

THE LEGAL BRIEF

A Publication of the Thurston County Bar Association

Volume 26, Issue 1
January 2011

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President's Message By: Toni Hood

Although I am sad to see Kalo Wilcox leave our Board and Presidency, we are all very proud of Kalo, and I am excited to be the new Thurston County Bar Association President. I have been involved with the Bar Association since 1997, when I moved to town to take a job at Foster, Foster and Schaller. I am very proud of the work we accomplish as a Board and would really like to see an increase in participation, especially from attorneys who are new to the community.

I believe that programs such as the Salvation Army Adopt-a-Family are so important and I would like to thank Lenny Lucenko for all his hard work this year. We adopted 15 families (70 individuals) and raised \$2325.00 which was used to buy Safeway gift cards.

I hope everyone had a happy holiday season and had at least a little time off to relax and enjoy friends and family! As many of us do, I received many holiday cards this season. I received one card from a client which I think is worth mentioning. The card was full of printed stickers with inspirational sayings. At first I thought, 'What am I going to do with all of these?' and placed them on a corner of my desk. However, after the holidays were over, I took another look. The sayings were truly inspirational, and when I thought about how genuine the person who gave them to me is, I really began to really appreciate them. During the rush of the holidays, the last thing I wanted to do was read inspirational sayings; now that I've settled back into work, I have truly enjoyed reading these and have decided to share a few.

Believe in something big. Your life is worth a noble motive.
Walter Anderson

Act boldly and unseen forces will come to your aid.
Dorothea Brande

Let other lead small lives, but not you.
Let others argue over small things, but not you.
Let others cry over small hurts, but not you.
Let others leave their future in someone else's hands, but not you.
Jim Rohn

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 Amy Robinson at amy.tcba@gmail.com

Patricia Morgan of Morgan & Bartholomew spoke at the TCBA December 17th CLE Forum as one of our six panelists. Patricia provided us with insight & wisdom in the area of Family Law. Read on for "Patty's Top Rules for Family Lawyers":

PATTY'S TOP RULES FOR FAMILY LAWYERS

1 – Take responsibility. Be honest and truthful. Always!

Don't blame your spouse, your dog, or your staff. Ever. Experience the power of an apology. Offer to pay. Never risk having to explain ... need I say more?

2 – Be prepared.

Listen to your client – Interrogate: seek out answers and evidence – Analyze your case (then seek out more answers and evidence if necessary) – Anticipate the other side – Present your case without repeating yourself or asking argumentative questions – Prepare all pleadings, especially Findings and Orders, with care. Write simple declarative statements, in the first person. "Motions to shorten time" are not a substitute for proper preparation. Keep good records – for your own protection if nothing else.

3 – Be respectful.

Of clients, colleagues, witnesses and investigators, the Court, and staff – Of resources, including time and money. Of yourself and your reputation. Cooperate. Practice saying "Very well, Your Honor, thank you" without a trace of sarcasm in your voice. Shut up if asked to and if you sense it's best – don't kill your own case. Avoid inanities – don't destroy your own and your client's credibility. Internalize – "Attempts to intimidate usually backfire!" Resist the urge to ship off that snippy letter, fax, or ... easiest of all to regret ... e-mail. Resist the urge to charge "what the traffic will bear."

4 – Be accessible.

Stay in touch with clients. Answer correspondence and calls ASAP. Always. It doesn't hurt to surprise clients from time to time by initiating contact.

5 – Be realistic.

Under-promise and over-deliver. In court, know that over-reaching can look foolish – for example, "motions in limine" to exclude all hearsay – what's the purpose?

6 – Mentor and have mentors.

This is not an invitation to use a "listserv" more. Develop personal relationships you can trust.

7 – Develop good relationships with "go to" experts.

Don't throw a haystack at someone and hope they'll find a needle. Never.

8 – Get involved with the legal community. (Try TCVLS ... contact Bruce Conklin at tcvlegal@hotmail.com.) Attend the WSBA FamLaw Section Mid-Year ... good value all around. Volunteer for Bar committees.

Patricia L. Morgan
December 2010

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.

