece that helps reconnect dementia caregivers with their own reality. As anyone who has caregiving experience knows, you will never win an argument with someone who has dementia. Trying to do so will only sap your emotional energy and cause both parties frustration. I often explain this by saying, "Your partner is living in a different version of reality than us, but they are not able to meet us in ours—we must meet them in theirs." So when someone's wife says she just spoke to her parents (who died 25 years ago), it is the partner's job not to correct her, but to say, "And what did you discuss?"

However, straddling these two realities can take a toll. Veteran caregivers who've mastered the art of communicating effectively with their care partner often report feeling disoriented themselves as they spend more and more time trying to understand the workings of an alternate reality. Caregivers frequently

tell me that they've lost sense of who they used to be before their loved one's diagnosis. Many have had to reduce their work hours or retire early, and many more are unable to attend the types of social functions they once enjoyed. Now, they just feel like a caregiver. Self-care can help reconnect these individuals to a version of themselves, or a version of objective reality that often has to be put on hiatus. There is life after caregiving, but the transition is easier for those who don't completely lose sight of who they are as individuals.

I would be remiss if I didn't mention that self-care is not a substitute for the type of healthcare and insurance reforms that would pay for more hours of respite care. Many do not know that no insurance (with the exception of those who bought a long-term care policy, or those who qualify for Medicaid) pays for long-term companionate aide care. Many of the caregivers I work with are privileged and are able to take retirement while still paying for occasional or even full-time help at home, at the rate of up to \$35 per hour. But those who are not in this position will simply have less time, less money, and less energy to try any of the techniques I describe above.

The eminent psychologist Pauline Boss studies and writes about "ambiguous loss," or the type of grief one might experience when a loved one is present physically, but absent psychologically. Humans love decisiveness, structure, and categories and sitting with ambiguity can cause many of us to feel hopeless and out of control. But by encouraging and supporting caregivers to give themselves the same quality of care they give to their loved ones, something that can be controlled, we can help reduce the enormous burden we place on this ever-growing group of families affected by dementia. //

MINDFULNESS, THE CORE SKILL

Dr. Charles Ericksen

And you may find yourself living in a shotgun shack
And you may find yourself in another part of the world
And you may find yourself behind the wheel of a large automobile
And you may find yourself in a beautiful house, with a beautiful wife
And you may ask yourself "Well... How did I get here?"

—Talking Heads

Shortly after undergraduate school, I worked as a juvenile rehabilitation counselor at Green Hill School in Chehalis. After a couple years, I transferred to Maple Lane School just up the road in Rochester. I was pleased that the commute was 15 minutes closer to my home in Olympia. On more than one occasion, I found myself mindlessly driving past the Rochester exit heading further south to my former worksite. I had just added 20 minutes to my morning commute! On one occasion, I found myself at the Green Hill security gate where a bemused guard asked what I was doing there. Flustered, I asked myself... Well, how did I get here?

Automatic behavior is just what we need to perform at optimal levels without having to think about how to do a task, such as driving a stick shift or texting on a smartphone. However, it is important to differentiate between mindless behaviors that facilitate high performance from those that do not.

From a wellness perspective, perpetual stress can best be described as a state of mindlessness in which we are constantly tense, always in a rush, anxious, preoccupied, or depressed. The opposite of this is a state commonly referred to as mindfulness. Mindfulness means becoming more alert, thoughtful, and living in the present moment with greater awareness. Put another way, mindfulness is about reorienting your

life so you can enjoy it to the fullest.

Practicing mindfulness has been shown to affect how we deal with emotions, interact with others, focus on mental tasks, and respond to stressors in our lives. In addition to reducing stress, numerous health benefits of practicing mindfulness have been noted in the research literature including:

- improving sleep
- reducing chronic pain
- treating heart disease and lowering blood pressure
- treating substance abuse and obsessive-compulsive disorders
- treating depression and anxiety disorders
- treating eating disorders or just instilling healthy eating habits

The demands placed on legal professionals from juggling deadlines to long working long hours—navigating complex matters to supporting people through challenging circumstances can contribute to high levels of stress and burnout. Add to this the relentless interruptions that technology has introduced into our lives. Self-care practices implemented regularly decrease the impact of the high levels of stress while also serving as strategies for coping during particularly stressful times.

The interconnections between contemplative practices such as coping and preventative strategies for self-care practice among legal professionals is well established.

The mind can be our greatest friend and our worst enemy. Just ask any golfer. With mindfulness we are reclaiming the mind to begin intentionally attending to our experience. Such control of our attention can enrich any experience, from smelling a cup of coffee to renewing passion for our vocation.

