

THE LEGAL BRIEF

A Publication of the Thurston County Bar Association

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President's Message By: Toni Hood

I am so happy to announce that we have hired a new administrative assistant, Angela Skinder. Angela previously worked at the Thurston County Auditor's office, the Thurston County Prosecutor's office and the WA State GET program. While training Angela we have discovered a few housekeeping issues involving CLEs and our website. The board is committed to resolving these issues quickly and will be having additional meetings this summer to address them. The board had an unusual amount of turnover in our administrative assistant position last year and I believe that lead to some of these issues. Angela is very energetic and has really hit the ground running. She has already demonstrated in just a few, short weeks that she is going to be a great asset to TCBA. You can contact Angela at our main email address, TCBA.info@gmail.com.

We had a great turn out at our annual dinner at the Olympia Country Club on May 13, with 87 people in attendance. Jim Dixon from Ditlevson, Rodgers, Dixon, PS received the Bigelow Award. Jim gave a very moving and heartfelt acceptance speech. Thank you to everyone who attended. Please let me or any board member know if you have any comments regarding our annual dinner. We are always open to comments and suggestions.

Our next newsletter will be in September. We will not be having our usual monthly lunch at Ramblin Jacks in September because of our three credit CLE, which will feature three sitting Supreme Court Justices. This afternoon CLE opportunity will be held at St. Martin's Worthington Center on September 16th. We will return to our regularly scheduled lunch time meetings at Ramblin Jacks in October.

I hope everyone has a wonderful summer and can take at least a little time off to enjoy the sunshine.

The Legal Brief is published bi-monthly. Membership in TCBA is \$50 per year (New Lawyers receive a discounted rate).

To find out how to join TCBA, or to submit an item for publication in the Legal Brief, please contact Angela Skinder at tcba.info@gmail.com

STAY CONNECTED!

If you have not received an email from the TCBA recently please email Angela Skinder at tcba.info@gmail.com to update your email address!

**OFFICE UPDATE FROM THURSTON COUNTY CLERK
MAY 2011**

As we take a breather from pressing hot topic items and new procedures, this month's article will serve as an update on past issues.

NOTICES OF ISSUE AND CONFIRMATIONS

I would like to take this opportunity to remind everyone that effective April 1st our procedure regarding Notices of Issue and confirmations has changed. If our office receives a notice for a hearing with an incorrect date, calendar, judge, etc., the Notice will be filed, but the hearing will not be scheduled. Similarly, if our office receives a confirmation with incorrect information (wrong case number, wrong calendar or scheduled for a canceled calendar), the matter will not be confirmed. In order to provide you with information on the status of your case, we post each calendar on our website. We also post information on calendars that have been canceled by Superior Court so that you do not schedule hearings on those dates. We would like to suggest that you check the online calendars for any case that may be set on a specific calendar before traveling to the courthouse. This will ensure that you are aware of any changes to your case. Further, faulty Notices of Issue and confirmations will result in a faulty document invoice.

E-FILING

Our e-filing program has proven to be extremely successful. After our November 2010 article soliciting beta testers, we immediately got flooded with requests to be part of the testing program. Due to such great response, we were able to quickly begin our testing. In no time, we had the process down and were able to open up our e-filing program to all interested attorneys and legal support offices.

Capital Business Machines (CBM) was proactive in offering a Thurston County e-filing class for their customers. Attorney's offices that were interested in e-filing got all of the needed information regarding the process and equipment requirements. The class had a great turnout and is sure to bring another wave of attorneys ready to achieve their e-filing status. For more information on how you can join, visit our website at www.co.thurston.wa.us/clerk.

FAULTY DOCUMENT POLICY

For those of you who ever doubted me (and my authority) in the never-ending battle of the Faulty Document policy...this is for you!

In February 2011, the Faulty Document policy was put to the test. A local avid pro se litigant challenged the policy, which sent the issue to court. The case was filed after this office rejected and returned a document which contained an incorrect case number.

Visiting Mason County Judge Toni Sheldon presided over the hearing. I should note that Mason County does not have any type of similar "faulty document" policy, so Judge Sheldon was learning of the policy and procedure with new eyes and ears. After reviewing the authority relied on by me, the policy that is in place, and the procedure in which the policy is carried out, Judge Sheldon upheld the policy, stating in part:

(The Court)

With regard to the two specific charges, between Mr. West's statement and the two attachments, the court will find that the allegation complained of can be fairly understood; specifically, that a document or documents were returned to Mr. West without filing in the Clerk's Office and that a charge -- a monetary charge was being asked as a faulty document fee.

*...With respect to a basis of knowledge, these were said to have been Mr. West's pleadings, and so the court would find that he has a sufficient basis of knowledge; that his pleadings came back to him and that he was being requested to pay a fee. ... And the Court will find that with respect to the specific allegations as to documents returned to Mr. West and a fee to be charged, that there is no allegation of any intent to commit an unlawful act, and **further, that the return of the documents and the assessment of a fee are authorized by statute and/or by court rule**... The court will find that the two specific allegations are both factually and legally insufficient to go forward and will dismiss the action. (Emphasis added)*

Including articles in the Legal Brief is our effort to keep you informed on what is happening in the Clerk's office. If you find these articles helpful, let me know and we will continue to bring you information from the Clerk's office. Also, I would welcome suggestions for topics that you would like addressed in an upcoming issue.

