

# THE LEGAL BRIEF

A Publication of the Thurston County Bar Association

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## President's Message By: Toni Hood

“WE KNOW YOU CAN DO IT!”

Both of my daughters play select soccer. As many of you may know, parents are not supposed to “coach” from the side lines. However, I get very into my daughters games and I just can’t help but yell. I often yell “We know you can do it!” What I mean by this is that we (the parents) know the girls can play hard, demonstrate their great skill and give it their all. We, the parents, all have great confidence in our girl’s abilities and I want them to know it.

You may be asking yourself, what does this have to do with TCBA? Well... I think my favorite game saying also applies to TCBA member participation. We (the board), know that members “can do it”. We know members can take a few minutes and participate in TCBA events such as the judicial survey, nominating a colleague for the WSBA Local Hero Award, the Daniel Bigelow award or participating with the TCBA team in the United Way Day of Caring. Unfortunately, participation in all of the events has been down in the past year. TCBA recently sent out our biannual judicial survey (results on page 2) and I must say I was disappointed in the number of response we received. This year our rate of return was 12% (282 sent out and 35 returned). In 2009 our rate of return was 11% and in 2007, 19%.

So, unless you want me to start yelling at the TCBA lunches (like an *ever so slightly* over zealous soccer mom) please participate! I know the judges value the results of the judicial survey and I feel we owe it to them to have a decent number of responses. I also know that there are many attorneys in our community who deserve to be nominated for the Local Hero Award and/or the Daniel Bigelow Award. Please let us know what we can do to increase participation. Would you like more email reminders? Would you like to receive more information by mail? We welcome any suggestions.

I am sure that any suggestions you give us will be better than me yelling at the next TCBA monthly lunch. In the spirit of full disclosure, I should tell you that I yell so often and so loud that my husband will no longer sit next to me at our daughters’ games, so PLEASE take the time during this next year to participate in TCBA sponsored events and then none of you will have to suffer through what my children and husband (not to mention all the other parents) have to suffer through every weekend!

## 2011 JUDICIAL EVALUATION SURVEY RESULTS

A total of 282 surveys were emailed out to TCBA members and a total of 35 questionnaires were returned, representing 12 percent of the TCBA membership.

Responses were tabulated and an average rating for all respondents was calculated.

Only ratings between 1 and 5 were included; “Don’t Know” and items not rated were excluded when calculating the averages. The averaged results in each category are listed below.

\*N=The number of Surveys returned for each Judicial Officer

OVERALL PERFORMANCE is an average of how the judge was rated overall by each attorney, not an average of their ratings in the other categories.

