CUTTING EDGE
JUSTICE:
District Court’s Therapeutic Specialty Courts (TSC) use alternative sentences to rehabilitate offenders.

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THIS MONTH'S ISSUE

President's Message ................................................................. 3
Cutting Edge Justice .................................................................. 4
Free Legal Advice: "Don’t Drink and Squeeze" ............................. 6
CCBA’s Fifth “Quarterly” Meeting Well Attended ....................... 9
Family Law Section Meeting ..................................................... 10
Inns of Court Meeting .............................................................. 10
Double Hearsay: What CCBA Members Are Doing About Town ...... 11
CCBA Program Corner ............................................................ 12
CCBA Monthly Board of Directors’ Meeting ............................ 12
Superior Court Bench/Bar Meeting ........................................... 13
Dealing with Judges and Other Necessary Evils: Part II ............... 15
Law Library News .................................................................... 17
Attorney Bookkeeping Tips ...................................................... 17
Legally Driven ......................................................................... 17
Upcoming Events ..................................................................... 18
SW Washington Lawyer Referral Service .................................. 18
IMMEDIATE PAST PRESIDENT
Mila Boyd
(360) 695-1497
milachase.law@gmail.com
TRUSTEE
John Fairgrieve
(360) 397-2261
john.fairgrieve@clark.wa.gov
TRUSTEE
Suzan Clark
(360) 735-9434
sclark4224@aol.com
TRUSTEE
Jane Clark
360-694-4344
jclark@bnplaw.com
VLP REPRESENTATIVE
Charles Buckley
(360) 693-2421
cbuckley@cbuckleylaw.com
EXECUTIVE DIRECTOR
Diane J. Wheeler
(360) 695-5975
diane-ccba@qwestoffice.net
MEMBER SERVICES
Elena Quintana
(360) 695-5975
elena-ccba@qwestoffice.net
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UPCOMING EVENTS

- **June 2, 2010**
  CCBA Hearsay meeting; CCBA office, 500 West 8th Street, Suite 65 at 11:30 am

- **June 3, 2010**
  Superior Court Bench/Bar meeting; Judge Nichols Jury Deliberation Room – noon

- **June 9, 2010**
  CCBA Board meeting; CCBA office, 500 West 8th Street, Suite 65 at 12:00 pm.

- **June 10, 2010**
  Family Law Section meeting; Tommy O’s, 11:30 am to 1:00 pm – Guest Speaker Dr. Kirk Johnson.

- **June 15, 2010**
  CLE committee meeting Clark County Bar Association 500 West 8th St., Ste 65. Meeting will begin at 12:15

- **June 16, 2010**
  Inns of Court meeting; End of the year party at Green & Ritchie, 1001 Lincoln Avenue. The BBQ is open to anyone interested in Inns of Court. Please contact Kristen Parcher if you have any questions.

- **June 16, 2010**
  Young Lawyer Section; “Dealing with Judges and Other Necessary Evils: Part II” Who Song and Larry’s, 5:00 – 6:30

- **June 17, 2010**
  CCBA Annual BBQ – Public Service Center Courtyard – Special guest chef - Judge Richard Melnick

- **August 13, 2010**
  CCBA Annual BBQ – Public Service Center Courtyard – Special guest chef - Judge Richard Melnick

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PRESIDENT’S MESSAGE

The Campaign for Respectable Rubber Stamps

DAVID W. RIDENOUR
CCBA President

These are tough economic times. Clark County has its budget woes, like everybody else. But you’d think with a bi-annual budget of nearly one billion dollars, they’d pony up the extra $10.00 necessary to buy normally sized signature stamps for our new judges. Turns out that our vigilant county officials are carefully scrutinizing every expense. As a result, the Clerk’s Office is now buying smaller rubber signature stamps for our new judges. How much smaller? Go to the Clerk’s counter and take a look at the new stamps for Judge Melnick. Can’t find them? That’s because they are so tiny! Here, I’ll blow one up in a couple photos so you can see the problem...

We might let this slide in the interest of fiscal responsibility. But there are other consequences to consider:

1. You can’t have a teeny-weeny bitty little signature stamp like that, and expect anybody to take you seriously. This issue goes to the very heart of maintaining a respectable judiciary! And how can Judge Melnick hold his own in Judges’ meetings? If Judge Melnick ever expresses an opinion different than the other judges, they will simply say “my stamp is bigger than your stamp”.

2. A legal question has been raised about the enforceability of orders executed with a stamp this small.

3. A dangerous precedent is being set. What’s next? Mini-judicial robes? Just imagine our judges wearing only black half-shirts with their abdomens exposed for all to see. Nobody wants to see that.

This will not stand. (I feel so Presidential right now...) So I am proposing a solution. I am requesting donations so that we can buy big signature stamps for Judge Melnick. I talked to a representative of the Clerk’s Office and asked what would be needed to replace these toy stamps with grown-up stamps. I learned that the bigger stamps cost $14.45 apiece. They need five new stamps, two for the public counter, two for the counter clerks, and one for the Judge’s in-court judicial assistant. So we need at least $72.25.

I have printed the pump with my own $1.00 donation. We have nearly 500 members in our Association. If only 100 of you donate $1.00 each, we can cover the cost of the stamps with enough left over to buy my lunch at Island Café. We’ll publish the names of all contributors in next month’s issue of Hearsay. Be charitable! Be generous! Be concerned about what the judges are going to think about you if you DON’T contribute!

Continued on page 21
CUTTING EDGE JUSTICE: District Court’s Therapeutic Specialty Courts (TSC) use alternative sentences to rehabilitate offenders.

BRADLEY ANDERSEN
Hearsay Special Correspondent

“Lock ‘em up and throw away the key” has historically defined the criminal justice system’s response to repeat minor offenders. Sentences have typically consisted of jail, community service, probation, restitution and fines, or a combination of these. But the cost of incarceration, lack of jail space, understaffed probation departments, underfunded mental health facilities and perhaps a more advanced sense of what works, have rendered these traditional sentences ineffective for many low-level offenders. Perhaps because the criminal justice system is not fully equipped on its own to address them, courts have partnered with public/private social and mental health entities to confront the root causes of criminal behavior.

So over the past 10 years, the Clark County District Court has offered defendants, who suffer from a wide variety of mental disorders or drug addictions/dependence, alternatives to the traditional jail and probation sentences. Dubbed Therapeutic Specialty Courts (TSC), District Court has three separate specialized courts/programs: the SubSTANCE Abuse Court (SAC), Domestic Violence Therapeutic Court (DVTC) and the Mental Health Court (MHC). By tapping into community resources and using a multi-disciplinary team approach, each of these courts provide evaluation, treatment, monitoring and incentives to offenders that wish to avoid jail, and perhaps better their lives.

Do they work? Yes. In addition to reducing the number of trials and the cost to jail or supervise offenders, these programs strive to reduce recidivism, and perhaps save or at least improve a few lives. And not just the lives of the offenders, but those affected by criminal behavior.

