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Kitsap Bar Report

MAY, 2020

SPECIAL STAY HOME EDITION

Important Dates

KITSAP BAR LUNCH



The Kitsap Bar Lunch returns someday soon?

LAW DAY



Law Day will be celebrated on **August 18th**. Our keynote speaker will be Chief Justice Debra Stephens. Stay tuned for more details!

KITSAP BAR CLE

Save the Date!



The Kitsap Bar CLE remains planned for **October 17th** at the Poulsbo Sons of Norway. Obviously, things may change.

President's Report

By Neil Wachter

“In These Unprecedented Times”



Greetings from the basement pantry/office. The first Friday of May was Law Day, when we annually celebrate our profession and advances in the rule of law. At least that's what we did before 2020. Our bar board postponed Kitsap's 2020 Law Day ceremony to Tuesday August 18th, when KCBA will co-host a belated gathering of our membership, the bench and community members. We're blessed to keep our keynote speaker Chief Justice Debra Stephens.

Law Day 2020 celebrates the 19th Amendment, recognizing that the right to vote may not be denied on the basis of sex. On August 18th, 1920 the states ratified the 19th Amendment. Today it seems shocking that laws ever forbid women from voting. What happened 100 years ago to finally push the 19th Amendment over the top? Current events yield a clue.

Current advertisements parrot a phrase – “in these unprecedented times” - as though we've never lived through a global crisis. To the contrary, I think it's unprecedented that we humans existed for some 75 years without one. I'm thinking of the Second World War and Great Depression, which were but two of several global crises during the 20th Century's first half.

1918 brought the Spanish Flu pandemic, which killed over 50 million including 670,000 Americans. Like today's coronavirus, the Spanish Flu virus killed far more men than women. That virus and WWI drove American women into the workforce in great numbers, which in turn boosted women's economic clout.





President's Report

This societal shift tipped the scales and women were granted suffrage at long last (I rely on a Smithsonian article at <https://www.smithsonianmag.com/history/how-1918-flu-pandemic-helped-advance-womens-rights-180968311>).

What does it say about our society and our rule of law that it took a pandemic and a world war to bring about this sea change? What does it say that 144 years passed between our nation's founding and its recognition of this fundamental right? To me, it says that progress in our law and culture comes in fits and starts, and that sometimes it takes a crisis to catalyze long overdue reform.

Like many of you, I practice law and conduct virtual client meetings from my home under the stay home orders. It's a surreal existence and I can't wait to return to "normal"; to seeing our firm's lawyers and staff and to catching up with you in the courthouse. But I have this feeling that "normal" will have shifted, for workplaces generally and for the practice of law in particular.

For next month's newsletter, send us your stories of practicing law during the pandemic and tell us how you think this crisis should be a wakeup call to address an inequity or deficiency in our rule of law. Fingers crossed, we'll see one another in person on August 18th if not before.

NEIL WACHTER

KITSAP BAR ASSOCIATION

PRESIDENT

Kitsap Bar Electoral College Quiz

By Tom Weaver



The United State Supreme Court has heard two cases this term regarding the Electoral College challenging two state laws designed to limit the discretion of “faithless” electors, i.e. electors who do not vote in accordance with their pledge. In 2016, there were multiple faithless electors, all of them Democrats who (mostly) voted for moderate Republicans, including four in Washington (three votes for Colin Powell and one for Faith Spotted Eagle). Each of Washington’s faithless electors were fined \$1000 and the fines were upheld by the Washington Supreme Court. Meanwhile, in Colorado, when Elector Michael Baca attempted to cast his vote for someone other than Hilary Clinton, the Colorado Secretary of State disqualified him and replaced him with a new Elector, who dutifully voted for Clinton. Baca appealed and the Tenth Circuit ruled he had been improperly replaced. The Supreme Court accepted both Petitions. Oral argument, previously scheduled for April 28, is pending, having been delayed by COVID-19.

The Electoral College in general and faithless electors in particular have a long and colorful history. I thought it would be fun to create an Electoral College trivia quiz highlighting some of the fun things that have happened when Electors get together to vote. The answers will appear later in this newsletter.

