

THE LEGAL BRIEF

A Publication of the Thurston County Bar Association

Volume 29, Issue 14
November, 2011

Inside this issue:

<i>President's Letter</i>	1
<i>Board Members</i>	
<i>Judges Corner</i>	2
<i>Announcements/Classifieds</i>	3
<i>Adopt-a-Family</i>	4
<i>CLE Announcement</i>	5
<i>Announcements/Classifieds</i>	6,7
<i>Op-Ed by Jeanne Sockle</i>	8
<i>TCBA Updates</i>	9
<i>Advertisements</i>	
<i>Announcements</i>	10, 11
<i>Section/Committee Updates</i>	

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President's Message By: Toni Hood

I am excited to announce that the board has selected Mark Wheeler as our newest board member. Mark is a co-managing member of Bean, Gentry, Wheeler & Peternell PLLC. He has been practicing in Thurston County for approximately 23 years. His practice focuses on business and real estate.

I would like to thank everyone who submitted letters of interest in our open position. It was a difficult choice for the board because everyone who expressed interest would have been a great asset to the board.

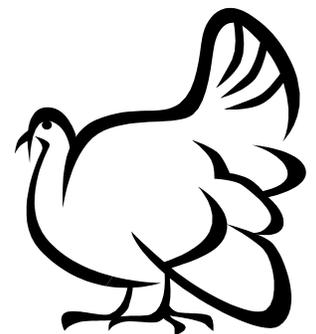
I am happy to announce we had 60 attorneys and two St. Martin's students attend our September CLE, "Reflections from the Bench" & "Conversations with the Supremes" (see pg 10). We received great feedback regarding the CLE and could not have done it without all of Brent Normoyle's hard work. Thanks Brent!

We also had a great turn out for Judge Pomeroy's ethics CLE at Ramblin Jacks in October. Judge Pomeroy did a great job, although I was having some law school flash backs because she was actually calling on us for answers! Thank you to John Skinder for arranging such an informative lunchtime CLE.

Please submit your nominations for the Local Hero Award which will be presented in January at the annual Board of Governors luncheon. A nomination form is enclosed. There are so many deserving people in our community. I encourage everyone to take a few minutes and nominate someone.

Please save the date for our next CLE at St. Martin's, on December 16th "Estate Planning: Keeping Your Practice Relevant for 2012" (see pg 5) and also save the date for our Holiday lunch at the Olympia Country and Golf Club on December 9, 2011 invitations will be sent soon.

Look inside for the
Local Hero Award nomination form.
Please complete and return by
Friday, December 9, 2011



A VIEW FROM THE BENCH

KIDS THESE DAYS...

By Court Commissioner Indu Thomas

In July of this year I returned to Juvenile work after completing the Family Law rotation. A frequent question has been, "How do you feel about being back on the Juvenile side?"

I am passionate about issues involving children and their well-being. I taught school for a few years in gang affiliated neighborhoods prior to going to law school. In 1992, I began my legal career volunteering in Cuyahoga County Juvenile Court. At that time juvenile arrest rates for violent crime were soaring. Experts were predicting that if the trends were to continue as they had over the past 10 years, the number of juvenile arrests for violent crime would double by the year 2010. Reports and predictions caused legislatively imposed changes all across the nation completely changing the philosophy and approach to juvenile rehabilitation.

Between 1992 and 1995, many states including Washington enacted laws that reformed Juvenile Justice. The jurisdictional authority of juvenile court was modified to remove more serious and violent juvenile offenders from the juvenile justice system to adult criminal court. Sentencing guidelines were implemented requiring the imposition of mandatory minimum sentences and permitting the extension of juvenile court jurisdiction beyond the age of majority. Separate rehabilitative programs designed specifically for youth and their families were mandated. Confidentiality of juvenile court records and proceedings were revised in favor of more open proceedings and records. Finally, victims of juvenile crime were to be included as "active participants" in the juvenile justice process.

Simultaneously, many states adopted truancy laws requiring school attendance. Poor attendance and participation in school was identified as a risk factor for criminal activity. Federal laws mandated the monitoring of drop-out rates and created attendance based financial incentive programs. In Washington State, the legislature passed the "Becca Bill" named for a 12 year old runaway who was beyond the control of her parents. They had sought assistance from the juvenile justice system and were turned away as unfortunately, the juvenile court could not help them unless their child had committed a crime. At the age of 13 Rebecca was found murdered. Her parents then lobbied the state to pass this law in order to help other parents.

The Becca Law ([RCW 13.32A](#)) was enacted by the Washington State Legislature to; protect children who are endangering themselves, keep families together through assessment and treatment services, provide tools for schools, parents and Juvenile Court to keep children in school, and to hold children and parents accountable to court orders. The bill passed by the Washington legislature in 1995 created three new types of civil cases; truancy, youth at risk and children in need of services. These cases make up one fifth of the work of the juvenile court commissioner.