SUBSTANCE ABUSE COURT

In its 10th year, the SAC provides a twelve month, three-phased structured program that permits offenders to avoid jail sentences if they successfully complete the program. The presiding Judge, newly appointed Kelly Osler, actively monitors the program through frequent court appearances and a graduated system of incentives and sanctions designed to assist the offender to make better decisions as they try to overcome their addiction or drug dependence. A team of substance abuse treatment agencies, probation officers, law enforcement and the court coordinator help Judge Osler administer the program. In addition to avoiding a jail sentence, the successful offender is honored at a graduation ceremony. For many, public acknowledgment of their success leaves a lasting and encouraging impression on the offender.

DOMESTIC VIOLENCE THERAPEUTIC COURT (DVTC)

Started in 2008, DVTC is the newest of the therapeutic courts. Under presiding Judge James Swanger, this court provides an option for those “nonviolent” domestic violent offenders suffering from a substance abuse or “co-occurring disorder”. The offender must, over the course of a 15 month court monitored period, complete a domestic violence perpetrator treatment program and a substance abuse program. Instead of being punitive, the goal is to repair the dysfunction so that the family unit can be restored and the cycle of domestic violence curbed.

Do these specialized courts work? Judge Zimmerman surely believes so. He beams when he talks about those who have successfully completed the program and go on to live productive lives. For example, Judge Zimmerman refers to one offender who, after completing the program, became a successful businessman. “The gentleman believed so strongly in what we were doing that he volunteered his office to provide support groups.” Judge Zimmerman also notes that for many, “successfully graduating from a program provided them a new lease on life. Not only does the offender avoid jail, they have learned how to cope with their underlying problems, and how

2000, allows those diagnosed with a serious mental health disorder (i.e. Schizophrenia, Psychotic Disorders, or Bipolar Disorder) to enter a treatment program to avoid jail and fines. While in the program, these offenders are eligible to receive housing assistance, inpatient or outpatient treatment and medication monitoring. In just over 10 years, presiding Judge Darvin Zimmerman has seen over 400 people graduate. Like the Substance Abuse Court, successful candidates are honored at a graduation ceremony. For many, public acknowledgment of their success leaves a lasting and encouraging impression on the offender.

MENTAL HEALTH COURT

No, sorry, this is not for burned out attorneys to get some relief—Man I wish. Instead, the MHC, which started in April, 2000, allows those diagnosed with a serious mental health disorder (i.e. Schizophrenia, Psychotic Disorders, or Bipolar Disorder) to enter a treatment program to avoid jail and fines. While in the program, these offenders are eligible to receive housing assistance, inpatient or outpatient treatment and medication monitoring. In just over 10 years, presiding Judge Darvin Zimmerman has seen over 400 people graduate. Like the Substance Abuse Court, successful candidates are honored at a graduation ceremony. For many, public acknowledgment of their success leaves a lasting and encouraging impression on the offender.

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Mental Health Court

For those with severe mental health issues, the Mental Health Court (MHC) has been very successful. Darvin Zimmerman has seen over 400 people graduate. For many, public acknowledgment of their success leaves a lasting and encouraging impression on the offender.

We all know how much injustice there is in the world. We’ve all witnessed wrongdoing and deceit and ugliness of all kinds. This is our chance to bring a little light back into our lives - to demonstrate that our legal community has compassion and a keen sense of justice and equality. Let’s join together and make this one small thing right! Who’s with me?!
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Statistics for April include 53 clients seen in advice clinics, 22 in Family Law, 16 in Family Law paperwork review clinic, 10 in the DV clinic, and 10 in General Law. We placed 1 case with an attorney for direct representation. There were 128 hours of volunteer attorney time donated.

The Housing Justice Project, a pilot program this year, is up and running. The program is specifically for low income tenants who are being evicted. We are offering legal advice and mediation. The mediation is through a partnership with Community Mediation Services. There is an advice clinic on Thursday morning and we have staff and volunteer attorneys in the courthouse on Friday morning for the unlawful detainer docket.

We are still experiencing some growing pains, but for the most part we are seeing successes. We try to give the tenant legal advice so they can adequately represent themselves in court. In some cases, the volunteer attorney will put in a limited appearance. If we can, we offer mediation to help the landlord and tenant to come to a mutually satisfactory solution. We are trying to save the court the time of dealing with uninformed tenants, give the tenants access to justice and help prevent the tenants from becoming homeless by working with the landlord and offering referrals to agencies that help find affordable housing.

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The court and the landlord attorneys have been very supportive so referrals to agencies that help find affordable housing.

Lawyers Program
Susan Amey, Executive Director
Susan DePasquale, Program Coordinator
Administrative: 360-823-0423
E-mail: susanaj@ccba.org

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The court and the landlord attorneys have been very supportive so referrals to agencies that help find affordable housing.

Many thanks to all the attorneys and paralegals who staffed the advice clinics, homeless clinics, provided representation, and volunteered in the homeless court in the month of April.

David Fenney, Peter Fols, Martha Finn, Phil Foster, Dee Grubbs, John Holtman, Dru Harestine, Evan Hall, Lincoln Harvey, Jeff Lindberg, Laura Mancuso, Scott Matthews, Amy McCullough, Collin McKeen, Brian Parker, Nancy Retinas, Robert Russell, Mark Sampath, Scott Staples, Susan Stauffer, Ryan Taroski, Bill Thayer, Anna Waarden, Joan Walker.

If you are interested, please call Susan DePasquale at 823-0423.

If you are interested, please call Susan DePasquale at 823-0423.

The court and the landlord attorneys have been very supportive so referrals to agencies that help find affordable housing.

Become homeless by working with the landlord and offering referrals to agencies that help find affordable housing.

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Becoming homeless by working with the landlord and offering referrals to agencies that help find affordable housing.

Suffice it to say, becoming homeless, or even the threat of that happening, has a profound effect on one’s life. To reach into community resources, the Clark County Bar Association’s Housing Justice Project, launched just one year ago, has made a difference.

The Housing Justice Project’s mission is to provide legal representation to tenants facing eviction. We offer advice clinics, mediation, and a low-cost bail bond program.

The Housing Justice Project is located in the courthouse on the third floor—next to the Family Law and Pro Bono offices. We are open one day a week: Thursday from 9:30 to 11:30 a.m.

The project is staffed by two volunteer attorneys and one paralegal who work with the landlord and tenant to reach into community resources. As we have provided slid...
STATE OF WASHINGTON, Respondent, v. MATTHEW AARON SCHMIDT, Appellant.
No. 38541-4-II
The Court of Appeals of Washington, Division Two.
Filed: April 27, 2010
UNPUBLISHED OPINION
QUINN-BRINTNALL, J.
On October 31, 2008, a jury found Matthew Schmidt guilty of third degree assault on Deputy Craig Shelton and fourth degree assault on his wife, Tracie Schmidt. On appeal, Matthew challenges Deputy Danny O’Neill’s testimony as a comment on his right to remain silent. We hold that O’Neill did not impermissibly comment on Matthew’s right to remain silent. We affirm Matthew’s convictions.