### DEPARTMENT 1 –

#### JUDGE PAULA CASEY (N =32 )

JUDICIAL TEMPERAMENT	3.56
DECISION MAKING	3.45
EFFICIENCY	3.64
OVERALL PERFORMANCE	3.5

### DEPARTMENT 2 –

#### JUDGE THOMAS MCPHEE (N =29)

JUDICIAL TEMPERAMENT	3.78
DECISION MAKING	4.26
EFFICIENCY	3.95
OVERALL PERFORMANCE	4.03

### DEPARTMENT 3 –

#### JUDGE CHRISTINE A. POMEROY (N =31)

JUDICIAL TEMPERAMENT	3.39
DECISION MAKING	2.9
EFFICIENCY	3.54
OVERALL PERFORMANCE	3.26

### DEPARTMENT 4 –

#### JUDGE GARY R. TABOR (N =28)

JUDICIAL TEMPERAMENT	3.35
DECISION MAKING	3.73
EFFICIENCY	4.11
OVERALL PERFORMANCE	3.68

### DEPARTMENT 5 –

#### JUDGE H. CHRISTOPHER WICKHAM (N =32)

JUDICIAL TEMPERAMENT	3.55
DECISION MAKING	3.25
EFFICIENCY	3.55
OVERALL PERFORMANCE	3.41

### DEPARTMENT 6 –

#### JUDGE ANNE HIRSCH (N =31)

JUDICIAL TEMPERAMENT	3.6
DECISION MAKING	3.45
EFFICIENCY	3.7
OVERALL PERFORMANCE	3.58

### DEPARTMENT 7 –

#### JUDGE CAROL MURPHY (N =20)

JUDICIAL TEMPERAMENT	4.18
DECISION MAKING	3.97
EFFICIENCY	3.98
OVERALL PERFORMANCE	3.95

### DEPARTMENT 8 -

#### JUDGE LISA SUTTON (N =20 )

JUDICIAL TEMPERAMENT	4.15
DECISION MAKING	3.96
EFFICIENCY	3.62
OVERALL PERFORMANCE	3.94

### COMMISSIONER LYNN K. HAYES (N =14)

JUDICIAL TEMPERAMENT	3.72
DECISION MAKING	3.71
EFFICIENCY	3.87
OVERALL PERFORMANCE	3.64

### COMMISSIONER CHRIS SCHALLER (N =27)

JUDICIAL TEMPERAMENT	4.23
DECISION MAKING	4.37
EFFICIENCY	4.34
OVERALL PERFORMANCE	4.26

### COMMISSIONER INDU THOMAS (N =28)

JUDICIAL TEMPERAMENT	3.28
DECISION MAKING	2.82
EFFICIENCY	3.27
OVERALL PERFORMANCE	2.93

### DISTRICT COURT

#### JUDGE BRETT BUCKLEY (N =20)

JUDICIAL TEMPERAMENT	4.17
DECISION MAKING	4.2
EFFICIENCY	4.0
OVERALL PERFORMANCE	4.35

### DISTRICT COURT

#### JUDGE SAMUEL G. MEYER (N =17)

JUDICIAL TEMPERAMENT	3.96
DECISION MAKING	3.93
EFFICIENCY	3.6
OVERALL PERFORMANCE	3.94

### DISTRICT COURT

#### JUDGE KALO WILCOX (N =15)

JUDICIAL TEMPERAMENT	4.11
DECISION MAKING	3.62
EFFICIENCY	3.83
OVERALL PERFORMANCE	4.07

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## DAVIES PEARSON, P.C.

*Attorneys at Law*

is pleased to announce that

### **Benjamin T. Zielinski**

has become an associate of the firm practicing in personal injury and commercial litigation.

Mr. Zielinski graduated from Seattle University School of Law in 2010. He received his Bachelor of Science degree from Hillsdale College in 2007.

(253) 238-5149  
[bzielinski@dpearson.com](mailto:bzielinski@dpearson.com)

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## OFFICE UPDATE FROM THURSTON COUNTY CLERK

As summer soon will be coming to an end, and we begin to see changes outside, we continue to also see change here in the Clerk's Office. Much like the seasons will always change, it is my goal to keep this office evolving and finding new ways to become more efficient.

A recent Clerk's Alert regarding Letters in probate and guardianship matters initiated a lot of responses and questions (visit my website at [www.co.thurston.wa.us/clerk](http://www.co.thurston.wa.us/clerk) for the complete Clerk's Alert). I offer the following as an extended explanation of what prompted this review and the resulting policy change.

### LETTERS TESTAMENTARY/ADMINISTRATION & LETTERS OF GUARDIANSHIP

When I became clerk years ago, I was faced with receiving form Letters that were not specific enough to meet the requirement of the court order and required us to contact the attorney for correct Letters. This was before there were forms available on the internet and in many cases were just packaged forms. At that point, we created Letters for probate and guardianship cases and started making them available for those cases. We have continued to prepare the Letters, but in the recent years we have had complaints from attorneys that it takes too long to get them. It was also a work load on our staff as calendars increased and we felt the impact from the 9 staff that we lost due to budget issues.

So, when the passage of HB1053 required changes in the Letters for guardianships, we began working to update our Letters and get them out by the July 22, 2011, time frame on the bill. Trying to be helpful to my peers, since I am the Legislative Chair for our Association, I contacted my fellow clerks across the state to provide samples of our templates. They were shocked that I actually prepared the Letters for the attorneys in these cases. From these responses, I started looking into the time it required, what the delays were, and what would work best for all involved. I had a meeting with our administration and we discussed the amount of time it requires of staff and the inconvenience of guardians and personal representatives that need the Letters immediately. It was agreed that it would be beneficial to provide our template Letters on our web site to assist attorneys if they so desired.

If you choose not to use the template Letters on the website, please be sure to properly identify the Personal Representative or Administrator, or any other unique issue relating to the Letters. In guardianship matters, clearly identify whether you are seeking full or limited guardianship.

In a probate case, once the order is signed, and the oath and original Letters filed, we would then make a certified copy of the Letters appointing either the personal representative or the administrator. When the order is signed appointing a guardian and the oath is filed (and the bond filed, if one is ordered), we will file the original Letters and make a certified copy of the Letters as presented, certifying them as we do now. The charge that you have paid in the past is for the certified copy of the original letters pursuant to RCW 36.18.016(9). We never charged for the preparation of the Letters. You can retrieve the fee schedule from our main web page at <http://www.co.thurston.wa.us/clerk> (the fee is \$5.00 for certification, pursuant to RCW 36.18.016(9) (Page 7 of Fee Schedule)).

As always, I welcome suggestions for topics that you would like me to address in an upcoming issue.

*Betty J. Gould*

THURSTON COUNTY CLERK



# CONNOLLY TACON & MESERVE

ATTORNEYS AT LAW  
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is pleased to announce that  
**NATHAN L. KORTOKRAX**  
has joined the firm.

**NATE KORTOKRAX**  
is a graduate of  
University of Evansville  
and  
Ohio Northern University  
Claude W. Pettit College of Law.

Nate has practiced law in Washington since 2007.  
His practice will emphasize family law,  
misdemeanor and traffic defense.

