

TACOMA-PIERCE COUNTY BAR ASSOCIATION
MEETING MINUTES
Tuesday, May 19, 2020
via Zoom

PRESENT

| | |
|-------------------------------------|--------------------------------------|
| PRESIDENT * | James McCormick |
| VICE PRESIDENT * | Amanda Searle |
| IMMEDIATE PAST PRESIDENT * | Kenneth Blanford |
| SECRETARY-TREASURER * | Heather Young |
| TRUSTEE * | Jennifer Andrews |
| TRUSTEE * | John Cain |
| TRUSTEE * | John Cummings |
| TRUSTEE * | Judge Ronald Culpepper, Ret. |
| TRUSTEE * | André Peñalver |
| TRUSTEE * | Heather Swann |
| FAMILY LAW PAST PRESIDENT/LIAISON * | Gina Auter |
| YOUNG LAWYERS PRESIDENT/LIAISON * | Joshua Brumley |
| CRIMINAL LAW SECTION LIAISON | Dee Sontag |
| MINORITY BAR ASSOCIATION LIAISON | Lisa Mansfield |
| TACOMAPROBONO | Jennifer Ammons |
| WASHINGTON WOMEN LAWYERS LIAISONS | Cassidy Ingram |
| PIERCE COUNTY SUPERIOR COURT | Presiding Judge, Gary Johnson |
| | Judge Stanley Rumbaugh |
| | Commissioner Diana Kiesel |
| LAW SCHOOL LIAISON | John Weaver |
| TPCBA EXECUTIVE DIRECTOR | Kit Kasner |
| OTHER: | Laurie Davenport, TPC Bar Foundation |

* denotes voting member

ABSENT

None

* absences noted only for voting members of the BOT

1. CALL TO ORDER

Meeting called to order at 8:00 am by President Jamey McCormick.

2. MEETING MINUTES

The February 2020 and April 2020 minutes were moved, seconded, and approved as presented.

3. REPORTS FROM OFFICERS

PRESIDENT'S REPORT—JAYME MCCMORMICK

He has received a lot of communication from members with concerns about how trials will be held in the future. Shawn Briggs is chairing an ad hoc committee re: civil trials.

VICE PRESIDENT'S REPORT—AMANDA SEARLE

Nothing at this time.

PAST PRESIDENT'S REPORT—KEN BLANFORD

Ken and Kit plan to reengage their discussions with Suncadia following the results received so far from members to the survey—very few people indicate now that they plan to attend.

At present the legal opinion obtained is that it is premature to try to invoke Force Majure to void the contract. If we breach the contract we are liable for up to \$70,000.

The spring judicial conference was to be held at Suncadia and the resort tried to deny that Force Majure applied, Suncadia settled with the Judges Association for \$10,000 (which is about the required deposit amount).

4. FINANACIAL REPORT

APRIL FINANCIAL REPORT—HEATHER YOUNG

Things are looking good right now, we have more in savings than this time last year, but how Covid 19 will impact our bottom line is still unknown.

The reports were in the consent agenda for people to review.

5. UNFINISHED BUSINESS/CARRY OVER ITEMS

Nothing to report.

6. NEW BUSINESS

Nothing to report.

7. ACTION ITEMS

Nothing to report.

8. UPDATES FROM THE COURTS—CURRENT STATE OF OPERATIONS

SUPERIOR COURT--JUDGES STANELY RUMBAUGH AND GARY JOHNSON

The Executive Committee has been meeting nearly every day to try and manage the courts.

Judge Rumbaugh chairs the Civil Trial Management Committee. They are not sure the court will be ready to try civil jury trials by July 6th. They are looking for possible locations to hold trials outside of the County-City Building as it will be extremely difficult to honor social distancing guidelines in the CCB. However, the costs are high and there are concerns with availability and security. The Convention Center wants \$15,000 per day and is only available Monday and Tuesdays. The Armory is available Monday through Friday and is cheaper, but it also has its issues. They have also explored high schools, gyms, old warehouses, and stores. No more than 30 potential jurors can fit in the jury room (123) and abide by current social distancing guidelines. Likely there will be morning and afternoon panels to keep the numbers present at any given time down to an acceptable level. Will also likely move to more juror questionnaires and less individual questions. Perhaps the court will also move away from the "Donohue Method" of jury selection and return to individual questioning of the panel.

The Supreme Court has continued speedy trial to late September and then trials must be held within 60 days for those persons in custody and 90 days for those out of custody. The court anticipates it will only be able to hold 5 jury trials at any given time due to social distancing constraints. Adjoining court rooms will likely be used, one for the trial and the other to allow for proper distancing of the jurors while they are deliberating etc.

The court plans to resume criminal trials on July 6th.

There are about 600 people in custody in the Pierce County Jail and most are awaiting trial for serious crimes. There have been no reported Covid cases in the jail or at the CCB. There was 1 reported case at Remann Hall.