FACTS: On December 31, 2007, Matthew and Tracie invited Tatiana Brown and Edward Paulsen to their home for a party. Everyone drank undetermined amounts of alcohol except for N.S. who was also home that night. Around 11:00 pm, Tracie felt ill from a combination of drinking and hot tubbing and went to the bathroom, and Matthew put her to bed. Tracie woke up a short while later still drunk, found Matthew and N.S. in the hot tub and tried to persuade Matthew to get out of the hot tub, and then discovered Brown and Paulsen partially naked together in N.S.’s bed. Tracie began yelling and hitting Paulsen to get him out of N.S.’s bed. Around 12:45 am, on January 1, 2008, Tracie called 911 to advise Shelton defensively kicked Matthew in the abdomen, Matthew head-locked Shelton knocking Shelton’s glasses off his face, and Matthew tugged at Shelton’s belt near his weapon so hard that the belt buckle broke. The fight ended when Plank tased Matthew.

Meanwhile, Deputies Shelton and Plank, and Reserve Officer Tagliano searched for Matthew. After searching downstairs, where Tracie had reported hearing noises and outside, they entered a bedroom near the living room yelling, ‘Sheriff’s Office. Come out.’ The deputies did not turn on the bedroom lights, but they testified that ambient light from the living room suffi- ciently lit the room to the point where they ‘could see faces.’ Plank shouted ‘[t]here’s a foot’ after spotting Matthew on the bedroom floor. Matthew stood up and aggressively approached Shelton, resulting in a fight between them. During the fight, Shelton defensively kicked Matthew in the abdomen, Matthew head-locked Shelton knocking Shelton’s glasses off his face, and Matthew tugged at Shelton’s belt near his weapon so hard that the belt buckle broke. The fight ended when Plank tased Matthew.

Deputy O’Neill arrested a still-intoxicated, half-naked Matthew and read him his Miranda rights. When asked if Matthew understood his Miranda rights, Matthew replied, ‘I choose to squeeze them.’ O’Neill responded, ‘You choose to squeeze them!’ to which Matthew replied, ‘Yes.’ Then, because it was cold outside, O’Neill asked Matthew one more question — if he wanted his shoes and a shirt, which Matthew declined. Both before and after receiving his Miranda rights, Matthew spontaneously cried, yelled, and apologized for hitting his wife and Deputy Shelton.

On appeal, Matthew challenges Deputy Danny O’Neill’s testimony as a comment on his right to remain silent. We hold that O’Neill did not impermissibly comment on Matthew’s right to remain silent. We affirm Matthew’s convictions.

YOUNG LAWYERS SECTION
“Dealing with Judges and Other Necessary Evils: Part II”
Guest Speaker
Judge Roger Bennett
Where: Who Song and Larry’s
Date: Wednesday, June 16, 2010
Time: 5:00 – 6:30 p.m. Presentation
Cost: $15 per person (CCBA members)
          $20 per person (non-members)
CLE: 15 credits

Judge Bennett’s first CLE was so popular that he has been asked to speak again. Please join the Young Lawyers for “Dealing with Judges and Other Necessary Evils: Part II” in which Judge Bennett will continue to discuss the ins and outs of the courtroom and provide useful trial tips.

Please RSVP to: ccbayounglawyers@yahoo.com

CLARK COUNTY BAR ASSOCIATION

Free Legal Advice: “Don’t Drink and Squeeze”
Humor this month courtesy of the Court of Appeals..... enjoy!

DAVID GREGERSON

Hearsay Special Correspondent

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Bennett will continue to discuss the ins and outs of the courtroom and provide useful trial tips.

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NEW BUSINESS:

1) Ilse Schuurmans from District Court Corrections presented information on Electronic Home Confinement.

- District Court Corrections presented information on Electronic Home Confinement.
- NEW BUSINESS:
- Andrew Wheeler, and Christie Emrich.
- Nicole Dalton, Tim Talkington, Sandy Slyter, Mark Muenster, Mark Beam, Dave Pruett, Bernita Brumbaugh,
- Persons present: Judge Zimmerman, Judge Swanger, Judge Eiesfeld.
- Participants will not receive medications during their 1-2 days at the jail.
- Participants can work: no more than 12 hours a day, may be self-employed, or work “under the table”
- Participants can not have WiFi, DSL, or cordless phones in their home because it interferes with the EHC equipment.
- Participants must have a landline.
- Costs: $40 hook-up fee, $15/day – first week must be prepaid.
- No “good time” is earned.
- Out of county individuals are accepted at a cost of $30/day a week.
- A copy of the EHC Handbook was distributed.
- Members cannot do work crew and EHC at the same time unless court ordered.
- A copy of the EHC Handbook was distributed.

ANALYSIS: Miranda Rights: Matthew asserts that Deputy O’Neill improperly commented on his right to remain silent by testifying that Matthew stated that he chose to “squeeze” his rights when asked if he understood his Miranda rights. The State argues that Matthew’s statement of “I choose to squeeze them” is an equivocal statement that did not invoke his Fifth Amendment rights. Thus, the State argues, O’Neill’s reference did not imply guilt and could not infringe on Matthew’s Fifth Amendment rights. We discern no error from the admission of this equivocal statement. Matthew’s right to remain silent is contained within the Fifth Amendment, applied to the states via the Fourteenth Amendment, and article 1, section 9 of the Washington Constitution. State v. Easter, 130 Wn.2d 228, 235, 921 P.2d 1285 (1996). The Fifth Amendment of the United States Constitution states, in part, that no person “shall be compelled in any criminal case to give evidence against himself.” We give the same interpretation to both clauses and liberally construe the right against self-incrimination. Easter, 130 Wn.2d at 235-36. When a defendant’s challenge to the admission of his statements involves a question of whether he properly invoked his Fifth Amendment right to remain silent, we review the admission of any statements under an abuse of discretion standard. See State v. Cross, 156 Wn.2d 580, 619, 132 P.3d 80, cert. denied, 549 U.S. 1022 (2006); see also State v. Stenson, 132 Wn.2d 668, 701, 940 P.2d 1239 (1997) (decision to admit evidence is reviewed for manifest abuse of discretion), cert. denied, 523 U.S. 1008 (1998). When an individual receives Miranda warnings, the “invocation of the right to remain silent must be clear and unequivocal (whether through silence or articulation) in order to be effectual.” State v. Walker, 129 Wn. App. 258, 276, 118 P.3d 935 (2005), review denied, 157 Wn.2d 1014 (2006). When invoking the right to remain silent is not clear or unequivocal, the police are not required to ask clarifying questions and may even continue interrogating a suspect. Walker, 129 Wn. App. at 276. Here, after being given his Miranda warnings, Matthew did not invoke his right to remain silent. Rather, when asked if he understood his Miranda rights, he made an ambiguous and equivocal response followed by numerous spontaneous statements and apologies for assaulting his wife and Officer Shelton. It is undisputed that Matthew received his Miranda warnings and that when asked if he understood his Miranda rights, he responded, “I choose to squeeze them.” Even though Deputy O’Neill had no duty to clarify Matthew’s response, she asked, “You choose to ‘squeeze them’?” and Matthew responded, “Yes.” [fn5] Matthew’s response of “I choose to squeeze them” is an ambiguous and equivocal statement insufficient to invoke his right to remain silent. Accordingly, O’Neill’s testimony repeating the ambiguous statement was not an impermissible comment on Matthew’s right to remain silent. We also reject Matthew’s argument that he must have invoked his Miranda rights simply because Deputy O’Neill did not question Matthew and decided to exercise caution and refrain from any actions that could impose on Matthew’s Fifth Amendment rights. A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record, it is so ordered. BRIDGEWATER, P.J. and HUNT, J., concur.