The Children's Defense Fund published the "The State of America's Children 2011" this year. This report indicates that juvenile arrest rates peaked in 1997 and has steadily declined nationwide. Data gathered through the Office of Juvenile Justice and Delinquency Prevention reveals that the Washington state juvenile crime rate has followed the national trend and in fact rates tend to be slightly below the national average.

The view from the window of my office is of razor wire. It is a somber and constant reminder of where young people who violate the law, commit status offenses or are accused of criminal activity can spend their time. The caseload reports from 2010 conclude that Thurston County had 1,350 juvenile offender cases filed in 2010. 1,060 of these cases were resolved with convictions in 2010, 932 with pleas and 128 after trial. These included 1 Homicide 10 Robberies, 47 Assaults, and 174 Burglaries or Thefts. The remaining 828 were uncategorized misdemeanors.

Much progress has been made since 1992, when juvenile court was highly individualized and focused only on the best interests of the youth in the courtroom. In these difficult economic times Washington State has cut spending for services across the board. The budget includes unprecedented cuts to juvenile services and educational programs. How this will impact juvenile justice reform remains to be seen. So when I am asked "How do I feel about being back on the Juvenile side?" I may hesitate a moment. Then I will smile and tell you, "It is wonderful to have the opportunity to make a difference one child at a time."

ATTENTION

Effective January 2, 2012 Mandatory E-Filing in PIERCE COUNTY

Pursuant to Pierce County Local Rule PCLGR 30, Pierce County will mandate electronic filing by Attorneys on January 2, 2012.

The Clerk's office will be offering one hour **CLE's** for Attorneys and their staff. The CLE will cover all E-filing procedures. Attorneys will also be able to obtain LINX accounts. Each CLE will be limited to 30 participants. You may sign up for the CLE at the filing counter or by emailing Sarah at sschaub@co.pierce.wa.us. The following dates are available.

November 7, 2011
November 18, 2011
December 6, 2011
December 14, 2011
December 15, 2011

All sessions will be at noon in the Rainier Conference Room 7th Floor CCB.

******If your office has a group of 15 or more who are interested in this training, you may schedule a private demonstration at your office. Please contact Sarah for available dates******

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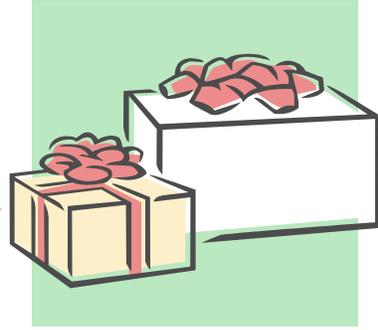
ABC



The Holiday Season is fast approaching...

Dear TCBA Members:

With the holiday season fast approaching, it is time, once again, to ask for your assistance with the Thurston County Bar Association's participation in the Salvation Army's Adopt-A-Family Program. As most of you know, the Adopt-A-Family Program matches impoverished families with individuals or group sponsors who will provide them with gifts and other necessities listed on the families' "wish list." The "wish list" usually includes requests for toys, clothing, sport and electronic equipment and other household essentials like blankets, towels and sheets. Sponsors are asked to provide two or more wrapped gifts to each family member by December 13, 2011 and delivering the gifts to the Salvation Army building at 1505 4th Avenue East in downtown Olympia.



For the 2010 Holiday Season the TCBA sponsored over twenty families and helped the families have a happy holiday season. If you or your firm are willing to sponsor a family please email TCBA Administrative Assistant Angela Skinder at tcba.info@gmail.com with your information. The families are categorized as Small (one to three persons), Medium (four to five persons), and Large (six or more persons). Please let us know by **Wednesday, November 30, 2011** if you are willing to participate in this most rewarding event.

The TCBA will continue the tradition of having some families and individuals available for adoption at the December 9, 2011 Holiday Luncheon. We are, however, once again encouraging members and firms to sponsor an entire family prior to the Holiday Luncheon. This allows the TCBA to not only sponsor more families, but also allows the membership to have more time for socialization during the luncheon. We are hopeful that those members that cannot attend the luncheon or those who would like to make an early commitment to adopt a family will let us know as soon as possible so the TCBA can continue to make a difference to the entire community during this holiday season.

I thank you on behalf of the Thurston County Bar Association Board of Directors.

Leonard K. Lucenko, Jr.
Committee Chair



The Holiday Luncheon will be Friday, December 9, 2011. It will be held at the Olympia Country & Golf Club. The details are still being finalized and an invitation will be sent out very soon. Please save the date and help make this a wonderful celebration.

