

THURSTON COUNTY BAR ASSOCIATION
Board of Directors Meeting Minutes
Wednesday, September 14, 2022, at 5:30 p.m.
hosted by Joe Scuderi at John Kesler's office

Members Present: Michael Young, Bill Pope, John Kesler III, Angela Colaiuta, Jerry Gray, Geoff Hulsey, Wayne Graham, Marie Doctor, Brandon Koenig, Melissa Goldmann, and Joe Scuderi

Members Absent: Matt Huot

Others Present: Heather Ligtenberg

1. **Call to order** 5:45 p.m.
2. **Approval of Minutes of June 8, 2022, Board Meeting** - Joe moved to approve, seconded by Bill. The motion carried without objections.
3. **New Business**
 - 3.1 Thurston County Clerk Race (Michael) – Michael shared that we received an email from Tonya Moore's campaign manager who said Ms. Moore wanted to come and talk to the board. A discussion took place. Michael will reach out to both candidates and see if they both want to attend a Clerk's Candidate Forum. If the answer from both candidates is yes, the TCBA will hold a forum over the noon hour on Zoom in early October. Michael will be the moderator and Geoff and Wayne will help come up with questions. We will also solicit questions from the TCBA members.
 - 3.2 TCBA Board of Directors Retreat in November (Heather) – Heather said historically we have had a Board Retreat on a Saturday in November from 9:00 a.m. to 1:00 p.m. The board said they would like to have a retreat again this year. Bill offered to have it at his old office. Heather will send a doodle poll out to find a date that works for the majority. We will not use a moderator this year.
 - 3.3 Donation Requests for 2023 (Heather) – Heather said we have received five donation requests for 2023. The deadline to submit requests was September 1, 2022. Geoff moved to table this until the Board Retreat in November, seconded by Joe. The motion carried without objections.
 - 3.4 Fall Swearing-In Ceremony (Heather) – October 6 at 4:00 p.m. Brandon said King County has closed their swearing-in ceremony so we might get more down here. Geoff said he will donate \$100 for the happy hour after the ceremony.
 - 3.5 Judicial Appointment Bar Poll (Michael) – Michael said we are required by the Bylaws to conduct a Bar Poll when a judge leaves the bench. We need to send out a notice to the folks that are going to apply for the position and ask them to participate in the Bar Poll. After we receive the names of the attorneys who are going to apply for the position, Heather will send an electronic vote by email to the members. Brandon and Jerry volunteered to be on the Committee. Applications are due to the Governor on October 17, 2022.
 - 3.6 Judicial Portrait for Judge Dixon (Heather) – Wayne moved to approve a portrait for Judge Dixon, seconded by Brandon. The motion carried without objections. Heather will contact the photographer. Heather will send an email to the members soliciting donations. Wayne will talk to Judge Dixon about the ceremony.
 - 3.7 Local Hero Nomination form (Heather) – Heather will send the form to the Board and this will be discussed next meeting.
 - 3.8 Venue for Annual Meeting in 2023 (Heather) – Heather asked if we want to have the event on a Friday next May again or if we want to change the day or location. The Board said a

Friday in May is fine and the Olympia County and Golf Club is a great venue. Heather said we have tentative reservations for Friday, May 12, 2023, at the Olympia Country & Golf Club, but will confirm that day with the Olympia Country & Golf Club.

- 3.9 United Way Day of Caring (Heather) – Heather said she reached out to the Thurston County United Way several times over the summer, but she did not receive a call or email back. She also looked on their website to see if there was going to be a Day of Caring event this year, but the website was not updated until a week ago. The event is on September 30, 2022, but that is too late to solicit volunteers, so we are not going to participate in this event this year.

4. **Old Business**

4.1

5. **Treasurer's Report** (John) – June, July & August 2022 Financial Reports – John provided a financial report. Marie moved to approve, seconded by Bill. The motion carried without objections.

6. **Monthly Luncheon Update** (Wayne) – Sept. Justice Alexander will speak this month. 60 years on the bench. Judge Berschauer on mediation in October 21.

