

# THE LEGAL BRIEF

A Publication of the Thurston County Bar Association

Volume 37 Issue 2

March 2019

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## President's Message By: Mark Wheeler

### DIVERSITY AND INCLUSION

Our legal profession should reflect the composition of the society it serves. To that end, the WSBA has made a strong commitment to advancing diversity and inclusion in our membership.

For example, in 2003 the WSBA formally included diversity within its list of nine strategic goals. In 2006, the WSBA's Board of Governors established a Diversity Committee, and in 2007 it adopted diversity as one of the Association's guiding principles. In support of its diversity goals, the WSBA commissioned a formal study of our Association's membership in 2011. The results of that membership study ("Study") were released in 2012. The Study is available on the WSBA's website (wsba.org), along with a whole host of other diversity-related materials.

The Study reviewed data for seven diversity groups. These groups included: 1) older members (age 40+); 2) people of color; 3) sexual minorities; 4) women; 5) primary parents and caregivers to older and disabled adults; 6) people with disabilities; and 7) military personnel and veterans.

The WSBA has posted summary sheets on its website highlighting aspects of the Study. For example, of members over age 40, 38% report being a parent or caregiver. Seventeen percent reported having a disability or impairment. Sixteen percent reported being in the military or a veteran. Nine percent reported being a racial minority. Seven percent reported being a sexual minority. Members age 40+ were the overwhelming majority of the profession, representing 79% of the WSBA's membership at that time. The single largest group within this category was the 51-60 year age group, making up 30% of our members.

Racially diverse members of the WSBA made up 12% of our membership and reported an average age of 43 years old. Their average years of practice was 13.

Members who identified as a sexual minority represented 9% of our membership. These Members reported an average age of 47 years old, and their average years in practice was 18.

Disabled or impaired members represented 21% of our membership, with an average reported age of 53, and with an average of 21 years in practice.

The WSBA has used this data to support a wide variety of diversity programs, including CLEs, networking events, diversity fellowships, a welcome reception for law students, and even creation of a diversity dictionary to create a common language on the subject.

The TCBA is also taking steps to support diversity and inclusion at our local level. For example, Court Commissioner Jonathan Lack recently presented a CLE to our membership on "Implicit Bias and Privilege." The TCBA also supported our local judiciary's efforts last fall to sponsor the "Color of Justice" program, and the TCBA's Law Day topic is based on current homelessness issues. The TCBA is also continuing to support the WSBA's Mentorlink program twice a year, and has a representative at each local swearing in ceremony to welcome new members. Looking forward, the TCBA's leadership will be meeting with the WSBA's Board of Governors in March to, in part, discuss diversity programs and what each of our organizations can do to support the efforts of the other. The TCBA is also reaching out to members and others who are interested in supporting its diversity and inclusion efforts, and we look forward to reporting the fruits of those efforts in future newsletter columns. Together we can help create a profession—and an association—that reflects all of us.

2019 MEMBERSHIP RENEWAL...  
FORM ON LAST PAGE

## A View From the Bench

By Judge Chris Lanese  
Thurston County Superior Court



The Preamble to Washington’s Code of Judicial Conduct begins:

*An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.*

Today, as always, the courts are entrusted with deciding some of the most difficult issues we collectively and individually face. One of the primary reasons the public honors the decisions the courts make—regardless of whether a case impacts one person or one million people—is that judges conduct themselves in a manner consistent with the solemn duty entrusted to them.

While judges nationwide may be attacked personally or disparaged as a group, the public continues to trust us because our behavior is consistent with being independent, fair and impartial. Polls continuously indicate that the percent of Americans who trust the judicial branch is nearly twice the percent of Americans who trust either of the other two branches of government.

Despite the increasing polarization of our country’s politics, trust in the judiciary remains. The greatest threat to that trust is that members of the judiciary fail to comport themselves in a way deserving of that trust—that judges make statements or engage in conduct that is inappropriate for a judge to make or do. This makes the Code of Judicial Conduct as important as it has ever been.

This is an area that I have become increasingly active in over the past few years. As a member of the Superior Court Judges Association’s Ethics Committee, I presented on social media and judicial ethics at last year’s SCJA Spring Conference to try and help other judges avoid pitfalls when engaging in the ever-developing area of social media. I’ve also advocated regarding proposed changes to the Code of Judicial Conduct. It’s not work that will captivate the attention of a lay person at a holiday party, but I firmly believe it is critical work that is essential to the continued trust in and functioning of the judiciary.

But this is not an issue that lies solely in the hands of judges. Continued civic education of the public is critical to make sure citizens understand not only that judges cannot speak out or engage in the political issues of the day, but also why we don’t want judges to do so. If you have an opportunity to assist in this endeavor, I hope that you will do so. I know many of you already do this. Whether it is speaking up when someone articulates an erroneous believe, volunteering to speak at a local school, or simply recommending a podcast like *More Perfect* to a friend to listen to on his or her morning jogs, there are many “small” things you can do to assist in this effort that can have a big impact. Thank you to those of you who already assist with this important work.

# LOCAL RESOLUTION

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## YOUNG LAWYER SPOTLIGHT

BY INGRID ZERPA, YL CHAIR

# Jakob McGhie, WSBA No. 47830

360-754-5844 Jakob@centralialaw.com



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

- I am an associate attorney with Althaus Rayan Abbarno, and have been at the firm since 2014. We have offices in Centralia and Olympia, and recently relocated our Olympia office to a space near Percival Landing. I am married to my wife Nicole, and we just celebrated our one year anniversary. In August, we adopted our first dog, a border collie named Aspen that we saved from the humane shelter in Vancouver.
- In 2015, I was selected to serve on the WSBA Young Lawyer's Committee as the representative of the Greater Olympia region, representing Lewis and Thurston counties. In 2018, I served as the President of the Lewis County Bar Association, and currently serve as the Vice President of the Twin Cities Rotary club in Chehalis. I also presently sit on the Planning Commission for the City of Centralia.

