President’s Message
Susan Ephron

Greetings Fellow Washington Chapter ACC Members!

It’s hard to believe that Fall is here and almost gone.

As I start my tenure as President of the Chapter, I’d first like to take a look back and thank Peter Marchel for his leadership as President and Mike Anderson and Rick Gordon for their many years of service on the board. You will be missed.

Looking toward the future, I’d like to welcome our four new board members — Michelle Marchant (HP), Mark Maroon (Starbucks), Al John (Boeing), and Brad Toney (Classmates.com). Biographies are listed below. We are very excited to have such a strong board and look forward to presenting some excellent programming this year. You will be missed.

If you have met any of the past scholarship recipients at past Ethics Dinners you know that they are an outstanding group with remarkable achievements. You’ll find an update on the scholarship recipients from Seattle University in this edition of the newsletter. We plan to run similar features on the scholarship recipients from the other schools in future editions.

In other pro bono news, this fall, the chapter is again participating in the Corporate Legal Diversity Pipeline Program, a partnership between Street Law, Inc., and the ACC. The aim of the program is to encourage students of color to pursue legal careers. We are partnering with two classes at Chief Sealth High School. Volunteers visited the school several times between late October and late November to teach about legal topics and the one-day conference will be held December 3 at Starbucks legal offices. It is not too late to volunteer to be part of this great program. Please contact Board Member Mark Maroon if you are interested.

We are also thinking of ways to help our members who are in-transition. One idea is to host a program with information on the job market, resume building, and interview tips. If you would like to be involved in planning this program, please contact me.

I look forward to seeing you all at future chapter events. Please feel free to contact me if you want to get more involved in Chapter activities or have suggestions for future programs.

Wishing you joy this holiday season,

Susan Ephron, WACC Chapter President
Counsel, Safeco Corporate Legal
International Legal Consideration for In-house Counsel
Susan Hackett, Senior Vice President and General Counsel, Association of Corporate Counsel
hackett@acc.com

So much of our time is spent attending to the urgent matters on our desks. Many of us complain that we don’t have time to deal with the important ones: the ones that should be a priority in terms of long-term success, but are often shuffled to the bottom of the pile. Today, I’d like to talk to you about something that I think is long-term “important,” and explain why at some point, if left unattended, it may become a daily “urgent” problem plaguing your practice.

In-house counsel have complex jobs as both generalists and specialists for their company client, and this complexity increases as the number of jurisdictions and related “international” considerations that your practice must contemplate increases. Even companies that largely work in only one country are ever-more likely to contend with suppliers, laws, and other influences from beyond their “home” jurisdiction’s borders.

So please consider for a few minutes how a number of developments and emerging trends in international legal practice may affect your ability to get your work done as a lawyer operating across country lines.

Trendlines that will affect your practice as an in-house counsel.
In-house counsel in places like the United States, Canada, Australia and New Zealand have long enjoyed the confidence that their ability to practice as in-house lawyers would be fully recognized and respected, both as lawyers at the bar and amongst the client community they serve. Yes, they fought for it, but no one questions it nowadays.

But in many parts of the world, regulators of the local profession still do not recognize in-house counsel as carrying the same professional rights and responsibilities as lawyers in outside practice.

In many jurisdictions in Europe and Asia, for instance, in-house counsel can no longer carry privilege rights for their clients or aren’t seen as sufficiently independent to be allowed to exercise the status of outside counsel in courts or elsewhere. In many of these jurisdictions, an in-house counsel becomes a “non-lawyer” the day they receive compensation by paycheck rather than retainer check. [See, e.g., ACC’s International Practice Almanac offering overviews of practice rights for in-house lawyers jurisdiction by jurisdiction — http://www.acc.com/search.cfm?anytext=International%20Practice%20Almanac.] In addition, almost every major business jurisdiction in the world places some level of limitation on the ability of lawyers not locally admitted to engage in practicing.

Many jurisdictions around the world have been engaging in MJP (or multi-jurisdictional practice) reform efforts to help the states or provinces that separately regulate lawyers, figure out how to allow and when to regulate inter/multi-state or inter/multi-province services within the country’s borders without requiring separate admissions in each jurisdiction. While the ability of lawyers practicing within these nations has improved, we still have a ways to go before larger MJP authorization systems catch up with 21st century practice realities. Now these regulators have to figure out solutions that either facilitate or protect both the bar and the public from lawyers practicing in their jurisdictions who are not locally licensed anywhere in the country. It seems that our progress has been limited to figuring out a bit more about how a lawyer licensed in Ontario or California can follow a legal matter they’ve been retained to handle for a client to Alberta or Georgia (respectively). However, we still haven’t really gotten a handle on how a lawyer from the company’s office in another country, locally educated and licensed there, can come work at corporate HQ in the company’s home country, or how outside counsel in the many jurisdictions abroad doing work for the company in their home jurisdiction can engage in providing services that are essentially deemed as being provided by a “non-lawyer” since that person is not admitted in the company’s home country.

