THE LEGAL BRIEF

A Publication of the Thurston County Bar Association

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2014-2015

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President's Message

By: Lenny Lucenko

I recently had the privilege of attending the swearing in ceremony of my law firm's newest attorney, Kevin Meserve. The Honorable Mary Fairhust, Justice of the Washington State Supreme Court, swore Kevin in at the Temple of Justice in Olympia. I listened carefully as Justice Fairhurst administered the Oath of Attorney to Kevin and I was not the only one in attendance who was paying close attention. One of my partners whispered to me as the process was unfolding that this is important information and he was glad to be reminded of what was contained in the Oath. We have all taken the Oath of Attorney at the onset of our legal careers. The Oath reminds us that we are privileged to be able to practice law. At the same time it means that we have an obligation to the public and to our clients to provide quality professional services while upholding the highest ethical standards. I think that we can all benefit from reviewing, thinking about, and most importantly following in our daily lives these commitments we made when we were sworn in as members of the Bar. I urge all of you to review the Oath of Attorney on a regular basis as a reminder of not only the promises we made as new attorneys but to help keep in perspective why we continue to pursue the practice of law.

1. I am fully subject to the laws of the State of Washington and the laws of the United States and will abide by the same.

2. I will support the constitution of the State of Washington and the constitution of the United States.

3. I will abide by the Rules of Professional Conduct approved by the Supreme Court of the State of Washington.

4. I will maintain the respect due to the courts of justice and judicial officers.

5. I will not counsel, or maintain any suit, or proceeding, which shall appear to me to be unjust or any defense except as I believe to be honestly debatable under the law, unless it is in defense of a person charged with a public offense. I will employ for the purpose of maintaining the causes confided to me only those means consistent with truth and honor. I will never seek to mislead the judge or jury by any artifice or false statement.

6. I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with the business of my client unless this compensation is from or with the knowledge and approval of the client or with the approval of the court.

7. I will abstain from all offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged.

8. I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay unjustly the cause of any person.

2015 MEMBER RENEWAL…
FORM ON LAST PAGE

The New Judge's View From the Bench

By Judge Mary Sue Wilson
Thurston County Superior Court

It's been a long time since I was "the new kid on the block," either in my work life or in my neighborhood. On October 27, 2014, I began serving as the "new judge on the court." In this article, I describe my background and share some experiences from my first two months on the bench.

Background

First, some background about the new judge: I grew up in north Seattle. I am the second of nine children. As a youth I enjoyed playing sports, babysitting, attending summer camp, and Irish dancing. I travelled to Washington, D.C. to study American history and American politics as an undergrad and returned to Washington State to attend law school at Gonzaga University. I moved to Olympia in 1989 to begin my legal career. My husband and I are raising three children (4, 8, and 11 years old) and this year our eldest (22) will graduate from college.

After clerking for State Supreme Court Justice Robert Brachtenbach, I joined the Attorney General's Office in 1990. The work was challenging, interesting and diverse, and I benefited from outstanding mentors who schooled me in the basics of legal practice (legal problem solving, legal research and analysis, legal writing and oral advocacy). As my career progressed, I had the opportunity to work with attorneys from other states on federal legislation and federal litigation; I represented Washington State officials in many interesting matters, including high-stakes water resource negotiations and the cleanup of the Hanford Nuclear Reservation; and I continued to benefit from outstanding mentors – both lawyers and state agency leaders. My mentors modeled strategic thinking and decision-making and ethical and professional practice skills. They taught me to show respect for others, adhere to high standards, and focus on the legal and factual issues in a case, not the personality of my opponent.

In 1998 I became a managing attorney. I continued to work cases and provide legal advice to state officials, but I also assumed responsibility for the professional development and performance of lawyers on my team. By 2007 I was leading 45 lawyers and legal professionals who handled the State's environmental legal work. As a lawyer, I enjoyed legal victories - whether a favorable appellate decision or a successful outcome in negotiations. But the most rewarding part of my practice was witnessing the success of my team members as they developed into strong advocates, thoughtful problem-solvers, and ethical lawyers.