**Areas of Practice:** Criminal Defense, DUI Defense, Workers Compensation, Landlord Tenant Law and Evictions.

**I became a lawyer because:** I had a great civics teacher in High School that introduced me to the Constitution, the structure of our government, and the concept of individual rights in a democratic society. The more I studied, the more I came to believe that zealous, idealistic, criminal defense attorneys are vital to a free and functioning democracy governed by the rule of law. I felt that was a role I could fill.

**The future of the practice of law is:** I'm not one to make bold predictions, but I hope the future of the practice of law includes greater access to affordable legal representation in rural areas.

**One of the greatest challenges in law today is:** Balancing family and social life with the job, and making sure that each case and each client gets the representation that they deserve.

**The hardest part of being a young lawyer is:** It seems obvious, but lack of experience. There are a ton of times when it seems like a particular argument or strategy could benefit from the wisdom of a learned perspective. I am constantly asking colleagues for advice on facts and strategies, and I'm lucky to work in a community where no one ever told me to pound sand. I have great respect for the attorneys I've met through my practice in Lewis and Thurston counties.

**If I were not practicing law:** It's a contingency that's difficult to imagine. I went to college expecting to go to law school, and in law school I was geared towards being a criminal defense attorney; this is all I know. I am going to follow the advice I give my clients: don't answer hypothetical questions!

**If I could change one thing about law, it would be:** The contentiousness of much of the interactions between opposing attorneys. I strive to disagree with respect and represent my client's interests with civility.

**This is the best advice I have been given:** It is invaluable to be regarded as someone who is always 1) on time, and 2) prepared.

**Trait I admire in other attorneys:** Poise. I'm amazed by how many of my colleagues can weather hostile judges, witnesses, and opposing counsel, yet keep their cool and stay on their feet. That's a trait I definitely try to emulate with far less grace than most of the attorneys I admire.

**Someone whose opinions matters to me:** My father

**People living or from the past I would like to invite to a dinner party and why:** Abraham Lincoln, Teddy Roosevelt, and Winston Churchill. Really is an explanation necessary?

**I am most happy when:** I am with my wife and my dog, in the woods or on the beach.

**My favorite vacation place:** The woods. I love to camp.

**If I could live anywhere:** Here. I already live in the greatest state in the greatest county on earth.

If you would like to be featured in the Young Lawyer Spotlight or know someone you would like your fellow lawyers to get to know, email Ingrid at [ingrid@dewittlawpllc.com](mailto:ingrid@dewittlawpllc.com).



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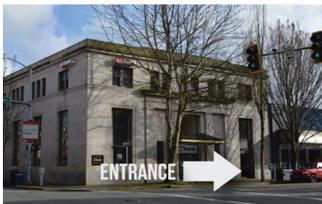
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-Daniel Bigelow Diary, 1 May 1854.

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**I never thought I would ask an 85 year old woman about her workout routine, but RBG is no ordinary lady.**

By Megan D. Card

We were seated by 9:25. No cameras, no cell phones, no purses, no bags; just you and the suit you had on. We had to go through security twice. Each admittee was only allowed one guest. Luckily, another admittee didn't have a guest so I wasn't forced to choose which one of my parents got to go into the Courtroom with me. We waited for what felt like forever. There were a few faint whispers, but I think everyone was too scared to talk because of all the United States Marshals spread throughout the Courtroom. A woman sitting next to my mom was told to remove the glasses from the top of her head by the Marshal whose tie matched the maroon curtains and gold ordainments in the room. I wondered if he was wearing that on purpose, or if he was a Hogwarts fan. Finally, the clock struck 10:00 and I felt a wave of nervousness and then... absolutely nothing happened. They were late.

At long last, around 10:03, all of the curtains drew back in a dramatic fashion and the Justices walked in a straight line to their respective seats in front of them. The Clerk called court to order and the curtains drew closed.

Justice Breyer read the opinion of the court that morning. It was a case about burglary. That's all I remember. I was too busy studying each of their faces fascinated with the fact that I was breathing the same air as they were. I was seated in the front row about 8 feet away awkwardly staring at each of them desperate to make eye contact. Justice Alito was the only one not there that day. Chief Justice Roberts had a charming Richard Gere quality about him. Justice Ginsburg was so small you could barely see her head over the bench. Justice Kavanaugh just looked thrilled to be there, but so did Justice Gorsuch. I actually appreciated their smiles and enthusiasm. Justice Breyer reminded me of the Monopoly man. Justice Kagan looked just like she did on T.V. I felt a sense of pride to see Justice Sotomayor on the bench.

Next, Chief Justice Roberts announced they would hear the motions. The movant from Liberty Law School went first and 13 admittees were sworn in. Gonzaga School of Law was next. Our movant approached the podium, stated he believed all 27 of us were of sound character and fitness (phew), and announced our name and place of residence one by one. I remembered to raise the right hand (literally) and smiled proudly when he announced "Megan D. Card, Olympia, Washington." After all the names were announced, Justice Roberts said "Motion granted. Court is adjourned." And just like that, the curtains drew back again and they all disappeared as quickly as they came in. I saw Justice Thomas walk down the steps and politely wait for Justice Ginsburg as he held out his hand. "What a gentleman" I thought to myself. Conservative or liberal did not matter in that moment, he was a colleague who cared. We went back into our meeting room in hopes that one of the Justices might stop by.