So, here’s the important nugget: if you thought that MJP was all but in the bag, it’s actually just getting started in the emerging context of multinational practice. The corporate legal community, from both companies and firms, will need to push hard to explain why this is crucial for the bars to do since many are completely disinclined to get involved. They see the issues as a mere administrative inconvenience to the foreign lawyer that can be simply answered by saying “no.”

I see an emerging opportunity in many jurisdictions in the next few years as a number of efforts are launched to think more about how to deal with multinational practice issues. Lawyer associations and bar groups around the world are starting to set up commissions, and ACC will be there to help. What is going to drive change more than anything else, according to my small and completely subjective crystal ball, is that these emerging conversations on international licensing authorization will take place at the same time that governments and other stakeholders are also thinking about how to make corporate lawyers better gatekeepers for the client entities they serve. And also how lawyers and the law can become more of a service profession to a larger segment of their society, rather than simply a business venture for the highly educated and well-compensated corporate lawyers of the world.

For instance: The bars in Europe [and elsewhere] are about to begin to consider

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But hear the undertones and think about whether it really is unlikely that this kind of “reform” movement will not seep beyond the four corners of Europe. The Legal Services Act was largely a consumer-driven initiative, responding to the perception and reality that legal services are not affordable or meaningful to most citizens’ basic needs. The Act authorizes the development of new kinds of professional service entities that would include multidisciplinary practices and would liberalize the practice of law to make it more accessible. The EU Services Directive requires EU governments to review their rules governing the liberal professions, to ensure they are necessary and appropriate — that directive may open all kinds of conversations about whom should be allowed the privilege of lawyer in a society and how those persons should be regulated.

So — here’s the nugget: why isn’t it possible for such an over-arching review in Europe to include a discussion of whether companies can be better served by in-house lawyers who are fully recognized by the bars and carry the privileges that their peers in outside practice have always enjoyed — hold them to the same standards of professionalism, of course, but offer them the same privileges of practice. Since the Akzo-Nobel case (in which ACC filed an intervention) is also still pending and may be decided soon, there will be the added limelight of a decision that either upends or supports the notion of privilege protection in the in-house practice context as interpreted by the highest courts in the EU interpreting local and EU law.

And, of course, for lawyers beyond the physical borders of the EU, EU rules define anyone not admitted in a EU jurisdiction as a non-lawyer for purposes of legal services provided in the EU jurisdiction. That means all of you out there who don’t sit in Europe with a local admission, but have client interests in the EU. And this also applies to your local counsel whom you’d like to deploy in the EU negotiation or who has delivered the memo to your colleague sitting in Brussels, which is now discoverable, because privilege only applies to materials generated by lawyers (not non-lawyers).

At the same time, there are new initiatives in Australia and elsewhere that allow for law firms to seek out capital through public financing — essentially authorizing firms to become publicly traded companies, and thus be regulated as such. Thus, decisions about legal service modeling and provision in a publicly traded law firm may be influenced greatly by non-lawyers and regulators over time. And in the United States, in response to Enron and other corporate meltdowns, we see entities such as the SEC seeking to regulate the roles, fiduciary responsibilities, and even reporting requirements of lawyers working in public companies. We see Congress increasingly likely to hold hearings on corporate failures and subpoena lawyers and attorney-client privileged documents as a part of their investigations (and remember, privilege is a court doctrine in the United States, and Congress often maintains that it has no protective status in response to a Congressional subpoena). This all means that folks who aren’t “part of the guild” are increasing likely to have a hand in lawyer regulation.

We live in a new world, quite distinct from the traditions of our profession which allowed us to make decisions about professionalism as lawyers, without much “interference” from other stakeholders, such as clients, shareholders, public company regulators and the media. In an era marked by an alarming number of monumental corporate failures, questions about “where were the lawyers in all this?” will not be answered solely at legal colloquia. Like it or not, living in the new world will have consequences to our regulation and ability to practice for our clients. And we should be out in front of them, not lagging behind to see what others will make of our profession and how it works.

