

THE LEGAL BRIEF

A Publication of the Thurston County Bar Association

Volume 32, Issue 3

May 2014

Inside this issue:

| | |
|---|---------|
| <i>President's Letter/Board Members</i> | 1 |
| <i>View From the Bench</i> | 2 |
| <i>Classifieds/Ads</i> | 3,5,6,9 |
| <i>Young Lawyer's Spotlight</i> | 4 |
| <i>Article by Martha Wehling</i> | 6 |
| <i>Law Day Speech Contest Results Announcement by Betty Gould</i> | 8 |
| <i>Annual Dinner/Annual Review</i> | 10, 11 |
| <i>TCVLS Updates</i> | 12 |
| <i>TCBA Upcoming Events</i> | 13 |
| <i>Announcements by Megan Card</i> | 14, 16 |
| <i>Article by Victoria Byerly</i> | 15 |

TCBA Board of Directors 2014-2015

Officers:

Lenny Lucenko **Terry Church**
President President Elect

Janet McClanahan **Megan Card**
Moody Secretary
Treasurer

Larry Jefferson
Immediate Past President

Chris Coker
Board Member

Laura Murphy
Board Member

Brent Normoyle
Board Member

William B. Pope
Board Member

John Skinder
Board Member

Mark L. Wheeler
Board Member

Trevor A. Zandell
Board Member

President's Message By: Lenny Lucenko

On May 16, 2014 the Thurston County Bar Association gathered for our annual dinner at the Olympia Golf and Country Club. The new and improved facility provided breathtaking views and a wonderful atmosphere for our dinner. Almost ninety people attended and we talked and socialized past 9:00 pm.

During the business portion of the meeting I was honored to be confirmed as your President for 2014-2015. The remaining Officers consisted of Larry Jefferson as Immediate Past President, Terry Church as President Elect, Megan Card as Secretary and Janet McClanahan-Moody as Treasurer. We also approved the following members for your Board of Directors: Trevor Zandell, John Skinder, Bill Pope, Mark Wheeler, Chris Coker and our two new members Laura Murphy and Chris Lanese. I am looking forward to working with these outstanding individuals to help serve our legal community.

We also voted to amend the by-laws to reflect that at least one Director may be a "Young Lawyer" allowing for a Young Lawyer to hold an Officer position if elected. The Officers of the Board now include the Immediate Past President who shall serve for a one-year term following their term as President. If a Director moves into an Officer position, their spot on the Board becomes vacant and can be filled by a member of the Association. Finally, the sections were updated to meet the needs of our members to include a Real Estate, Land Use, Environmental Law and Pro Bono Section.

After a delicious buffet dinner that included salmon, chicken, and a vegetarian option, we proceeded to the award portion of the dinner. We acknowledged eight of our members who have been practicing for at least fifty years: E. Robert Fristoe (sixty five years), Francis Walker (sixty four years), Don W. Taylor (sixty years), Honorable Robert Doran (Retired, fifty six years), Charles B. Roe (fifty four years), Frank Owens (fifty three years), Argal Oberquell (fifty one years) and Justice Gerry Alexander (Retired, fifty years).

Following this acknowledgment, Brent Normoyle and Trevor Zandell introduced and presented a short slide show on behalf of the winner of the 2014 Daniel Bigelow Award Alan Swanson. Alan is a truly deserving recipient for this award as his community involvement and outstanding work within our legal community exemplifies the qualities that we look for in our Bigelow Award winner. Congratulations Alan on a well-deserved award!!

After Alan accepted the award and made moving and eloquent comments, outgoing president Larry Jefferson made his departing comments. Larry's comments were low key per his personality and he had to be prompted by the crowd to become a bit more animated and excited. Larry expressed his heartfelt appreciation to the entire Thurston County Bar Association and detailed how the Thurston County Bar Association is in a position of strength financially and through the participation of our membership. Larry will be a tough act to follow and I will do my best to continue the work and leadership that my predecessors have started.

(continued on page 2)

(continued from page 1)

In my comments to the membership I advised how fortunate we are to be living and practicing in the Thurston County area. We have a collegial and thoughtful membership and are very fortunate to be able to work with the best judicial officers in the state. We will work hard to continue to provide low cost and local continuing legal education credits and to provide topics that are interesting and practical for our membership. We have initiated a mentor program to provide mentors for young attorneys and attorneys who have unfamiliarity with specific practice areas. We will continue to sponsor section meetings and will continue to support local organizations such as the Thurston County Volunteer Legal Clinic, Thurston County Dispute Resolution Center, Bigelow House to name just a few. We will continue to sponsor the Adopt-A-Family program and participate in law day and the day of caring, events that make a difference in our community. We will continue to work with our judiciary and schedule bench/bar meetings.

The Thurston County Bar Association is our organization and together we can continue to make it a truly outstanding organization. Please do not hesitate to contact me or other board members with any questions, concerns or suggestions that you have that can improve our organization. I look forward to working with all of you this year!!

A View From the Bench

By Superior Court Judge Carol Murphy



Recently, I had the opportunity to preside over the swearing-in ceremony of a group of new members of the Washington State Bar Association. It was a pleasure to address, and get to know a little bit about these lawyers who are just beginning to practice their profession in our community. I want to share a few things that I said to them because they are good reminders for all of us.