As luck would have it, Chief Justice Roberts proudly walked into the room with the presence and confidence that you would expect from the Chief Justice. He told us about the 8 different Justices' portraits that were hanging in the room. One was of "The guy that looks like Mark Twain," Justice Melville W. Fuller who started the tradition of the Justices shaking hands prior to entering the Courtroom and before meeting for conferences. "It encourages collegiality," he said. Another portrait was of Chief Justice Roger Taney who wrote the majority decision in the Dred Scott case. Notably, I lost track after that point because I just couldn't believe this was real life.

Chief Justice Roberts asked if anyone had run Bloomsday because one of his Marshals had earlier that year in Spokane. I was the only one in the room to have raised my hand, and was impressed that he pronounced both "Spokane" and "Gonzaga" correctly. Chief Justice Roberts told us that only about 5% of lawyers are admitted to the Supreme Court of the United States and that we should be proud to have joined that group. "As a member of the bar, you can sit in a reserved section of the Courtroom." Chief Justice Roberts said it is actually a job in Washington D.C. to be a "line saver" for big arguments because seating is on a first come, first served basis, but that members of the bar had to actually wait in line themselves. We got our picture with the Chief Justice and after he left, the room was buzzing about how cool it was that we got to meet him. I was a little disheartened that it had not been her though.

About fifteen minutes went by. She walked into the room inconspicuously and in a very quiet voice said that she just wanted to congratulate us on our big accomplishment. No one seemed to notice her at first. My dad (aka my hero) tapped my arm and when I turned around she was only standing a few feet in front of me. She was much smaller and fragile than I imagined, but her style was impeccable and topped off with white lace gloves. What she lacked in size, she made up in quick wit, humor, and eloquence.

There was an awkward silence, and I'm sure it was because no one knew what to say to one of the most important figures in legal history. The night before I laid awake for hours thinking about the questions I would ask her if I had the chance to. And so, the first question I asked RBG was "Have you been planking lately?" Now this seems like an odd question, but at the time (December 10, 2018) she had just recovered from breaking her ribs (and this was before she had announced that her cancer had

(continued on page 10)

## CONGRATULATIONS

**to the 2019 WSBA Local Hero Award Recipient for Thurston County**

***JOSEPH E. SHORIN III (JOE)***

The TCBA Board of Directors received nominations this year and after discussion at the February board meeting selected Mr. Shorin as the 2019 WSBA Local Hero Award recipient for his dedication to public service. He was honored at the WSBA Board of Governor's luncheon on March 7, 2019 at the Hotel RL in Olympia by WSBA President, Bill Pickett.

Mr. Shorin's service to the local community is exemplified by his work with the nonprofit Panza in Olympia. He has been instrumental in supporting the Olympia Quixote Village as well as moving forward with similar villages for homeless veterans in Shelton and Orting. Mr. Shorin is also deeply involved with other local organizations. He has served on local boards, including the Volunteer Legal Service Clinic, the Cooper Point Association, the Thurston County Parks and Recreating Advisory Board, the Olympia Unitarian Universalist Congregation, the Washington State Bar Associations Loan Repayment Assistance Advisory Committee, and the NOVA School.

Mr. Shorin exemplifies what it means to be a local hero. He contributes to our community as a respected member of the local bar, a dedicated volunteer to causes in Thurston County, and through his excellent and steadfast service to the State of Washington. He truly makes Thurston County a better place to live!

**Thank you Mr. Shorin for your dedication to giving back to your community!**

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## News from the Law Library

### **New Year, New Faces**

The start of 2019 brought many changes to the Washington State Law Library, including an addition and some promotions on our staff.

Say “hello” to Hai-Yen Nguyen, who joined our Technical Services team in February from the Timberland Regional Library system where she was most recently a Reference Librarian at the Olympia branch. In her new role, Hai-Yen will be working with the Deputy State Law Librarian and State Law Librarian on organizing and updating the digital and print collections, but you may also see her fill in on the reference desk from time-to-time.

Say “congratulations” to both Jennifer Laine and Shani Cate, long-time law library employees who were recently promoted. Jennifer has moved to a new role away from the reference desk where she has worked for many years, and will be taking over as the library’s Administrative Coordinator. Shani has been promoted to Law Librarian II, and will continue to work as part of the reference team.

### **History Panels in Supreme Court Clerk’s Office**

The Washington State Supreme Court unveiled several new display panels during the Court’s January swearing-in ceremony that highlight some of the Court’s “firsts,” such as the first female justice, Carolyn Dimick, and first justice of color, Charles Z. Smith; important milestones in Court history; and notable cases. There is also a profile of the current Court, as well as a bio of Chief Justice, Mary Fairhurst.

The project was spearheaded by Deputy State Law Librarian, Laura Edmonston. Content for the panels was researched and written by State Law Library reference staff, and the panels were designed by the Administrative Office of the Courts staff.

The panels were installed in the Clerk’s Office, where they can be viewed by the public. We invite you to take a look at the history panels on your next visit to the Temple of Justice.

### **State of the Judiciary**

Washington Courts released the State of the Judiciary report in January 2019. You can view the report, which opens with a letter from Chief Justice Fairhurst on the Washington Courts website: <http://www.courts.wa.gov/newsinfo/content/StateoftheJudiciary2019.cfm>.