My point is that the consequences may seem remote to you right now. You could look at each of the above events as if they are separate and unrelated to your license, your practice and your client’s service. But I think that is a short sighted view. And if I have only these few minutes with you every now and then to take you away from what’s urgent to talk to you about what’s important, then let this be my call to ACC members: If you want to protect what’s important to you locally, you’d better be prepared to join us in fighting for what’s unfolding internationally. It will directly affect your practice and your capacity to practice in the not so distant future. Contact me at hackett@acc.com.
Recent Events

Thursday, September 24, 2009
CLE Presentation, Sponsored by: Perkins Coie
“Tweetspam, Spiders & Other Privacy Issues in Social Media Marketing”

On September 24, the WACC partnered with Perkins Coie to host a CLE titled “Tweetspam, Spiders & Other Privacy Issues in Social Media Marketing.” Susan Lyon of Perkins Coie provided the participants of this well-attended session with an overview of the legal and privacy issues that arise if your company decides to start using online social media services, such as Facebook or Twitter, as a means to market its products or services. The discussions included a summary of the relevant laws and regulations, as well as useful tips and recommendations to help keep your company out of hot water in this ever-changing world of “tweets” and “wall posts.”

ACC Annual Conference
October 18-21, 2009, Boston, Massachusetts

Board Member Karen Klein recently spoke at the ACC Annual Meeting in Boston. Her topic was “Building Your Department/Building Your Influence.” Congratulations Karen! More information about this year’s Annual Meeting, and the 2010 Annual Meeting in San Antonio may be found on the ACC’s website at www.acc.com/education/annualmeeting

L to R – Board Member Karen Klein, David Brill, Laura Williams

Have a question about the Washington state chapter?
Interested in joining our legal community? Please feel free to contact any one of our board members with any questions you may have. We would be happy to talk with you and encourage you to join. Our chapter is always accepting new members!

Have an idea for our next newsletter?
Feel free to contribute! Please email questions or submission requests to heather.deranek@onrequestimages.com.
Networking Event

Wednesday, August 12, 2009 – Theo’s Chocolates!
6–8:30 PM, Sponsored by: Lexis Nexis

WACC, together with sponsor Lexis Nexis, organized a fun social event at Theo’s Chocolates in Fremont. Chocolate was sampled, wine was provided, and a factory tour was conducted. The event was a huge success, and we had many new faces attend. It was a wonderful event that received excellent feedback from all attendees. Special thanks to Craig Broscow and Valerie Kemmer from Lexis Nexis who sponsored and helped organize this event.
2009 Upcoming Events

CLE Presentation on “Advising the Board: Your Responsibilities as In-house Counsel. Common Issues That Arise in Public and Private Companies”
Thursday, November 5, 2009
12–2 PM
Sponsored by: DLA Piper
Stellman Keehnel, Mark Hoffman and Megan Muir of DLA Piper will address a range of issues that in-house counsel commonly face when advising the Board, including: litigation related topics, current corporate governance issues for public companies, and private company topics. Please contact Brad Toney at btoney@classmates.com with any questions.

Street Law Conference
Thursday, December 3, 2009
9:30 AM–1:30 PM
Starbucks Headquarters
More than twenty WACC volunteers have expressed an interest in participating in Street Law’s Corporate Legal Diversity

ACC News

ACC Value Index Launched!
Since its launch at the Annual Meeting, the ACC Value Index — a resource that measures client satisfaction with law firms — has acquired over 1600 evaluations of more than 600 law firms. We need your help to expand its evaluation library. Browse evaluations and take a minute to fill out evaluations for the law firms you work with at www.acc.com/evaluation. You will need to enter your member ID and password to gain access to the site. To have your password emailed to you, enter your email address at www.acc.com/login/forgotmypassword.cfm.

Renew Your ACC Membership Today!
Renew your membership to ensure access to professional training programs, practical legal resources and great networking opportunities with your peers. Renew by December 11, and you will receive a promotion code for a free online educational program! You can renew online at www.acc.com/membership/renew.php, or over the phone with us at 202.293.4103, ext. 360.

Upcoming ACC Programs
ACC’s educational and training programs are designed to meet your diverse legal needs. Don’t miss out the chances to hone your legal skills and connect with your fellow in-house counsel at the following events:
- Mini MBA For In-house Counsel, March 15-17, 2010, Boston, MA
- ACC 2010 Annual Meeting: Be the Solution, October 24-27, 2010, San Antonio, TX
- Corporate Counsel University, May 23-25, 2010, Indianapolis, IN

For more information on ACC programs, go to www.acc.com/education.

