



“Join me in leaving a legacy for justice.”

*~ Blaine Tamaki,
Chair, Planned Giving Program*

We have battled all our lives against the odds, against the propaganda, and against the big money in the court of public opinion and the courtroom itself. We suffer wounds, some very deep, but we wake up and then live for another day. Our profession is one of the toughest. We file lawsuits, threaten lawsuits, and listen daily to painful stories which we wind up absorbing into our souls.

I want part of my own legacy to be connected with the work I've devoted to WSAJ. I've therefore decided to help lead the Planned Giving for the Washington Foundation. I'm giving my own money now to get the project started and will leave even more in my estate plan to the Foundation.

I've decided to give because I can think of no greater cause than trying to protect the laws which protect the people I have served all my life. It's probably a mixed commentary on my life's work to rank WSAJ as my favorite cause, my favorite non-profit, and my favorite tax shelter.

Consider Making a Planned Gift to the WSAJ Foundation

A planned gift is simply a contribution of assets made with some forethought, regarding both the charitable impact and the tax and other financial implications for you and/or your loved ones. You have many options from which to choose:

- Gifts for the present entail outright transfers, not only of cash or long-term appreciated marketable securities, but also assets such as real estate, life insurance policies, and interests in closely-held businesses.
- Gifts for the future may be structured through your will or living trust, as well as by means of a beneficiary designation with respect to an IRA, a 401(k) plan, a life insurance policy or a bank/brokerage account.
- Gifts that give back include charitable remainder trusts and other arrangements that benefit you or other individuals in addition to the Foundation.



To assist you or your advisors, the Foundation makes available at no charge the expertise of nationally prominent planned giving consultants. To learn more, please contact Suone Cotner at 206-464-1011 or suone@washingtonjustice.org.

Support the Washington State Association for Justice Amicus Program

- I will make a gift of cash, as noted below.
- I would like to make a gift of securities. Please contact me regarding the details.
- I have made a planned gift.
- I would like more information about planned gift opportunities.

WSAJ's Amicus Program has significantly shaped tort law in Washington State. Help continue the work of this valuable program.

- Send your check to WSAJ Foundation 1809 7th Ave. #1500, Seattle, WA or fax your pledge to (206) 464-0703

Contact suone@washingtonjustice.org for more information.

Make a Difference!

Enclosed is my tax deductible contribution of \$

VISA/MC # Exp. Date

I pledge \$ per year for the next three years.

Name Date



WASHINGTON STATE ASSOCIATION
for
JUSTICE
formerly WASHINGTON STATE TRIAL LAWYERS ASSOCIATION
FOUNDATION



Washington State Association for Justice Foundation Amicus Program – Update 2011

The WSAJ Foundation Amicus Program has helped achieve justice for our clients and has helped us all in our everyday practices in profound ways since its inception over 37 years ago.

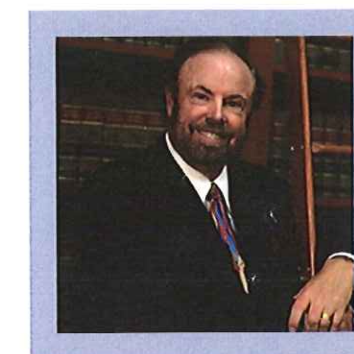
We all know the *Sofie* decision, throwing out the 1986 “tort reform” caps on damages. But every year, there are cases that help us all every day. Since *Putman*, we no longer have to file Certificates of Merit or Notices of Intent to Sue in medical malpractice cases. The definition of what constitutes “support” under the wrongful death statute is now much broader following *Armantrout*. Every time we benefit from a *Mabler*, *Hamm* or *Winters* fee, we have the Amicus program to thank. Amicus was involved in all of these cases. And on and on the list goes.... *Rollins*, *Tobin*, *Rahman*, *McCurry*, *Schnall* and the very recent *Mohr v. Grantham*.

Our Amicus program continues to shape tort law in Washington State. The sample list on the following pages of cases with which the WSAJ Amicus program has been involved, should remind you of how it directly affects your practice. The more than 330 Amicus briefs filed over these thirty-seven years can be found on the WSAJ website at www.washingtonjustice.org.

Our goal is to raise \$3 million to endow the Amicus Program. Once we attain our fundraising goals, the money from the Amicus Foundation Endowment will perpetually support the program, guaranteeing the long term future of the Amicus Program. Contributions to the WSAJ Foundation Amicus Endowment fund are tax deductible as a charitable contribution.

“The Amicus Program is the soul of our organization.”

~ Paul Stritmatter



“The Amicus Program is one of the main reasons why WSAJ is so vital to the state’s plaintiff bar.”

~ Janet Rice



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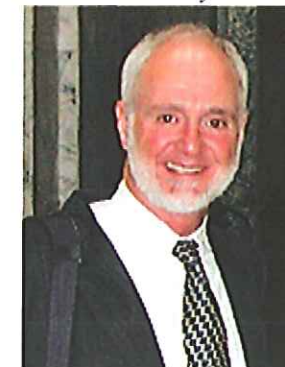
The WSAJ Amicus Program has filed more than 330 briefs in the past 37 years. This work has helped shape tort law in Washington state. Following are some of the most significant cases. A full list can be found at www.washingtonjustice.org.