First, your reputation as a lawyer is created by every contact you have – with a client, with opposing counsel, with a court reporter, with anyone. Your argument could be brilliant before the judge, but if your brief was full of errors and you were rude to opposing counsel's legal assistant in setting the hearing, your reputation will reflect all of those actions.

Second, our legal community includes many great mentors and excellent examples of professionalism. Learn from them. They will give freely of their time and advice if you just ask. The learning should never stop. Throughout my career, I have had the opportunity to learn from other attorneys, including opposing counsel, legal assistants, clients, jurors, and others. In the last year, I have sought input from judges and lawyers I respect in order to continue to learn and improve.

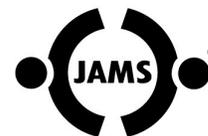
Third, get involved in your community! A lot is happening. As I have said in this publication before, it seems that change is constant at Superior Court. Find out more about Local Rules, the new statewide Case Management System, and building plans at the next Bench Bar Meeting scheduled for June 18th. I hope to see many of you there.

I will end with this Italian proverb, which I think is applicable to the legal profession at any stage of your career.



Quando finisce la partita, i pedoni, le torri, i cavalli, i vescovi, i due re e le due regine tutti vanno nello stesso scatolo.

English translation: When the chess game is over, the pawns, rooks, knights, bishops, kings, and queens all go back into the same box.



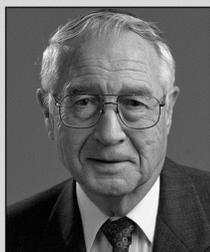
Neutrals Like No Others

Access to the best mediators and arbitrators practicing today—
that's the power of difference only JAMS delivers.



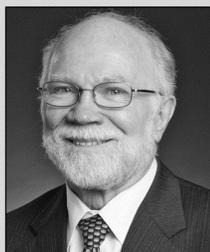
Hon. Paula Casey (Ret.)

Judge Casey has four decades of legal experience and gained a significant amount of ADR expertise during 30 years on the Thurston County Superior Court, where she served two terms as presiding judge of the Family and Juvenile Court. Judge Casey is known for her expertise in Unified Family Courts, and she has worked to help individuals achieve mutually agreeable, timely and less costly outcomes to their cases. Her ADR practice focuses on family law, estates/probate/trusts, guardianship and government matters.



Hon. Robert J. Doran (Ret.)

As a Thurston County Superior Court Judge for 22 years, Judge Doran conducted hundreds of settlement conferences, primarily in family law. Since joining JAMS upon his retirement in 1993, he has served as an arbitrator, mediator, special master and discovery referee in a wide variety of disputes involving business/commercial, employment, environmental, family law, personal injury and real estate matters. Judge Doran's thorough knowledge of the law, scholarly approach and attention to detail have made him an effective neutral.



Hon. Thomas McPhee (Ret.)

Judge McPhee has more than 40 years of legal experience, including 22 years on the Thurston County Superior Court, where he personally conducted more than 300 settlement conferences and required ADR in all civil cases assigned to him. Before becoming a judge, he was a trial lawyer in private practice for 20 years. He serves as a mediator, arbitrator, special master and discovery referee in cases involving class action/mass tort, construction, employment, estates/trust, government/public agency, insurance and torts.

The JAMS Washington State Panel also includes:

Judge Sharon Armstrong (Ret.)
M. Wayne Blair, Esq.
Fred R. Butterworth, Esq.
Judge J. Kathleen Learned (Ret.)
Judge Terry Lukens (Ret.)

Lawrence R. Mills, Esq.
James F. Nagle, Esq.
Douglas S. Oles, Esq.
Judge Robert H. Peterson (Ret.)
Commissioner Eric B. Watness (Ret.)

YOUNG LAWYER SPOTLIGHT By: Megan Card, YL Chair

Katherine “Katie” Beeler, WSBA No. 46649

Katie@jessicajensenlaw.com

(360) 705-1335

I couldn't be happier with my decision to move to Olympia to work at Jessica Jensen Law. It was a big decision but I knew it was a good fit from the beginning and I'm so grateful for the opportunity it has given me. The attorneys I work with are supportive and easy role models. Aside from work, I can't wait until springtime and summer in Olympia so I can get outside and enjoy the outdoors. I'm planning on kayaking and paddle boarding more this year!



- 🌀 **Areas of practice:** Personal injury, estate planning, business, and land use.
- 🌀 **One of the greatest challenges in law today is:** Access to justice. A lot of people can't afford good representation and that is something the profession needs to work on.
- 🌀 **The hardest part of being a young lawyer is:** Learning how to practice! There is a lot to learn the first few years that you don't get from school.
- 🌀 **If I were not practicing law:** I would be a social worker or a yoga instructor.
- 🌀 **This is the best advice I have been given:** Honesty is number one.
- 🌀 **I would give this advice to a first-year law student:** Stick it out! I definitely had doubts throughout the first year.
- 🌀 **People living or from the past I would like to invite to a dinner party and why:** Albert Einstein because in addition to being a genius he seems like a compassionate and interesting person.
- 🌀 **If I could live anywhere:** Florence! I traveled there in the summer of 2010 during a backpacking trip and I fell in love with the artistic history and the people.
- 🌀 **This is the hardest part of my job:** Trying to get everything done that I would like to. Sometimes there just aren't enough hours in the day, but we just do the best that we can, whether or not that means getting everything done that we would like to.
- 🌀 **This is the best part of my job:** Meeting with clients and seeing how my help can affect their general well-being. Our help can provide a sense of relief and empowerment when they get the assistance they need.
- 🌀 **I would like to add this:** I love yoga and would love to go with anyone who is interested in trying it and wants a "yoga buddy"!