THE THURSTON COUNTY BAR ASSOCIATION PRESENTS:

ESTATE PLANNING: KEEPING YOUR PRACTICE RELEVANT FOR 2012

Agenda

- 12:30-1:00pm** – Registration
- 1:00-2:00pm** – Guardianship 101
Janet McClanahan Moody
- 2:10-3:10pm** – Medicaid Basics
Lauren Pitman
- 3:20-4:20pm** – Complex Tax Planning
Cynthia Worth

Date: Friday, December 16, 2011

Time: 1:00-4:30pm
Registration begins at 12:30pm

Location: St. Martin's University
Worthington Center

Cost: TCBA Members \$50
Non-Members \$100

Please register by
Friday, December 9, 2011

If you have any questions,
please contact Angela Skinder at
tcba.info@gmail.com

There are 3 general CLE credits
APPROVED with the WSBA

REGISTRATION

Name: _____

WSBA Bar #: _____

TCBA Member?: Yes No

Registration is \$50 for TCBA Members, \$100 for Non-Members

FURTHER INFORMATION: Contact Angela Skinder at tcba.info@gmail.com

Please complete and mail this registration
information, along with payment to:

TCBA
P.O. Box 1653
Olympia, WA 98507

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Contact Frank Morris
360-866-6633

Request for RFQ

Olympic Region Clean Air Agency (ORCAA) is requesting submissions from qualified individuals and firms to provide legal services with an emphasis in administrative, employment, environmental and air quality law. If selected the ORCAA board will approve the selection by resolution based upon a negotiated contract to include scope of work and associated fees.

*For full RFQ and contact details please visit:

<http://thurstoncountybar.com/information/calendar/>

Or contact Francea McNair at (360) 539-7610



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We Know You Can Do It - LOCALLY
An Op Ed by: Jeanne Sockle

I was just reading the September edition of *The Legal Brief*. I got the front page “We Know You Can Do It” message sent by President, Toni Hood. As I continued to peruse through the rest of the issue, I was reminded of how many out-of county law firms are advertising and soliciting our referrals. The “We Know You Can Do It” message again echoed through my mind.

We certainly have a free market, and I am sure that TCBA benefits from any ad that is run in *The Legal Brief*. So I am not disparaging the advertising. I acknowledge that attorneys from all corners of the state practice in, and are familiar with, our Thurston County Courts, we welcome them. But, I worry that we are selling ourselves and our fellow Thurston County bar members short when we routinely refer out of county. Thurston County has a particularly high number of brilliant, well experienced, and well qualified lawyers, in both private practice and governmental service. There are very few, if any, areas of specialty practice that cannot be represented by phenomenally skilled Thurston County attorneys.

So, while we cordially welcome our colleagues from surrounding counties to practice here, I also really want to encourage each of you to consider the breadth and depth of our local legal talent before you make referrals to, or associate with, counsel outside the county. You may think that we cannot keep pace with the large firms of Tacoma and Seattle, but I can assure you that is not the case. Many of us spend every day of the week litigating against those same big city firms and doing a very good job of it. We also have many of the most successful mediators and arbitrators right here. Do not make the mistake of assuming you have to go outside Thurston County to get the best.

We are all striving to provide the highest quality services to our clients during difficult financial times. One of the easiest things that we can all do to support each other and the Thurston County Bar is to THINK LOCAL. Pay a compliment to a local attorney by entrusting them with your referral.

That “We Know You Can Do It” philosophy can also apply to us acknowledging that we have the local lawyers to meet the needs of our community. Become familiar with the legal skills of our local colleagues and then support them with your referrals. You just might be amazed by the number of awesome attorneys you have to choose from.

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

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.

For more information on upcoming events,
please visit the TCBA website at

thurstoncountybar.com

Any thoughts or suggestions, please contact
Angela Skinder tcba.info@gmail.com

TCBA Updates

Monthly Luncheon at Ramblin Jacks

Friday, November 18, 2011 at 12:00pm. Thurston County Juvenile Drug Court. Panel of speakers to include, Commissioner Christine Schaller, OAC attorney Larry Jefferson and more. There will also be a juvenile participant speaking about their experience. There is 1 General CLE credit approved with the WSBA.

TCBA Holiday Luncheon

Friday, December 9, 2011 starting at 12:00pm at the Olympia Country & Golf Club. The TCBA will be sponsoring the Salvation Army Adopt-a-Family again this year. If interested in donating, you may contact Lenny Lucenko at 943-6747 or Angela Skinder at tcba.info@gmail.com for more information.

3 Credit CLE Opportunity

Friday, December 16, 2011 from 1:00-4:30pm at St. Martins University Worthington Center.

“Estate Planning: Keeping Your Practice Relevant for 2012”

Speakers will be: Cynthia Worth; Janet McClanahan Moody and Lauren Pitman.

Cost is \$50 /TCBA Member and \$100/non-member. Please see pg 5 or our website for more information.