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 Amy Robinson at amy.tcba@gmail.com to submit

JOINT TRANSPORTATION COMMITTEE
P.O. Box 40937 · 3309 Capitol Boulevard SE · Olympia, Washington 98504 · (360) 786-7313
EXEMPT RECRUITMENT ANNOUNCEMENT
RESEARCH ANALYST II/COUNSEL II

REPORTS TO: Coordinator, Joint Transportation Committee

LOCATION: Olympia, Washington

AVAILABLE POSITION: The Joint Transportation Committee (JTC) is hiring a permanent Research Analyst or Counsel for an approximately half-time position. It is estimated this position will start April 1, 2011. JTC is a bipartisan, bicameral legislative committee with membership consisting of the chairs and ranking members of the House and Senate Transportation Committees. The JTC was created in July 2005, to conduct research and studies of transportation issues to make information available to policymakers. Staff of the JTC are non-partisan. The primary duty of the Research Analyst/Counsel is to provide policy research and analysis in support of the studies and projects authorized by the Legislature. Duties also include participation in the development of Requests for Proposals, managing consultant contracts, supporting study work groups, coordinating study projects, and presentation of oral and written reports. Duties may include drafting legislation.

**FOR MORE INFORMATION ON QUALIFICATIONS, REQUIRED EDUCATION, & APPLICATION PROCEDURE,
VISIT <http://www.leg.wa.gov/jtc>**

A Few Messages from TCBA...

New Website!

We listened to what you had to say...and we're almost complete! While we are still working out the kinks on the new website, we want you to see for yourself the progress that we have made. And what a difference it is! Logon to www.thurstoncountybar.com and take a peak...suggestions & ideas are always appreciated, and be sure to check back often to view our progress. We're looking forward to completion date of February 1st, 2011!

Membership Dues!

It's that time of year again...time to renew your TCBA membership for 2011! We will be emailing out the 2011 membership form in the upcoming weeks, or you can logon to www.thurstoncountybar.com/membership/ to download the form. Upon filling out the form, please send with payment to: P.O. Box 1653, Olympia WA 98507. We will need all membership renewals by April 1st, 2011, or you will be removed as a member.

Upcoming Events!

- ♦ January 27-28: WSBA Board of Governors Meeting in Olympia (visit www.wsba.org for further details)
- ♦ February 18: Monthly CLE Luncheon at Ramblin' Jacks, Downtown Olympia
- ♦ March 4: 3-Credit CLE Forum at St. Martin's University

Questions on upcoming events? Email amy.tcba@gmail.com

A New Year Brings New Goals....and the need for a New Board Member!

The Thurston County Bar Association is looking to fill the position of Board Member Position 3. We are very excited to have a new member of our Legal Community join the TCBA Board of Directors. The Board meets once per month to discuss committee updates, goals, CLE credit for members, and many more issues & benefits directly related to our members. If you would like to be considered for this position, or you would like to recommend someone, please email our Administrative Assistant Amy Robinson at amy.tcba@gmail.com.

John Skinder, recently elected as President Elect of the TCBA, discusses why he became involved with TCBA:

"I joined the TCBA to be a part of the community of lawyers here in Thurston County. I think the TCBA can foster better communication and understanding of our different roles in the legal system. The TCBA can serve the members by bringing high-quality CLE presentations. The TCBA can also help provide a directory of our members and what each member does. Finally, I think the TCBA can foster a sense of civil pride and action in our community."

Office Update from Thurston County Clerk **Technology, Technology, Technology...**

Excitement prevails as we move forward with more innovative ways to improve our services to the legal community using technology.

Since our last posting in the The Legal Brief we received great response from attorneys wanting to assist in beta testing for our new E-filing program. We will be working with nine attorneys' offices interested in assisting us with the E-filing beta testing in the next couple of weeks.

We are in the process of completing a "Blueprint" for use in e-filing documents. This document will identify the required equipment needed as well as the mandatory specification required for any document submitted by E-file. The document will also have to be transmitted in a certain format in order to be received by our office properly which information will be a part of the "Blueprint".

Because of insufficient funds, our E-filing system was written "in house" by our Systems Manager. We recently achieved a "secure" website which is also HIPAA compliant. This means that our system will not be at risk for hackers and we can receive confidential documents.