### **Washington State Law Library Book Reviews**

The State Law Library has added a number of criminal justice, social justice, and narrative nonfiction titles to our collection in the past few years, and we have published reviews for many of these books on our [blog](#). Check out some of our recent book reviews, and contact us at [Library.Requests@courts.wa.gov](mailto:Library.Requests@courts.wa.gov) or 360-357-2136 to borrow one of these books:

*They Can’t Kill Us All: Ferguson, Baltimore, and a New Era in America’s Racial Justice Movement* by Wesley Lowery – A *Washington Post* reporter travels across the country following the shooting of Michael Brown in Ferguson, Missouri, covering police shootings of young black men and the growth of the Black Lives Matter movement, while sharing his personal reflections as a person of color and member of the media.

*No Matter How Loud I Shout* by Edward Humes – Eye opening examination of the juvenile court system in Los Angeles.

*The Color of Law: A Forgotten History of How Our Government Segregated America* by Richard Rothstein – Longlisted for the National Book Award, Rothstein’s *The Color of Law* takes a critical look at housing segregation in America.

*Evicted* by Matthew Desmond – Follows eight families in Milwaukee, Wisconsin, as they struggle with the costs – emotional, financial, physical, and otherwise – of being evicted.

### **Upcoming Holiday Closures**

WSLL will be closed on Monday, May 27<sup>th</sup> in observance of Memorial Day.

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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/>

### **Save the Date:**

The TCBA Annual Meeting will be on  
Saturday, May 4, 2019  
at Indian Summer Golf & Country Club  
at 7:00 p.m.

You won't want to miss this fun evening!

More information will be emailed soon

### **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](mailto:tcba.info@gmail.com) and  
[info@thurstoncountybar.com](mailto:info@thurstoncountybar.com)

### **Judicial Evaluation Survey**

We'd love to hear from you on the  
Judicial Evaluation Survey.

Check your email for the survey and submit your responses by April 6, 2019.

All responses are strictly confidential.

(Continued from page 6)

I never thought I would ask an 85 year old woman about her workout routine, but RBG is no ordinary lady By: Megan D. Card

returned). She said “Maybe next week I will try.” I told her that I had just bought a shirt the day before that said “Plank like RBG.” *For those that don’t get the reference, when Justice Kennedy announced his SCOTUS retirement, a photo of RBG holding the plank position went viral and she is known for her circuit training workouts.*

More awkward silence. I quickly asked if she was excited about her new movie coming out (“On the Basis of Sex” which is a MUST see if you haven’t watched it yet). She said her nephew was the screenwriter and “that part of it is true, and part of it is not.” RBG noted that in the movie she was portrayed as stumbling through her opening argument and coming back with an amazing rebuttal, but it did not actually happen that way. She told us that she “never stumbled,” and she didn’t give a rebuttal. RBG said she asked her nephew why he wrote it on that 1971 case which was “just” a Tenth Circuit Court of Appeals case when she had taken many other cases about sex discrimination to the SCOTUS. Her nephew responded that he wanted it to be just as much of a love story with her husband, Martin Ginsburg, as it was about her work. Her eyes seemed to sparkle when she talked about her husband.

The questions came easier for me. “How do you feel about your newfound fame?” RBG answered “It’s quite odd. I’m 85 years old and everyone wants my picture.” She then gave us a history lesson on where the Notorious R.B.G. moniker was born. “Of course you know where that’s from [the Notorious B.I.G.]. It started with a gal who was upset about a dissent I wrote. The Notorious B.I.G. is from Brooklyn, and I’m from Brooklyn.”

I asked her if she had heard about the RBG “Dissent mints” and that I have some in my office. RBG said she had not (note: you can buy them at Archibald Sisters in downtown Olympia). One gentleman was smart enough to bring his “I dissent” RBG action figure doll and asked her to sign it which she happily did. Others asked how she was feeling and if she had any more acting parts coming up. She said she did have a part in an Opera, but it was just a speaking piece and she didn’t have any plans for more at the moment.

We then gathered around for a picture, and I made sure I got to sit down right next to my idol. I told her that the necklace she was wearing in the Courtroom was beautiful and she said it was a gift from the New Mexico Bar Association. RBG told us congratulations again and shuffled out of the room. None of us could believe that had just happened. But Gonzaga had photographers there to prove it!

I’ve always been proud to be a Zag, and now I’m proud to be a Zag and bar number 307880 of the SCOTUS. I will likely never need to use my admission, but I can’t wait to go back to D.C. and sit in the reserved section of the Courtroom...even if I have to wait in line.



## TCBA & Other Upcoming Events

**TCBA Member Luncheon and CLE in March:** The next TCBA Member Luncheon and CLE is on Friday, March 29, 2019 at 11:30 a.m. at Hotel RL. The topic is: Active Shooter! Protecting your Employees and Business.

**TCBA Member Luncheon and CLE in April:** On April 19, 2019, at 11:30 a.m. at Hotel RL the TCBA Member Luncheon and CLE speaker will be Frances Schopick who has a dual degree and dual license as a MSW therapist and attorney.

**Save the Date:** The Annual TCBA Meeting will be on Saturday, May 4, 2019 at Indian Summer Golf & Country Club at 7:00 p.m. More information will be emailed to you soon. It is sure to be a fun evening!

**May 2019 Issue of the Legal Brief:** The deadline to submit articles and advertisements for the May 2019 Legal Brief is May 7, 2019. Please email them to Heather Ligtenberg at [tcba.info@gmail.com](mailto:tcba.info@gmail.com).