[fn 4] The trial court compared Matthew’s response of “I choose to squeeze them” with a hypothetical response of “I support Ross Perot,” finding that both statements would be nonce responses to an officer’s question of whether someone understood his Miranda rights and that both responses could be testified to at a trial.

[fn 5] Matthew suggests on appeal that while “squeeze” was an odd word choice, that it showed his intent to “embrace” his right to silence. Matthew provides no authority supporting his interpretation of the meaning of “squeeze.” The most common definition of “squeeze” is “to exert pressure [especially] on opposite sides or parts of” (see Webster’s Third New International Dictionary 2216 (2002); State v. Hatcheny, 160 Wn.2d 303, 318, 158 P.3d 1157 (2007) (supporting use of dictionary definitions for terms otherwise undefined at law), cert. denied, 552 U.S. 1148 (2008). Webster’s Dictionary does include 24 alternate definitions for the verb “squeeze” of which only one, “hug,” remotely supports Matthew’s position. See Webster’s Third New International Dictionary 2216 (2002). “Hugging” one’s rights is not the same as invoking or exercising them.
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The opportunity to participate in committees and sections pertinent to your interests and practice

The meeting began shortly after noon. Persons present were Judge John Nichols, Judge Robert Lewis, Kurt Rylander, Ann Christian, Clark Fridley, Jolene Sell, Suzan Clark, Karen Dinan, Bill Reed, Clay Spencer, Heather Beasley and John Fairgrieve.

OLD BUSINESS:

1. Prosecuting Attorneys’ obligation to provide evidence of the prior convictions of its witnesses to the defendant under CrR 4.7(1)(b)(v), John Fairgrieve told the committee that the Prosecuting Attorney’s Office had been working on a draft policy that was in the final stages of development and that he hoped it would be presented next meeting.

2. Proposed Local Superior Court Rule Concerning Review of Bail: Judge Nichols stated that the Superior Court judges had reviewed the issue and have adopted the following policy: After bail is initially set at first appearance it can be reviewed at arraignment without notice to the opposing party. After that point bail will only be reviewed after the filing of a motion in accordance with court rules giving proper notice to the opposing party. This rule applies to both the defense and the prosecution.

3. Housing Justice Project: Judge Nichols stated that the program is in operation and is serving its intended purpose. The current focus is on procedural improvements to make the program more effective.

4. Delay in the Scanning of Documents by the Clerk’s Office: Judge Nichols indicated that the problem still exists, although it is improving. He stated that the delay in scanning has dropped from a week a month ago to three to four days presently.

5. The recent court decision of Koenig v. Thurston County (No. 37446-3, April 6, 2010) was discussed by the committee last month. Judge Nichols stated that the Superior Court judges had reviewed the issue and have adopted the following policy: After bail is initially set at first appearance it can be reviewed at arraignment without notice to the opposing party. After that point bail will only be reviewed after the filing of a motion in accordance with court rules giving proper notice to the opposing party. This rule applies to both the defense and the prosecution.

6. exceptions that might apply). It was noted that this is opposite to the historical assumption that everything in a court file that a party submits is discoverable.

7. Delay in the Scanning of Documents by the Clerk’s Office. Judge Nichols indicated that the program is in operation and is serving its intended purpose. The current focus is on procedural improvements to make the program more effective.

8. It was announced that starting June 10 social workers and Guardians ad Litem in dependency cases must inform juveniles over the age of 12 of their right to an attorney. The requirement is based on a recent statutory change.

NEW BUSINESS:

1. It was announced that starting June 10 social workers and Guardians ad Litem in dependency cases must inform juveniles over the age of 12 of their right to an attorney. The requirement is based on a recent statutory change.

2. Bench copies of briefs and exhibits: The questions was asked of the judges whether there was any policy about providing bench copies of briefs and exhibits that are printed on both sides. Judge Nichols replied that he was not aware of any clear policy on the issue. However, he stated so long as the copies were legible he believed that they would probably be acceptable.

3. Next Bench Bar committee meeting: The committee will meet next on Tuesday, June 8, 2010 at noon in Judge Nichols’ jury room.

Respectfully submitted,
Scott Jackson
CCBA PROGRAM CORNER

NUTS & BOLTS: WHAT EVERY PRACTITIONER NEEDS TO KNOW

Sharnel Mesirow
Hearsay Special Correspondent

The Clark County Bar Association is delighted to announce that it will host a CLE series geared to the new members of the legal community titled *Nuts & Bolts: What Every Practitioner Needs to Know*. The series, which is currently scheduled to begin in September 2010, will vary from one to three hours every third Wednesday of the month. Each session will feature knowledgeable attorneys in a particular area of practice, and focus on the basic issues and procedures confronting an area of law. The current list of dates and topics are as follows:

- September 15, 2010 – Landlord/Tenant Basics
- October 27, 2010 – Employment Law Tips and Traps
- November 17, 2010 – Attorney Liens
- December 15, 2010 – Civil Litigation Basics

The Nuts & Bolts series will continue in 2011. Sponsorship opportunities for firms and practitioners for each CLE of the series are available. Please contact Diane Wheeler for further information.

CCBA’s Fifth “Quarterly” Meeting Well Attended

Jean McCoy
Hearsay Special Correspondent

CCBA held its fifth General Meeting of its fiscal year on May 3, 2010 at the Quay. President David Ridenour joked that lawyers can’t count because the CCBA Bylaws require quarterly meetings, but then go on to describe the five months in which they must occur. This was the last meeting of the year before the Annual Meeting in September where the new officers are sworn in and the newly christened immediate past president receives his honorary gavel.

The May meeting was well attended, with over 50 people stopping in to share lunch and listen to the three candidates for Clark County Prosecuting Attorney, as well as Judges from the Federal Bench. Sherry Parker, our Superior Court Clerk, also reminded us to review the Clerk’s Alert as published in last month’s Hearsay regarding use of the proper forms for temporary restraining orders, and that a fee of $220.00 is due when a Notice to Set for Trial is filed and the Mandatory Arbitration process is required. Before you begin complaining about budget cuts and increases in fees, this fee was instituted by the Clark County Commissioners in 2003, but not appropriately tracked until now.

The meeting program began with our own David Christel, United States Magistrate Judge, introducing our guests from the United States Federal Court for the Western District of Washington, Magistrate Judge Richard Creatura and District Court Judge Benjamin Settle. Judge Creatura spoke about the creation of the position of Magistrate Judge, or Article I Judge, late in the 1700’s. At that time the Magistrate Judge was called a commissioner, but later the more reverent term of “Magistrate” was mandated. At one time, the Magistrates were addressed as “Your Majesty”. Judge Creatura joked that we may address local Judge Christel as “His Honorable Majestic Your Honor” in order to do justice to the title. Judge Creatura told us that the designation of Magistrates as an “Article I” Judge relates to the fact that Congress created the position, and Congress was created by Article I of the Constitution. Article III Judges, which are the District Court Judges, were created by Article III of the Constitution, and thus that designation. In his comments Judge Settle chimed in that the only difference between Article I Judges and Article III Judges are that the Magistrate Judges are actually appointed solely by merit and not through any type of political process so they are more qualified to serve.