A New Judge

During my first two months at the court, I have learned the names and faces of many of the players and have been introduced to the mechanics of court operations. At the urging of the other judges, I spent a fair amount of my first few weeks observing court proceedings. By late November, I was hearing calendars, reviewing search warrant applications, and performing wedding ceremonies.

On December 1, I took on one of the court's four trial judge assignments. In a typical week, I preside over criminal and civil trials Monday through Thursday and hear civil motions on Fridays. Already on Friday motion calendars I have considered discovery disputes, motions to dismiss, and requests for injunctive relief – and I know I have only touched the tip of the iceberg. I am enjoying the intellectual challenges presented by these cases. I work hard to read all materials submitted as well as relevant cases. It should surprise nobody that a new judge - more than anything - wants to be as prepared as possible before taking the bench.

(continued on page 10)

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YOUNG LAWYER SPOTLIGHT
BY: MEGAN D. CARD, YL CHAIR

Daniel Berner, WSBA No. 43241

dberner@cushmanlaw.com 360-534-9183

Daniel grew up in Shelton and recently moved from Seattle to Thurston County with his wife and high school sweetheart, Alexandra. They have a daughter, Scarlett, who was born on 12/13/14. Daniel received his bachelor of arts from the University of Washington and his law degree from Seattle University. He has been an attorney since 2010 and joined Cushman Law Offices in June 2014.

Daniel enjoys playing soccer, running, skiing, hiking and enjoying the beauty of the PNW with his wife and their Wheaten Terriers.

- **Areas of practice:** Construction law, real estate, timber trespass. Civil litigation.
- **I became a lawyer because:** I read a lot of John Grisham growing up and I wanted to help people.
- **One of the greatest challenges in law today is:** Equal access to legal resources and representation.
- **If I were not practicing law,** I would probably be a home-builder, or a professional soccer player. One can dream…
- **This is the best advice I have been given:** Always allow someone the opportunity to save face.
- **Trait I admire in other attorneys:** Diligence, honesty and attention to detail.
- **I would give this advice to a first-year law student:** Get ready to work hard. Good luck. See you on the other side.
- **I am most happy when** I am holding my new daughter, Scarlett. Or when I am skiing, playing soccer, or golfing with my Dad.
- **My favorite vacation place:** Camping anywhere in the PNW with my wife in our 1973 VW Westfalia.
- **A book I would recommend reading:** The Power of Habit: Why We Do What We Do in Life and Business, by Charles Duhigg.
- **What keeps me awake at night:** My snoring dogs.
- **If I could live anywhere,**"Some place warm, a place where the beer flows like wine, where beautiful women instinctively flock like the salmon of Capistrano. I'm talking about a little place called Aspen." -Lloyd Christmas.
- **This is the hardest part of my job:** The feeling that I can always do more.
- **This is the best part of my job:** Obtaining results that satisfy my clients. And I love litigation.

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I continue to accept appointments as GAL in personal injury settlements involving minors. I've had over 100 appointments to date and provide prompt reports for reasonable fees.

William P. Kogut, Attorney at Law

In addition to maintaining his office in Chehalis with Dana Williams Law Group, starting January 6, 2015, William P. Kogut will be offering office hours and initial consultations in Olympia out of law offices of

Virginia Clifford,
2952 Limited Lane NW, Suite A
Olympia, WA 98502

Telephone 360-357-3007
Email: wmkogut@danawilliamslg.com
Website: danawilliamslg.com

Areas of Practice: Family Law, Social Security Disability Appeals and Probate and Guardianships

December 10, 2014

My Fellow Thurston County Bar Association Members:

The Thurston County Bar Association Board of Directors is looking for members who are interested in chairing one of the TCBA's specialty sections. We currently have the following sections:

1) Family Law
2) Criminal Law (district and superior court)
3) Real Estate, Land Use and Environmental Law
4) Young Lawyer's
5) Pro Bono

The section chair will serve at the discretion of the current TCBA president in consultation with TCBA board.