**Bench/Bar Meeting:** The next Bench/Bar meeting will be in June 2019. More information will be emailed soon.

**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:  
[www.thurstoncountybar.com](http://www.thurstoncountybar.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](mailto: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](http://thurstoncountybar.com) for more information on specs and to view past editions of the Legal Brief

### 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) 350-6505 or  
[Meredith@gerhartlegal.com](mailto:Meredith@gerhartlegal.com)

#### Young Lawyer Section

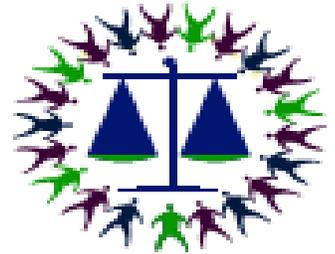
The Young Lawyer Section holds regular Monthly  
Meetings the first Wednesday of every month.

Ingrid Zerpa is the Chair of this section.  
Her email address is [ingrid@dewittlawpllc.com](mailto:ingrid@dewittlawpllc.com)

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

## ***Thurston County Volunteer Legal Services***

*Serving Thurston, Mason, Grays Harbor and Pacific Counties*



**TCVLS Fundraising Breakfast  
Tuesday, May 7<sup>th</sup> 7:00 a.m.  
Olympia's Hotel RL**

**Thurston County Volunteer Legal Services (TCVLS) provides free legal advice and representation to low income individuals and families in our community. We depend on attorneys to give their time. We also depend on the legal community to financially support us.**

**Please support TCVLS by sponsoring and attending the annual fundraising breakfast!  
Washington State Attorney General Bob Ferguson will be our guest speaker.**

**Sponsorships are available at a variety of levels:**

**Diamond \$2,500**

**Platinum \$1,000**

**Gold \$ 750**

**Silver \$ 500**

**Bronze \$ 300**

**Sponsors will be recognized during the program so all can see your commitment.**

**Please let us know we can count on you!**

**Contact Rachael Lundmark, Executive Director at [director@tcvls.org](mailto:director@tcvls.org).**



## “In Re: Christi Goeller”

By Christopher Coker

**Areas of practice:** civil litigation, with a current focus real estate

**I became a lawyer...** because I like to argue and am extremely competitive. I also thought having a law degree would open up my employment options.

**Hardest part...** is the stress. We work in a competitive and contentious business while representing people who are facing some of the biggest challenges of their lives. We must constantly fight for our clients and thanks to technology, leaving the office at the end of the day doesn't mean leaving the work behind. It's hard to find an off switch.

**Advice for 1<sup>st</sup> year law student:** Try to find a clerkship or internship in an area that interests you and that you think you'll enjoy. It's very easy to get pigeon-holed into a particular area of practice. Your early work experience will lead to your next opportunities and because many employers are looking for someone with experience, you often find yourself applying for jobs in the same practice area. If you don't enjoy what you are doing, don't hesitate to move on. Words of wisdom from my dad: “The best time to look for a job is when you already have one.”

**Traits I admire in other attorneys:** honesty and fair play. Dirty tricks and bulldog tactics hurt everyone involved and give rise to a negative image of attorneys by the public. Fight for your clients, but fight fairly and with integrity.

**The first thing I will do when I retire:** SLEEP! I want to sleep for a week. Then I will live in my comfy clothes and kick some Call of Duty ass!

**If I were not practicing law:** I would be a nature/wildlife photographer. I'd also be broke.

**If I could time travel:** I would go to the future so I could see what stocks are going to increase in value, then I'd come back to the present and invest heavily.

**What car best represents me:** 1977 Fiat 124 Spider (also my first car), because it's temperamental, doesn't work well when cold but if you get to know it, it's a lot of fun and will exceed your expectations.

**Words of wisdom to childhood self:** Your parents won't be there forever. Every time you think you are too busy or too tired to call or visit, you're not. Talk to your mom more. It will be your biggest regret if you don't.

**Words of wisdom to young lawyer:** practice law and live your life with integrity. And ALWAYS take care of your support staff, show them appreciation and respect. You can't do this job without them. Seriously. They can make or break you.

### **Synopsis:**

I grew up in the Puget Sound area. In addition to being an attorney, I am also a caregiver to my husband who is courageously living with multiple sclerosis. We live in Tacoma with our dog and three cats (not including the one who lives in a heated box on our porch). My dad is my best friend and biggest fan. I joined Goldstein Law Office last August and am grateful for the opportunity to work with people who understand that you can practice law while wearing jeans in a dog friendly environment.

## 2019 Law Day Speech Contest

It is time once again for the annual Law Day Speech Scholarship Contest sponsored by the Thurston County Bar Association and West Olympia Rotary.

The speech contest is open to all high school students attending high school in Thurston County. If you know of any students who might be interested, please pass this information on to them. The deadline to submit their intent to participate in the speech contest is 5:00 p.m. on April 5, 2019.

There will be a preliminary round on April 11, 2019 at 5:30 p.m. that will take place in Superior Court at the main Thurston County Courthouse. The top four speeches will advance to a final round on April 30, 2019 at a West Olympia Rotary lunch from noon to 1:30 p.m. at the Viewpoint Room at the West Bay Marina. Prize money will be awarded to the top four speeches. The total prize money to be split among the top four speeches is \$1,800.

This year's topic is "Homelessness in Thurston County", addressing competing community concerns including human compassion, public safety, business interests and use of public resources.

