KBM KEATING, BUCKLIN & McCORMACK

Michael C. Walter

Of Counsel

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Bio

Mike's law practice emphasizes land use, regulatory, environmental, civil rights and tort-related claims and issues in defense of towns, cities, counties and other government entities. He has over 24 years of litigation experience before quasi-judicial tribunals, administrative agencies, state and federal trial courts and state and federal appellate courts. He has argued dozens of appeals, including a 2003 Ninth Circuit decision affirming dismissal of $5 million §1983 claims against local government elected officials and awarding them over $100,000 in attorneys' fees. Mike has written numerous articles on municipal, land use and civil rights issues, as well as government risk management.

He is a frequent speaker at conferences on topics ranging from general municipal and government law, land use, civil rights liability to quasi-judicial decision-making, parks and recreation liability and general risk management for government officials. He also provides training to elected officials and government employees.

Prior to joining Keating, Bucklin & McCormack, Mike worked for the City of Seattle in the City Light (utility) department, and clerked for several Tacoma law firms. From 1983 through 1993 he was an adjunct instructor at Bellevue College teaching business law and related legal courses. Mike received two Bachelor of Arts degrees from the University of Washington, his Juris Doctor degree from Seattle University Law School, and is licensed to before all Washington State courts, the U.S. Supreme Court, the Ninth U.S. Circuit Court of Appeals, and the U.S. District Court, Western and Eastern Districts of Washington.

Personal:

- Married, one child
- Interests - Hiking, bicycling, camping, foreign travel, Washington history
- Born Oklahoma City, OK
- Resides in Newcastle, WA

Representative Cases

- Demarest v. City of Leavenworth, 876 F. Supp. 2d 1186 (E.D. Wash. 2012)Opinion/Order Granting Defendant's Motion for Summary Judgment (June 27, 2012)

- Snoqualmie Valley Preservation Alliance v.U.S. Army Corps of Engineers and Puget Sound Energy, Inc., 683 F.3d 1155 (9th Cir. 2012) (amicus curiae for City of Snoqualmie)
- Samson et. al. v. City of Bainbridge Island,683 F.3d 1051 (9th. Cir. 2012)
- Mercer Island citizens for Fair Process v.City of Mercer Island, 156 Wn. App. 393, 232 P.3d. 1163 (2010), pet. for rev. granted, 84975-7 (Jan. 4,2011), pet. for rev. dismissed (2011)
- Huso v. City of Woodinville, et. al.,156 Wn. App. 1016 (2010) (unpublished)
- Fame Development, Ltd./Hulett v. City of Bainbridge Island, 154 Wash. App.1021 (2010) (unpublished)
- Nickum v. City of Bainbridge Island, 153Wn. App. 366, 223 P.3d 1172 (2009)
- Tapps Brewing and McClung v. City of Sumner,548 F.3d. 1219, (2008)
- Samson et. al. v. City of Bainbridge Island,162 Wn.2d 683, 169 P.3d 14 (2007)
- Gray Businesses, LLC v. City of Des Moines, 130 Wn.App. 600, 124 P.3d. 324 (2005)
- Spokoinyv. Washington State Youth Soccer Ass'n., 128 Wn. App. 794, 117 P.3d 1141 (2005)
- Wagnerv. City of University Place and City of University of Place v. Wagner, 123 Wash. App. 1048 (unpublished)
- Wescot Corp. et. al. v. City of Des Moines, 120 Wn.App. 764, 86 P. 3d 230 (2004)
- Sundquist Homes, Inc. v. Snohomish County,et. al., 276 F. Supp. 2d 1123 (W.D.Wash. 2003) aff'd sub nom., 166 F. App'x 903 (9th Cir. 2006)
- La Conner Associates, LLC v. Eron Berg, et. al.,73 F. App'x 994 (9th Cir. 2003)(unpublished)
- Swobodav. Town of LaConner, 97 Wn. App. 613, 987 P. 2d 103 (1999)
- Vine Street Comml. Partnership v. City of Marysville,98 Wn. App. 541, 989 P. 2d 1238 (1999)
- SchneiderHomes v. City of Kent,87 Wn. App. 774, 942 P. 2d 1096 (1997)
- Jane Doe, et. al. v. Puyallup Municipal Court, 74 Wn. App. 444, 874 P. 2d 182 (1994)
- McKeev. City of Edmonds,54 Wn. App. 265, 773 P. 2d 434 (1989)
- Currenv. City of Marysville,53 Wn. App. 358, 766 P 2d 1141 (1989)
- Reicheltv. Johns-Mansville Corp., et. al., (amicuscuriae), 107 W. 2d 761, 733 P. 2d 530 (1987) (amicus curiae for Washington Association of Defense Counsel)
- Carol Burnett v. National Enquirer, Inc. 2d. Civil No. 66447, 144 Cal. App. 3d 991, 193 Cal. Rptr. 206, 49A.L.R. 4th 1125, Media L. Rep. 1921 (1983) (amicus curiae for Reporters Committee for Freedom of the Press)