CCBA Monthly Board of Directors’ Meeting

Andrew Wheeler
CCBA Secretary

The May 5th Clark County Bar Association Board Meeting again focused on the declining attendance at CCBA sponsored CLE’s. The Board discussed whether the revenue gathered by the Family Law and Young Lawyer’s Section CLE’s should be diverted in some part to the greater CCBA due to CLE processing fees being gathered and submitted by CCBA employees to the WSBA. It was important for the Board to meet with Section representatives to determine whether the funds in independent Section accounts were earmarked for particular projects or events before making any decisions regarding funds.

The Board agreed that in the short-term the Family Law Section non-member CLE processing fees would be transmitted to the greater CCBA. This was the decision of a previous Board, however the account transfer had yet to be undertaken.

Alternative revenue streams were additionally discussed. The Board debated whether a portion of the Barrister Ball proceeds should go to the CCBA while a charity is highlighted and contributed to from money raised in the Silent Auction.

The next Board of Director’s meeting is scheduled for Wednesday, June 2nd, 2010, at the CCBA offices, and is open to all members.

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Inns of Court - April Meeting

Thank you to everyone for the hard work and participation this year!

To wrap up Inns of Court this season we will be holding a year-end party. Prior to his appointment to the Bench, Judge Settle was a small town lawyer with a general practice from Shelton, Washington. The appointment opportunity was advertised, and when several people suggested to Settle he would be a great judge, he began giving it serious consideration and applied. When he found he was not one of the last three candidate names to be sent to Washington DC for interviews, he and his law partner celebrated over Happy Hour and forgot all about it. Several months later, for whatever reason, he was called to the “show”, and while the appointment process took over six months, he sailed through the procedure, even passing the FBI investigation, he jokes. Judge Settle said that the convoy of black Crown Victorias converging on Shelton, Washington when the six FBI agents showed up was nothing the little town had ever seen.

Family Law Section

The CCBA FLS had its May meeting at the Family Law Annex. All of the family law Judges and Commissioners attended to lead the meeting. They answered anonymous questions submitted in advance and on the spot questions. They also gave us some subtle practice tips.

Kathy McCann, a member of the Family Law Executive Committee of the Washington State Bar Association, was proud to announce that Judge Rulli has been given the prestigious award of Washington State Bar Family Law Section Judicial Officer of the Year! Over 40 local family law attorneys signed a letter in support of Judge Rulli!

Our section’s Treasurer, Kristen Parcher, gave a treasurer’s report. The section voted to sponsor the CCBA annual barbeque of Judge Rulli!

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Thank you to everyone for all the hard work and participation this year!

To wrap up Inns of Court this season we will be holding a year-end party:

June 16, 2010 @ 5:00 p.m.
Green & Ritchie - 1601 Lincoln Avenue

Please come by and bring a friend interested in Inns of Court. Food and beverages provided!

If you know of anyone interested in becoming a member, please bring them along or contact Kristen Parcher at kristen@greenandritchie.com or Scott Horenstein at scott@horensteinlaw.com.

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The next FLS meeting will be June 10. The presentation topic is "Sex Addiction: A Way Around the "No Fault" Barrier?" The speaker and location is TBD. Scott Horenstein will give a case law update and we will be electing our new officers for the next year. If you are interested in being an officer, please let me know. Otherwise, beware you may be nominated at the meeting!

The Family Law Section Midyear Meeting and Seminar is June 18-20 and is being held at the Hilton in Vancouver, WA again. Let me know if you would like more information about the meeting. Remember to keep checking the blog! Please email me if you would like something posted or feel free to post yourself.

http://ccbafamilylawsection.blogspot.com/

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ELIZABETH CHRISTY
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The Clark County Bar Association is delighted to announce that it will host a CLE series geared to the new members of the legal community titled "Nuts & Bolts: What Every Practitioner Needs to Know." The series, which is currently scheduled to begin in September 2010, will vary from one to three hours every third Wednesday of the month. Each session will feature knowledgeable attorneys in a particular area of practice, and focus on the basic issues and procedures confronting an area of law. The current list of dates and topics are as follows:

- September 15, 2010 – Landlord/Tenant Basics
- October 27, 2010 – Employment Law Tips and Traps
- November 17, 2010 – Attorney Liens
- December 15, 2010 – Civil Litigation Basics

The Nuts & Bolts series will continue in 2011. Sponsorship opportunities for firms and practitioners for each CLE of the series are available. Please contact Diane Wheeler for further information.

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and discounted advertising rates
Free copy of the Membership and Resource Directory
High-quality CLEs at discounted member rates; saving you travel time and money on your annual educational requirements
Access to a competitive and comprehensive Health and Dental Plan through Kaiser Permanente
Access to the Southwest Washington Lawyer Referral Service
Social and networking opportunities throughout the year: quarterly membership meetings, annual Golf Tournament, Winter Social, and the Summer Barbeque
The opportunity to participate in committees and sections pertinent to your interests and practice

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MAY 11, 2010

NEW BUSINESS:
1. It was announced that starting June 10 social workers and Guardians ad Litem in dependency cases must inform juveniles over the age of 12 of their right to an attorney. The requirement is based on a recent statutory change.
2. Bench copies of briefs and exhibits: The questions was asked of the judges whether there was any policy about providing bench copies of briefs and exhibits that are printed on both sides. Judge Nichols replied that he was not aware of any clear policy on the issue. However, he stated so long as the copies were legible he believed that they would probably be acceptable.
3. Next Bench Bar committee meeting: The committee will meet next on Tuesday, June 8, 2010 at noon in Judge Nichols’ jury room.