Once documents are received for filing, you will receive an email notifying you that the document has been received and filed. Once filed, it is immediately processed and forwarded to judges electronically (if the case is scheduled for hearing) and is available to purchase or view electronically.

If you are interested in the E-filing process, we are still accepting names of attorneys who are willing to be a part of the beta testing of this process. Please email me at gouldb@co.thurston.wa.us.

Clerk's Website: In an effort to keep up with the positive technological direction our office is moving in, the Clerk's website has been updated and has a fresh new look. In addition to being easier to navigate, we have also added links for resources that are beneficial to the public and attorneys alike. Please visit our website at www.co.thurston.wa.us/clerk to see all that it has to offer.

Purchase Court Documents Online: Our website also provides a link for the purchase of non-confidential court documents online. Before you proceed please print off the user manual and read its contents to ensure a successful purchase.

Search Court Cases: A link to the state's website where you can search case records by name, business, or case number; you can also access the case docket to check the status of the case and recent filings which are updated daily. I want to encourage you to visit the website and take a look at what is available and may be useful to you.

Our office receives a great number of telephone calls to simply obtain a case number or to check the status of a case. The state's website allows you to obtain that information with the click of a button. This will free up Clerk's Office staff and will prevent callers from having to wait on hold during busy office hours.

2011 Notices of Issue: All of the Notices of Issue have been updated and are available for download from our website.

NEWSWORTHY REMINDERS:

Faulty Document Policy: Among the array of errors, our office continues to get inundated with documents that have incorrect case numbers and that have mistakenly been filed with our office instead of the correct county. We are now returning documents unfiled (as opposed to correcting the error and filing the document) to those who have not responded to the policy. I suspect that the majority of the errors come from a document being "re-used," but the case name and/or number fail to get changed. This is a very preventable error that causes a lot of work for all involved. I want to urge attorneys, paralegals, assistants, etc., to please double check the case caption and case number before sending documents for filing.

(Continued on page 5)

Office Update from Thurston County Clerk Continued:

(Continued from page 4)

Domestic Violence Orders: Our office needs to receive paperwork regarding initial DV orders by 11:30 in order to have sufficient time to prepare the file and accompanying orders for presentation at 1:30. *We would ask that only emergency requests be heard at 4:00.* Again, the petitioner would need to arrive early in order to ensure that they have completed all of the proper paperwork. It can take approximately 45 minutes for a petitioner to complete the necessary steps.

We recently had an instance where an individual was instructed by their attorney to appear at 4:00 to obtain an order. They did not know, however, that they would need to arrive early in order to complete all of the necessary paperwork. This individual then had to frantically try to complete the paperwork in time for the matter to be presented to a judicial officer.

Our office understands the importance of these presentation times and the resulting orders for the people seeking them. We can all assist in making these stressful times a little easier by informing the public of the proper process, which would allow them ample time to complete and review paperwork, ask questions, and to feel confident in their requests of the court.

Thank you for assistance in helping the citizens of Thurston County with access to the judicial process by working with the Clerk's Office to meet their needs and meet the court's time frame. Have a very happy and successful New Year and I look forward to continuing to work together to provide the service you need.

Betty J. Gould

THURSTON COUNTY CLERK

Professional Mediation Training

The Dispute Resolution Center of Thurston County (DRC) is offering its 40-hour Professional Mediation Training

January 24-28, 2011

in downtown Olympia. The class meets Monday through Friday, 8:00am to 5:00pm. The training fee is \$625. Pre-registration is required. The class will be offered again March 10-12 and 17-19, 2011, in Olympia.

This class meets two consecutive weeks, Thursday evenings 5-9 and Friday & Saturday, 8:30am to 5:30pm. Approved for CLE Credit through the Washington State Bar Association (37.5 total credits, including 5.25 ethics credits).

For more information or to register, call 360-956-1155 or email onlewis@mediatethurston.org or visit our website at www.mediatethurston.org.



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Please call 253-671-8311 or e-mail Jerry.Spectrum@comcast.net

Judges Corner

Written by Judge Hirsch
"THE VIEW FROM THE BENCH"

As I write this column, 2010 has just come to an end. The New Year has begun with crisp and cold days and I am relaxed and rejuvenated after having had the privilege of spending some time off with my family and friends. I hope that each of you reading this column have had at least some opportunity to enjoy the people and things that are important to you as well and are now ready to start the New Year refreshed and ready to make a difference. The beginning of a New Year is often a time we reflect on how to make changes for the better in our lives and our work so I decided to use the space in this column this month to speak about two issues important to me, and hopefully to you as well.