One-Stop Learning with ACC Online Resources
No matter whether you are a general counsel at a fortune 500 company — or a new in-house counsel working for a small local start-up enterprise — ACC offers you various resources to help you tackle the legal problems. Check out ACC’s website at www.acc.com to get all the resources you need. Here are few examples:

Highly recommended as a “delightful” and “dynamic speaker,” John S. Dzienkowski, Professor of Law & Dean John F. Sutton Chair in Lawyering and the Legal Process University of Texas School of Law, will be our speaker for this interactive and engaging presentation. “‘Pretexting and Other Current Ethical Issues Facing Corporate Counsel” will examine multiple current ethical dilemmas of in-house counsel. Hypotheticals will be used to present the cutting edge developments in pretexting, intra-corporate family conflicts of interest, dealing with non-client agents, and many other issues.

infoPakSM; “Records Management: Resolving the Eight Issues”
Sample Forms: “Royal Bank of Canada Law Group Sample Retainer Letter for Internal Investigations”
Webcast: December 16, “Implementing Your Strategic Plan: Internally and Externally”

New QuickCounsel, “Legal Implications of Furloughs” Published
QuickCounsel is an electronic compendium of resources, presenting a quick overview of a subject and a bibliography designed to provide members with instant, substantive information on a subject. They are short pieces, 2–3 pages in length with relevant resources included at the end. Check out the newest QuickCounsel, “Legal Implications of Furloughs,” at www.acc.com/legalresources/quickcounsel/lof.cfm.
Government Helping Businesses to Prevent Data Breaches

By Rob McKenena, Washington Attorney General

Data security and protecting personal information are among the biggest business and legal challenges for companies and organizations.

According to Privacy Rights Clearinghouse, a nonprofit consumer and privacy advocacy organization, more than 340 million records of US residents have been exposed due to security breaches since 2005.

Studies suggest businesses spend an average of $5 million each to recover from a data breach incident. Fines, credit monitoring for victims, public relations damage control and litigation can stack up. Breaches can have long-term ramifications, too, as the loss of consumer trust fosters a loss of future business.

Washington's security breach laws require businesses and government agencies to disclose breaches of their unencrypted security systems that contain personal information of their customers. No enforcement arm is specifically listed under our data breach notification statutes (RCW 19.255.010 and RCW 42.56.590), although the Attorney General may be assumed to be the enforcer by default.

The purpose of our laws is to assure that in the event of a data breach, prompt notice is made to consumers in order to allow them to assure their personal information is not compromised. Our laws require that disclosure of a data breach must be made without "unreasonable delay, consistent with the legitimate needs of law enforcement." That includes written notice, electronic notice or, in certain cases, substitute forms including news media.

The statutes encourage both agencies and businesses to be responsible with consumer data and enable consumers to quickly work to ensure the safety of their personal information.

Another Washington state law (RCW 19.215.010) requires businesses and public agencies to dispose of personal information responsibly. Violators may be subject to civil liability if an individual is harmed as a result of the breach.

A sound data security plan is built on five key principles:

1. **Take Stock:** Know what personal information you have on hand and stored electronically.
2. **Scale Down:** Keep only what you need.
3. **Lock It:** Protect personal information and limit access.
4. **Pitch It:** Properly dispose of what you no longer need.
5. **Plan Ahead:** Create a plan to respond to security incidents.

These principles are described in greater detail in the Federal Trade Commission's pamphlet, "Protecting Personal Information: A Guide for Business." We encourage businesses to compare their practices to these tips and to make changes as necessary.

When developing your security plan, be mindful that not all breaches are alike. The Identity Theft Resource Center tracks annual data loss in five categories: data on the move (e.g., laptop thefts), accidental exposure, inside theft, hacking, and information stolen or lost by a subcontractor or other party. While human error and poor data handling generally play a role, the organization finds that most reported breaches are due to theft.

For an information security program to be successful, it must include everyone in the company. The most sophisticated, anti-hacking technology means little if a laptop containing unencrypted information is stolen from an employee's car or a box of files is carelessly tossed in a recycling bin.

Another way the attorney general's office is working to protect consumers and businesses is through enforcement of Washington's Computer Spyware Act (RCW 19.270). Spyware has arguably become the biggest online threat to consumers and businesses since the advent of the Internet. Washington became one of the first states to adopt a law explicitly prohibiting spyware activities and imposing serious penalties on violators.

Our law became effective in July 2005 and gives the attorney general's office a strong tool to discourage and prosecute spyware purveyors. The statute doesn't stop at outlawing programs that collect personal information, but uses a broader definition of "spyware" and punishes those who mislead users into believing software is necessary for security. The law was updated in 2008 to create additional liability for third-parties that permit the transmission of spyware and to address new types of deceptive behaviors, such as misrepresenting the need for computer repairs.