Respectfully submitted,
Scott Jackson
ANALYSIS: Miranda Rights: Matthew asserts that Deputy O’Neill improperly commented on his right to remain silent by testifying that Matthew stated that he chose to “squeeze” his rights when asked if he understood his Miranda rights. The State argues that Matthew’s statement of “I choose to squeeze them” is an equivocal statement that did not invoke his Fifth Amendment rights. Thus, the State argues, O’Neill’s reference did not imply guilt and could not infringe on Matthew’s Fifth Amendment rights. We discern no error from the admission of this equivocal statement. Matthew’s right to remain silent is contained within the Fifth Amendment, applied to the states via the Fourteenth Amendment, and article 1, section 9 of the Washington Constitution. State v. Easter, 130 Wn.2d 228, 235, 921 P.2d 1285 (1996). The Fifth Amendment of the United States Constitution states, in part, that no person “shall be compelled in any criminal case to be a witness against himself.” Similarly, article I, section 9 of the Washington Constitution reads, “[n]o person shall be compelled in any criminal case to give evidence against himself.” We give the same interpretation to both clauses and liberally construe the right against self-incrimination. Easter, 130 Wn.2d at 235-36. When a defendant’s challenge to the admission of his statements involves a question of whether he properly invoked his Fifth Amendment right to remain silent, we review the admission of any statements under an abuse of discretion standard. See State v. Cross, 156 Wn.2d 580, 619, 132 P.3d 80, cert. denied, 549 U.S. 1022 (2006); see also State v. Stensson, 132 Wn.2d 668, 701, 940 P.2d 1239 (1997) (decision to admit evidence is reviewed for manifest abuse of discretion), cert. denied, 523 U.S. 1008 (1998). When an individual receives Miranda warnings, the “invocation of the right to remain silent must be clear and unequivocal (whether through silence or articulation) in order to be effective.” State v. Walker, 129 Wn. App. 258, 276, 118 P.3d 935 (2005), review denied, 157 Wn.2d 1014 (2006). When invoking the right to remain silent is not clear or unequivocal, the police are not required to ask clarifying questions and may even continue interviewing a suspect. Walker, 129 Wn. App. at 276. Here, after being given his Miranda warnings, Matthew did not invoke his right to remain silent. Rather, when asked if he understood his Miranda rights, he made an ambiguous and equivocal response followed by numerous spontaneous statements and apologies for assaulting his wife and Officer Shelton. It is undisputed that Matthew received his Miranda warnings and that when asked if he understood his Miranda rights, he responded, “I choose to squeeze them.” Even though Deputy O’Neill had no duty to clarify Matthew’s response, he asked, “You choose to `squeeze them’?” and Matthew responded, “Yes.” [fn5] Matthew’s response of “I choose to squeeze them” is an ambiguous and equivocal statement insufficient to invoke his right to remain silent. Accordingly, O’Neill’s testimony repeating the ambiguous statement was not an impermissible comment on Matthew’s right to remain silent. We also reject Matthew’s argument that he must have invoked his Miranda rights simply because Deputy O’Neill did not question Matthew and decided to exercise caution and refrain from any actions that could impose on Matthew’s Fifth Amendment rights.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record, it is so ordered. BRIDGEMASTER, P.J. and HUNT, J., concur.

[fn4] The trial court compared Matthew’s response of “I choose to squeeze them” with a hypothetical response of “I support Ross Perot,” finding that both statements would be nonsense responses to an officer’s question of whether someone under- stands his Miranda rights and that both responses could be testified to at a trial.

[fn5] Matthew suggests on appeal that while “squeeze” was an odd word choice, that it showed his intent to “embrace” his right to silence.” Matthew provides no authority supporting his interpretation of the meaning of “squeeze.” The most common definition of “squeeze” is “to exert pressure [especially] on opposite sides or parts of.” See Webster’s Third New International Dictionary 2216 (2002); State v. Hatcheney, 160 Wn.2d 503, 518, 158 P.3d 1152 (2007) (supporting use of dictionary defini- tions for terms otherwise undefined at law), cert. denied, 552 U.S. 1148 (2008). Webster’s Dictionary does include 24 alter- nate definitions for the verb “squeeze” of which only one, “hug,” remotely supports Matthew’s position. See Webster’s Third New International Dictionary 2216 (2002). “Hugging” one’s rights is not the same as invoking or exercising them.

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St. Helens Chapter, invites you to a Happy Hour at Top Shelf Martini Bar. Come and see some.

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MAY 12, 2010

CLARK COUNTY DISTRICT COURT BENCH/BAR MEETING MINUTES

District Court Corrections presented information on Electronic Land, Judge Osler, Commissioner Langsdorf, Megan Peyton, h. A copy of the DUI Detention Center schedule was g. On average participants in the DUI Detention Center a. The DUI Detention Center is located at the main jail due to budget cuts and will likely remain there in the near future. b. Ms. Schuermann conducts the Detention center class. c. The cost for the class is $150. d. Class agenda: 1.8am: Check in ii.8:30-10am: Introduction, Review of bench probation responsibilities, Overview of jail procedures, Participants share their DUI experiences iii. 10-11am: Trauma Nurse and slide show iv. 11-12pm – Alcoholics Anonymous presentation b. Participants are allowed to attend: treatment, court appearances, attorney meetings, and one church service a week. c. Participants can work no more than 12 hours a day, may be self-employed, or work “under the table” d. No outside shopping or trips (however, special consideration may be given to single parents etc) e. Participants can not have WiFi, DSL, or cordless phones in their home because it interferes with the EHC equipment f. Participants must have a landline g. Costs: $40 hook-up fee, $15/day – first week must be prepaid h. Out of county individuals are accepted at a cost of $150/day i. Participants must attend an orientation and pass a home inspection before beginning their sentence j. Interpreters are provided at the Orientation if needed k. A demonstration of the alcohol monitoring component was given l. No “good time” is earned m. Participants cannot do work crew and EHC at the same time unless court ordered n. A copy of the EHC Handbook was distributed
STATE OF WASHINGTON, Respondent, v. MATTHEW AARON SCHMIDT, Appellant.

No. 38541-4-II
The Court of Appeals of Washington, Division Two.
Filed: April 27, 2010
UNPUBLISHED OPINION
QUINN-BRINTNALL, J. On October 31, 2008, a jury found Matthew Schmidt guilty of third degree assault on Deputy Craig Shelton and fourth degree assault on his wife, Tracie Schmidt. O'Neill and Todd McDaniel documented Tracie's injuries. Deputy O'Neill took photographs of Tracie's underwear.

Around 1:00 am, six members of the Cowlitz County Sheriff's Office responded to Tracie's 911 domestic violence call. Tracie repeatedly told the 911 operator that her daughter presently had locked herself in the laundry room.

Deputy O'Neill arrested a still-intoxicated, half-naked Matthew after receiving his Miranda rights, Matthew replied, “I choose to squeeze them.” O'Neill responded, “You choose to ‘squeeze them’?” to which Matthew replied, “Yes.” Then, because it was cold outside, O'Neill asked Matthew one more question — if he wanted to leave, her husband began beating her, dragging her across the floor. Matthew stood up and aggressively approached Shelton, resulting in a fight between them. During the fight, Shelton defensively kicked Matthew in the abdomen, Matthew head-locked Shelton knocking Shelton's glasses off his face, and Matthew tugged at Shelton's belt near his weapon so hard that the belt buckle broke. The fight ended when Plank tased Matthew.

Deputy O'Neill arrested a still-intoxicated, half-naked Matthew and read him his Miranda rights. When asked if Matthew understood his Miranda rights, Matthew replied, "I choose to `squeeze them". O'Neill responded, "You choose to ‘squeeze them’?” to which Matthew replied, “Yes.” Then, because it was cold outside, O'Neill asked Matthew one more question — if he wanted his shoes and a shirt, which Matthew declined. Both before and after receiving his Miranda rights, Matthew spontaneously cried, yelled, and apologized for hitting his wife and Deputy Shelton.