Quality Office Space Available

Center of Downtown Olympia
Chambers Block
Corner of 4th Ave & Capitol Way

This historic building makes for quality office space, with exposed brick, high ceilings & skylights. Individual offices from 108 to 665 sq ft. All have use of conference room, kitchen and lobby with utilities included. They don't make them like this anymore!

Please contact Aslan Meade for more info:
360-789-8843
aslan@banklocalwa.com

CTM CONNOLLY TACON & MESERVE

ATTORNEYS AT LAW • A PROFESSIONAL SERVICES CORPORATION

We are pleased to announce

Chuck Szurszewski, Carter Hick and Nate Kortokrax

have received "AV," or "Preeminent," ratings from Martindale Hubbell.

They join attorneys **Avelin Tacon** and **Chris Meserve**, who had previously received AV ratings.

Connolly Tacon & Meserve

201 - 5th Avenue SW, Suite 301
Olympia, Washington 98501
Telephone: 360-943-6747

www.olylaw.com

MESSINA-BULZOMI CHRISTENSEN

PERSONAL INJURY AND TRIAL ATTORNEYS

Is your firm ready to do battle? We would be happy to confer with you on your most complex personal injury cases. Let us help you get the recovery your client deserves.

- Generous referral fees
- Superior client service

Bring us your tough cases.

Attorneys
John L. Messina
Stephen L. Bulzomi
John R. Christensen
Jeremy A. Johnston
James W. McCormick

Office
5316 Orchard Street West
Tacoma, WA 98467
tel: (253) 472.6000, (800) 992.9529
fax (253) 475.7886
<http://messinalaw.com>



Mazama Pocket Gopher News

By Martha Wehling

Beginning May 9, 2014, the federal Endangered Species Act will apply to four subspecies of the Mazama pocket gopher in Thurston County. On April 9, the United States Fish and Wildlife Service issued the listing and a final rule designating critical habitat for three of the subspecies. Listing under the ESA results in federal protection for the gopher and restrictions on activities that may impact the gopher.

No one can “harm” or “harass” a federally listed species without being at risk of an enforcement action under the ESA’s Section 9 “take” prohibition. Legal ambiguity arises in determining what activities constitute harm or harassment. The Service’s listing decision identifies four activities that could potentially result in a violation of Section 9:

(1) introduction of competing or predator species for the gopher or its habitat; (2) modification of the soil profiles or foraging habitat on occupied sites; (3) trapping or poisoning in occupied areas; or (4) harassment or removal of a gopher. Although the Service recognizes that a landowner has no legal obligation to restore or recover degraded potential habitat, their first two activities create ambiguity about a landowner’s obligations. Further, the Service’s definition of “occupied” habitat is extremely broad, including property that is unoccupied but within an unspecified area of proximity to occupied habitat. Section 9 penalties include both monetary damages and criminal penalties, and the costs of defending a Section 9 take lawsuit, which can be brought by citizen suit, can be high.

The second impact from the listing decision is for property within a critical habitat designation. Those owners must undergo additional consultation with the Service when they take any action that has a federal nexus. This includes any activity that needs federal approval or uses federal funds. The costs of consultation, required by Section 7 of the ESA, vary considerably.

The Service’s listing decision includes a 4(d) special rule which exempts specified activities from the risk of a Section 9 take enforcement action. This includes agricultural (grazing), single-family residential (constructing a fence), invasive plant control, and roadside right-of-way activities.

Potential gopher habitat is very broadly defined in the decisions, based primarily on specified soil types, but including any other similar soil type that may support gophers. The Service has not identified actions that minimize or mitigate risk, and at this point, do not appear to be pursuing a mitigation bank. Local jurisdictions, which have followed local rules and Washington Department of Fish and Wildlife management recommendations, are now faced with increased uncertainty in how to regulate for gopher protection.

For more information, please visit the Phillips Burgess webpage for articles summarizing the decisions: phillipsburgesslaw.com.

Gayle Lieberman Retiring from District Court....or is she?

The year is 1983 and women are wearing leg warmers while working out to Jane Fonda, children are clamoring for cabbage patch dolls, and Michael Jackson is belting out one hit after another on the radio. Meanwhile, Gayle Lieberman passed the intense scrutiny of Judges Berschauer and Strophy and was hired as a clerk in Thurston County District Court. In her early days with the court, Gayle clerked with both Judges as well as Retired Judge Thorp. She has since worked with every Judge and Commissioner in District Court. A saying adopted by Judge Buckley, and common among her peers, is Gayle worked in District Court when records were maintained on parchment paper.