The attorney general's office has obtained consent judgments that benefit consumers in six lawsuits we've brought under the law. A seventh case is pending.

In addition, any owner of a website or trademark who is adversely affected by spyware violations may bring an action under our law. Defendants can be fined up to $100,000 per violation or actual damages, whichever is greater, and a court may increase damages threefold for repeat offenders up to a maximum of $2 million. A violation of the spyware act is also a violation of Washington's Consumer Protection Act, under which offenders may be subject to additional penalties.

The need for such legislation is evidenced by staggering statistics, including industry reports that estimate spyware and other unwanted software resides on up to 80 percent of consumers' computers (Separate...
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2004 studies by market researcher IDC and the National Cyber Security Alliance). Microsoft has said that 50 percent of its customer-support calls related to computer crashes can be blamed on spyware.

Most computer users are unclear about how spyware ended up on their computers. It can happen simply by downloading a free program, such as a screensaver or mp3 music file. Because it is often installed surreptitiously, frustrated consumers may not immediately attribute computer malfunctions to spyware. Some assume that hardware or software glitches are the “cost of doing business” and never seek to clean their computers of the harmful software.

Businesses also become victims of spyware installation, finding themselves plagued with compromised company security, overloaded networks, and significant user downtime. Dealing with spyware becomes an expensive and time-consuming problem for these businesses.

As concerns about computer safety grow, consumer confidence in e-commerce and online financial transactions may be undermined. The only way to keep the Internet market thriving is for the Attorney General’s Office to approach high-tech cases as we do the “brick-and-mortar world” and bring our law enforcement powers to bear when appropriate.

Our office also proposes legislation to assist police and prosecutors in their work, provides education to prevent Washington residents from become victims of cybercrime and identity theft, and builds effective partnerships among agencies working to tackle these issues.

Financial security is of paramount importance to all of us. The attorney general’s office will continue to work to protect that security, while depending on those of you in the business community to play a role in helping to build a strong line of defense.

Law School Round-Up

In support of our law schools in Washington State, our chapter is proud to present the following events and updates from our local law schools:

**Seattle University Law School**

*Justice Sandra Day O’Connor headlines conference*

Former Justice Sandra Day O’Connor called for an end to judicial elections at a conference at Seattle University School of Law that sparked conversation about the critical issue of how judges are chosen.


O’Connor, the first woman appointed to the United States Supreme Court, says judicial independence is one of the most important issues of the day. Since retiring from the bench in 2006, she has worked tirelessly to promote the idea of judicial independence and more civics education in public schools.

Justice O’Connor poses with women student leaders after lunch at the law school

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Justice O’Connor and Gerry Alexander, Washington Chief Justice, debate judicial elections

Justice O’Connor gives her keynote address at Seattle University’s School of Law conference on Judicial Independence
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She recommends steering away for elections, which she says have become “nasty, expensive and destructive” and instead have appointed judges who must face retention elections.

Before taking the stage, Justice O’Connor had lunch with a group of women student leaders from the law school. She asked about their backgrounds and goals, and told them to do something that matters.

“Don’t work for the money,” she said. “Work for the good you can do.”

Professor Heidi Bond, who was a clerk for Justice O’Connor enjoyed a warm reunion with her former boss, calling her “an incredible person.”

Justice O’Connor praised the law school. “This is quite a law school,” she said. “I think you’ve done something right by attracting so many good students. I really did enjoy meeting the students. They were an impressive group, to say the least.”

Seattle Law School Names Center for Adolf Berle
Seattle University School of Law is proud to announce the naming of the Adolf A. Berle Jr. Center on Corporations, Law, and Society.

Following in the footsteps of Adolf A. Berle, Jr., the center facilitates study of the constantly evolving American and global economic system, the ongoing struggle for power between and among corporations, governments, individuals, and society, and the role of law in mediating and shaping the nature of our economic relations and institutions. The objective of the center, in the words of Berle, is to “carry on the work of discovering intellectual tools and philosophical principles, in the hope of enlarging the capacity of generations yet unborn to confront conditions and dangers no dawn has yet revealed.” Berle was a lawyer, teacher, scholar and public servant. He was one of the original members of Franklin D. Roosevelt’s “Brain Trust” and the author of “The Modern Corporation and Private Property.”

The center hosted a conference, In the Footsteps of Berle, on Nov. 6-8, to celebrate Berle’s legacy and look toward the future. Corporate law scholars from across the country participated. In addition, the center also awarded a full-tuition scholarship each year to student interested in corporate law and society.