On December 31, 2007, Matthew and Tracie invited Tatiana Brown and Edward Paulsen to their home for a party. Everyone drank underdetermined amounts of alcohol except for N.S. who was also home that night. Around 11:00 pm, Tracie fell ill from a combination of drinking and hot tubbing and Matthew put her to bed. Tracie woke up a short while later still drunk, found Matthew and N.S. in the hot tub and tried to persuade Matthew to get out of the hot tub, and then discovered Brown and Paulsen partially naked together in N.S.'s bed. Tracie began yelling and hitting Paulsen to get them out of N.S.'s bed. Around 1:24 am, on January 1, 2008, Tracie called 911 and reported that “my husband just beat the shit out of me.” Tracie repeatedly told the 911 operator that her daughter presently had locked herself in the laundry room. Around 1:00 am, six members of the Cowlitz County Sheriff's Office responded to Tracie's 911 domestic violence call. Deputy O'Neill arrested a still-intoxicated, half-naked Matthew and read him his Miranda rights. When asked if Matthew understood his Miranda rights, Matthew replied, "I choose to `squeeze them". O'Neill responded, "You choose to ‘squeeze them’?” to which Matthew replied, “Yes.” Then, because it was cold outside, O'Neill asked Matthew one more question — if he wanted his shoes and a shirt, which Matthew declined. Both before and after receiving his Miranda rights, Matthew spontaneously cried, yelled, and apologized for hitting his wife and Deputy Shelton.

On January 3, 2008, the Cowlitz County Prosecuting Attorney's Office charged Matthew with one count of third degree assault (Officer Shelton) and one count of fourth degree assault-domestic violence (Tracie). A three-day trial commenced on October 29, 2008. During the trial, Matthew moved for a mistrial, claiming that Deputy O'Neill improperly commented on his right to remain silent when testifying that Matthew "squeezed" his constitutional rights. The trial court immediately conducted a CrR 3.5 hearing to determine whether the statements were admissible. The trial court denied Matthew's motion to suppress the statements and found that "I choose to squeeze them" was a nonsense answer that did not clearly invoke lawyer or silence rights and, thus, O'Neill did not comment on Matthew's exercising of his Fifth Amendment rights. On October 31, 2008, the jury found Matthew guilty as charged. On November 4, 2008, the trial court sentenced Matthew. Matthew filed a timely appeal in which he challenges his convictions.

Meanwhile, Deputies Shelton and Plank, and Reserve Officer Tagliano searched for Matthew. After searching downstairs, where Tracie had reported hearing noises and outside, they entered a bedroom near the living room yelling, "Sheriff's Office. Come out." The deputies did not turn on the bedroom lights, but they testified that ambient light from the living room sufficiently lit the room to the point where they "could see faces." Plank shouted "[t]here's a foot" after spotting Matthew on the bedroom floor. Matthew stood up and aggressively approached Shelton, resulting in a fight between them. During the fight, Shelton defensively kicked Matthew in the abdomen, Matthew head-locked Shelton knocking Shelton's glasses off his face, and Matthew tugged at Shelton's belt near his weapon so hard that the belt buckle broke. The fight ended when Plank tased Matthew.

On appeal, Matthew challenges Deputy Danny O'Neill's testimony as a comment on his right to remain silent. We hold that O'Neill did not impermissibly comment on Matthew's right to remain silent. We affirm Matthew's convictions.

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We are creative about protecting intellectual property

Susan Arney, Executive Director
Susan DePasquale, Program Coordinator
Administrative: 360-823-0423
E-mail: susanaj@ccba.org

Statistics for April include 53 clients seen in advice clinics, 22 in Family Law, 16 in Family Law paperwork review clinic, 10 in the DV clinic, and 10 in General Law. We placed 1 case with an attorney for direct representation. There were 128 hours of volunteer attorney time donated.

The Housing Justice Project, a pilot program this year, is up and running. The program is specifically for low income tenants who are being evicted. We are offering legal advice and mediation. The mediation is through a partnership with Community Mediation Services. There is an advice clinic on Thursday morning and we have staff and volunteer attorneys in the courthouse on Friday morning for the unlawful detainer docket.

We are still experiencing some growing pains, but for the most part we are seeing successes. We try to give the tenant legal advice so they can adequately represent themselves in court. In some cases, the volunteer attorney will put in a limited appearance. If we can, we offer mediation to help the landlord and tenant to come to a mutually satisfactory solution. We are trying to save the court the time of dealing with uninformed tenants, give the tenants equal access to justice and help prevent the tenants from becoming homeless by working with the landlord and offering referrals to agencies that help find affordable housing.

The court and the landlord attorneys have been very supportive so far and have helped us with our growing pains. We appreciate their understanding. We need volunteer attorneys for Thursday mornings. We have experienced attorneys to train you. If you are interested, please call Susan DePasquale at 823-0423.

Thanks, Susan

MANY THANKS TO ALL THE ATTORNEYS AND PARALEGALS WHO STAFFED THE ADVICE CLINICS, HOMELESS CLINICS, PROVIDED REPRESENTATION, AND VOLUNTEERED IN THE HOMELESS COURT IN THE MONTH OF APRIL

We appreciate the feedback we have received. We are very interested in hearing from you about your experiences with our program. Please let us know how we can improve our services.

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Thanks, Susan

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Many thanks to all the attorneys and paralegals who staffed the advice clinics, homeless clinics, provided representation, and volunteered in the homeless court in the month of April.

David Fenney, Peter Fols, Martha Finn, Phil Foster, Dee Grubbs, John Holtman, Dru Horenstein, Evan Hull, Lincoln Harvey, Jeff Lindberg, Laura Mancuso, Scott Matthews, Amy McCullough, Collin McKeen, Brian Parker, Nancy Retinas, Robert Russell, Mark Sampath, Scott Staples, Susan Stauffer, Ryan Taroski, Bill Thayer, Anna Waendelin, Jean Waller.

Bill Thayer, Anna Waendelin, Jean Waller.

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“Lock em up and throw away the key” has historically defined the criminal justice system’s response to repeat minor offenders. Sentences have typically consisted of jail, community service, probation, restitution and fines, or a combination of these. But the cost of incarceration, lack of jail space, understaffed probation departments, underfunded mental health facilities and perhaps a more advanced sense of what works, have rendered these traditional sentences ineffective for many low-level offenders. Perhaps because the criminal justice system is not fully equipped on its own to address them, courts have partnered with public/private social and mental health entities to confront the root causes of criminal behavior.

So over the past 10 years, the Clark County District Court has offered defendants, who suffer from a wide variety of mental disorders or drug addictions/dependence, alternatives to the traditional jail and probation sentences. Dubbed Therapeutic Specialty Courts (TSC), District Court has three separate specialized courts/programs: the Substance Abuse Court (SAC), Domestic Violence Therapeutic Court (DVTC) and the Mental Health Court (MHC). By tapping into community resources and using a multidisciplinary team approach, each of these courts provide evaluation, treatment, monitoring and incentives to offenders that wish to avoid jail, and perhaps better their lives.

Do they work? Yes. In addition to reducing the number of trials and the cost to jail or supervise offenders, these programs strive to reduce recidivism, and perhaps save or at least improve a few lives. And not just the lives of the offenders, but those affected by criminal behavior.

SUBSTANCE ABUSE COURT

In its 10th year, the SAC provides a twelve month, three-phased structured program that permits offenders to avoid a jail sentence if they successfully complete the program. The presiding Judge, newly appointed Kelly Osler, actively monitors the program through frequent court appearances and a graduated system of incentives and sanctions designed to assist the offender to make better decisions as they try to overcome their addiction or drug dependence. A team of substance abuse treat- ment agencies, probation officers, law enforcement and the court coordinator help Judge Osler administer the program. In addition to avoiding a jail sentence, the successful offender is honored at a graduation ceremony. For many, public acknowledgment of their success leaves a lasting and encouraging impression on the offender.