Please save the date so you can come and watch this awesome event and cheer on our local high school students. We are really hoping for a large number of students this year. If you have any questions, please feel free to contact Heather at [tcba.info@gmail.com](mailto:tcba.info@gmail.com)



**Congratulations to Victoria Byerly  
for being selected as a new  
TCBA Board Member!**

### ATTENTION MEMBERS

**It's that time of year to renew your TCBA Membership!**

We have received a lot of membership renewals this year... Thank you if you have already sent yours in.

If you have not yet renewed your membership please remember to do so by April 1, 2019.

Any member who has not renewed by April 1, 2019 will be removed from our email mailing list as well as the TCBA website no later than April 30, 2019.

You can renew your TCBA Membership online on the TCBA website, [www.thurstoncountybar.com](http://www.thurstoncountybar.com) or complete the Membership Form on page 20 and mail it to TCBA, PO Box 1653, Olympia, WA 98507.

If you have any questions please email [tcba.info@gmail.com](mailto:tcba.info@gmail.com).

## DISPUTE RESOLUTION – THEN AND NOW

By Donna Lurie

According to a publication of the Association for Conflict Resolution (ACR), mediation and arbitration were first used in the Mari Kingdom in Syria to resolve disputes with other kingdoms in 1800 B.C. (*A History of ADR* by Jerome Barrett). The first United States President George Washington included an arbitration clause in his will in 1770 *Ibid*. Modern dispute resolution programs trace their establishment to the series of Global Pound Conferences (GPC). These conferences began in 1906 and leave a legacy of self-reflection on such questions as, “How well does our system of justice work? Can human beings effectively, efficiently, and fairly resolve the conflicts that inevitably emerge among us? Does society offer meaningful alternatives to courtroom litigation? The GPC series has engaged judges, lawyers, mediators, arbitrators, government officials, students, and academics on six continents and in 31 countries around these questions. The purpose of the GPC series has been “to create a conversation about what can be done to improve access to justice and the quality of justice around the world in civil and commercial conflicts” *Global Pound Conference*, <http://globalpoundconference.org/about-the-series/about-gpc#.WHEbhjtctw9> In 1976, The Pound Conference promoted legal reform through the encouragement of alternative dispute resolution (ADR) and the development of the multi-door courthouse. The field of Dispute Resolution received its “good housekeeping seal of approval” and took off.

Here in Washington State, the Northwest Dispute Resolution Conference was jointly developed and presented by the Washington State Bar Association's ADR Section and the University of Washington School of Law. Every year since 1993, the conference has featured a wide variety of dispute resolution topics covering negotiation, mediation, arbitration, communication, and other skills applicable to dispute resolution and conflict engagement.

The very first Northwest ADR Conference was co-chaired by Michael S. Gillie and Professor Alan Kirtley. Attorney Michael Gillie was the creator of Washington Arbitration Services, the predecessor to the Washington Arbitration and Mediation Service (WAMS). Mr. Gillie’s objective in establishing WAMS was to provide an alternative settlement forum for litigants involved in traditional cases, such as automobile accident and consumer claims. In 1985, Gillie and Seattle attorney Alan Alhadeff collaborated to develop a mediation training and marketing program for insurance claims. Their objective was to provide insurance companies and plaintiffs’ attorneys with mediation as an inexpensive and more accessible alternative to trial. At that time, “alternative dispute resolution” was greeted with skepticism by the legal and business communities. Mediation was confused with meditation, and dispute resolvers were viewed as operating on the fringes of the legal system.

Professor Alan Kirtley, now an Emeritus Associate Professor of Law with the University of Washington Law School, was an academic advisor to the national drafting committee of the Uniform Mediation Act (“UMA”), a project of the National Conference of Commissioners on Uniform State Laws and the Dispute Resolution Section of the American Bar Association. He was instrumental in the passage of the UMA in Washington State. Professor Kirtley wrote an influential article entitled “The Top 10 Reasons for Adopting the Uniform Mediation Act in Washington.” Once the UMA became law, he authored the User's Guide to Washington's Uniform Mediation Act to help the mediation community implement the new statute, RCW 7.07 et seq. Professor Kirtley served as Chair of the Washington State Bar Association's Dispute Resolution Section and co-founded the Northwest ADR Conference.

Dispute Resolution Centers (DRC) were established under the Washington State Court Improvement Act of 1984 (RCW 7.75). Richard Croll, the Director of the Snohomish County DRC, helped establish community dispute resolution programs throughout Washington State. He and Donna Lurie authored RCW 7.75.035. This provision has allowed counties to impose a surcharge on each civil filing fee in district court and a surcharge on each filing fee for small claims actions for the purpose of permanently funding dispute resolution centers in Washington. With the help of State Senator Marlin Appelwick, this legislation quickly became law in 1990. For 35 years, the DRCs have provided low-cost and effective community conflict resolution services including mediation, facilitation, consultation, workplace conflict resolution and training to individuals and organizations. There are currently 21 DRCs operating in 25 counties in Washington State under the banner of Resolution Washington.

For those of us who attended law school prior to the 1990’s, we were offered little formal training in mediation, negotiation, arbitration, and other aspects of dispute resolution. Today, the University of Washington Law School and Seattle University School of Law offer a plethora of courses and opportunities in clinical practice in all aspects of dispute resolution. Both law schools field highly acclaimed student teams in national mediation competitions and negotiation competitions. Dispute resolution is now viewed as an essential skill for law students and budding practitioners. One can earn an LLM and other advanced degrees and certificates in dispute resolution at the Straus Institute of Dispute Resolution at Pepperdine University and other higher education institutions.