Law School Graduate Selected to Intern with International Human Rights Court
A recent graduate who is deeply committed to helping immigrants, women and children is Seattle University School of Law’s first intern with Inter-American Court of Human Rights.

M. Fernanda Parra-Chico, who graduated in May, will be the only American among 23 interns this winter. Others chosen come from throughout Latin America and Europe. She will work at the court’s Costa Rica headquarters from October to March. The Inter-American Court is one of only two active international human rights courts in the world. It has binding jurisdiction over states throughout the Americas. There are no appeals from court judgments and decisions.

Professor Tom Antkowiak, who was a senior staff attorney for the Inter-American Court and served an internship when he was a law student, negotiated an agreement that guarantees a spot for a Spanish-speaking Seattle University law student — a coveted opportunity.

Born in Mexico, Parra-Chico moved to the United States when she was 3, but has maintained close ties to Central and South America. She is fluent in Spanish and speaks some Portuguese. Her family is from Guanajuato, Mexico, where her grandfather was a judge and many family members are attorneys. She will spend a month living with her family, auditing a course at the law school in Guanajuato and brushing up on her Spanish “legalése” before beginning her work with the court.

She says she has known all her life what she wanted to do. “Ever since I was a little girl I wanted to be a lawyer and do this kind of work,” she said. “I was raised with a Jesuit mentality of helping others,” she said. “I was privileged to spend a lot of time in South America and got an inside view of how many people live. Seeing that kind of poverty and realizing how blessed I was, it didn’t feel right to me to not do anything.”

University of Washington

University of Washington Welcomes New Dean Kellye Testy
One of the newest faces on the University of Washington campus is also the face of a new era in legal education. Kellye Testy, the UW School of Law Dean and James W. Mifflin University Professor of Law, is one of the top leaders across the country looking at how law school curriculum needs to respond to match the rapidly changing demands facing legal practitioners. “Legal education is at an important crossroads, one that more resembles the complexity of LaGuardia than a traditional town square,” she recently wrote, and Testy plans to lead the UW School of Law through this labyrinth to emerge as a national leader.

Growing up in the shadow of Indiana University, education became important to Testy, a first-generation college graduate. “I’m not from a family of educated persons in a formal sense and my going to college was lucky — we just happened to live in Bloomington,” she said. “At Indiana, I fell in love with the whole university environment and I was compelled by education because it transforms so many lives.”

After her undergraduate days, Testy launched a successful career in business in Northern California. Her next step was law school — not a surprising choice given her love of language and the written word — and that’s the step that would lead her to Seattle.

Testy applied to only one law school — Indiana, of course — and as a first-year law student, she took a civil procedure class taught by David Skover, a professor visiting from the University of Puget Sound (now Seattle University). Skover, the Frederic C. Tausend Professor of Law at SU, said when he first met Testy, he realized she had extraordinary talent and aptitude. “Kellye’s performance in the classroom far exceeded that of her classmates,”

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said Skover. Reflecting on the advantages
teaching in the Seattle metropolitan area
would have, he told Testy: “Kiddo, I’ve got
to get you out of here.” Skover returned to
Seattle and stayed in touch. When a faculty
position opened in SU’s law school, Skover
asked her to apply.

Testy was at a point where she was looking
at several different paths. She had clerked
for Judge Jesse E. Eschbach, U.S. Court
of Appeals for the Seventh Circuit. Her
position at Kirkland & Ellis in Chicago, an
international renowned corporate and tax
law firm, could lead to a promising career.
She had been offered, and was on the verge
of accepting, a faculty position with a pub-
lic university in the Midwest. But, in the
end, it was the charm of Seattle that sealed
her fate. She woke up the morning of her
SU interview to foghorns and walked
down to Pike Place Market. “Indiana is a
long way from any mountains or oceans.
I absolutely fell in love with this city. I
haven’t been a bit sorry I came.”

At SU, Testy moved quickly up the aca-
demic career ladder. She was tenured in
six years, installed as the Patricia Wismer
Professor of Law and promoted to associ-
deate in less than 10. Testy was hired as
the Dean of SU’s law school in 2005 and
is widely credited for significantly in-
creasing the school’s reputation, not just locally, but
across the nation. Academics look to her
as a resource and guide for legal education.
The bar recognizes Testy’s many accom-
plishments. Members of the bench respect
her leadership and national reputation.

That’s probably why joining the UW
appeals to Testy, adding another chapter of challenges and exciting opportunities
to her professional biography. “The UW
is wonderful. It is very much a culture of
discovery, innovation, and entrepreneurial
activity and I love all of those things,” said
Testy. “That’s what’s great about being part
of a great research university.”