Presentations

KBM KEATING, BUCKLIN & McCORMACK

Presentations:

- Speaker/Presenter, WSAMA Spring Conference, Land Use Law and Updates, Suncadia Resort, Cle Elum, WA., April 24-26, 2013
- Speaker/Presenter, WSBA CLE on Urban Zoning, The Police Power And The Origins Of Modern Zoning, Seattle WA, March 21, 2013
- Speaker/Presenter, Constitutional Limits on Zoning Actions, National Business Institute (NBI) program: Practical Guide to Zoning and Land Use, Seattle WA, Nov. 5, 2012
- Speaker/Presenter, Law for Planners: Trends from the Trenches, Gorillas in the Closet, and 10 Commandments of Good Land Use Planning, American Planning Association Inland Empire Washington Section, Law and Ethics Workshop, Spokane Valley WA, Nov. 2, 2012
- Speaker/Presenter, Safe Walking Conditions Under Washington's Platting Statutes: What are they and how do we Achieve Them?, 2012 Washington State Association of Hearing Examiners Conference, Chelan WA, Oct. 25-26, 2012
- Speaker/Presenter, Land Use Law Update, Planning Directors' Association of Washington Annual Conference, Chelan WA, September 11-14, 2012
- Speaker/Presenter, Land Use Liability: From Negligence to Takings, "Land Use Boot Camp!" sponsored by the Planning Association of Washington and Washington Cities Insurance Authority, Tukwila WA, January 30, 2012
- Speaker/Presenter, Everything You Wanted to Know about Vested Rights but Were Afraid to ask, 2011 Washington State Association of Hearing Examiners Conference, Chelan WA, Sept. 15, 2011
- Speaker/Presenter, Tent City two-step: Mercer Island Citizens for Fair Process v. City of Mercer Island Division I's Decision rejecting Challenges to Tent City Regulations, and new State Rules for Tent city Permitting and Regulation, 2011 Washington State Association of Hearing Examiners Conference, Chelan WA, Sept. 16, 2011
- Speaker/Presenter, Land use law, civil rights claims, damages, defenses, etc., University of Washington School of Law, "Advanced Land Use Training for the Experienced land Use lawyer," Seattle, WA., Dec. 11, 2001
- Speaker/Presenter (along with Grant Weed), Washington Cities Insurance Authority, Managing the Permit Counter Process, regional training on land use permitting: Snoqualmie, WA., Feb. 3, 2011; Federal Way, WA., Feb. 17, 2011; Longview, WA., March 17, 2011; and Richland, WA., April 7, 2011
- Speaker/Presenter, University of Washington, "Advanced Land Use Training for the Experienced land Use lawyer," Land use law, civil rights claims, damages, defenses, etc., Seattle, WA., Dec. 16, 2010
- Speaker/Presenter, WSAMA Fall Conference, Land Use Law and Updates, Pasco, WA., Oct. 02-04, 2002
- Speaker/Presenter, PAWS Annual Convention, Annexation Law and Risk Management, Yakima, WA., Oct. 18, 2002
- Speaker/Presenter, 2003 Conference of Washington State Land Use Hearing Examiners, Land use law update, H.E. decision-making, damages claims, risk management, etc., various locations in WA., annually Sept. or Oct., 2003 - 2010
- Speaker/Presenter, Government Takings Conference, Takings law panel and presentation, Seattle, WA., Dec. 4-5, 2003