The family law section helps promote a better understanding of family law issues within Thurston County. This section holds monthly meetings and sponsors CLE's and strives to keep its members informed of changes that affect family law practice in Thurston County. The family law section currently meets at 12:10 pm on the 2nd Tuesday of each month at the Family and Juvenile Justice Center. Attorneys, Judges and Commissioners attend and participate in the meetings and discuss various topics such as local rules, pending improvements or changes and other concerns that impact the practice of family law. The chair is responsible for developing an agenda, procuring speakers, moderating meetings, reporting to the TCBA Board on a monthly basis and ideally sponsoring an annual CLE for the benefit of the entire TCBA membership.

The criminal law section(s) includes attorneys with an interest in criminal matters. These sections hold monthly meetings, sponsor CLE's and strive to keep its members informed of and participate in the changes that affect criminal law practice in Thurston County Superior and District Court. The criminal law section chair is also responsible for developing topics of interest to criminal law practitioners both prosecution and defense, and procuring speakers for section meetings. The chair is also responsible for reporting on a monthly basis to the TCBA Board and scheduling and moderating section meetings on a monthly basis and ideally sponsoring an annual CLE for the benefit of the entire TCBA membership.

The real estate, land use and environmental law section also helps promote a better understanding of issues impacting its practitioners. The section chair is responsible for developing topics of interest to practitioners and members of their section. The section chair is also responsible for scheduling and moderating section meetings on a monthly basis and procuring speakers for specific section meetings and reporting on a monthly basis to the TCBA Board. Ideally the section chair will sponsor and present an annual CLE for the benefit of the entire TCBA membership.

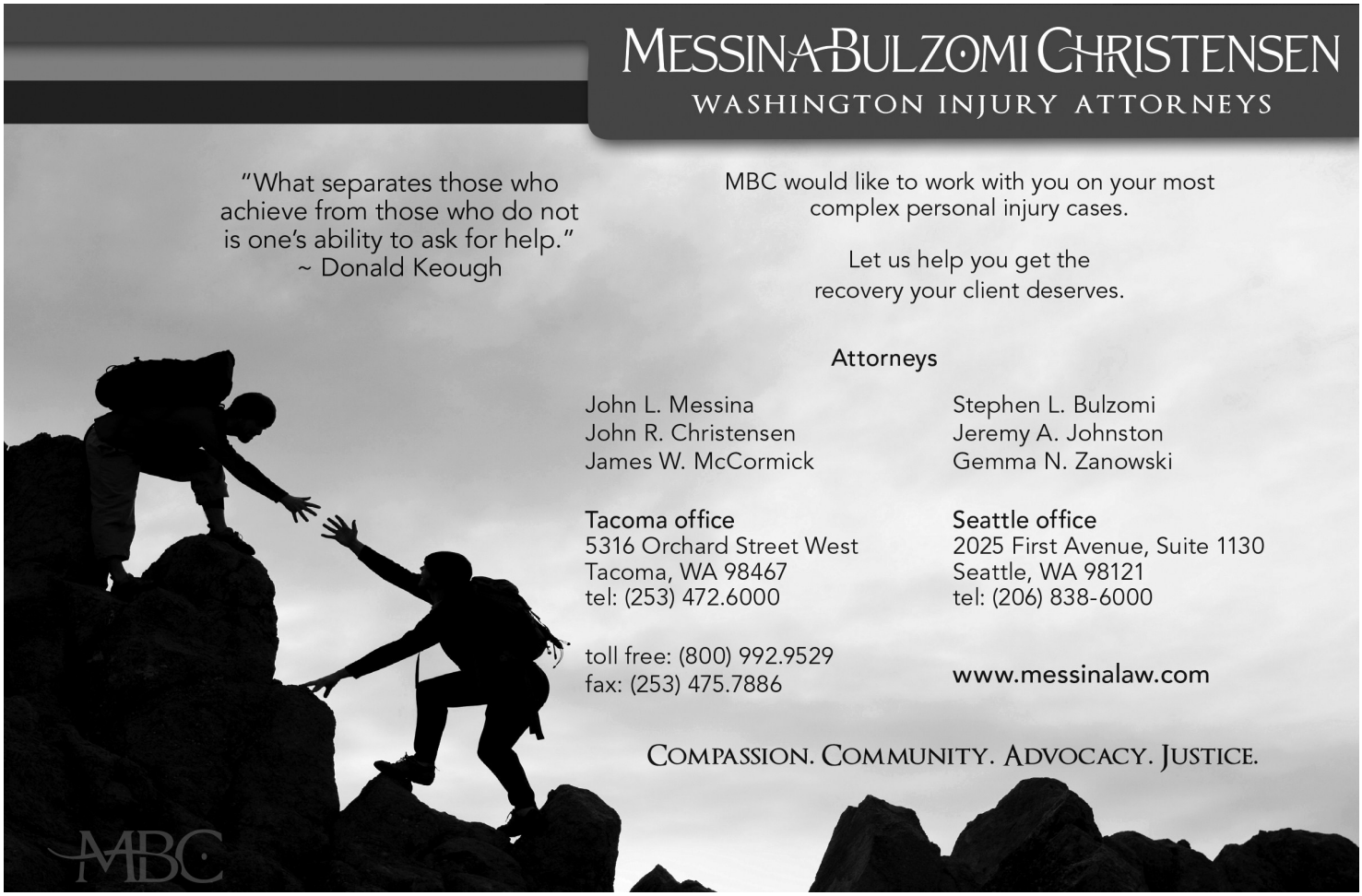
The young lawyers section is comprised of attorneys who are under thirty six years of age or in their first five years of practice whichever is later. The goal of the young lawyers section is to connect young lawyers in Thurston and Lewis Counties with various resources and opportunities that are available in our area, as well as across Washington State. The section chair is also responsible for representing the interests and needs of our local young lawyers to the Washington State Bar Association. The young lawyers section meets on a monthly basis and the section chair is responsible for selecting, moderating and obtaining meeting locations. The section chair is also responsible for sponsoring at least one CLE on an annual basis.