A big research university does have its
challenges, Testy points out, as does legal
education. “When you first hear the word
‘research,’ you envision a scientist in a lab
with a microscope saying, ‘Aha!’ But there’s
so much more to it than that, just like in
law,” she said. “People tend to think of law
as a guy in a courtroom arguing. What’s
often missing are the stories about why
research or the rule of law is so important
to society.”

Among her first-year priorities are finding
and telling the stories about the UW’s law
school. She also believes that the school’s
vital role in the state of Washington
is underappreciated. “The amount of
public service this law school generates—
between the work of its faculty, its law
clinics, its students, and its alumni — is
immense. Our task is to make the whole
more than a sum of its parts, to unify the
law school around a common thread, then
communicate that to the entire world,” she
said, listing some of the UW law school’s
strengths: Asian law, tax, global health,
public service, Indian law, and law, tech-
nology and the arts.

The other priority for Testy is the integ-
ration of curriculum, so it provides
law students with a sensible progression
during their legal education. “Theoretical,
don doctrinal, and skills courses need to be
sequenced in a way that makes sense for a
student’s professional development. Law
schools across the country are doing better
in adding skills courses, and the UW is
way ahead of the curve, but there is still a
lot we can do. If we focus on building qual-
ity programs and excellence throughout
the school the rest, including reputation
and resources, will take care of itself.”

Its clear great things will come with Testy
at the helm of the law school. Skover, who
readily admits he’s an “unabashed Kelbye
Testy fan” says here’s what UW can expect
from her: fairness, integrity, respect of all,
and high standards and expectations. “If
you trust her ability to lead and you listen
carefully to her insights and assessments,
the school will be much stronger for hav-
ing had her as a Dean.”

**Gonzaga School of Law**

On October 8–10th Gonzaga Law School
hosted the fall business meeting of the
American Bar Association Presidential
Advisory Council on Diversity in the
Profession (ACD). The ACD offers pro-
grams and services to improve diversity
among those on the path to the legal pro-
ession and works to increase the number
of people of color who wish to become
lawyers. This work starts with students
when they are in grade school and ends
when they pass the bar. More informa-
tion about the Council and the initiatives
it supports may be found on the Council’s
website: www.abanet.org/op/councilondivi-
sersity/. Gonzaga University School of Law
Assistant Dean of Students John Sklut has
served as a member of this council since
being appointed in September 2008.

In an effort to promote statewide plan-
ning and collaboration, Gonzaga Law
School worked with Chach Duarte White,
the WSBA Diversity Programs Manager,
to organize a business meeting of repre-
sentatives from many of the Washington
State Minority Bar Associations and other
entities involved with diversity efforts.
This meeting was held simultaneously
with the ACD business meeting and at
the conclusion of each of the meetings a
joint working session was held to discuss
ways to assist each other in accomplishing
mutual goals.

The visit by the ACD was incorporated
into Gonzaga Law School’s annual
“Building Bridges” week. This week is
dedicated to discussion and education
around the many facets of diversity within
the law and the legal profession. The week’s
keynote address was delivered by Ruthe
Ashley, Chairperson of the ACD. The
speech was followed by an evening recep-
tion in downtown Spokane for ACD mem-
bers, law students, the Spokane County
Bar Association’s Young Lawyers Division,
and other guests.

The highlight of the week occurred on
Friday, October 9, when Gonzaga Law
School played host to 75 high school
students participating in the “Color of
Justice” law day. Partners in this event
included the GEAR UP college prepara-
tory program, the Washington Gender
and Justice Commission, the Washington
Minority and Justice Commission, and
the law firm of Perkins Coie. The high
school students, the 25 volunteer attorneys
(including members of the ACD), and the
volunteer law students were welcomed by
Washington State Supreme Court Justice

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Established in 2005, the chapter began awarding the “Washington Chapter of the Association of Corporate Counsel Diversity Scholarship.” Each year, the scholarship is awarded to one individual from each law school with diverse or ethnic background that demonstrates outstanding academic performance and an interest in corporate and business law. WACC hopes to include updates on each recipient of the Scholarship.

This newsletter, we are proud to update WACC members on the scholarship recipients from Seattle University School of Law:

2005–06 Catherine L. Vuong
A 2006 cum laude graduate of Seattle University School of Law and Note and Comment Editor of Seattle University Law Review, Catherine is currently an associate at Helsell Fetterman LLP in Seattle. Her areas of practice include business and real estate transactions, commercial disputes and class actions. Catherine is a member of the Washington State Bar Association, Asian Bar Association of Washington, and Vietnamese American Bar Association of Washington. She received her undergraduate degree from the University of Washington, where she majored in business administration.