- *Seattle-First National Bank v. Tabert*, 86 Wn.2d 145 (1975), establishing strict design defect liability for product sellers.
- *Lundgren v. Whitney's*, 94 Wn.2d 91 (1980), establishing the right to sue for loss of consortium by a spouse in Washington.
- *Herskovitz v. Group Health*, 99 Wn.2d 609 (1983), recognizing medical negligence claim for “loss of chance”, and *Mohr*, __Wn.2d__ (2011) clarifying application of *Herskovitz* and extending it to serious injury cases.
- *Dennis v. Dept. of Labor & Industries*, 109 Wn.2d 467 (1987), expansively interpreting law on workers’ compensation “occupational disease” claims.
- *Louden v. Overlake Hospital*, 101 Wn.2d 675 (1998), prohibiting defense from ex parte contact with plaintiff health care providers, and *Smith v. Orthopedics Intl*, 170 Wn.2d 654 (2010) upholding *Louden*.
- *Sofie v. Fibreboard Corp., et al.*, 112 Wn.2d 636 (1989), finding 1986 Tort Reform Act cap on damages unconstitutional.
- *McGreevy v. Oregon Mut. Ins. Co.*, 128 Wn.2d 26 (1995), upholding constitutionality of the *Olympic Steamship* attorneys fee rule.
- *Mabler/Fisher v. State Farm*, 135 Wn.2d 398 (1998), recognizing insured’s right in these consolidated cases to pro rata attorneys fees in recovering PIP subrogation in conjunction with tort litigation.
- *Hertog v. City of Seattle*, 138 Wn.2d 265 (1999) holding that a city or county can be held responsible for negligent failure to supervise an offender on probation.
- *Winters v. State Farm*, 144 Wn.2d 869 (2001) mandating that PIP carriers pay their pro-rata share of *Mabler* fees and costs following third party/UIM recovery by our clients.
- *Jones v. Allstate*, 146 Wn.2d 291 (2002), in which the Supreme Court ruled that Allstate Insurance Company committed legal malpractice by advising a woman who was injured by one of its policyholders that she should accept Allstate’s disadvantageous settlement offer.
- *Hamm v. State Farm*, 151 Wn.2d 303 (2004) finding that so-called *Mabler* fees and costs must be paid by the PIP insurer when the insured’s recovery is solely from UM coverage – extending *Mabler* and *Winters* decisions referenced above.



- *Christensen v. Royal School Dist. No. 160*, 156 Wn.2d 62 (2005) finding that, as a matter of law, minor sexual abuse victims under the age of 16 may not be charged with comparative fault because such child lacks the capacity to consent and is under no legal duty to protect herself from sexual abuse.
- *Mutual of Enumclaw Ins. Co. v. Dan Paulson Construction, Inc.*, 159 Wn.2d 1018 (2007) in which the Supreme Court unanimously reversed the Court of Appeals, finding insurance bad faith as a matter of law because the liability insurer’s coverage team subpoenaed (and engaged in ex parte communications with) the arbitrator in the underlying dispute giving rise to the claim, in an effort to sort out coverage issues.
- *Armantrout v. Cascade Orthopaedics*, 166 Wn.2d 931 (2009) broadly considering proof of financial dependency requirement for second tier beneficiaries under the wrongful death statutes.
- *Putman v. Wenatchee Valley Medical Center et al*, 166 Wn.2d 974 (2009), striking down the “certificate of merit” requirement in medical negligence lawsuits adopted by the legislature in 2006, and *Waples v. Yi*, 169 Wn.2d 152 (2010) invalidating related notice of suit requirement.
- *Rollins v. King County Transit*, 148 Wash.App. 370, (2009) limiting the problematic *Tegman* decision.
- *Shafer v. Department of Labor and Industries*, 166 Wn.2d 710 (2009) requiring strict compliance with procedures before worker is bound by Department Closing Orders.
- *Tobin v. Dept of Labor and Ind.*, 169 Wn.2d 396 (2010) limiting DLI right to reimbursement of workers’ comp benefits paid from damages awarded for pain and suffering in a third party action.
- *McCurry v. Chevy Chase Bank, FSB*, 169 Wn.2d 96 (2010). (Joint amicus brief with AAJ) preserving 12 (b)(6) standard for motions to dismiss in state court, not withstanding more onerous standard applied in federal court.
- *Rahman v. State of Washington*, 170 Wn.2d 810 (2011) holding that the state is vicariously liable for injuries to an unauthorized passenger in a state-owned vehicle, even though the employee-driver was violating a work rule against giving rides to unauthorized passengers.
- *Schnall v. AT&T Wireless*, 171 Wn.2d 260 (2011) preserving proximate cause standard in Consumer Protection Act cases.
- *Anderson v. Azko Coatings*, __Wn.2d __ 260 P 3d 857 (2011) limiting application of *Frye* evidentiary standard in determining admissibility of expert medical opinions.

Amicus Coordinator Bryan Harnetiaux



George Ahrend joins program as Amicus Associate Coordinator January 2009



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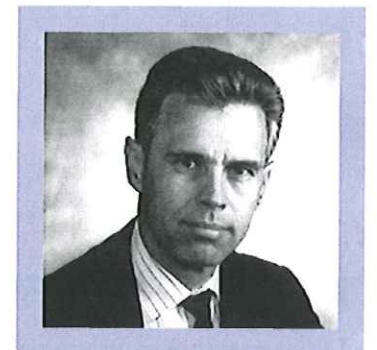
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“Each and every one of our practices have been impacted by the WSAJ Foundation Amicus Program.”

~ Frank Ladenburg