7. **Committee Reports**

- 7.1 Bench/Bar (President) – Michael had a meeting with Judge Wilson a month ago where they discussed the bench bar meeting. He will reach out to Judge Wilson and set up a date.
- 7.2 CLE (Bill, Brandon, Geoff, Matt, Angela) – Bill reported they had a CLE in June that was well attended and was successful. He will get the committee together again.
- 7.3 Rules Committee (Marie) – Marie asked if she gets feedback from members about rules or do judges do that. Michael said the Rules Committee meeting was quick last time because they needed to pass the rules quickly. Marie said she could reach out to the government bar. Michael said this committee was initiated by the court, but that is different now. Marie said her goal is to start putting feelers out and start getting the communication going. Michael said Kristen Mitchell at AG's office, Meredith Gerhart from Family Law, Joe Jackson from Prosecutors office, a member from criminal law section, are people to contact. Bill says you can reach out to anyone you want to and you can choose what you want do with this committee.
- 7.4 Communicating with the Court about court administration (John, Patrick, Geoff, Michael, Lindsey Trakel, Marie, Melissa) – John said they are meeting on Wednesday, September 21 at 7:15 a.m. If anyone has anything they want discussed, let John know. They will have another meeting in November. Judge Wilson and Judge Murphy usually come to the meetings. Judge Lanese attends sometimes.
- 7.5 Annual Meeting Planning Committee (Heather, Matt, Brandon, John) – Heather said we'll meet in a couple months.
- 7.6 Law Day Speech Contest (Marie & Geoff) – Geoff and Marie will discuss. Marie said she goes into the middle schools and wants to go into the high schools and talk to them about this opportunity.
- 7.7 Bylaws Committee (Geoff, Michael, Wayne) – Geoff will look at the bylaws and if there are any proposed changes, he will bring them to the retreat.
- 7.8 Social Events Committee (Brandon (Chair), Heather, Geoff, Joe, Wayne) – Brandon will put more effort into the social events. He's looking forward to it. Possibly trivia night. Well 80 does trivia on Tuesdays. He is looking for a place to have an event/trivia night. Swing has a downstairs that has a room. Octapas, Equal Latin, Tumwater Valley golf course were suggested as location ideas. Some event ideas: bowling, dog park meet up, golf meet up, fantasy football, flag football, Escape room. Brandon said he will coordinate with the Young Lawyer section.
- 7.9 How to Increase Membership Committee (Matt & Michael) – Michael said they have not met

- yet.
- 7.10 Newsletter & Marketing (Heather & Geoff) – “In Re” – who will do it? Heather said the September Legal Brief was emailed to the members in early September. Jerry Gray volunteered to organize the “In Re” article for the November Legal Brief.
- 7.11 Production & Advertising (Geoff) – Move this item to 7.10. on the agenda.