2006–07 Hozaifa Y. Cassubhai
Hozaifa is an associate with Davis Wright Tremaine LLP. He graduated magna cum laude from Seattle University School of Law, where he was Note and Comment Editor of Law Review. A member of the Moot Court Board, he was also a member of the Order of the Barristers, a King County Bar Foundation Scholar, a Faculty Scholar and student graduation speaker. Hozaifa maintains a diverse litigation practice and remains active in several organizations including the King County Bar Association and the South Asian Bar Association of Washington. Co-president of the board of directors of the International District Housing Alliance and active in the William L. Dwyer Inn of Court, he was a paralegal for a Washington, D.C. law firm and associate producer of CourtTV before enrolling in law school. Hozaifa received his B.A. from Boston College. He is fluent in Arabic and also speaks Urdu and Gujarati.

2007–08 Matthew Sullivan
Matthew graduated summa cum laude from Seattle University School of Law in 2008. Research and Technical Editor of Law Review, he was also a King County Bar Foundation Scholar and a member of the Order of the Scribes. A graduate of the College of William and Mary, Matthew completed a legal externship with the Honorable James Robart, U.S. District Court, Seattle and also worked as a paralegal for Jeffrey Steinborn PLLC, Seattle. Matt handles a range of complex legal issues at Davis Wright Tremaine LLP.

2008–09 Jennifer Smith
A 2009 magna cum laude graduate of Seattle University School of Law, Jennifer was Editor-in-Chief of Law Review. Currently preparing for the bar exam, she will start work at Lane Powell PC in the fall, where she worked as a summer associate in 2008. During law school, Jennifer also served as the Latina/o Bar Liaison to the Latina/o Student Association. Jennifer received her undergraduate degree from Gonzaga University.

Diversity Scholarship Updates

Chapter Announcements

Membership Committee Needs You!
If you are looking for an opportunity to meet more of your colleagues and become more involved in our chapter, please join the membership committee. No experience required! Contact Karen Klein, membership committee chair, at: kklein@silverplanet.com.

Thanks!
As Susan mentioned in her Presidents Letter, the board of the WACC would like to express its gratitude to three of our board members who are transitioning off the board: Mike Anderson, Rick Gordon, and immediate past president Peter Marchel. Thank you to all three of you for all the work you have put in to our chapter over the years. Peter will continue to serve as the head of the programs chair.

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Welcome!

WACC is proud to welcome our four new Board Members! We are thrilled to have them as part of our team.

**Al John:**
Al John is a Seattle native. He is a graduate of the University of Washington and Stanford University Law School. After a U.S. District Court clerkship and a few years in private practice, he joined the Boeing Law Department in 1979. He supports the commercial airplane operations at Boeing, and principally practices in the areas of administrative/regulatory law, product liability and antitrust. He enjoys travel, reading and taking advantage of the cultural and outdoor opportunities available in the Pacific Northwest.

**Brad Toney:**
Brad Toney is vice president, corporate counsel at Classmates Media Corp., where he is responsible for managing the legal affairs of Classmates.com and its international subsidiaries, which provide social networking services, as well as MyPoints.com, an online loyalty rewards program. He previously worked as vice president of employee relations and general counsel for Pro Air, Inc., a commercial passenger airline, and as Assistant Counsel for Midcom Communications, Inc., a telecommunications service provider. Brad received his BA from the University of Puget Sound and his J.D., cum laude, from Willamette University College of Law.

**Michelle Marchant:**
Michelle Marchant is senior employment counsel at Hewlett-Packard Company. After graduating from UC Berkeley, Michelle attended Boston University Law School and began her legal career at a large San Francisco law firm before joining HP in 1989. She moved from the bay area to Seattle in 1995 and lives on Capitol Hill with her husband and two daughters. When she’s not working, Michelle likes to play tennis, kayak, and hang out with her family.

**Mark Maroon:**
Mark Maroon has been a director, corporate counsel with Starbucks Coffee Company since 2006. Prior to that he was senior corporate counsel for Circuit City Stores, Sunglass Hut and an entertainment company in Miami, Florida, where he also served on the board of directors for the South Florida ACC chapter. He graduated from the University of Miami School of Law in 1988. He lives in West Seattle with his wife, two sons (9 and 12 years-old) and dog. He enjoys hiking, traveling and playing sports with his family.