In addition to her hard work as the Courtroom Coordinator, Gayle is active in her community and especially her fundraising efforts with the Loopholes. While working with the charity, the Loopholes raised over \$160,000.00 for the American Cancer Society at Relay for Life. Gayle has indicated retirement will bring her and her husband Steve, an opportunity to spend time traveling and riding their bikes on the less traveled path. However, Gayle has observed some “interesting events” both in and out of the courtroom during her 31 years in District Court. There is widespread speculation that Gayle is not retiring, but in fact entering the witness protection program. Regardless of where Gayle chooses to “retire” on June 30th, we will miss her ever present smile and willingness to help in any way possible. Best of luck Gayle!

Announcement to come regarding Gayle’s retirement party.





Lisa Seifert and the team at Seifert Law Offices are pleased to announce that (after 25 years in the center of downtown Olympia)...

We Have Moved to Percival Plaza near the Farmers Market.
(626 Columbia St. NW, Suite 1A, Olympia, WA 98501)

OPEN HOUSE – Friday June 6th . 3-6pm. Please come and say hello.

We welcome your referrals of clients with immigration and citizenship issues.



Lisa Seifert
Seifert Law Offices, PLLC
www.seifertlaw.com | [360.357.7087](tel:360.357.7087)

We Build Relationships and Get Results

The Injury Group at Davies Pearson

- Auto Collisions
- Construction Site Accidents
- Medical Malpractice
- Workers' Compensation

- Established 1949
- Experienced Trial Lawyers
- Named to 2013 Top Ranked Law Firms by Martindale Hubbell in Fortune Magazine



LAW DAY 2014

On May 12, we had the Finals for the 2014 Law Day speech contest at the Red Lion. Approximately 150 people attended and the speeches were awesome! For the first time, both the Westside Rotary and the Downtown Rotary combined their meetings so their members could hear the speech contest. This year's topic focused on the issues of poverty and homelessness and their impact on the youth in our community. Twenty-one local high school students from Olympia High School, Capital High School, Black Hills High School, Tumwater High School and Timberline High School participated in this year's contest. We had two preliminary rounds in April which were attended and scored by TCBA Board Members Terry Church, Larry Jefferson, Janet McClanahan-Moody, and John Skinder. Judge Hirsch, Judge Price and Judge Sutton also attended and scored the preliminary rounds. Selecting the top three finalists was a challenge because the presenters had many fresh ideas which were presented with poise and passion. Zoe Herron, Quinn Johnson, and Lina Phan advanced to the Finals.

All three students were impressive in their presentations. The audience broke into cheers and applause after each student finished. After the speeches concluded, three speech judges were selected representing the Rotary, the TCBA, and the Thurston County Superior Court. After deliberation, Third Place was awarded to Lina Phan who is a senior from Black Hills High School. Second Place was awarded to Zoe Herron, a senior from Timberline High School. And, the winner of the 2014 Law Day Speech Contest was announced...Quinn Johnson, a sophomore from Olympia High School. The TCBA presented scholarship money to each finisher (\$800 for first, \$600 for second and \$400 for third) and the Rotary provided each of the Finalists with a plaque and a clock. It was truly a wonderful event.

If any members would like to participate in this awesome event next year, please let John Skinder know of your interest. He can be reached at the Thurston County Prosecutor's Office or feel free to e-mail Angela Skinder at tcba.info@gmail.com



Superior Court Clerk Betty Gould to Retire

Press Release, May 15, 2014



Thurston County Superior Court Clerk Betty Gould today announced plans to retire in December at the end of her elective term. With nearly 24 years of service to the public and court, Gould is the longest continuing serving clerk in county's history. She has endorsed her chief deputy, fellow Democrat Yvonne Pettus, as her successor.

When Gould took office on Jan. 7, 1991, she inherited an office with one computer used by a part-time staff member. Other staff members used typewriters and court records were hand written and kept in voluminous manila files that filled every space available. "We were faced with vaults that had no room for another file and boxes of files filled storage areas," Gould said.

She envisioned a much more efficient record keeping system where judges, clerks, attorneys and the public could access past and present court documents electronically. It's a vision that took two decades to accomplish, but Gould will leave office in December knowing that through her leadership the Thurston County Superior Court serves as a model for a paperless office.

Gould has ensured that the county's court history has been preserved for future generations as well. Protecting those fragile, hand-written court files, dated back to 1847 was important. With an imaging system in hand, a vendor hired and funding secured Gould set upon a three-year path to create electronic images of each document. At the end of the three years, more than 16 million paper pages had been converted to electronic pages.

The effort didn't stop with historical court documents. In April 2013 the Family Justice Center went paperless and in December that same year, the courts at the main courthouse followed suit. Electronic filing allows local and state government agencies and attorneys to go paperless and an electronic commerce site allows court customers to purchase copies of documents online.