The pro bono section promotes a mission to provide legal services for indigent individuals and families. The section chair works closely with the Thurston County Volunteer Legal Services Clinic. The clinic provides legal advice and information to low income individuals in a manner sensitive to them and their legal needs. The responsibilities of the Pro Bono section chair include receiving a recommendation of appointment by the TCVLS Board and maintaining monthly contact with the TCBA Board of Directors.

Please express your interest in chairing a specific section to the TCBA's administrative assistant Heather Ligtenberg by no later than Saturday, January 31, 2015 and please contact me if you have any additional questions or concerns.

Very truly yours,

LEONARD K. LUCENKO, JR.



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We have spent over 30 years protecting injured workers in workers' compensation and public pension system disability cases.

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We provide free consultations to injured workers and we welcome your referrals.

Advertising on the TCBA website

There is a dedicated Advertising page on the TCBA website, www.thurstoncountbar.com!

Legal job opportunities & volunteer announcements are **FREE**!!

Any other advertising will be posted at a cost of $25 for 1 month & up to 175 words

If you are interested or have questions, please contact Heather at tcba.info@gmail.com

The TCBA Holiday Lunch

The TCBA's annual holiday lunch was held on December 5, 2014 at the Indian Summer Country Club. We had over 80 members attend including members of the judiciary and elected officials. We socialized, caught up with old friends and talked about holiday plans while enjoying a delicious buffet lunch. We also conducted the Adopt-A-Family program where the TCBA adopted 28 families (108 individuals) and helped them have a happy holiday season. We also raised almost $2300 dollars that we provided to our families in the form of Safeway gift cards. The support and kindness of our members never ceases to amaze me and makes me proud to be a member of the TCBA. I hope all of you had a great holiday season and we are already looking forward to next year's luncheon.

The Thurston County Family Law Section Christmas Potluck

The Thurston County Family Law Section Christmas potluck took place on December 9, 2014, at the Thurston County Family and Juvenile Courthouse. This informal annual event includes members of the family law bar and Title 26.09 guardians ad litem. Approximately 20 people attended this year's potluck. It is enjoyable to see colleagues in a festive social setting. There was no program included with the lunch. Commissioners Lack and Thomas also attended.