- Speaker/Presenter, Conference on Government Takings, Takings Law and panel debate, Seattle, WA., Dec. 4-5, 2004
- Speaker/Presenter, LSI CLE on Regulatory Takings, Takings Law Conference, Seattle, WA., June 21, 2011
- Speaker/Presenter, Quasi-judicial decision-making and Hearing Procedures, for Snohomish County Planning Commission, Everett, WA., Jan. 24, 2006
- Speaker/Presenter, LSI -- The Growth Management Act (Washington), Critical Areas Updates - the law and experience, Seattle, WA., Nov. 11-13, 2006
- Speaker/Presenter, APA and Regional Divisions of APA 2007 Planning Law Conference, Takings Law and panel discussion, Bellevue, WA., March 6, 2007
- Speaker/Presenter, Land Use Risk Management, Takings Law and Torts, for PRIMA Regional Conference, Seattle, WA., Oct. 1-3, 2007
- Speaker/Presenter, Land Use Law Summary and Case Law Update, for Washington State Association of County and City Planning Directors, Chelan, WA., Sept. 9-12, 2008
- Speaker/Presenter, LUPA Update and Use of LUPA to Challenge Voluntary Agreements and Contracts, for Washington State Association of Municipal Attorneys (WSAMA), Suncadia Resort, Cle Elum, WA., Oct. 15-17, 2008
- Speaker/Presenter, Legal and Practical Considerations of Annexation, for National Business Institution (NBI) conference for attorneys and real estate professions ("Land Use Law: Current Issues and Subdivision, Annexation and Zoning"), Seattle, WA. Nov. 3, 2008
- Speaker/Presenter, Legal and Practical Considerations of Annexation, for National Business Institution (NBI) conference for attorneys and real estate professions ("Land Use Law: Current Issues and Subdivision, Annexation and Zoning"), Tacoma, WA. Nov. 14, 2008
- Speaker/Presenter, Land Use 2008: Dividing the Light from the Darkness, (spoke on "Pursing and Parrying Land Use Claims for Damages"), for University of Washington School of Law, Washington Law School Foundation, CLE, Seattle, WA. Dec. 2, 2008
- Speaker/Presenter/Mock Trial Instructor, National Recreation and Park Association (NRPA) Pacific Risk Management School, 1994 - 1997, 2000 - 2003
- Speaker/Presenter, Land Use Law Summary and Land Use Case Law Update, WCIA City Attorneys' Seminar, Oct. 16, 1997, Nov. 5, 1999, May 16, 2001, Nov. 5, 2002, Oct. 22, 2003, Nov. 5, 2004, and May/June 2005 - 2009
- Speaker/Presenter, SEPA Law and General Land Use Law for Local Government and Elected Officials, 1992 on (over 40 presentations to date)
- Speaker/Presenter, Land Use Law, Land Use Risk Management & Civil Rights Liability for Local Government and Elected Officials, 1992 on (over 250 presentations to date)
- Speaker/Presenter, Communication Law and Media Relations for Local Government, 1997 on (over 35 presentations to date)

- Speaker/Presenter, Preparing, Conducting and Deciding Quasi-Judicial Hearings (for local governments), 1995 on (over 50 presentations to date)

Publications:

