

THE LEGAL BRIEF

A Publication of the Thurston County Bar Association

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President's Message By: Mark Wheeler

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- 1 What does it mean to be a professional? Webster's dictionary has many definitions of that
2 term, including "a person engaged in one of the learned professions." Black's law
3 dictionary defines a "profession" to be "a vocation or occupation requiring special, usually
3,5,6,7,8 advanced, education and skill" and states it was originally used to refer to theology, law and
4 medicine.
4 I believe that being a professional is, however, something more than these definitions
8 provide for. It also encompasses the desire to improve yourself, your chosen occupation,
12 and your community.
13
15 Take for example, Alexander Hamilton. Our nation's first treasury secretary, Hamilton was
16 essentially orphaned early in life. At age 13, Hamilton went to work as a clerk in a trading
company in the West Indies. He then parlayed his flair for writing into a scholarship to
study in the British colony of New York a few years later. Over the span of the next thirty
years he attended college and later became one of the most celebrated lawyers of his day.
He also fought in the Revolutionary War, participated in the convention that wrote the U.S.
Constitution, and was the primary author behind the Federalist Papers that interpreted and
explained it. In addition, Hamilton served as an aide to General George Washington, and
later became a member of President Washington's cabinet as the nation's first treasury
secretary. As secretary, Hamilton established, among other things, the first national bank,
the U.S. Customs Service and the U.S. Coast Guard. And now, two hundred years later, his
life is the subject of a bestselling biography and a hit Broadway play.

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2018-2019

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Vacancy

While Hamilton's experience is unique, his efforts to improve himself, his profession and his new nation are not. Our learned profession has many modern examples of these kinds of legal heroes. Think of Thurgood Marshall, Sandra Day O'Connor, Ruth Bader Ginsburg and others at the U.S. Supreme Court level. On a more local basis, think of our own Local Heroes and Bigelow Award winners, whom we have honored over the years. These persons have all dedicated themselves to improving their skills, and then using these same skills to advocate for their clients and their communities.

To help you keep your own "special skills" sharp, the TCBA will be offering a full slate of CLE offerings in 2019. These include a half-day of ethics on February 7, 2019 at the River's Edge Restaurant. Additional CLE programs for 2019 include the fourth in our series on trial practice, some family law offerings, and a personal injury law seminar. The TCBA will also continue to offer plenty of opportunities for you to improve your profession and community. For example, the TCBA offers mentorship opportunities, either through volunteer members who can sign up as members on the TCBA website, or by participation in the WSBA Mentorlink events the TCBA helps sponsor. You can also help those in need by participating in the Thurston County Volunteer Legal Services program or through donating your time and energy to the United Way's Day of Caring event in September.

These are just a small sampling of the many opportunities you have as a professional to become a better lawyer and to make your community a better place to live. Get involved. Have fun. Make a difference.

**2019 MEMBERSHIP RENEWAL...
FORM ON LAST PAGE**

A View From the Bench

By Judge Erik Price
Thurston County Superior Court



It was Robert's turn at the courtroom podium. As we began our conversation, the forty-year-old began to cry. I asked him to repeat what he just said because, while I thought I heard him correctly, his tears surprised me.

"I just got my first bank account, your honor," he said quietly.

That's what I thought I heard.

This month, I will be completing my term as the Thurston County DUI/Drug Court Judge. For almost 3 years, I have had the privilege to be a part of one of the most effective criminal justice programs we have in our county. As any drug court judge will tell you, it is one of the most rewarding, but emotionally difficult, roles for a judge. To do it well -- to appropriately reward, encourage, and sanction (if necessary) the participants, judges must invest themselves in each individual to a degree that is impossible on any other criminal docket. Successes are more meaningful, but failure is more painful.