Fast forward to 2019. Mediation and arbitration programs have been adopted by the Courts in Washington as an important service to both the Courts and to the parties in dispute with each other. Family Courts regularly rely upon mediation to resolve marital dissolution cases. Superior Courts utilize mediators and arbitrators to resolve cases stuck in litigation. Mediators can work toward Section 39.1 certification

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Dispute Resolution Then and Now By: Donna Lurie

in the federal courts to signify professional training and experience in mediating the litigated case. Caseloads would be unmanageable and many parties would lack access to justice without the availability of dispute resolution. Both private and public dispute resolution services have flourished over the past 20-30 years.

Professor Kirtley has observed, “In the last twenty-five years, mediation has gone from being relatively unknown in Washington State to becoming the preferred, if not mandated, process for resolving civil legal disputes. This upsurge has occurred because of mediation’s advantages – time and cost savings, solutions not limited to legal remedies, confidentiality, parties maintaining control over the result, and less adversarial behavior. The development of mediation has conferred substantial benefits to Washingtonians and has changed the culture of dispute resolution in our state.”

The Northwest Dispute Resolution Conference will celebrate its 25<sup>th</sup> year on March 28-29, 2019, at the University of Washington School of Law. The Conference welcomes attorneys, mediators, ombudspople, advocates in mediation and arbitration, human resources professionals, students, and anyone involved or interested in conflict resolution who has a commitment to helping others resolve disputes with dignity. For registration and information, check the Conference website at [www.drconference.org](http://www.drconference.org)

By Donna Lurie, Chair of the King County Bar Association (KCBA) ADR Section. Donna has served as a member of the Northwest Dispute Resolution Conference Planning Committee. She is an independent arbitrator and mediator with Lurie Workplace Solutions and has over 30 years’ experience in labor and employment law matters. Her website is [www.luriesolutions.com](http://www.luriesolutions.com)

### Interested in getting more involved in the TCBA?

A great way get involved is to join the TCBA CLE or Bench/Bar Committees!

Please contact Heather at [tcba.info@gmail.com](mailto:tcba.info@gmail.com) for more information

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

#### *TCBA Night at the Tacoma Rainiers*

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.



## Field Notes from an Unrepentant Legal Don Quixote By Shawn Newman

Martindale Hubbell recently sent me a congratulatory email on 35 years of practicing law. It caused me to look back at my career in the law and how I got here. Perhaps my story will cause you to reflect on your career.

I come from a family of lawyers. My grandfather did insurance defense in Chicago at the time of Al Capone. I have his framed certificate of admission to the U.S. District Court for the Northern District of Illinois in my office. My brother went with the “Big Law” route working for large firms and companies in the Midwest. To paraphrase poet Robert Frost, I chose a path “less traveled,” working for government, solo and teaching.

My wife and I grew up in Northern Ohio where the land is flat as a pancake. “Washington” meant the District, not the state. While at Notre Dame Law School, we took a chance and flew “out West” to check out possible opportunities. Olympia was one of those “faraway places with strange sounding names you read about from books.” We remember Mount Rainier was out in its full majestic glory. It looked like an illusion - so near, but so far.

It was Saint Patrick’s Day when I interviewed and was hired by the Attorney General’s Office. I felt it was destiny being a dual citizen of the US and Ireland and a Notre Dame graduate. I moved on to work as in-house counsel for local colleges and the State Senate. I went on to set up my own practice above the old Cracker’s restaurant on 4<sup>th</sup> Avenue. My first office was a closet with a pillar in the middle. I begged my landlord for the space and opportunity to be housed on the same floor with other attorneys.

Over the years, I’ve represented institutions, businesses, presidential candidates (Ralph Nader and H. Ross Perot), rogues (“The Hollywood Bandit”), judges, attorneys, employees, employers, non-profits, etc. I’ve worked with attorneys from around the country on animal welfare initiatives and foreclosure defense. I’ve argued and won cases before the State Supreme Court and 9<sup>th</sup> Circuit. Although I am a solo, I currently have cases pending in superior court, Court of Appeals (Div. I and II) and the US District Court.

One thing I’ve learned over the years is that the practice of law is not for wimps. Sometimes it seems the legal profession thrives on schadenfreude. You have to be aware of the competing motives. What does your client hope to achieve? What are your motives for taking the client on? My standard mantra is “prepare for the worst, hope for the best.” Some clients don’t like to hear that and want some guarantees. Nope. I cannot guarantee anything other than my best efforts. As Nick Pulovski said to Eugene Ackerman in movie *The Rookie*, “If you want a guarantee, buy a toaster.”

My passion now is teaching. I teach various law related courses at Saint Martin’s University and Pierce College. Some of these are online. I recall co-counseling with an attorney and law professor from the University of Utah. He would take time to do his work as a “cyber prof” with students via Skype. I now do the same via course management platforms.