January Issue of the Legal Brief

There will be a deadline of Wednesday, January 4, 2012 for submission of articles and advertisements to Angela Skinder at tcba.info@gmail.com.

BOG Lunch

Save these dates, January 26-27, 2012. Details will be finalized in December and the TCBA will notify all members when and where the luncheon will be held. The Local Hero Award will be presented at this lunch.

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Feedback from the September 16, 2011 CLE's: "Reflections from the Bench" & "Conversations with the Supremes" was very positive. The TCBA would like to THANK all of those that attended and a BIG THANK YOU to Justice Alexander, Owens, Chambers and Wiggins for creating such an enjoyable afternoon.

Reflections from the Bench

"Outstanding job. Justice Alexander was tremendous!"

"Enjoyed very much! Great CLE!"

"I like hearing what the judges have to say, both on judicial process & their opinions about it."

Conversations with the Supremes

"Justice Chambers' role as James Madison brought Constitutional Law to a new level! Fabulous."

"Justice Wiggin's presentation was especially helpful."

"Ethics portion was fantastic"

"I especially enjoyed the ethics portion."

"Thank you-this was a great CLE and was very well organized. Good job."

There were also several SMU students in attendance and we would like to share with you some perspective from them as well. The following are excerpts from a synopsis written by Trevor Garrouette:

"Justice Alexander's impressive background is bursting with a wealth of knowledge almost unmatched... Justice Chambers tackles decision making from behind the bench as *James Madison*. He describes the processes he goes through mentally when regarding a specific law.... Justice Wiggins followed with a very detailed process of appeals... Justice Owens broke down the lawyers into groups of five, we were handed packets with a laundry list of lawyers and the predicaments they had gotten themselves into and what we would have done in each case. I was extremely intimidated by this sudden change in events.... I am only in a criminal justice 101 class majoring in English... I do not know if my fellow "judges" had discovered my true background, but if they did, they did not show it... I had a lot of fun with this seminar, and like most lawyers, wish to do this again."



Back Row: Trevor Zandell, Anne Hirsch, Larry Jefferson, John Skinder, Darren Nienaber, Terry Church
Front Row: Crystal Jefferson, Angela Skinder, Megan Card, Toni Hood, Danielle Oliver
Missing from picture: Jody Lee Campbell, Allen Miller, Cece Clynych

**2011 United Way Day of Caring
Team TCBA**

"Not only does Day of Caring have a significant impact on the needs of local non-profits, it also enables volunteers to meet new people, work as a team, gain new experiences, and see firsthand how United Way utilizes the caring power of our community. It's about coming together for a common purpose to improve the lives of others and advance the common good. There were over 400 volunteers, who worked on 35 projects throughout Thurston County." *This excerpt taken from the United Way website.*

I want to send out a big **THANK YOU** to our team of volunteers this year. Not only did we enjoy our day, we helped The Hands On Children's Museum get a lot of prep work done for their busy holiday season. We cleaned, we prepped, we cut and most of all we cared. Here's to the 2011 United Way Day of Caring!

Thanks again,

Larry Jefferson, TCBA Board Member and 2011 Team Leader

The TCBA would like to extend a heart felt **THANK YOU** to the following organizations for all of the hard work and professional service you have provided this past year to make our functions and publications so wonderful!

Olympia Copy & Print
Apex Mailing
Ramblin Jacks Restaurant
St. Martin's University
Deer Creek Awards
Olympia Country & Golf Club



My name is Megan Card and I am the new Greater Olympia District Trustee for the Washington Young Lawyer Division (WYLD). My role is to connect young lawyers in Thurston and Lewis Counties with various resources and opportunities that are available in our area, as well as across Washington. I am also responsible for representing the interests and needs of our local young lawyers to the Washington State Bar Association.

My goal is to engage the young lawyers in our area in the WYLD programs and plan beneficial events for our young lawyers that will also help our community. For example, next year in the late spring, Thurston County will be holding its very first Washington First Responder Will Clinic which provides basic estate-planning documents for Washington First Responders and their spouses/domestic partners at no cost. Additionally, Olympia is the proud home of the YMCA Mock Trial State Finals program which will take place March 24-25, 2012. I encourage all young lawyers, and those young at heart, to participate in these events.

If you have any questions, or would like to be added to our young lawyer roster, please email me at meganc@buddbaylaw.com. I look forward to serving you for the next three years!

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 per link/person—Pays for the link from the TCBA website directly to your own website.

Section/Committee Announcements...

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 Brent Normoyle at 705-0202 or Terry Church at 867-9233 with your ideas or if you are interested in joining the committee.

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 —or— Jason@jaglaw.net

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

Land Use Section

Great job to the Land Use Committee who sponsored a very successful cle on October, 20, 2011

Pocket Gopher 101: Everything you should know about Thomomys

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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