Robert (not his real name) was 8 months into his 18-month drug court program when he told me about his first bank account. Born here in Thurston County, Robert started using meth and pot when he was 13. He was introduced to drugs by his father, who cooked meth on the family property until he went to prison when Robert was 15. Robert quit school and started using drugs with his mother. By his 17th birthday, he was addicted to heroin. He was in and out of the juvenile system, and received his first adult felony at 19.

The next 20 years of Robert's life was a destructive cycle of drug use, crime, homelessness, and prison.

Robert had been ordered to do drug treatment in the past, but it never worked. Drug Court had even been offered before, but he was never interested. Robert knew that change was hard; doing time was easy.

But at some point, he asked for Drug Court. Why Robert finally wanted drug court, he couldn't explain except that "enough was enough." At long last, he was committed to change, but didn't know how.

Drug Court, of course, is much more than periodic court reviews and drug testing. It is a comprehensive program of group therapy sessions, individual counseling, pro-social recovery meetings, community service, and judicial accountability. Our team of drug court professionals, the counselors, staff, and attorneys patiently worked with Robert -- sometimes with understanding and leniency, sometimes with firm, predictable hard accountability. Still, Robert struggled. Following rules, meeting expectations, and being honest are not necessarily prison survival skills. But he never gave up.

Robert was making slow but steady progress when he proudly told me about his bank account at his weekly court session. For most of us, a bank account is a trivial necessity of life. For Robert, his first bank account meant everything to him -- the first tangible symbol of his transformation away from his self-image of a drug addicted criminal. So much so, that this tough prison "lifer" was weeping in open court. That moment left a mark on me.

To be sure, drug courts make financial sense. Studies show that every dollar invested in drug courts produce up to a 221% return on that investment. (\$2.21 direct return for every \$1.00). When indirect benefits are added, studies have put that number as high as \$27 returned for every dollar invested. Local communities are said to benefit economically from drug courts in an amount somewhere between \$3,000 and \$13,000 for each participant.

But as I complete my drug court term, I will not be thinking about the economics. Instead, while I will be lamenting the sad fact that there are too many Roberts (and Robertas) in our community, I will also be thinking about how proud I am of the dedicated counselors, administrators, staff, and attorneys we have working in the Thurston County DUI/Drug Court program.

As for Robert and all of the other participants I've gotten to know, I hope to see them the next time I'm at the bank.

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Learned (Ret.)



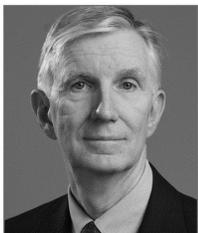
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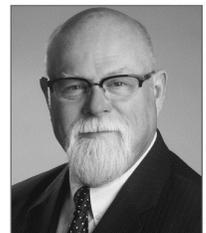
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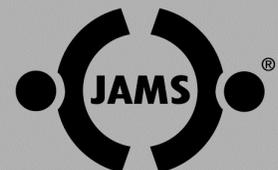
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YOUNG LAWYER SPOTLIGHT

BY INGRID ZERPA, YL CHAIR

Walter Smith, WSBA No. 46695

Smith & Dietrich Law Offices, PLLC, (360) 918-7230,
walter@smithdietrich.com



- **Areas you practice:** Consumer protection, employment law, debtor/creditor disputes, civil rights.
- **I became a lawyer because:** I want justice for folks without vast wealth or power.
- **The future of the practice of law is:** Full of opportunities. The internet makes it easier to connect with clients and build a sustainable practice. There is a lot of unmet legal need waiting to be served.
- **One of the greatest challenges in law today is:** Arbitration clauses in a lot of workers' employment contracts or in consumer sales contracts, at least from my point of view. Mandatory arbitration can be challenging for the worker or consumer, but is usually great for the employer, manufacturer, and the arbitrator.
- **If I were not practicing law:** I would love to teach. My outlet is working on CLEs, one of which I recently presented for the Thurston County Volunteer Legal Services called "From Lemon Laws to Lemonade: Consumer Protection Issue Spotting."