Betty J. Gould

THURSTON COUNTY CLERK

Thurston County Sheriff's Office Update

The Thurston County Sheriff's Office has asked us to pass along the following information regarding restoration of firearms rights. There have apparently been a couple of issues regarding these laws that have been brought to the Sheriff's Office attention by the state and federal agencies that they work closely with. This information will hopefully clarify any questions that may arise.

“When the restoration of rights for firearms is posted to the criminal history, the entire RCW 9.41.040(4) needs to be posted to the record. (If the complete RCW and subsection is not posted, NICS will request a copy of the petition to determine if the language of the petition meet the requirements of subsection (4)). A copy of the order and petition needs to be faxed to the Washington State Patrol Identification Section at fax—360.534.2071, or delivered to 3000 Pacific Ave SE, Olympia, WA to the criminal history of the applicant.

An order restoring firearm rights does not necessitate an individual will automatically get their firearm rights restored. They may still be prohibitive on the federal level, resulting in a denial for a concealed pistol license and/or purchase of a firearm. An example of an offense that the state may restore an individual's firearm rights that will not be acceptable to remove the federal prohibitor is a crime of domestic violence, if the conviction meets the federal criteria.

If you have any questions or concerns regarding gun laws on the federal level, you may contact Richard Dean, FBI NICS Legal Administrative Specialist. He can be reached at statutes@leo.gov or 1-877-444-6427 Ext. 57828. Should you have any questions or concerns, feel free to contact him.”

Benefits to Establishing a Link from the TCBA Website to your own Website:

- ◆ The TCBA website is accessible through the major search engines, so potential clients looking for an attorney in Thurston County can easily find you.
- ◆ You can provide potential clients with information about you and your practice in an inexpensive, efficient and professional manner.
- ◆ The website is linked from the WSBA website so attorneys from outside of Thurston County can easily find attorneys here for various cases.

Cost:

\$25/year—Pays for a link from the TCBA website directly to your own website.

Be sure to mark on your membership registration and submit payment to start or maintain your link for 2011.

Membership registrations need to be received by April 1 to remain listed on the TCBA website!

A View From the Bench

**By
Judge Carol Murphy**

Although no longer the newest judge on the Thurston County Superior Court bench, I am still new to my role as a judicial officer. I remain excited about the opportunities (some may say challenges) at the court, especially during these tough budget times. As I was told by others, despite the almost daily public interaction, serving as a judicial officer feels quite isolated. We are lucky to be in a legal community of caring, professional attorneys, and I enjoy seeing members of the bar outside of the courtroom. Those discussions are always unrelated to cases, of course. I appreciate the opportunity to tell you about some things going on in Superior Court.

In March, I began presiding over the DUI/Drug Court. The program is one of several treatment courts (also called therapeutic courts) in Thurston County. The others are Family Dependency Treatment Court and Juvenile Drug Court at Family and Juvenile Court and Mental Health Court and Veterans' Court at District Court. Each of these very different programs provides opportunities for individuals whose activities consume court and other public resources to turn their lives around. Although not all participants make it through the entire program, most learn valuable lessons about themselves, and their involvement in the courts is decreased. Because I know many of you would want evidence to support this statement, here are a few numbers. Out of those who are eligible for Drug Court, 72% of those who decline Drug Court commit another felony within 5 years, while only 11% of those who graduate from Drug Court commit another felony within 5 years. For misdemeanors, the difference between graduates and those who decline is 21% vs. 66%. But Drug Court makes a difference even when participants do not complete the program; 34% of those who enter Drug Court but are terminated from the program commit a felony within 5 years, and 44% of them commit a misdemeanor within 5 years. If you have not yet had an opportunity to observe one of the treatment courts in action, please take the opportunity to watch or attend a graduation ceremony. The stories of lives changed at a DUI/Drug Court graduation ceremony will inspire you.

Each year, the Superior Court Board of Judges takes a look at our Local Rules. Some of you may know that the Washington State Bar Association Local Rules Task Force, co-chaired by Justice Charles Johnson, made recommendations a couple of years ago intended to decrease the number and complexity of Superior Court Local Rules, and make them more uniform and user-friendly. Last year, the Thurston County Superior Court Local Rules were modified, and this year a much smaller number of changes are planned. Proposed changes to the Family and Juvenile Court Local Rules are aimed at meeting the goal of simplification. The Local Rules are always made available for comment prior to adoption. If you would like to be involved in the process or have a question, please contact Staff Attorney Rebekah Zinn at 754-4359. I have to mention here that I am proud to report that no current rule, procedure, or department/judge preference indicates that bench copies of pleadings be copied on paper of a certain color.

The Board of Judges regularly addresses issues regarding the court's services, and each year (at least) makes decisions regarding the Superior Court budget. If issues like Local Rules, the law library, and court services are of interest to you, I invite you to provide ideas or any other feedback.