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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](mailto: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](mailto:tcba.info@gmail.com) to update your email address!

## 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](mailto:tcba.info@gmail.com)

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## A VIEW FROM THE BENCH \*DEPENDENCY CASES\*

By Judge H. Christopher Wickham

Many of you do not work in the area of Family and Juvenile Court that hears child abuse and neglect (“dependency”) cases. Those of you who do often do so out of a choice to try to help these most vulnerable of children and their parents. For judicial officers, the cases present particular challenges. All judges and commissioners draw on their life and professional skills to try to best serve as a juvenile court judge, and so we all do so a little differently. These are just my thoughts on how I approach these cases.

In Washington, the State and the parents are well represented. Children are given either a CASA or a GAL who advises the court as to what they think is in the child’s best interest. Occasionally, the court will appoint an attorney for an older child, but more often than not the children are unrepresented. As a result, you have a discussion about a person and their needs including everyone but the person who is the subject of the discussion.

Through training and experience, I have learned to try to draw the young person into the discussion if they are adolescents. Often she is uncertain of her future and may be distracted by her parents’ drama. She has often been in several placements by the time I see her.

I like to focus on the area of education and goals. In this way I hope to get her attention on her own choices and her own future. I emphasize school because I consider that the most important activity for young people. I talk to them about who they want to be and how they might get there. I try to empower them to define and set their own goals. Not every young person needs to go to college. All need to be self-supporting and will need to be able to have satisfying adult relationships and, hopefully, successful children. I try to talk to these young people as if they were my own, which in some sense they are. I am a parent who has always wanted my children to find their passion in life and pursue it; to set high goals for themselves and find their own way to reach those goals.

I truly believe our young people in foster homes have great opportunity. Their path is not easy, but we have skilled and caring social workers and other professionals who can help. I’m grateful to have been able to support all those who are trying to make a difference for this group of children. I hope that if you are so inclined you will find a way to lend your talents to their success as well, either as a child’s attorney or a CASA. In that regard, I expect we will be fortunate enough to have some excellent training opportunities in the next 6 months for attorneys who want to represent children in dependency cases. I can guarantee that even though you won’t make much money on these assignments, you will gain enormous satisfaction and might just recall why it is you decided to become a lawyer!

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- 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.

## TCBA Updates

### Open Board Position

We are sorry to see Elissa Kokis leave her position on the Board for the TCBA. The Board wants to extend a huge THANK YOU for all of her hard work. This will leave a vacancy to be filled. If you, or anyone you know is interested, please contact Angela Skinder at [tcba.info@gmail.com](mailto:tcba.info@gmail.com), or any of the current Board members.

### Bench/Bar Meeting

Thursday, October 20th from 12-1:15pm, bring a brown bag lunch and hear from both Superior Court Judges, as well as, District Court Judges. There will also be a question and answer period for the judges.

### Monthly Luncheons

This is just a reminder that the monthly CLE luncheons at Ramblin' Jacks will resume on October 21, 2011. Topic to be announced soon.

### November issue of the Legal Brief

There will be a deadline of November 4, 2011 for submission of articles and advertisements to Angela Skinder at [tcba.info@gmail.com](mailto:tcba.info@gmail.com).

### 2011 Holiday Lunch

Mark your calendars for December 9, 2011 for our annual Holiday Luncheon. More information to come.

### Upcoming 1/2 Day, Low Cost CLE

Mark your calendars—Friday, December 16, 2011 there will be a 1/2 day seminar held at St. Martin's University from 1-4:30pm. The topic will be Estate Planning: Keeping your firm relevant for 2012. Speakers will include: Cynthia Worth, Janet McClanahan Moody and Lauren Pittman. Three general CLE credits are pending with the WSBA.



Check out the Thurston County Bar website at  
[thurstoncountybar.com](http://thurstoncountybar.com)  
 Any thoughts or suggestions, please contact  
 Angela Skinder  
[tcba.info@gmail.com](mailto:tcba.info@gmail.com)



### 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!

With mixed sadness and joy

**JENSEN KOKIS ERWIN PS**  
announces

Elissa Kokis and Jeffrey Erwin  
are relocating to New Orleans  
September 2011

Please join us in wishing Elissa and Jeffrey the very best!  
We will miss them!



Jessica McKeegan Jensen  
will continue the firm under the name

**JESSICA JENSEN LAW PS**

and is pleased to announce that

**Jerrie Grady Paine**

has joined the firm

Ms. Grady is a Washington native  
who has spent most of her life in Arkansas,  
where she had a successful general trial practice law firm.  
She also has significant mediation experience.

Prior to having her own firm,  
Ms. Grady litigated child protective cases for the State of Arkansas.  
Her practice will initially focus on family law  
and other general practice areas.

Please join us in welcoming Jerrie to the community!

# 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 Committee

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



Tony Panagiotu  
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