- Land Use Case Law Update (and other tidbits of land use information), April 2013 (Washington State Association of Municipal Attorneys Spring Conference, Suncadia Resort, Cle Elum WA, April 24-26, 2013)
- Police Power And The Origins Of Modern Zoning, March 2013 (Washington State Bar Association CLE, Seattle WA, March 21, 2013)
- Constitutional Limits on Zoning Actions, Nov. 2012 (National Business Institute (NBI CLE program: Practical Guide to Zoning and Land Use, Seattle WA, Nov. 5, 2012)
- Law for Planners: Trends from the Trenches, Gorillas in the Closet, and 10 Commandments of Good Land Use Planning, Nov. 2012 (American Planning Association Inland Empire Washington Section, Law and Ethics Workshop, Spokane Valley WA, Nov. 2, 2012)
- Safe Walking Conditions Under Washington's Platting Statutes: What are they and how do we Achieve Them?, Oct. 2012 (Washington State Association of Hearing Examiners Conference, Chelan WA, Oct. 25-26, 2012)
- Land Use Law Update, Sept. 2012 (Planning Directors' Association of Washington Annual Conference, Chelan WA, September 11-14, 2012)
- Land Use Liability: From Negligence to Takings, Jan. 2012 ("Land Use Boot Camp!" sponsored by the Planning Association of Washington and Washington Cities Insurance Authority, Tukwila WA, January 30, 2012)
- Tent City two-step: Mercer Island Citizens for Fair Process v. City of Mercer Island Ã&centâ,¬â€œ Division I's Decision rejecting Challenges to Tent City Regulations, and new State Rules for Tent city Permitting and Regulation, (2011 Washington State Association of Hearing Examiners Conference, Chelan WA, Sept. 16, 2011)
- Everything You Wanted to Know about Vested Rights but Were Afraid to ask, (2011 Washington State Association of Hearing Examiners Conference, Chelan WA, Sept. 15, 2011)
- Trying the Takings Case: Practical Tips and Traps to Avoid, June 21, 2011
- Managing the Permit Counter Process (along with Grant K. Weed), (Washington Cities Insurance Authority regional training on land use permitting: Snoqualmie: Federal Way; Longview; and Richland, WA., February, March and April 2011)
- Risk Management Strategies for SEPA Decision-Making, Sept. 1998 (and revisions through 2007)
- The Hearing Examiner System, July 1997 (and revisions through 2008)
- Land Use Law and Municipal Liability: How to Communicate with the News Media/Public and Limited Liability, May 1998 (and revisions through 2010)
- Ten Commandments of Good Quasi-Judicial Decision-Making, Oct. 1996 (and various revisions)

- Land Use Law & Municipal Liability: Recommendations for Effective Land Use Risk Management, Oct. 1996 (and revisions through 2009)
- Potential Legal Claims Over Land Use Decisions, Oct. 1998 (and various revisions through 2008)
- Overview and Advantages of Code City Classification, Oct. 1998
- Non-Charter Code Cities: Overview of Powers and Restrictions, Oct. 1998
- LUPA Update and Use of LUPA to Challenge voluntary Agreements and Contracts, Oct. 2008
- Legal and Practical Considerations of Annexation (for NBI conference on land use law), Nov. 2008
- Pursuing and Parrying Land Use Claims for Damages (from the defense perspective), Dec. 2008
- Numerous papers, updates and bulletins for Washington Cities Insurance Authority and member cities and entities on municipal law, land use and environmental law, vested rights, moratoria, risk management, and civil rights liability, etc., 1990 ongoing

Professional and Community Activities

- Member American Bar Association (ABA)
- Member Washington State Bar Association (Environmental and Land Use Law section)
- Member Seattle-King County Bar Association
- Member Defense Research Institute (DRI)
- Member Washington Defense Trial Lawyers Association (WDTL)
- Member Washington State Association of Municipal Attorneys (WSAMA)
- Member Planning Association of Washington (PAW)

Education, Recognition, and Honors

Education:

- Seattle University Law School, Jurist Doctor Degree, 1983
- University of Washington, Bachelor of Arts Degree in Political Science, 1980
- University of Washington, Bachelor of Arts Degree in Editorial Journalism, 1980

Recognitions and Honors:

- Martindale-Hubbell, "Preeminent" (highest) rating

- Named Washington State "Super Lawyer," 2004, 2006-2013
- Who's Who in American Law, 1987 - on
- Who's Who in the West, 1987 - on
- Who's Who in Emerging Leaders in America, 1989 - on
- Who's Who in the World, 2000 on
- National Externship Competition, Reporters' Committee for Freedom of the Press
- (Wash. D.C.), 1982 (Selected as one of 6 law clerks nationally for legal research/writing on high-profile national media cases and legislation)