We heard you!
**Check out the NEW www.thurstoncountybar.com for
resources & news for our members**

TCBA Updates

Free CLE opportunity

Don't Ask, Don't Tell: Where are we now? Presented by RADM Alan M. Steinman
Wednesday, May 25th from 11:30-1pm at St. Martin's Worthington Center.
Please RSVP to wwlcapitol@hotmail.com.

Bench/Bar Meeting

Thursday, May 26th from 12-1:15pm, bring a brown bag lunch and hear updates from the bench, an e-filing presentation by Betty Gould and a question and answer period for the judges.

Mark your calendars for an upcoming 3 credit CLE in September

The CLE committee is sponsoring this program at St. Martin's on Friday, September 16, 2011. The speakers will consist of three sitting Supreme Court Justices. The cost will be \$50 for TCBA members and \$100 for non-members. In addition, the September luncheon will be held at St. Martin's, with Justice Gerry Alexander as our lunch speaker.

Monthly Luncheons

This is just a reminder that the monthly CLE luncheons at Ramblin' Jacks will resume in October 2011.

September issue of the Legal Brief

There will be a deadline of September 6, 2011 for submission of articles and advertisements to Angela Skinder at tcba.info@gmail.com.

Topics you would like to see

Please send us your ideas for any CLE topics you would like to hear. Forward any ideas to tcba.info@gmail.com.

Professional Office Space Available

Two adjoining offices available for lease July, 2011. Conveniently located on 2nd floor of newer building on Limited Lane in West Olympia. Includes shared use of reception area, beautiful large and small conference rooms, workroom with copier and fax, and kitchen area. This property offers excellent on-site parking as well. \$900/month for large corner office - \$750/month for smaller office or lease both offices for \$1250/month.

**Contact Frank Morris
360-866-6633**

REPORT ON LAW DAY 2011

By Larry Jefferson

Law Day was again a successful event for the Thurston County Bar Association and the West Olympia Rotary. Law Day is a speech contest for high school students where we present the students with a current-day fact pattern and ask the students to construct and present a speech that addresses the legal, moral and social issues associated with that fact pattern. The students presented their speeches first in a preliminary round; this year our preliminary round judges included Larry Jefferson, Terry Church, John Skinder, and Superior Court Judge Anne Hirsch.

Four finalists moved on to the final round where they presented their speeches to the West Olympia Rotary. The fact pattern this year dealt with "fight clubs". This is in reference to recent incidents where students participated in so called "fight clubs" at school or at home.

The high school participants were truly impressive. I wondered if we might hear ideas that were fanciful and outlandish, but that was not the case. Each of the participants were gifted, exciting and brought a unique perspective to their speeches. All of the judges expressed their pleasure in having participated and the members of the West Olympia Rotary Club were especially delighted to have heard and seen the future leaders of tomorrow.

All of the participants truly shined and created some difficult decisions for the judges. In the end, the Thurston County Bar Association awarded the following prize money to:

FIRST PLACE and \$600:	MATTHEW CONNOR (TIMBERLINE HIGH SCHOOL)
SECOND PLACE and \$500:	MO SEAMAN (OLYMPIA HIGH SCHOOL)
THIRD PLACE and \$400:	EMERSON HARDEBECK (TIMBERLINE HIGH SCHOOL)
FOURTH PLACE and \$300:	BAILEY PRITCHETT (TIMBERLINE HIGH SCHOOL)



WANTED:

Funny, interesting, educational or even controversial articles written by our TCBA members. If you are interested in contributing a column to one of our Legal Brief Newsletters, we want to hear from you!!

Contact Angela Skinder at tcba.info@gmail.com

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2011-2012**

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ADVERTISING IN THE LEGAL BRIEF

If you would like to advertise in the LEGAL BRIEF, please contact Angela Skinder at tcba.info@gmail.com

- The cost for advertising is \$200 for a full page, \$100 for 1/2 page,
- \$50 for 1/4 page and \$25 for 1/8 page.
- ****PLEASE NOTE FEE CHANGE:** *Classified Advertisements for TCBA members regarding legal related items are now subject to the above fee scale.***
- All advertisements are subject to approval of the Legal Brief's Editorial Board.
- The LEGAL BRIEF is published bi-monthly. Contact Angela Skinder for the next deadline for submissions.

Section/Committee Announcements...

Family Law Section

The Family Law Section meets at 12:10 on the 2nd Tuesday of each month at the Family and Juvenile Justice Center.

If you did not receive an agenda and would like to be added to the mailing list, please call William B. Pope & Associates at (360) 866-4000

Young Lawyer Section

The Young Lawyer Section holds regular Monthly Meetings the third Thursday of every month, noon at I.talia.

Please contact Jason Zittel at (360) 352-1970

CLE Committee

The TCBA CLE Committee brings lower cost, local CLE opportunities to our bar. We always welcome ideas and suggestions for additional CLE's from our membership and welcome new members to the committee.

Please contact Elissa Kokis with your ideas or if you are interested in joining the committee.

elissa@jensenkokis.com

Land Use Committee

Stay tuned for more CLE events from the Land Use Committee, co-chaired by Carmen Rowe Hoogkamer, Robert Dengal and Jessica Jensen.

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