- **If I could change one thing about the law, it would be:** More laughter. When we can find an appropriate moment, of course.
- **This is the best advice I have been given:** Do what you love and the money will follow.
- **Trait I admire in other attorneys:** Trustworthiness, having a healthy balance between work and other priorities, and having some detachment from your client's position.
- **I would give this advice to a first-year law student:** Measure your success based on your own personal goals. For me, it was helpful to balance out the classes with working as an extern for a bankruptcy judge, and seeking out student job opportunities that showed me how to read and write good legal briefing.
- **Someone whose opinion matters to me:** My significant other. Sometimes he has a better sense of how things are going with me than I do.
- **I am most happy when:** I have overcome a difficult challenge. Summiting Mt. Walker, up by Brinnon, on a sunny day was one recent example—a spectacular view after a long upward climb.
- **Best stress reliever:** Read a book (for fun)!
- **A book I would recommend reading:** One recent read I liked was "Do Androids Dream of Electric Sheep?" by Phillip K. Dick. It's a sci-fi story about what makes us human and what empathy means.
- **Technology is:** Hard to put down. It takes discipline to stop checking my e-mail after hours, and shift attention to my immediate environment. At my house, we just had 6 hours without power Friday night, which was sort of a reality check; we had to get out the candles.
- **Currently playing on my iPod/CD player/record player:** Sharon Jones and the Dap Kings, "Naturally" — a great contemporary R&B album.
- **I can't live without:** Baked goods. We've been making a lot of bread at home this fall!
- **This is the hardest part of my job:** Turning away cases. I try to educate folks about their other options even if I don't agree to accept their matter.
- **This is the best part of my job:** Legal research and writing tends to be fun for me. Also, one of the best moments for me is when we reach a suitable compromise, helping clients avoid some of the fallout of a long and exhausting legal battle.
- **I would like to add this:** It's nice practicing in Thurston County in that the bar is friendly and collegial, and there are lots of beautiful outdoor destinations nearby to go check out in my free time.

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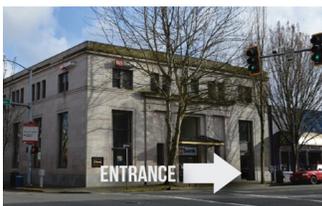
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"I can hardly see why all who are governed by law should not have a voice in making it."



-Daniel Bigelow Diary, 1 May 1854.

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handling Real Estate, Land Use, and Business

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News from the Law Library

Pardon Our Mess!

The Washington State Law Library is in the process of shifting materials in the Main Reading Room to minimize your trips up and down the stairs to find what you need in our collection. Many of our most frequently used books will now be located in the Main Reading Room, along with the legislative history collection. Please excuse our mess while we continue moving books and making changes to serve you better, and let us know if you need assistance locating any materials.

Legislative Session Starts January 14

Monday, January 14, 2019 is the first day of the 2019 Legislative Session in Washington State, and parking on Capitol Campus can be challenging during session. Visit the Washington State Department of Enterprise Services webpage for parking and shuttle service to explore your options, from paid parking to taking the free Dash shuttle.

Need materials from the State Law Library, but don't want to deal with finding parking? Email us at Library.Requests@courts.wa.gov to request electronic access to materials.

Women Trailblazers in the Law

Stanford University's Robert Crown Law Library in conjunction with the American Bar Association, recently launched a new website featuring the results of their oral history research project, "Women Trailblazers in the Law."

Visitors to the site, <https://abawtp.law.stanford.edu/>, can browse the collection of over 100 oral histories, and listen to stories of women who have "made important contributions to the law" while opening the door of "opportunities for other women in the profession."

New on the Washington State Law Library Blog

Has it been awhile since you visited the State Law Library's blog? Visit the blog to read stories on Native American law resources, law reviews, legal humor, and a book review of *Because of Sex: One Law, Ten Cases, and Fifty Years that Changed American Women's Lives at Work*.