PROFESSIONALISM

As we all know well, our profession by its very nature is conflict-filled and adversarial. Many if not most practicing attorneys work long hours and spend their days working with people who are experiencing some of the most difficult times of their lives: foreclosures, criminal charges, divorces, land disputes, drug or alcohol abuse issues, out of control children, serious medical problems and financial woes: simply put, clients are not usually in a good space and are not always able to function at their best. It is often too easy to personalize clients' legal problems to the point of forgetting that we are professionals. The attorneys who make the most positive impression, to their clients, to the bench (at least to this member of the bench) and to the community are those who remember the little things: they work hard and are prepared, they come to court on time, they follow the rules, they can be counted on to keep their word and, though zealous advocates and adversarial in the court room, remain courteous and civil to each other and to everyone involved in the legal process: clerks in the courtroom, court reporters and staff at the courthouse, workers at your office and the office of your adversary, state workers at the departments your client sues, the legal secretary at your law office or adversary's office –in short, the public.

At the end of the day each of us is a part of the public face of the legal profession; and we should remember that when we are doing our work, we touch the lives of many people, including many who we do not know are even watching us. Acting professionally is a simple way to show the best side of our profession, and it brings many rewards, to you and to your clients.

PUBLIC SERVICE

Those of you who know me know that public service is important to me. As a profession, we are very privileged and I have always believed it is important to give back. There are many ways for each of us to make a difference, and I want to encourage each of you to find a way to continue to donate your time and expertise, or if you haven't yet found time or the right place to give to, resolve to make this year the time to start. Here are some ideas: Volunteer for Thurston County Volunteer Legal Services or take on a pro bono case, be a Big Brother or Sister, volunteer at the Thurston County Food Bank, the animal shelter, your local high school or your children's classrooms, the Thurston County Bar Association, the Dispute Resolution Center, or your neighborhood association to name just a few. If you are interested in helping but think you don't have time, there are ways you can contribute in smaller (and still important) ways: volunteer to help either Judge Dubuisson or me with our Street Law classes at two local high schools, join or speak at your local service club, donate your unused books and/or clothes to families in need. If you want to give in a way that is different from your work life, consider signing up for downtown Olympia clean-up days, working at the animal shelter, sorting food or filling backpacks for school children at the Food Bank, helping to clean up a local park or being a big brother or big sister to a young person who needs a positive adult role model. If you truly don't have time to donate, consider making greater financial contributions.

As 2011 begins, resolve to improve your life and the lives of those around you by practicing law in the most professional way you can and by contributing more to our community. Especially in these difficult times, we will all benefit.

**TCBA
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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 Amy Robinson at amy.tcba@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 Amy Robinson 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 Julie Kamerrer with any questions (360) 754-3480 jkamerrer@lldkb.com

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.

TCVLS Responds To Economic Crisis
by Rebekah Zinn

The new year brings a new way to help people with barriers to access to justice. On January 1, Thurston County Volunteer Legal Services began serving clients with creditor-debtor issues. TCVLS is a leader in promoting access to justice locally. It aims to be sensitive to the growing legal needs of the community while continuing the same outstanding services that it currently maintains. Unfortunately, a growing need for legal services in financial matters has arisen. TCVLS is responding. People facing lawsuits, garnishments, or other legal actions for debt may now be eligible for free legal advice through the existing TCVLS clinics. If you would like to refer potential clients to the clinics, they can call the CLEAR hotline at 1-888-201-1014 between 9:15 a.m. and 12:15 p.m. each weekday. TCVLS has also hosted a free CLE on creditor-debtor issues and plans to host another in the future. Attorneys volunteering in the clinics will have the assistance of mentors to ensure the best outcome for clients. Providing pro bono assistance or contributing financially to TCVLS makes a significant impact in the lives of low-income individuals in our community. Make it a New Year's resolution!

**For more information on volunteering, donating, or attending CLEs, contact Bruce Conklin at
705-0473 or tcvlegal@hotmail.com**

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