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 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

If you are interested in contributing a column to one of our Legal Brief Newsletters, we want to hear from you!!

Funny, interesting, educational or even controversial articles written by our TCBA members are always welcome.

Please submit to tcba.info@gmail.com

ADVERTISING IN THE LEGAL BRIEF

If you would like to advertise in the LEGAL BRIEF, please contact Heather Ligtenberg 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.
- All advertisements are subject to approval of the Legal Brief's Editorial Board.
- The LEGAL BRIEF is published bi-monthly. (January, March, May, September and November)
- Visit thurstoncountybar.com for more information on specs and to view past editions of the Legal Brief

Do you know an Attorney in Thurston County who has never joined the TCBA?

If so, please let them know their first year of TCBA membership is FREE! (They must sign-up by January 31, 2015)

See the 2015 Membership Form on the back page or sign-up on the TCBA website.

If you have questions, please contact Heather at tcba.info@gmail.com

(continued from page 2)

When friends ask what I am enjoying the most about being on the bench, I tell them it's a toss-up between the people and the work. First, the people: it is readily apparent after spending just a short time with our court professionals and the professionals from the court's many partner agencies (*e.g.,* Clerk's Office, Prosecutor's Office, and Office of Assigned Counsel) that each person is dedicated to his or her work. I am privileged to work with these committed individuals.

In mid-November, I observed this first-hand in the drug court setting. I was substituting for Judge Dixon for three drug court sessions that week. The program team, the assigned deputy prosecutors, and the lead attorney from the Office of Assigned Counsel all demonstrated a personal commitment to and confidence in this outstanding program. They are extremely knowledgeable about the goals, requirements and foundation of the program and it was obvious to a first time presider that they care about and work hard to support the success of program participants. This is but one of numerous examples when I have been inspired and impressed by the efforts of the people in the courtroom.

The work of the court is also inspiring and impressive. I've enjoyed hearing several criminal calendars, including preliminary appearances and changes of pleas. I look forward to more opportunities to hear these calendars and to expand my work in the criminal arena.

In both the criminal and civil settings, I have been impressed by the quality of the lawyers who appear in Thurston County Superior Court. The advocates come well prepared, focus their remarks, and demonstrate respect and decorum for others in the courtroom and for the court process.

During my transition I have been frequently reminded of the early days of practicing law – learning the basics of the court's electronic calendar and file systems took me back to learning to use my first Dictaphone. Drafting my first decision was reminiscent of drafting my first letter to opposing counsel. Each "first time" requires me to think through the purpose of the action and to plan each step in the process. Thankfully, many of these actions and associated steps are becoming second-nature. For the more complex tasks, it will be some time before the steps become second-nature. I don't expect that deliberating to individual decisions will ever become routine, although experience making decisions certainly provides a foundation for future decision-making. As I gain judicial experience, I am grateful to benefit from the support and mentoring of the court's many amazing professionals.

When I appeared in this court as a lawyer I experienced first-hand the professionalism of court staff and the judges. I did not, of course, see what went on behind the scenes. Now that I am behind the scenes, I am experiencing first hand working with our court's professionals. They are collegial, smart and hard-working – and committed to team work. The judges and staff strive to produce the best outcome in every setting. This frequently involves seeking input from others on the court. Even the opinion of the newest judge is sought out, whether a judicial colleague is deciding a tough summary judgment motion or the administrator is addressing a safety issue!

On my part, as the new judge, I value input from others. Lucky for me, from our judicial assistants, court administrator, and reporters, to our clerks, bailiffs, security staff, and my judicial colleagues - all are welcoming and generous in sharing their time and wisdom. And that shared wisdom proves helpful to this new judge day in and day out.

Thank you TCBA

I'd like to close with a thank you to the Thurston County Bar Association for the opportunity to write the judge's column and a thank you to the association for a lovely holiday luncheon. I applaud the membership for your generous support of the Adopt-A-Family program. I look forward to seeing you at upcoming events.