MINDFULNESS TECHNIQUES

Mindfulness is a quality of mind that can occur spontaneously and be developed. There is more than one way to practice mindfulness, but the goal of any mindfulness technique is to achieve a state of alert, focused relaxation by deliberately paying attention to thoughts and sensations without judgment.

There are many approaches that promote mindfulness. Here are some simple ones:

Basic mindfulness meditation—

Sit quietly and focus on your natural breathing or on a word or phrase that you repeat silently. Allow thoughts to come and go without judgment and return to your focus on breath or mantra.

Body sensations—Notice subtle body sensations such as an itch or tightness in your neck without

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judgment and let them pass. Notice each part of your body in succession from head to toe.

Sensory—Next trip to your favorite coffee shop or bakery, notice the sights, sounds, smells, tastes, and touches. Be aware of emotions as they arise in the moment. Name them without judgment and let them go.

Emotions—Focusing on emotions can help uncover the underlying problem or related feeling that is the central issue to a stressor. Allow emotions to be present without judgment. Practice a steady and relaxed naming of emotions: “joy,” “anger,” “frustration,” “anxiety.” Accept the presence of these emotions without judgment and let them go.

Urge surfing—Surf life’s waves and cope with cravings (for addictive substances or behaviors) and allow them to pass. Notice how your body feels as the craving enters. Replace the wish for the craving to go away with the certain knowledge that it will subside.

The key to finding satisfaction with meditation is simply to practice. With practice, you learn to slow down or stop brain chatter and unconscious reactions, experiencing the present moment with greater focus and clarity. The operative word is “practice”!

The challenge is that we tend not to practice activities that we neither enjoy nor have faith in. I recognize that for many individuals, meditation is a hard sell (too many snake oil salesmen advocating crystal pyramids in the desert). That is why I offer a variety of activities in my seminars from which to choose from. No excuses!

SELF-REFLECTION

In addition to learning mindfulness techniques, improving self-awareness through reflection has been linked to the ability to manage stress and manage our energy. This finding is consistent with the literature,

which demonstrates that learning skills related to self-awareness, self-management, and self-reflection improves stress management skills and prevents burnout in lawyers.

Self-awareness is the capacity for introspection and the ability to reconcile oneself as an individual separate from the environment and other individuals. Looking honestly at our own behavior and state of well-being is a first step. The second step is to take responsibility. The truth may set you free, but it won’t

What is your plan
for staying youthful
and vibrant?
What ways might you
practice mindfulness
towards this aim—
meditation, journaling,
fishing, quiet time,
nature walks?

take you where you want or need to go. For example, it is a positive step to acknowledge overworking, but it is also easy to dismiss the impact of overworking on our health and relationships. I often hear this comment: “almost everyone in our office is overworked” or “I’m just stressed right now... come vacation time I’ll fill my tank.” The challenge is not only to acknowledge the fact of being overworked but also to face the truth about its consequences.

Author Jonathan Haidt depicts decision-making metaphorically as an elephant (emotions) with a rider

(rationality). The elephant walks around doing what it wants, and the rider rationalizes that behavior after the fact. To change behavior, you must appeal to a person’s elephant and rider, meeting both their cognitive and emotional needs. Expanding on the elephant and rider analogy, to change we must also be aware of the paths (culture) we live and work in. Cultures can either be supportive or dangerous to our best intentions. However, even if we make the path as safe as possible, the elephant can still do some damage.

In any event, it is important to stop blaming our discontent on the system or ignoring the symptoms altogether. Spend time in honest self-reflection. Assume agency and autonomy for your wellness. Finally, continue to support one another, stay connected with peers, and reconnect to what brings you the most passion and joy.

One self-reflection method that has resonated with many is journaling. I highly recommend it as a starting point on your road to wellness. There is increasing evidence that journaling has a positive impact on our mental, physical and emotional well-being. When asked how he maintained balance during a high-profile case, a well-respected judge shared that journaling at the end of each day helped him cope with the stress and

decompress at the end of hectic days. He had been given that advice by a wise senior judge early in his career and stuck with it.

What is your plan for staying youthful and vibrant? What ways might you practice mindfulness towards this aim—meditation, journaling, fishing, quiet time, nature walks? Perhaps golf lessons. Until next time, spend some time reflecting upon this question in a journal. //

June 6, 2022

TRAVEL

BAJA CALIFORNIA SUR: *Fifteen Days in Agua Verde*

Carole Grayson

The Baja guidebook says the tiny fishing village of Agua Verde is a 1½ - to 2-hour drive from the nearest paved road. It took my partner Steve Knight 2½ hours to navigate its 26 miles: narrow, serpentine, vertiginous, with nary a guardrail to prevent toppling off cliffs 100 feet down, and plenty of crosses to remind us of prior fatalities. In the end, Steve delivered us safely in late winter 2022 to Agua Verde, pop. 300, in his converted 2020 Ford Transit van. I cannot imagine him having gone even one mph faster.