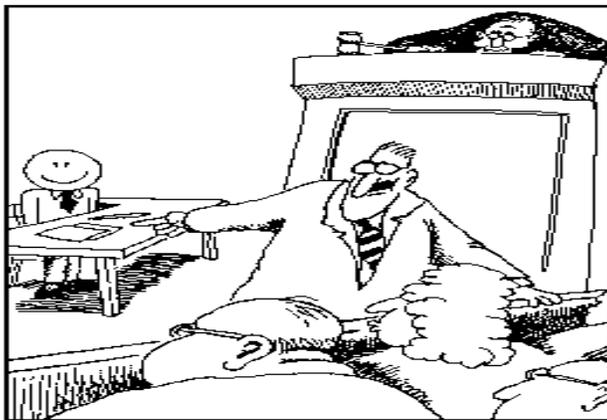
Service to the public and domestic violence reforms have been cornerstones of her career. Gould's domestic violence program provides victims with court liaisons and an advocate.

Gould's leadership on customer service and court efficiencies has been recognized at the state level. Twice she has been named County Clerk of the year. She served as president of the Washington State Association of County Clerks for seven years and prior to that was chair of the association's legislative committee for seven years.

"I want to thank you to this community for all the support they have given me and the trust they have placed in me," Gould said. "I have loved this career and have continued to do whatever was needed to provide the best service possible. I have a fantastic staff that have taken my vision and made it a reality. It's been my joy and honor to serve the citizens of Thurston County.

Professional Office Space for Lease West Olympia

Approx. 1600 sq ft, plus shared lunch room and 2nd ADA lav. Large conference room/library with built-in bookshelves and wainscoting. Two large corner offices, and three additional offices. Waiting area with built-in front desk, bookkeeper/assistant area, and a work room (for your copier). Craftsman-style doors, nice layout, airy. Close to services. \$1990.00/month, includes utilities (except phone, internet, cable). Available now. Contact Becky or Dr. Kirkpatrick 360-534-0053, or Carolyn Graden at The Rants Group 360-943-8060.



"And so I ask the jury... is that the face of a mass murderer?"

PRIME LOCATIONS 202 Central Street NE, Olympia, WA



THE BUILDING
Approximately 1,300 square feet of professional, first level office space. This is a well kept office with great natural lighting offered at approximately \$1,842 per month plus utilities.

THE LOCATION
Conveniently located near downtown Olympia at Central and State Street. Close to both West Olympia and Lacey. Great visibility from State Street.




WE WELCOME YOUR CALL
360-943-9922
VISIT OUR WEBSITE
www.primelocations.com

JOHN SANKER
john@primelocations.com
LINDY BREWINGTON
lindy@primelocations.com



Professional Office Space For Lease

3025 Limited Lane NW
Olympia, WA 98502

**First and Second Floor
Class A Office Space**
\$750-\$900 per Month (Includes Utilities)

Contact: ThunderBay Management
360-866-6633

Building Amenities

Inviting Floor to Ceiling Glass Entry * Lobby Water Feature * Modern Décor * Receptionist Coverage
High Speed Internet Available * Use of Large and Small Conference Rooms * Abundant Onsite Parking Spaces
Use of Full Shared Kitchen * Beautiful Landscaped Grounds

2013 Annual Review

The Thurston County Bar Association is in strong financial shape! The Board of Directors is working hard to be good stewards of income from membership payments, our successful continuing legal education program and other income. Kudos go out to our retiring Super Treasurer of many years, Leslie Owen, and Administrative Assistant Angela Skinder for automating our accounting system to make the job of all future TCBA Treasurers much easier. At the beginning of this year we had an annual review of our finances performed by Chrisinte Garst of Sound Nonprofit Accounting with good results and recommendations to further improve our accounting systems that are already in place. Ms. Garst's summary of our finances is at the bottom of this article.

As a Board at our annual retreat we have made the decision to keep \$10,000 in reserve for a rainy day fund, and also decided how to spend additional monies that we had on top of that reserve. In 2014 we have made donations that total \$4,500 from our surplus to several nonprofit organizations. Our criteria for donations has been local nonprofit groups who provide law related services. The donations help further the work these groups are performing in our community. They really need and appreciate the support of the TCBA. Organizations that we have supported financially from our surplus funds in 2014 include:

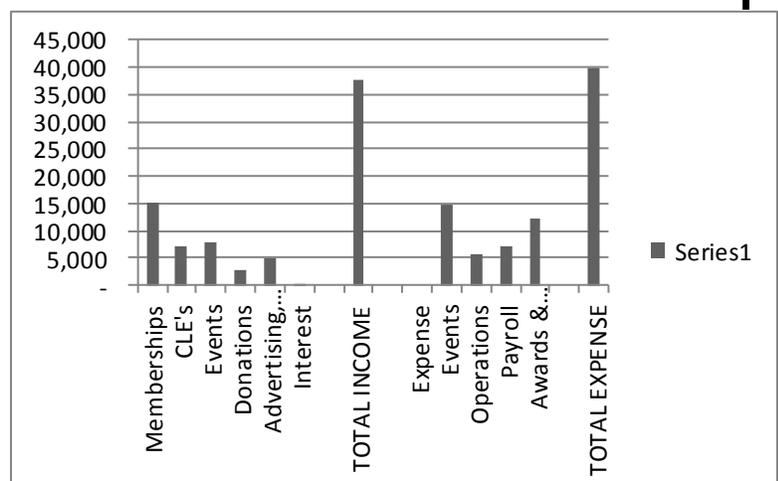
- Bigelow House
- Thurston County Dispute Resolution Center (DRC)
- South Puget Sound Community College, Paralegal Program Scholarship
- Thurston County Volunteer Legal Services (TCVLS)
- Safeplace
- Family Support Center
- Monarch Justice Advocacy Center

Additionally, we are committed to improving the experience of our members and to that end we have also put \$1,500 toward upgrading the TCBA website in 2014 (see related article for specifics on next page), and \$1,000 for use in making our CLE program more accessible and/or relevant to the membership. Additionally, we have made all web links from the TCBA website to our members web sites available at no charge. We have also provided a small financial amount for support of the TC Young Lawyer's events, and are working on a \$1,000 law school scholarship committed to a law student from Thurston County.