Ethics Corner

By: Christopher Lanese

This month marks the introduction of a new, recurring column in *The Legal Brief* concerning attorney ethics. Members of the Thurston County bar have a hard-earned and well-deserved reputation for being highly ethical. To assist our members in maintaining that tradition, this column will explore and explain new trends in the law of attorney ethics. Of particular interest will be advisory opinions issued by the WSBA Committee on Professional Ethics. In 2013, the WSBA Board of Governors approved a change to the manner in which WSBA would issue ethics advisory opinions. Rather than continuing the prior method of responding to fact-specific inquiries, the new committee would issue in-depth advisory opinions of general applicability that would typically concern new trends in attorney ethics.

The Committee's first two advisory opinions should be publically available at http://mcle.mywsba.org/IO/ by the time this column is distributed (as this is going to press, the opinions have been approved but not yet made public). These opinions will address the ethical implications of using (1) professional social media websites, including the use of numerical ratings, client ratings, and peer endorsements, and (2) Internet-based lead generating services. As these topics impact many Thurston County attorneys, I urge you to review these opinions. Our next column will address them in more detail.

Christopher Lanese is a member of the WSBA Committee on Professional Ethics and Attorney General's Office's Ethics Committee. The opinions expressed in this article are his own. You may contact him at christopherl@atg.wa.gov with suggestions for future topics.

ATTENTION Members:

If you have **not** provided the TCBA with an email address you may be missing out on important notifications for CLE's and social events. The Legal Brief is the only thing to be printed and mailed in an effort for the TCBA to work towards going green.

Please contact tcba.info@gmail.com if you have any questions. Also, please remember to notify us when you change your email address or change addresses. We want to make sure you do not miss anything.

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

TRANSITIONS

With the New Year comes a time of transition for Thurston County Volunteer Legal Services.

STAFF: Our wonderful Program Coordinator, **Megan Brownlee**, accepted a full time position with the Department of Corrections. Her final day at TCVLS was December 31. As those of you who worked with her know, Megan has been the heart of TCVLS for 18 months. She coordinated the legal clinics and made clients feel welcomed and volunteers valued. We wish Megan the very best in her very bright future.

BOARD OF DIRECTORS: At the end of each year, faces and roles on the Board of Directors. After 11 years (five as Executive Director and six as a Board Member), **Scott Douglas** is stepping away from TCVLS. His mark on this organization has been significant and we thank him for his years of service. **Julie Carignan** has also left the board , recently taking on a new role as mom to a gorgeous little girl born just before Christmas. **Dan Goodell** has been appointed as the new Superior Court Judge in Mason County. While leaving the Board as a Director, he will join Thurston County Superior Court Judge **Christine Schaller** in the role of Community Liaison (non-voting).

We also say a heartfelt thank you to outgoing Board President, **Laura Watson**, who led TCVLS through a year of growth with wisdom and her ample skills as leader. She will remain on the Board and will also fill in as Vice President until Heather Welch returns from maternity leave.

At our December meeting, **Bob Houle** was voted in as our newest member of the Board of Directors. Bob is a long time Mason County attorney and clinic volunteer who has significantly expanded his practice to include most of the neighboring counties including Thurston County. Bob is also taking on Dan Goodell's volunteer role as primary mentor at the monthly Shelton clinic.

The Board of Directors also elected a new slate of Officers for 2015:

President	**Grace O'Connor**
Vice President	**Heather Welch**
Secretary	**Anne Egeler**
Treasurer	**Stephen Manning**

SAVE THE DATE: The Spring Fundraising Breakfast has outgrown Indian Summers so we are moving to **Red Lion.** Mark your calendars now for **Tuesday, May 5th**!

Finally, TCVLS has transitioned to a new website: www.tcvls.org . While we will do a more formal "splash" announcing the new site in a couple weeks, early feedback is welcome!