Steve last visited Agua Verde, in Baja California Sur, 38 years earlier, a year after the road was put in. Before that, the Sea of Cortez was the “highway,” or people used trails. Steve claims the road had been improved. Hmm...

Steve and I first met five years ago at a Seattle light rail station. We each had been widowed after many decades with our spouses. From the 1970s on, Steve and his wife Jo visited the

peninsula of Baja California often. “Jo always said we should have a vehicle we could sleep in,” Steve says, and so they did. And then Steve and I did. For me, it was a new experience. I found it cozy, functional, and fun. We removed some seats, he built a bed 44 inches wide, and our supplies fit in tubs underneath. And: We could stand comfortably upright in the van.

Agua Verde lies on one of the few protected bays on the east coast of Baja. Its name comes from springs in the mountains, a 10-mile hike each way. The resourcefulness of the villagers, most of whom descend from three families who settled on the bay circa 1860, means that black hoses stretch along the road and through the town. No water or ice is sold in the three small stores. Fortunately, we had packed to be self-reliant and brought with us 24 gallons of water.

To survive in Baja means having to create your own shade. On the ¾ mile wide beach were a half dozen

or so palapas (shade structures approximately 20 x 20 feet with roofs). We parked the van along one side as a potential wind break and set up camp under a palapa we rented for \$12.50 USD per night. Solar shields over the van’s windows kept it cool and private.

The former presidential administration helped remote communities such as Agua Verde set up solar power. The locals had internet and communicated on their phones through an app. Twice a month health professionals visit; otherwise, villagers use their phones for telehealth concerns. The roads are sand; they are set off with palos blancos the height of avalanche poles. People use grey water to water their gardens.

The village boasts two fishing cooperatives and two churches (Catholic and Pentecostal). Our palapa was on the beach 100 feet or so from the nearest pangas (24 foot open fishing boats). When it wasn’t too windy, the fleet left by sunrise in search of jurel

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LOOKING FOR A GOOD BOOK?

DEAD WAKE: THE LAST CROSSING OF THE LUSITANIA

By Erik Larson / Published 2015

A FASCINATING ACCOUNT of the sinking of the Lusitania, a British passenger and cargo ship, by a German U-Boat in May 1915. WWI had already begun in Europe but the U.S. had remained neutral. The sinking cost the lives of 1,918 of which 128 were American citizens. Despite the outcry in America to declare war, the U.S. did not enter the war until April 1917.

AGENT SONJA: MOSCOW'S MOST DARING WARTIME SPY

By Ben Macintyre / Published 2020

THIS IS A TRUE STORY of a very successful Russian spy who worked in the early thirties, through WWII and during the Cold War. She was a German Jew who became an avowed communist.

THE WIDOW CLIQUOT

By Tilar J Maseo / Published 2008

A STORY OF AN INTERNATIONAL champagne empire founded in 1772. After her husband's death, Madame Cliquot continued the business of making champagne. Through her innovations and business sense, Cliquot became one of the foremost champagnes in the world and as remained so today. If you like champagne, this is a perfect read for you.

Baja California Sur continued...



(hoo-RELL; California yellowtail). Since 2007, the village, collaborating with an NGO and the government, has utilized ongoing five-year plans to enhance sustainability of its fishing livelihood.

Steve, an experienced fisherman, enjoyed his new Hobie I-Trek inflatable kayak. It uses pedal power, not paddle power, freeing his arms to fish. He did enjoy the catch and release of triggerfish.

He brought solar panels to power our refrigerator and his C-PAP. Most days, we ate one meal at one of the two restaurants. Everything was on the sand and al fresco, including the kitchens and tables. A delicious meal of jurel, salad, rice, handmade tortillas, and beverage cost \$5-6 USD.

The peninsula of Baja California is 760 miles long. The Sonoran Desert, the hottest desert in Mexico and the U.S., covers virtually the entire peninsula. As I learned in my two prior trips, the Sonoran is a green desert. Cacti in many shapes and sizes abound: cardon 30 feet or more tall, boojum (surreal;

think Dr. Seuss), saguaro (think “cactus pose” in yoga), multi-stemmed ocotillo, cholla, creosote bushes, and much more. Palm oases in the center (San Ignacio) and east coast (Mulege) produce dates. On this Baja trip, it hadn’t rained for three years, killing much livestock. On a pre-COVID trip, when rain fell after five years, we saw the ground covered with goldenrod, purple-red, and orange wildflowers.