If you have any questions or comments about the TCBA financial review feel free to email tcba.info@gmail.com.

Thurston County Bar Association Annual Report

| | |
|-------------------------------------|---------------|
| Balance at Beginning of Year | 25,203 |
| Income | |
| Memberships | 15,300 |
| CLE's | 7,000 |
| Events | 7,697 |
| Donations | 2,756 |
| Advertising, Web Links | 4,975 |
| Interest | 22 |
| TOTAL INCOME | 37,750 |
| Expense | |
| Events | 14,864 |
| Operations | 5,536 |
| Payroll | 7,287 |
| Awards & Donations | 12,163 |
| TOTAL EXPENSE | 39,851 |
| Balance at End of Year | 23,103 |



2014 Annual Dinner & Meeting

Friday, May 16, 2014 was an eventful evening for the TCBA. There were by-law changes adopted, a new Executive team was accepted for the Board of Directors and a Bigelow Award winner was honored.

If you missed it, here are a few pictures (for better quality see the online version):



Congratulations to R. Alan Swanson for being named this year's Lawyer of the Year with the Bigelow Award. Brent Normoyle and Trevor Zandell gave a heartfelt and humorous introduction for Alan complete with a slideshow of old photos of Alan through the years. Congratulations, again, Alan... Well deserved!



Next, it was time to say THANK YOU to Larry Jefferson for his term as TCBA President. Larry led the TCBA over the last year and will now step into the role as Immediate Past President. He received a plaque for his service and gave a very passionate (yes, there were tears) speech to those in attendance. If you do not know Larry, you should... he is one of the most caring and generous people that I know and have the pleasure of working with.



After that it was time to say WELCOME to the new TCBA President, Lenny Lucenko. Lenny gave a great speech on his background and what he hopes to accomplish during his presidency. Lenny has been President-Elect over the last year and was in charge of the Ramblin' Jacks lunch time CLE's. I cannot say enough on how easy he has been to work with on the board. He thanked me at the dinner, but truly the thanks goes to him. He is always there if you need anything and always willing to jump in and get something done. As President this year he will lead the membership well.

-by Angela Skinder



The TCBA is getting a new look to its website!!

The Board of Directors wanted to improve the current TCBA website and voted to make some needed updates. Some of the new things you will see are:

- Ability to fill out your membership form and pay for your membership dues online
- Ability to sign up and pay for CLE's and events online
- Re-design of the overall layout
- Online calendar view of events
- Better and easier access to articles

The Board of Directors is excited about these improvements. Please let us know what you think.

Stay tuned for the unveiling of the new website at www.thurstoncountybar.com, an email will be sent when it is ready.



Thurston County Volunteer Legal Services
(360) 705-8194 – Main phone
(360) 688-1376 – Director's phone

**TCVLS Volunteer Recognition
and Fundraising Breakfast**

On Thursday, May 8 TCVLS hosted its annual Volunteer Recognition and Fundraising Breakfast. The Board of Directors and Staff are grateful to live in a community that is so committed to legal justice for low income families and individuals. We hope those of you who attended had fun networking and recognizing TCVLS volunteers. And we also hope you learned a thing or two about our accomplishments and are as excited as we are about our new initiatives.

We want to once again thank our sponsors:

| | |
|---------------------------|---|
| Corporate | Thurston County Bar Association |
| Platinum \$750 | Pope, Houser & Barnes Putnam Lieb Potvin OBee Credit Union |
| Gold \$750 | Budsberg Law Group Cascadia Law Firm Meyer Law Firm Patrick Rawnsley at PWR Law |
| Silver \$500 | Bean, Gentry, Wheeler and Peternell Elie Halpern & Associates |
| \$400 | J. Patrick Quinn |
| Bronze \$300 | Association of Washington AAGs Church Rietzke Fuller & Fuller Jay Goldstein Law Office Goodell Law, Mason County Larry Hoffman at Hoffman Law Firm Law, Lyman, Daniel, Kamerrer & Bogdanovich McClanahan Moody Law Firm Law Office of Allen Miller Law Office of Laura Murphy Law Office of Harriet Strasberg Weinberg & Ziegler Williams, Wyckoff & Ostrander Law Office of Eitan Kassel Yanich Younglove & Coker |

**THANK YOU TO ALL OUR DONORS AND
VOLUNTEERS!**

Volunteer Awards for 2013

At the breakfast, TCVLS proudly announced the Volunteers of the Year for 2013:

ATTORNEY OF THE YEAR:

Retired District Judge Sue Dubuisson

ADMISTRATOR OF THE YEAR:

Nicole Anderson

We also gave our **COMMUNITY PARTNER** award to First Citizens Bank for their support of TCVLS.