DOMESTIC VIOLENCE THERAPEUTIC COURT (DVTC)

Started in 2008, DVTC is the newest of the therapeutic courts. Under presiding Judge James Swanger, this court provides an option for those “nonviolent” domestic violent offenders suffering from a substance abuse or “co-occurring disorder”. The offender must, over the course of a 15 month court monitored period, complete a domestic violence perpetrator treatment program and a substance abuse program. Instead of being punitive, the goal is to repair the dysfunction so that the family unit can be restored and the cycle of domestic violence curbed.

Do these specialized courts work? Judge Zimmerman sure believes so. He heams when he talks about those who have successfully completed the program and go on to live productive lives. For example, Judge Zimmerman refers to one offender who, after completing the program, became a successful businessman. “The gentleman believed so strongly in what we were doing that he volunteered his office to provide support groups.” Judge Zimmerman also notes that for many, “successfully graduating from a program provided them a new lease on life. Not only does the offender avoid jail, they have learned how to cope with their underlying problems, and how
MEETING

June 8, 2010
Superior Court Bench/Bar meeting; Judge Nichols Jury Deliberation Room – noon

June 9, 2010
CCBA Board meeting; CCBA office, 500 West 8th Street, Suite 65 at 12:00 pm.

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UPCOMING EVENTS

June 10, 2010
Family Law Section meeting; Tommy O’s, 11:30 am to 1:00 pm – Guest Speaker Dr. Kirk Johnson.

June 15, 2010
CLE committee meeting Clark County Bar Association 500 West 8th St., Ste 65. Meeting will begin at 12:15

June 16, 2010
Inns of Court meeting. End of the year party at Green & Ritchie, 1001 Lincoln Avenue. The BBQ is open to anyone interested in Inns of Court. Please contact Kristen Parcher if you have any questions.

June 16, 2010
Young Lawyer Section; “Dealing with Judges and Other Necessary Evils: Part II” Who Song and Larry’s. 5:00 – 6:30

June 17, 2010
CCBA Web Site committee meeting; Nel-ler|Retsinas|Crawford at 1201 Main Street at noon

June 17, 2010
CCBA Annual BBQ – Public Service Center Courtyard – Special guest chef - Judge Richard Melnick

August 13, 2010
CCBA Annual BBQ – Public Service Center Courtyard – Special guest chef - Judge Richard Melnick

President’s Message

The Campaign for Respectable Rubber Stamps

DAVID W. RIDENOUR
CCBA President

These are tough economic times. Clark County has its budget woes, like everybody else. But you’d think with a bi-annual budget of nearly one billion dollars, they’d pony up the extra $10.00 necessary to buy normally sized signature stamps for our new judges. Turns out that our vigilant county officials are carefully scrutinizing every expense. As a result, the Clerk’s Office is now buying smaller rubber signature stamps for new judges. How much smaller? Go to the Clerk’s counter and take a look at the new stamps for Judge Melnick. Can’t find them? That’s because they are so tiny! Here, I’ll blow one up in a couple photos so you can see the problem...

We might let this slide in the interest of fiscal responsibility. But there are other consequences to consider:

1. You can’t have a teeny-weeny bitty little signature stamp like that, and expect anybody to take you seriously. This issue goes to the very heart of maintaining a respectable judiciary! And how can Judge Melnick hold his own in Judges’ meetings? If Judge Melnick ever expresses an opinion different than the other judges, they will simply say “my stamp is bigger than your stamp”.

2. A legal question has been raised about the enforceability of orders executed with a stamp this small.

3. A dangerous precedent is being set. What’s next? Mini-judicial robes? Just imagine our judges wearing only black half-shirts with their abdomens exposed for all to see. Nobody wants to see that.

This will not stand. (I feel so Presidential right now…) So I am proposing a solution. I am requesting donations so that we can buy big signature stamps for Judge Melnick. I talked to a representative of the Clerk’s Office and asked what would be needed to replace these toy stamps with grown-up stamps. I learned that the bigger stamps cost $14.45 apiece. They need five new stamps, two for the public counter, two for the counter clerks, and one for the Judge’s in-court judicial assistant. So we need at least $72.25.

I have pitched the pump with my own $1.00 donation. We have nearly 500 members in our Association. If only 100 of you donate $1.00 each, we can cover the cost of the stamps with enough left over to buy my lunch at Island Café. We’ll publish the names of all contributors in next month’s issue of Hearsay. Be charitable! Be generous! Be concerned about what the judges are going to think about you if you DON’T contribute!

Continued on page 21

The CCB’s Lawyer Referral Service is a program designed to help the general public find attorneys appropriate for their needs, while at the same time providing a source of new client business exclusively to our members.

To participate, members pay a small one-time annual fee. To join, contact Diane Wheeler at 360.695.5975.

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President's Message ................................................................. 3
Cutting Edge Justice ................................................................ 4
Free Legal Advice: “Don’t Drink and Squeeze” ......................... 6
CCBA’s Fifth “Quarterly” Meeting Well-Attended .................. 9
Family Law Section Meeting .................................................. 10
Inns of Court Meeting ............................................................ 10
Double Hearsay: What CCBA Members Are Doing About Town 11
CCBA Program Corner .......................................................... 12
CCBA Monthly Board of Directors’ Meeting ......................... 12
Superior Court Bench/Bar Meeting ........................................ 13
Clark County District Court Bench/Bar Meeting ................... 14
Dealing with Judges and Other Necessary Evils: Part II .......... 15
Clark County Volunteer Lawyers’ Program .......................... 16
Law Library News ................................................................... 17
Attorney Bookkeeping Tips ................................................... 17
Legally Drawn ......................................................................... 17
Upcoming Events ................................................................. 18
SW Washington Lawyer Referral Service .............................. 18
ON THE COVER

President
David Ridenour
(360) 906-1556
davidwr@copper.net

Immediate Past President
Mila Boyd
(360) 695-1497
mila@chase.law@gmail.com

Vice-President
Jolene Sell
(360) 397-2265
jsell@wapa-sep.wa.gov

Treasurer
Kurt Rylander
(360) 759-9931
rylander@pacificer.com

Secretary
Andrew Wheeler
(360) 690-0064
awheeler@vancouverlaw.net

Trustee
Suzan Clark
(360) 364-4344
sclark@bnplaw.com

Trustee
John Fairgrieve
(360) 397-2261
john.fairgrieve@clark.wa.gov

Trustee
Jane Clark
(360) 694-4344
jclark@bnplaw.com

VLP Representative
Charles Buckley
(360) 693-2421
chuckley@cbuckleylaw.com

Executive Director
Diane J. Wheeler
(360) 695-5975
diane-ccba@qwestoffice.net

Member Services
Elena Quintana
(360) 695-5975
elena-ccba@qwestoffice.net

Bookkeeper
Jolene Renteria
(360) 695-5975

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CUTTING EDGE
JUSTICE:
District Court’s Therapeutic Specialty Courts (TSC) use alternative sentences to rehabilitate offenders.

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