We had other adventures during our 6,000-mile road trip a few months ago, including visiting Steve’s longtime friends Javier and Lucila at their off-the-grid two room casita overlooking the Sea of Cortez. Less than an hour north of the San Jose del Cabo airport, it’s available as an Airbnb. Their cattle wander through the countryside. Off-shore, whales breach and blow. The Milky Way is just one piece of the

spectacular night sky. Steve has known Javier and Lucila over 35 years. Javier and his many brothers were fourth or

The peninsula of Baja California is 760 miles long. The Sonoran Desert, the hottest desert in Mexico and the U.S., covers virtually the entire peninsula.

fifth generation fishermen. Very few members of the next generation still earn their livelihood from the sea.

Baja is the product of surf and sun. Mexicans are friendly, helpful, and resourceful. We were glad everyone took the pandemic seriously. People everywhere wore masks, including in Agua Verde. Five-gallon plastic containers fitted with spigots, with soap or sanitizer, stood outside stores, restaurants, and houses. Baja is a wonderful place to visit. If you drive, it’s best to do so during daytime. Just be prepared for occasional speed bumps and, more rarely, cattle grazing by the road. //

MINI-CLE SUMMARY: SUCCESSION PLANNING

David Sprinkle

The Senior Lawyers Section recently presented a 90-minute Mini-CLE on succession planning. Alternatively titled “Thinking About Tomorrow. Today” and “The Future is Nigh” (both titles being apropos), we were privileged to host Pete Roberts, a private practice management advisor, and Margeaux Green, who runs the WSBA’s practice management assistance program. Each brought their unique perspective to the presentation: Pete, as a private practice consultant who focuses on assisting lawyers to set up, prosper, and to wind down a practice, and Margeaux, whose mission with the WSBA is to offer professional assistance and support to members in law firm business management.

Both presenters stressed the need for attorneys in private practice to think about unexpected events (death, disability, disaster) as well as planned events (retirement, practice sale)

and what impact that would have on their clients, partners and family. Reasons to plan for succession include benefiting clients, preparing successors, insuring the firm’s future, rewarding the retiring lawyer, and leaving a legacy. There are a number of professional obligations as well, including the requirements around acting diligently and promptly (RPC 1.1 and 1.3), communication (RPC 1.4), confidentiality (RPC 1.4), and document retention (RPC 1.15A and 1.15B).

The presenters introduced attendees to the robust resources available through the WSBA (www.wsba.org/pma) to help in record keeping, preparing a business continuity plan, and designating a custodian. The WSBA has a lending library with a large number of books, including ABA publications that would be expensive to buy. The

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- Shop at the WSBA store (order CLE recorded seminars, deskbooks, etc.)
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WSBA also has law firm guides to download on disaster planning, going solo, cybersecurity, and document retention. The guides can be found at www.wsba.org/guides. Margeaux also encouraged members to take advantage of the free confidential consultation offered to members at www.wsba.org/consult. Here are some of the questions posed to the WSBA:

"This is [son of a member]. My father died over the weekend. I need to know what to do. I am not an attorney."

"I am trying to find out if anyone took over the files or wills from [member], who practiced in Blaine."

"I just accepted a job at [company]. How do I close my law practice?"

Pete and Margeaux addressed how to plan for these kinds of life changes ahead of time, to reduce the burden on others (and to avoid ethical violations).

The presenters introduced a checklist for closing a law practice and spent time talking about each topic:

- Financial
- Notice
- Insurance
- Closing accounts

- Open cases
- Stop taking new cases
- Document retention
- Directory and online listing

Pete also talked about the sale of a practice, hitting on topics such as price, payout, and workout.

Some questions from the audience:

Q "Can I sell part of my practice and keep some valued clients?"

A The RPCs allow only the sale of the entire practice.

Q "If I do not have a designated custodian for my practice, and I pass away, will the WSBA administer the closure of my practice?"

A Only in very limited circumstances.

As an aside, the WSBA is looking for attorneys to volunteer to be custodians.

The presentation was well attended and well received. //

Pete and his trademark bowtie can be reached at pete@practicelawadvisor.com. Margeaux and her cat who sometimes wears a bowtie can be reached at margeauxg@wsba.org. If you would like a copy of the PowerPoint presentation please send an email to david.sprinkle@fnf.com.

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