NEW INITIATIVES

The Board of Directors and staff are very excited to announce new opportunities for low income individuals and families to receive free legal services (AND new opportunities for you to volunteer!). Beginning in June we will have a new legal advice clinic at the Family Support Center on the 3rd Wednesday of each month.

JUNE 18 WILL BE THE FIRST CLINIC!

Please contact Megan at coordinator4vls@gmail.com to volunteer.

We are also starting a legal clinic in Grays Harbor County. While we already serve low income individuals and families from Grays Harbor and Pacific Counties, they have to come to Shelton or Olympia to meet with an attorney. A clinic in Aberdeen or Montesano will be a great addition! Stay tuned for more information on when and where this clinic will be. Although we anticipate Grays Harbor attorneys staffing the clinics, we will likely need Thurston County attorneys the first couple of months as we get going. We will also need current mentors to help out until we get local attorneys trained.

TCVLS will also be hosting a series of events to help young adults seal their juvenile records. While a bill passed the legislature this year, it is not retroactive so many young adults continue to have trouble finding housing and employment. We will have the first event in Olympia in the fall. Stay tuned for more information.

TCBA & Other Upcoming Events

3rd Annual TCBA Family BBQ/Picnic

Save the date for Saturday, August 23, 2014 at Burfoot Park, starting at 12:00p.m. Look for details soon via email.

Ramblin Jacks

Lunches will resume on Friday, September 19, 2014.

More details to come...

United Way Day of Caring

Look for more information over the summer on this tradition of helping out in our community. The date for the Day of Caring will be Friday, September 26, 2014. You will be able to volunteer all day or just part. Every year it is a new adventure...think about volunteering this year!

September Issue of the Legal Brief

There will be a deadline of August 28, 2014 for submission of articles and advertisements to Angela Skinder at tcba.info@gmail.com.

2014 Holiday Lunch

Save the date for the 2014 Holiday lunch.... *Friday, December 5, 2014* starting at 12:00 p.m. It will be held at Indian Summer Golf & Country Club.

Please refer to the “Calendar” section of our website for a full list of upcoming events:
www.thurstoncountybar.com

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.

Patrick Rawnsley is the new Chair of this section.

If you have any questions please contact Patrick at (360) 754-1222 or pat@pwr-law.com

Young Lawyer Section

The Young Lawyer Section holds regular Monthly Meetings the first Tuesday of every month,

Please contact Megan Card at 352-8311 –or– meganc@buddbaylaw.com

Please visit the new webpage at <http://thurstoncountybar.com/sections/young-lawyer-section/>

Real Estate, Land Use and Environmental Law Section

Martha Wehling is now the Section Chair. For questions or additional information, please feel free to contact her directly at mwehling@pwblawgroup.com or (360) 742-3500.

The last meeting was in April and was well attended. We had Kelly Wood present on SEPA scoping, an issue that has received public attention recently when the Department of Ecology announced its scope for the proposed coal terminal project. Everyone in attendance received 1 general CLE credit.

The next meeting of the Real Estate, Land Use and Environmental Law Section will be on June 4. Heather Burgess will discuss the impacts from the federal listing of the Mazama pocket gopher. Stay tuned for the announcement or email Martha Wehling for more information at mwehling@phillipsburgesslaw.com.

There is 1 general CLE credit APPROVED with the WSBA.

9 newly admitted Young Lawyers take the Oath of Attorney

By: Megan D. Card, YL Section Chair

The Young Lawyer Section of the TCBA held a swearing in ceremony on April 17, 2014 at the Thurston County Superior Courthouse for the newly admitted lawyers in our area. The Honorable Judge Carol Murphy presided over the ceremony and administered the Oath of Attorney. The TCBA wishes to again congratulate those admittees: Grace V. Dyer, Kristin M. Raymond, Drew Davis, Amy Hein Totten, Jennifer Serafin, Cheryl Van Ackeren, Aaron Nelson, James A. Webster, and David T. Hailey. 237 of the 334 candidates passed the Bar Exam administered in February 2014 resulting in a 71% passage rate.



A huge THANK YOU to those members who responded to the request of becoming a mentor:

| | | |
|----------------|-----------------|---------------------|
| Michael DeWitt | Larry Jefferson | Diane Whaley |
| John Skinder | Lenny Lucenko | Jonathan Sprouffske |
| Bill Pope | Trevor Zandell | Melissa Denton |
| Margaret Brost | Darren Nienaber | Chris Coker |



If you are willing and wish to be a part of this program it is not too late, please send an email to tcba.info@gmail.com with your name and area of practice that you are willing to mentor in.

The list is currently on our website and ready to be used by the many young lawyers that are just starting out and may have some questions in a particular area of practice.

The time commitment is up to you and can be as simple as a phone call or more in depth mentoring as you see fit.

The America Fast Forward Bond Program

Victoria S. Byerly
Parr Byerly, PLLC
(360) 357-3036
www.parrbyerly.com

For those of you that find tax and municipal bonds uninteresting, you may want to tune out now. For everyone else, I promise that this is short. On March 4, 2014, President Obama released the America Fast Forward Bond Program in the fiscal year budget for 2015. Some of you may be feeling like this is déjà vu. That feeling is right.