8. Section Reports

- 8.1 Family Law (Meredith Gerhart) - I am writing to provide an update from the last several months for the Family Law Section.
- June 2022: Our June meeting covered the following topics/issues:
- Announcement that Judge Lanese was taking over as Chief Judge at FJC effective July 1, 2022.
 - Announcement from Judge Schaller that the court is going through the significant backlog of cases that had just been sitting idle since 2019. Cases that appeared to have been “abandoned,” were being issued show cause orders to move them forward in the system.
 - We discussed the significant changes to the laws on protection orders specifically the change that now allows an alleged victim to seek protection when an alleged perpetrator has demonstrated a history of utilizing coercive control. Historically, this had not been an option available for domestic violence victims. Protection order hearings mostly provided protection for actual harm, or when there was legitimate fear of imminent harm. There are very few “game changers” in family law and this was one of them. We had a robust discussion about how the inclusion of the definition of coercive control but impact the calendars and litigation-strategy savvy litigants in divorce cases.
 - We also discussed updating the settlement conference statement form. The judicial officers encouraged us to use the template provided by the court, which provides more focus directly identifying the issues instead of providing a lengthy narrative. Settlement conference time is limited and to make the most of it the judicial officers really appreciate being able to find pertinent information in the same spot on each settlement conference statement.
- July 2022: I sent out a Survey using Survey Monkey to the FLS and there was a resounding (80%) response in favor of not having a meeting of July. We were clearly skipped the July meeting because many people have plans around July 4. Even though the meetings have been remote for some time now and ostensibly people could attend remotely from wherever they are (even on vacation), I opted to cancel July’s meeting.
- August 2022: We had a light agenda for the August meeting. Mostly, we shared anecdotes about vacations and any fun plans coming up for any of the section members.
- September 2022: We had our September meeting yesterday, and it was widely attended by the section. It was probably one of our fastest meetings on record because the agenda items were not difficult or time-consuming to address, and our family law attorney bar was uncharacteristically quiet and reserved. It was one of Judge Lanese’s first meetings as Chief Judge at Family Court, and he addressed a few upcoming changes to FJC, specifically with respect to the Judge’s motion calendars moving to Wednesday instead of Friday. The focus is on trying to find more trial time for family law trials. We were a bit spoiled being able to use more of Main Campus’ resources and judicial officers while jury trials were temporarily suspended. Family Court needs more Pro Tem Commissioners for the family law calendars and involuntary treatment calendars. The court is working on increasing the hourly rate for court-appointed positions. Otherwise, we discussed the upcoming vacancy on the court with Judge Dixon’s impending retirement and encouraged qualified candidates to throw their name in the ring.
- 8.2 Pro Bono (Joe Scuderi) – Ratify vote for Robbi Kesler on TCVLS Board. Geoff moves to ratify the vote for Robbi Kesler to be on the TCVLS Board, seconded by Wayne. The motion

carried without objections. Joe said the TCVLS BBQ was a big success. He was pleasantly surprised how many people volunteer and how many people participate at TCVLS. They have a lot of attorneys for criminal, but not so many for family law. Rachael Langan Lundmark is going to be retiring possibly by the end of the year.

- 8.3 Young Lawyers (Devin Kohr) - We had our August meeting and our September meeting is scheduled for next week. I do not have much to report. I have not had a lot of participation or engagement honestly.
- 8.4 Criminal Law (Olivia Zhou & Jenna Storm Norden) – We are working on scheduling a section meeting. We anticipate it will be a Q&A with Judge Wilson. We will do one later with a District Court judge as well. District Court has started doing two trials a week to try to clear the backlog due to COVID. The Court is still suspending speedy trial rule and other court rules that were previously done as a result of COVID.
- 8.5 Real Estate, Land Use, and Environmental Law (_____) – Michael said Heather Burgess has resigned as the Chair of this section. We need to find a new Chair. Michael will reach out to a few people in the section and will report back next month.
- 8.6 Diversity and Inclusion (Zelena Jones & Jessica Shen) - Our July 2022 CLE -Bystander Intervention in the Courtroom- was well attended, with approximately 55 participants. Thurston County Racial Equity Program Manager Nicole Miller presented on some basic information on the topic of the bystander effect and microaggressions specific to the courtroom, as well as the five tactics that people can employ when dealing with either overt prejudice or microaggressions. This includes the 5 D's: distract, delegate, document, delay, and direct. We then presented several courtroom scenarios and broke everyone into small groups of 3-4 people to discuss possible responses. Given busy schedules, we did not have a meeting in August. Our next meeting will be September 21, 2022 @ 12pm. The topic will be the overturning of Roe v. Wade as well as recent court decisions related to immigration. Just to add and clarify, the court decision that overturned Roe v. Wade (and Casey) is Dobbs v. Jackson. We will be discussing that case and its wide reaching policy and practical implications. Also, we will be focusing on one immigration case - Garland v. Gonzalez.

9. **Additions to agenda**

- 9.1 Summer BBQ (Michael) - Michael thanked Heather for organizing the BBQ and Patrick for barbecuing at the event. We had it on a Thursday this year starting at 3:30 p.m.. We should have it on a Thursday next year but start at 5:00 p.m., and have it at a park that is closer in town.

10. **Announcements**

11. **Date/location of next meeting:** October 12, 2022, In-person hosted by Jerry Gray at John Kesler's office
12. **Adjourn** 7:20 p.m.