TCBA & Other Upcoming Events

Ramblin Jacks
The next CLE is on Friday, January 16 at 12:00 p.m.. The topic is " Effective Advocacy: Presenting Persuasive Motions". This CLE has been approved for 1 general credit with the WSBA.

March 2015 Issue of the Legal Brief
There will be a deadline of February 25, 2015 for submission of articles and advertisements to Heather Ligtenberg at tcba.info@gmail.com.

2015 WSBA Board of Governors lunch
Save the date for the 2015 WSBA Board of Governors lunch…. *Thursday, March 19, 2015* starting at 12:00 p.m. at the Red Lion in Olympia. The TCBA will be seeking nominations for the WSBA Local Hero starting in January 2015.

Save the Date:
The TCBA Annual Golf Tournament will be on May 9, 2015 at the Olympia Country Club at 11:00 a.m. More information to come.

Save the Date:
The TCBA Annual Dinner is on May 15, 2015 at Indian Summer Golf & Country Club.

Please refer to the "News & Events" section of our website for a full list of upcoming events:
www.thurstoncountybar.com

New in 2015!

You can now sign-up or renew and pay online for your TCBA Membership on the TCBA website.
Go to: www.thurstoncountybar.com
and click on "Become A TCBA Member" to get started.

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.
- It's FREE, courtesy of TCBA as a benefit for being a TCBA member.

If you would like to include your weblink on the TCBA website, please let Heather Ligtenberg know at tcba.info@gmail.com

THURSTON COUNTY BAR ASSOCIATION
LOCAL HERO NOMINATION FORM

This year the WSBA Local Hero Award will be presented during the upcoming WSBA Board of Governors meeting at the Red Lion in Olympia. The meeting will be held Thursday, March 19, 2015. WSBA President Anthony Gipe will present the Local Hero Award, and we need to select a recipient.

The TCBA is seeking nominations for the selection of our Local Hero. The Local Hero will be someone who has exhibited an "above and beyond" approach towards our local community, by way of involvement, pro bono or other volunteer service and who represents and enhances the legal profession in Thurston County in an exceptional way.

Please fill out the form below if you would like to nominate a colleague for this award. Please attach additional sheets if necessary. You may either email it back to Heather Ligtenberg at tcba.info@gmail.com or you may mail it to: TCBA, PO Box 1653, Olympia WA 98507.

The deadline for submission is ***February 10, 2015***.

I nominate _____ for the Local Hero Award.

This lawyer should be recognized with this award because_____

Washington Supreme Court Issues Two Land Use Decisions Reaffirming LUPA's Strict 21-day Appeal Deadline and Plat Limitations Created Under an Implied Equitable Servitude

By Martha Wehling and Phillips Burgess

On December 11, 2014, the Washington Supreme Court issued a decision interpreting the Land Use Petition Act (LUPA, RCW Chp. 36.70C) in *Durland, et al. v. San Juan County,* No. 89293-8 (consolidated with 89745-0). Our Supreme Court held that the statutory time limits for appealing land use decisions are based on a strong public policy to provide certainty, predictability, and finality for land owners and the government. Even where the result is "harsh" or "unfair", allowing dilatory appeals would place property owners in precarious positions and undermine the Legislature's intent to provide expedited appeal procedures.

LUPA's purpose is to ensure uniform and expedited judicial review of land use decisions. Its strict 21-day appeal deadline has been the subject of many judicial decisions. For LUPA, a "land use decision" is a final determination by a local jurisdiction on an application for a project permit. The issuance of a permit is only a final decision when there is no administrative appeal process. Here, like many other counties, San Juan County has an appeal process before a hearing examiner. Therefore, a land use decision is the decision by the hearing examiner. Unlike the Administrative Procedures Act, LUPA does not contain statutory or equitable exceptions to the requirement that all administrative appeals be exhausted before the action is filed in superior court.

The Washington Supreme Court also decided whether a developer could modify a plat 25 years after the start of development to address changed economic conditions in *Riverview Community Group v. Spencer & Livingston, et al.,* a decision issued on November 20, 2014, Cause No. 88575-3.