Library of Congress By the People

You can make history by joining a new campaign from Library of Congress to crowdsource transcription and tagging of thousands of digital images from LOC collections, many of which have never been transcribed before. The goal is to "make documents word-searchable in the Library of Congress catalog."

Documents range in subject matter, but represent special collections at the LOC, such as Letters to Lincoln, which contains letters written to Abraham Lincoln from friends, politicians, constituents, and adversaries; Branch Rickey: Changing the Game, where you can view Rickey's Major League Baseball scouting reports; Mary Church Terrell: Advocate for African Americans and Women, including this NAACP founder's diaries and correspondence; or Clara Barton: "Angel of the Battlefield", which houses the personal papers of this founder of the American Red Cross; among others.

Visit <https://crowd.loc.gov/> to get started!

Upcoming Holiday Closures

WSLL will be closed on Tuesday, December 25 (Christmas); Tuesday, January 1, 2019 (New Year's Day); Monday, January 21, 2019 (Martin Luther King, Jr. Day); and Monday, February 18, 2019 (Presidents' Day).

Contributed by Washington State Law Library reference staff.



**Congratulations to Meredith Gerhart
for being selected as the new
TCBA Family Law Section Chair!**



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TCBA is on Facebook!!

Join the **private** TCBA group at the link below where you will see information about the TCBA events and CLEs:
<https://www.facebook.com/groups/810480342493440/>

You can also “like” the TCBA **public** page at the link below, but we will only be posting limited events open to non-members on the public page:
<https://www.facebook.com/thurstoncountybar/>



Are you receiving emails from the TCBA?

If not, please check your spam folder to see if the TCBA emails are going directly there and then ask your IT Staff to unblock the two TCBA emails addresses:

tcba.info@gmail.com and
info@thurstoncountybar.com

Coming in March 2019... the Judicial Evaluation Survey!

We'd love to have 100% participation this year. Your opinions are anonymous. Please keep an eye out for the email announcing the survey in March.

Real Estate & Land Use CLE:

The TCBA Real Estate and Land Use section will host a lunchtime CLE on January 30, 2019 from 11:30 to 1:00 pm at Mercato Ristorante (111 Market St NE, Olympia) on the Washington Uniform Common Interest Ownership Act (RCW 64.90), which took effect on July 1, 2018.

The CLE presentation by Phillips Burgess PLLC attorneys Rosemary Boelens and Michael Kelly will provide an overview of key provisions of the new law applicable to new plats, including CCRs and HOAs.

The WSBA has approved the CLE for 1.0 Law and Legal credit.

There is no charge for the CLE.
Lunch will be ordered from the Mercato menu a la carte.

Please register no later than January 16, 2019 by contacting Heather at the TCBA at tcba.info@gmail.com.

Early registration is encouraged, as due to space constraints, this event is capped at 25 attendees.

Heather Burgess

Attorney

hburgess@phillipsburgesslaw.com | [website](#) | [v-card](#)

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Section/Committee Announcements...

Family Law Section

The Family Law Section meets at 12:10 p.m. on the 2nd Tuesday of each month at the Family and Juvenile Justice Center.

Meredith Gerhart is the Chair of this section.

If you have any questions please contact Meredith at (360) 866-4000 or Meredith@gerhartlegal.com

Young Lawyer Section

The Young Lawyer Section holds regular Monthly Meetings the first Wednesday of every month.

Ingrid Zerpa is the Chair of this section.
Her email address is ingrid@dewittlawpllc.com

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

TCBA & Other Upcoming Events

TCBA Member Luncheon and CLE in January: The next TCBA Member Luncheon and CLE is on Friday, January 18, 2019 at 11:30 a.m. at Hotel RL. The topic is: “Implicit Bias and Privilege,” presented by Jonathan Lack, Family & Juvenile Court Commissioner with the Thurston County Superior Court.