The America Fast Forward Bond Program's (hereafter AFFBP) roots are in Los Angeles. The L.A. County Metropolitan Authority made a proposal last year and this is the genesis for the AFFBP. The new bond program is the result of lessons learned from BABs, the need to facilitate investment in replacing our crumbling infrastructure and the need to facilitate research and technological innovation, just to name a few things. The President's AFFBP includes the following:

- 1) Permit current refunding of state and local government bonds;
- 2) Repeal the \$150 million non-hospital bond limitation on qualified §501(c)(3) bonds;
- 3) Increase national limitation for qualified highway or surface freight transfer facility bonds;
- 4) Eliminate the volume cap for private activity bonds for water infrastructure;
- 5) Increase the 25% limit on land acquisition restriction on private activity bonds;
- 6) Permit flexible research arrangements for purposes of private business use limits;
- 7) Repeal of the government ownership requirement for certain types of exempt facility bonds; and
- 8) Exempt foreign pension funds from the application of FIRPTA (Foreign Investment in Real Property Act).

If the AFFBP becomes law as it currently is written, it would not apply to advanced refundings. The proposal also includes an exemption from sequestration for AFFBP bond payments to issuers and the credit rate would be 28%. The President's FY 2015 budget included other bond related proposals such as establishing a national infrastructure bank and simplification of the arbitrage investment restrictions. If passed, the AFFBP could be another very useful tool to state and local governments. We will have to see what happens on the east coast.

United States District Court WESTERN DISTRICT OF WASHINGTON

New Binder Policy

Please take notice that, effective **July 1, 2014**, the Western District of Washington will no longer be accepting courtesy copies filed in 3-ring binders. If a courtesy copy is submitted in a 3-ring binder after that date, the binder will be returned to the person filing the courtesy copy.

After 7/1/14, all courtesy copies must be

- 3-hole punched
- Tabbed
- Bound by rubber bands or clips

This policy does **not** apply to the submission of trial exhibits. Parties should contact each chambers and ask how that chambers wishes their trial exhibits to be packaged.

WA Vets Will Clinic **Providing Free Estate Planning Documents** **to Veterans of the U.S. Armed Forces**

By: Megan D. Card



An older gentleman walked into the clinic having read about it in the newspaper. He didn't believe that it was true – that he could obtain a will at no cost to him. A volunteer asked him if he had made an appointment online. He had not because he didn't own a computer (nor did he know how to use one), but showed up hoping he could be seen. The volunteer scrambled to find an attorney to meet with him and was able to secure one.

During the intake process, the attorney discovered that it was his 80th birthday. He clutched two pieces of a paper in his hands; the deed to his property and the title to his truck. All he wanted was to make sure his only assets, the property and truck, went to his family friend who had cared for him. When he walked out, with

his completed will in hand, he profusely thanked the volunteers and told him it was the best birthday present he had ever received.

The WA Vets Will Clinic provided FREE estate planning documents to 149 veterans of the US Armed Forces (including the gentleman above) at its second annual Spokane Clinic in October 2013 with the help of 36 attorneys, 15 notaries, 47 law students and other members of the public. The Clinic is expanding state wide with a local **South Sound Clinic** to be held in **Lakewood on October 18, 2014**. Additionally, clinics will be held in October 2014 in Spokane, Wenatchee, Tri-Cities, and Seattle.

Hearing that gentleman's story made me want to become a part of this amazing and fast-growing clinic. The thought of honoring my own father (a Vietnam Vet) tugged at my heart strings and ensured I would do everything within my power to bring this clinic to our local Vets. Sponsors and volunteers are needed to help plan this event. If you are interested in being a part of the planning committee, email meganc@buddbaylaw.com.

For more info go to: wavetswillclinic.com.

9th Annual WSBA Solo & Small Firm Conference

“The Small Firm Advantage: Innovative Tools, Technology and Strategies to Leverage Your Practice”

Conference Date: July 24—July 26, 2014

Location: Hilton Vancouver
301 W. 6th St
Vancouver, WA 98660-3109

CLE Credits: Ethics: 3.00; General: 12.25

Registration Info: <https://www.mywsba.org/onlinestore/productdetail.aspx?ProductID=6635566&page=sem&mt=>

Here are some highlights of the presentations that will be offered:

- Get the latest technology information for the small law office, including “I Went Mobile & Paperless & You Can Too” with Jennifer Willner, “How to Set Up and Manage a Virtual Firm” with Stacey Romberg, “Using Social Media for Business Development” with Sara Lingenfelter, and “How to Grow Your Practice Strategically” with Ann Guinn, our own nationally recognized speaker and author.
- Hear three presentations by nationally recognized technology expert, Barron Henley, on “60 Legal Tech Tips, Gadgets and Websites in 60 minutes”, “Moving Your Practice into the Cloud” and “Champagne Technology on a Beer Budget”.
- Network with other solos and small firm lawyers from around the state during the Conference lunches, breaks and receptions.
- Meet and sample products from a variety of legal vendors and exhibitors, ranging from practice tips for the small office to practice management software.