“*Is it worth it?*” asks my colleague. We were commiserating over war stories and the challenges with doing civil rights cases. I noted how Jefferson wrote about the “pursuit of happiness” and my belief that attorneys should dedicate themselves to the “pursuit of justice.” I think about how Martin Luther King Jr. fought against injustice. In his last speech, he famously said:

*“I just want to do God's will. And He's allowed me to go up to the mountain. And I've looked over. And I've seen the Promised Land. I may not get there with you. But I want you to know tonight, that we, as a people, will get to the Promised Land.”*

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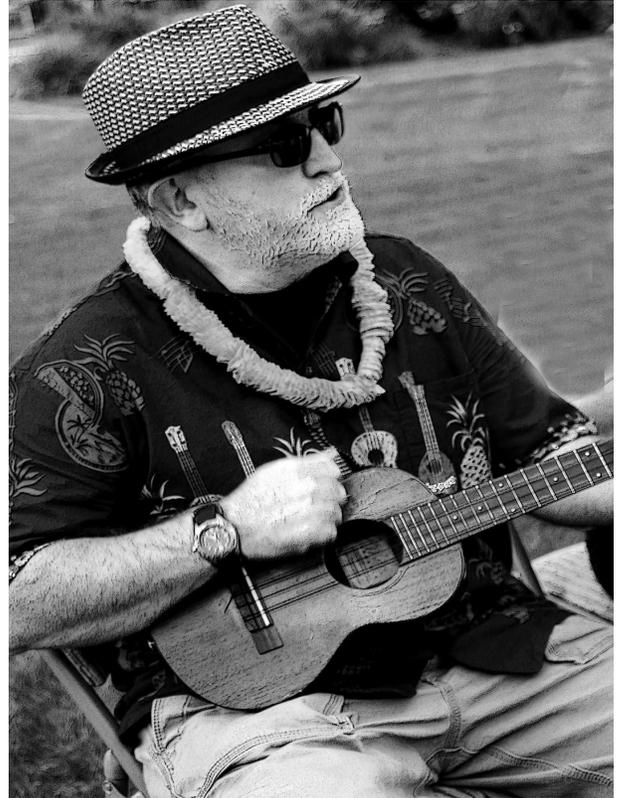
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Field Notes from an Unrepentant Legal Don Quixote By: Shawn Newman

As President Obama loved to say, “the arc of the moral universe is long, but it bends toward justice.” Perhaps “justice” is just an illusion, a dream. Perhaps, but, in the end, it is the “pursuit” of justice that gives us meaning and purpose.

Shawn Timothy Newman  
Attorney at Law, P.S.

Mr. Newman is a graduate of The Ohio State University and the University of Notre Dame Law School. He is a solo practitioner based in Olympia and a full time instructor at Saint Martin’s University, as well as, an adjunct professor at Pierce College.



### 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](mailto: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.

Looking for a new job opportunity or do you want to advertise a job opportunity at your law firm?

Check out the Employment Opportunities page on the TCBA website, [www.thurstoncountybar.com](http://www.thurstoncountybar.com).

There is no charge to post legal job opportunities.

Email Heather at [tcba.info@gmail.com](mailto:tcba.info@gmail.com) for more information.

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



**2019**  
**THURSTON COUNTY BAR ASSOCIATION**  
**DANIEL BIGELOW AWARD**  
**HONORING THE LAWYER OF THE YEAR**

Nominations are now being accepted for the 2019 Thurston County Bar Association Daniel Bigelow Award. This award is named in Daniel Bigelow's honor and is given annually to recognize outstanding professional and community service. Daniel Bigelow arrived in Thurston County in 1851 as a Harvard educated lawyer. He was instrumental in the creation of the Washington Territory in 1853. He was a vocal advocate of equal rights, women's suffrage and public education.

The recipient of the award will be announced and honored at the annual meeting on May 4, 2019. A nomination may be made by any member of the TCBA. The TCBA Board of Directors are not eligible for the award. The Board will select the recipient of the award after carefully considering all of the nominations.

Past recipients include: Jerry Buzzard, Ernest Meyer, Chris Meserve, Paul Battan, Ed Holm, Mary Gentry, Evelyn Foster, Ed Schaller, Steve Henderson, E. Robert Fristoe, Daniel Berschauer, Bruce Neas, Gerry Alexander, Charles Williams, Steve Bean, Frank J. Owens, Jim Connolly, James Dixon, Jon Tunheim, Laurel Smith, R. Alan Swanson, Jim Powers, Edward Earl Younglove III, and Fred D. Gentry.

Your name: \_\_\_\_\_  
 Your email address: \_\_\_\_\_  
 Your telephone number: \_\_\_\_\_

I nominate \_\_\_\_\_ for the 2019 Daniel Bigelow Award.

Please send this nomination form along with a **typed letter** detailing the nominee's qualifications. Please list, in detail, all of the reasons that this nominee deserves the Daniel Bigelow Award. Relevant information may include, but is not limited to, the following information about the nominee:

- Outstanding professional service during the course of their career.
- Involvement in community service (legal or non-legal) during the course of their career.
- How the nominee has made Thurston County a better place to live and practice law.
- Years of service in the legal profession as an attorney, judge, or other law related profession.
- Mentorship to other attorneys in the local or state bar association.
- Involvement in legal committees, sections, or other boards.
- Pro bono hours or low income legal work.
- Activities in Thurston County or outside counties.
- Any other awards received or recognition by peers (legal or non-legal).
- Any publications.
- Member of other service organizations (i.e. Rotary Club, Junior League, etc.).
- Any other information helpful to the Board in making this determination.

The Board will weigh and consider the information contained in each nomination. Please provide as much substantive information about the qualifications of the nominee as possible in order to assist the Board in making an informed choice for this award.

**To be considered nominations must be received by: Monday, April 8, 2019 at 5:00 p.m.**  
**Please email to:** [tcba.info@gmail.com](mailto:tcba.info@gmail.com) **or mail to:** TCBA, PO Box 1653, Olympia, WA 98507

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

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.

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 \_\_\_\_\_

\*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.