TCBA Half Day Ethics CLE on February 7, 2019: There will be an Ethics CLE from 1:00 p.m. - 4:30 p.m. at Rivers Edge. See more information below.

TCBA Member Luncheon and CLE in February: The February TCBA Member Luncheon and CLE is on Friday, February 15, 2019 at 11:30 a.m. at Hotel RL. The topic is: TBA.

March 2019 Issue of the Legal Brief: The deadline to submit articles and advertisements for the March 2019 Legal Brief is February 19, 2019. Please email them to Heather Ligtenberg at tcba.info@gmail.com.

2019 Board of Governors Meeting and Local Hero Award: The lunch meeting will be on March 7, 2019 at 12:00 p.m. at Hotel RL in Olympia. See page 15 for information about nominating a Local Hero.

Save the Date: The Annual TCBA Meeting & Dinner will be on Saturday, May 4, 2019 at Indian Summer Golf & Country Club.

Save the Date: The 2nd Annual TCBA Night at the Tacoma Rainiers game is on Saturday, August 3, 2019. Game time is 7:00 p.m. More information will be emailed to you soon.

Please refer to the “News & Events” section of our website for a full list of upcoming events:

Ethics CLE on February 7, 2019 from 1:00 p.m. - 4:30 p.m. at Rivers Edge

Local attorneys Stephen Henderson and Dave Cullen are joining Kevin Bank from the Washington State Bar Association Office of Disciplinary Counsel to present an ethics CLE on

“How to Avoid Discipline,
What to Do When You Get the First Letter from the Bar,
When to Hire Counsel...Should You At All?,
and Not Making Matters Worse If You Screw Up.”

Each attendee will receive one drink ticket for a beverage of their choice (including beer and wine).

Appetizers will also be provided and are included with the cost of the CLE.

3 ethics credits are pending approval with the WSBA.

Cost is \$65 for TCBA Members and \$115 for Non-Members.

An email will be sent soon to RSVP.

CRJ CHURCH RIETZKE JOHNSON^{PLLC} Personal Injury Attorneys

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Thurston County Volunteer Legal Services

**SAVE THE DATE: TCVLS
fundraising breakfast
Tuesday, May 7th 7:00 a.m.**



You will be getting a letter and follow-up phone call soon asking you to support our breakfast. There are sponsorship opportunities plus we would love to have you as a Table Captain!



A special **THANK YOU** to those of you who have taken on pro bono cases the last few months:

**Ruth Qi
Matt Beverlin
Lori Preuss
Ron Baugh-Schlossberg
David Sisk
and
Kellie Dightman (LLLT)**

Several of your colleagues in other counties also have taken on cases pro bono: Julie Nichols (Mason), Jon Quittner (Pacific), Bill Morgan (Grays Harbor), and Mary Anne Linden (Clark).

2018 in review

YOU as volunteers had an incredible year! You saw 1,570 clients at our legal advice clinics – an increase over 2017. The most dramatic increase was at the Housing Justice Project where the number of clients advised and represented totaled 560 clients --- up from 430 in 2017! Just as incredible is that the number of volunteer hours at HJP increased dramatically!



~~WE ARE MOVING!~~

Our move to the new building has been delayed for about a month. We hope to be there sometime during February. **STAY TUNED FOR MORE INFORMATION!**

The new address will be is 3525 – 7th Avenue S.W in Olympia (near Capital Medical Center). Our mailing address will remain the same (P.O. Box 405, Olympia, WA 98507).

Our general phone number (360-705-8194) will remain the same but some of our individual phone numbers will change.