Jury Summons must be sent at least 30 days prior to the report date. Pierce County has previously provided 6 weeks advance notice.

It is likely that there will be no civil jury trials held before October or November and that is still a guess. Civil departments will also be trying criminal cases due to speedy trial.

The court has begun holding civil bench trials via Zoom and that can work well for the less complex matters.

By the time the state reaches Phase 3 under the Governor's plan to reopen Washington there might be some bench trials held in the CCB.

The settlement conference program has been expanded and will likely operate through June, perhaps longer if Judges are available. Contact Superior Court Admin if you would like to schedule one.

Discovery has been an issue, Judge Rumbaugh and others have been issuing new discovery deadlines along with new trial dates.

The court will be experiencing budget cuts. The 9th Commissioner position will not be filled anytime soon. Judge Adams will not begin until fall and will not have staff until October. Vacant positions are not being filled.

COMMISSIONERS—COMMISSIONER DIANA KIESEL

The Commissioners are meeting weekly and preparing for the anticipated backlog in DV and evictions once the CCB is back open for business and the evictions moratorium is lifted.

9. UPDATES FROM THE SECTIONS

YOUNG LAWYERS—JOSH BRUMLEY

The section is still planning on holding the Casino Night on 9/11/20

The swearing in ceremony via Zoom on 4/28 was well attended.

FAMILY LAW—GINA AUTER

The monthly meeting/CLE was held via Zoom and was well attended.

The family law section has expressed concerns to the court, via a letter from the Board, about the return to trials via Zoom in family court.

CRIMINAL LAW—DEE SONTAG

Motions and pleas are being heard at staggered times so that the court room is not full with people waiting for their turns. Attorneys are trying to resolve out of custody matters as well as in custody matters. They are observing a wide spectrum of sensitivity to Covid 19 from parties and other participants.

10. UPDATE FROM TACOMAPROBONO

TACOMAPROBONO—JENNIFER AMMONS AND LAURIE DAVENPORT

The number of intakes they are receiving is up, mostly family law, DV, and housing. They need more volunteers in these areas and in immigration.

The Native American clinic is funded for the next 90 days and they will revisit funding with the tribal authorities.

The Housing Justice Project is preparing for expected filings once the eviction moratorium expires. They anticipate receiving some state funding and are looking for additional volunteers. They will provide training.

VOCA is only funded for 1 attorney. Primarily providing services with protection orders and family law orders.

11. UPDATES FROM BOARD LIAISONS

WSBA—BRIAN TOLLEFSON

Brian is the SCJA liaison along with the Governor from Yakima and he will provide copies of their April and May reports as that fairly summarizes the current status.

Brian provided a link to the WSBA during the meeting detailing the status of the bar exam.

The WSBA has Covid 19 pages on the web site with information for lawyers and information for the public.

The LLLT Board wants to expand the program to include Administrative Law and Debtor/Creditor Law. The WSBA Treasurer has serious concerns about the program and brought those concerns to the Supreme Court. The LLLT program is supposed to be self-sustaining, hasn't been, and won't be for the foreseeable future. The costs associated with the LLLT program are about \$200,000 per year but with only 44 licensed LLLTs their license fees do not come close to covering their expenses. To date the LLLT program has cost the WSBA 1.4 million dollars—could that money have been better spent to address access to justice? The LLLT Board is asking for another 9 years to become self-sufficient. The treasurer's projection is that 9 more years will cost the WSBA another \$1 million. Is this a good use of our bar license fees?

The BOG meeting was moved from May to June in the hope that the BOG could meet in person. The meeting is in Bellingham and one agenda item will include interviewing and choosing applicants for the At-Large Governor position. There are 14 applicants.

MINORITY BAR—LISA MANSFIELD

The minority bar is holding its meetings by Zoom. One of their members, Helen Whitener was appointed to the state Supreme Court.

WASHINGTON WOMEN LAWYWERS—CASSIDY INGRAM

They are holding a virtual fundraiser for Hope Sparks.

SEATTLE UNIVERSITY LAW SCHOOL—JOHN WEAVER

John provided a written report that was sent out with the agenda.

COLLABORATIVE LAW—LESLIE BOTTIMORE

The state annual conference was held in March.

They are having their monthly meeting on 5/19 and that will include elections for their board.

12. GOOD OF THE ORDER

Laurie, the law librarian, posted some informational videos on the law library's web site.

Tom Quinlan and Diana Kiesel are running for Superior Court Judge unopposed. The only sitting Superior Court Judge who drew an opponent is Judge Chushcoff.

Justice Whitener drew an opponent for her seat on the Supreme Court.

13. NEXT MEETING

Tuesday, June 16th, time and location to be determined.

14. ADJOURN

The meeting adjourned at 9:25 am.