In *Riverview*, a group of homeowners challenged the closure of a golf course complex and its replat into new residential lots. The homeowners stated that they relied on advertising showing a plat map with a golf course and a statement by one of the developers (now deceased) referencing the golf course in a newspaper, and that they purchased the properties relying on a permanent golf course in the development. Following a determination that the group had organizational standing to bring the case, the Supreme Court found that an equitable servitude and injunctive relief are available, relying primarily on 1920 Washington Supreme Court precedent.

An equitable servitude is a nonpossesory interest in land. Generally, this type of servitude must be created by writing. However, in some limited circumstances in some states, an implied servitude can be created, so long as the landowners have notice of the agreement. Our Supreme Court found that plat limitations, regardless of whether the restriction appears on title, can be enforced under an implied equitable servitude.

For more details on either of the Supreme Court decisions, please see our web page: www.phillipsburgesslaw.com

Thurston County Bar Association

2015 Membership Registration

NAME** _____ WSBA#**_____

FIRM NAME_____

MAILING ADDRESS_____
(Address)

_____
(City) (State) (Zip)

OFFICE PHONE_____ **YEAR OF ADMISSION***_____
(must be completed to qualify for dues discount)

EMAIL_____

PLEASE MARK 3 AREAS OF PRACTICE:

- □ Administrative
- □ Adoption
- □ ADR/Mediation
- □ Appellate Practice
- □ Bankruptcy
- □ Business/Commercial Trans.
- □ Civil Litigation
- □ Civil Rights
- □ Collections
- □ Construction Law
- □ Criminal Law
- □ Dependency
- □ Education
- □ Elder/Long Term Care
- □ Employment/Labor
- □ Environmental
- □ Family Law
- □ Government
- □ Guardianship
- □ Health Care
- □ Immigration
- □ Insurance
- □ Intellectual Property
- □ Juvenile
- □ Land Use/Real Estate
- □ Landlord/Tenant
- □ Municipal
- □ Native American
- □ Partnerships
- □ Personal Injury Defense
- □ Personal Injury Plaintiff
- □ Professional Malpractice
- □ Real Property
- □ Securities
- □ Social Security
- □ Tax
- □ Wills/Estates/Probate
- □ Workers' Comp

SECTIONS AND COMMITTEES

Please indicate which section(s) and committee(s) in which you have interest. Our new database has better ability to track these choices and we will be using these categories to send specific section information to you and to seek volunteer participation in the future.

SECTIONS

- □ Criminal Law Section
- □ Family Law Section
- □ Land Use Section
- □ Solo Practitioners Section
- □ Young Lawyers Section

COMMITTEES

- □ Bench/Bar
- □ CLE

Return form and payment to: TCBA, PO Box 1653, Olympia, WA 98507

If no payment due, you may alternatively e-mail form to: tcba.info@gmail.com

Office use only:
Check no._____ Initials: _____
Date paid_____ List: _____
Amount pd_____ Website: _____

□ **TCBA does NOT have permission to share the information marked with an **** (You must mark here if you do NOT want to be listed on the TCBA website)

□ **I would be willing to be listed on the TCBA website as being available for *Pro Bono* representation.**

□ **I would like to be added to (or remain on) TCBA's e-mail list** (to receive reminders of upcoming events, committee & section information & announcements)

□ **I would like a link from the TCBA website to my own personal website:** (NO FEE for weblink)

Website address to link: _____
(address must be provided to receive free link)

PAYMENT INFORMATION

2015 Annual dues (Jan-Dec)	$50	_____
*Young Lawyer Annual dues	$25	_____
***New Member (valid until 1/31)	$0	_____

TOTAL ENCLOSED: _____

*The membership fee for lawyers admitted to any state bar association 5years or less or who are 36 years old or younger, whichever is later, is $25
**This information may be shared if you mark the box above. Information may be shared with other attorneys and/or law firms, included on our website at www.thurstoncountybar.com or shared with members of the public upon request.
***Offer only available for lawyers who have never previously been a member of the Thurston County Bar Association and is only valid if used by January 31, 2015.