“In Re: Jill Collins ”

By Christopher Coker

- 1. Name and year admitted to Bar:** Jill Collins 1998
- 2. Areas you practice in:** Consumer bankruptcy cases – Chapter 7 and Chapter 13
- 3. I became a lawyer because . . .** I decided to become a lawyer when I was 10. I read a lot, and I wanted to be a lawyer like Nancy Drew’s father and Clarence Darrow, so that I could help people.
- 4. The hardest part of being a lawyer is . . .** The constant multi-tasking, prioritizing and re-prioritizing work to be done.
- 5. I would give this advice to a first-year law student:** You will have more work than you can do without driving yourself crazy. Prioritize, do your best, and still enjoy life. You don’t have to be first in your class to be successful in life.
- 6. Traits I admire in other attorneys:** Professionalism, honesty, and compassion – these are people we are working for, not “cases.”
- 7. If I were not practicing law, I would be . . .** A starving artist, preferably living in a cottage in Provence, France and painting the scenery.
- 8. What animal best represents you and why?** Hmm . . . probably some type of guide dog. It seems I am constantly helping people deal with issues.
- 9. What is the first thing you will do when you retire?** I get to retire someday? I’ve no idea . . .
- 10. If you could time travel, would you go to the past or the future? Why?** The past. Who knows what technology will be like in the future. I’m sure I’d be lost. I already have to ask my daughter how to do things.
- 11. What words of wisdom would you pass on to your childhood self?** Enjoy everyday life, no matter what is happening.
- 12. What words of wisdom would you give to a young lawyer new to the profession?** Do it because this is what you want to do, not for the money. Be flexible, willing to learn and open to change.

Brief synopsis of you, your personal life, your work life, and any special awards or activities:

I am married and live in Olympia with my husband and daughter, who just turned 18 and graduated high school in June! I enjoy gardening, DIY home projects with my husband, camping, and traveling. I moved my office to Olympia in 2008 when I decided to focus my sole practitioner office on handling just consumer bankruptcies. Referrals are always welcome!

Contact information (work phone and email)

(360) 956-1190

jillcollinspc@gmail.com

The TCBA Holiday Lunch

The TCBA's annual holiday lunch was held on Friday, December 14, 2018 at the Olympia Country & Golf Club. We had 90 members RSVP including members of the judiciary and elected officials. We socialized, caught up with old friends, and enjoyed a delicious buffet lunch. We hope that you had a great holiday season!



A huge Thank You to the following members, who were recognized at the Holiday Lunch for their contributions to the TCBA this past year (photo above from left to right): Marie Docter, New Courthouse Project Liasion, Terry Church, Pro Bono Section Chair, Jennifer Doehne, Young Lawyer Section Chair, Larry Jefferson, Criminal Law Section Co-Chair, Christopher John Coker, TCBA Board Member, Mike DeWitt, Family Law Section Chair, and Wayne Graham, Criminal Law Section Co-Chair.

Dear Thurston County Bar Association Members:

On behalf of the Thurston County Bar Association Board of Directors, I would like to thank the bar membership for their continued support of the Salvation Army Adopt-A-Family Program. In 2018, the TCBA sponsored 23 families (90 individuals) and provided the families with wrapped gifts that helped them have a happy holiday season. We also raised \$2809.00 at the holiday luncheon that was given to the families in the form of individual Safeway gift cards.

Thank you all once again for your generosity and kindness during this holiday season!

Very truly yours,

LEONARD K. LUCENKO, JR.
Chair Adopt-A Family Program

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 \$240 for a full page, \$120 for 1/2 page, \$55 for 1/4 page and \$27.50 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

Thurston County Bar Association
2019 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
- LLLT
- 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
- Real Estate, Land Use, and Environmental Law Section
- Young Lawyers Section

COMMITTEES

- Bench/Bar
- CLE

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.

Mentor Program: I wish to be listed on the TCBA website as being available to serve as a mentor for new attorneys.

I would like to be added to (or remain on) TCBA's email list (to receive reminders of upcoming events, committee & section information and 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

2019 Annual dues (January-December) \$50 _____
 *Young Lawyer Annual dues \$25 _____

TOTAL ENCLOSED _____

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: _____

*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.