1). Although much less organized than modern political parties, early Americans quickly divided along political lines as either pro-Constitution (Federalists) or anti-Constitution (Anti-Federalists). In the Election of 1788-89, the leading Anti-Federalist, a former Governor and fiery revolutionary, acting as an Elector for the state of Virginia, cast his two votes for longtime friend George Washington and, in what he undoubtedly considered a protest vote, for New York Governor George Clinton, whose aggressive Anti-Federalist policies nearly prevented New York from ratifying the Constitution. Name this American statesman, who never again held public office despite repeated offers from both Washington and John Adams.

2). In the Election of 1796, the surprising decision of eight South Carolina electors to vote for fellow South Carolinian Thomas Pinckney resulted in what election anomaly that has never since been repeated?

Kitsap Bar Quiz

3). In 1836, although Martin Van Buren and his running mate Richard Johnson apparently won the election, Johnson failed to secure a majority of the Electoral College votes, thereby forcing the Senate to select the Vice-President, after all 23 of Virginia's electors refused to vote for Johnson for what reason?

4). In 1856, a brand new third party, choosing the name Republicans, dedicated to preventing the continuing spread of slavery into the southwest chose as its presidential nominee John C. Fremont, a Wild West adventurer who had been very influential in securing statehood for California. Fremont's father-in-law, the immensely popular, but die-hard pro-slavery Senator from Missouri, had proposed a constitutional amendment in 1826 to get rid of the Electoral College in favor of direct election of the President, albeit with the votes weighted in accordance with the three-fifths clause. Name the father-in-law.

5). Four years later, the Republicans won the national election with a majority of the Electoral College votes, despite the fact that their candidate, a former one term Congressman from Illinois, received less than 40% of the popular vote and did not even appear on the ballot in 10 states. Abraham Lincoln's running mate was what Maine Senator who shares a name with a fictional serial killer and Carthaginian general?

6). In 1872, although the Democratic candidate, the editor of the New York Herald, won 7 states and 80 EC votes, 63 electors cast their votes for other men and 14 electors declined to vote at all. Who was the Democratic candidate and why did he only receive three votes?

7). In 1876, realizing Republican Rutherford B. Hayes has won by just one vote and hoping to flip the election, a Democratic Governor tried unsuccessfully to disqualify a Republican Elector named John W. Watts and replace him with a Democrat on the ground that Watts was the acting Postmaster in Lexington, a small town approximately 5 miles from what college town where Kitsap Superior Court Judge William Houser grew up?

Kitsap Bar Quiz

8). In 1948, after six of Michigan's nineteen electors failed to show up to vote, six random people who just happened to be walking near the Capital building were recruited as electors. One of the recently recruited electors initially voted for Harry S Truman instead of this man, who had actually won the Michigan vote, and who, according to a famous photo of the front page of the Chicago Daily Tribune, "defeated" Truman?

9). In 1988, as a way of protesting the Electoral College, Elector Margarett Leach, switched her votes, voting for Lloyd Bentsen for president and Michael Dukakis for vice-president. She later expressed regret over her decision saying she should have done what instead, something that happened 228 times in 2016?

10.) For which Ohio Governor did Colorado elector Michael Baca try to vote in 2016?

See answers at the end of the Kitsap Bar Report

Faces on the Wall

by Jeff Tolman

Faces on the Wall – James I. Maddock (lawyer/Judge 1953-1994)



*James Maddock
Lawyer/Judge
1953 to 1994*

Jim Maddock was the first Kitsap County lawyer I ever met. I was looking for the perfect small town to open a law office and, while I was investigating opening my office in Poulsbo, a mutual friend had Jim and me over for dinner. At that time, he was a seasoned practitioner for nearly 25 years. Initially, he practiced in Port Orchard with Dick Schultheis. When Mr. Schultheis moved to central Washington, Jim practiced with Chris Bell, Steve Toole, Mike Misner and, for a short time Jim Riehl, in an office where the County Administration building now sits. His commute from his office to the courtroom was about three minutes. Jim was positive and optimistic in his review of my impending office in Poulsbo and was friendly and courteous throughout our professional contacts over the years.

In 1977 Governor Ray appointed Jim to the Kitsap County Superior Court Bench. Judge Maddock was instrumental in organizing and coordinating the tens (hundreds?) of asbestos trials pending at the time. He created binders with “the law of the case” for the asbestos litigation that streamlined the complicated, burdensome trials.

Then-Commissioner Jim Roper ran against Judge Maddock in 1978. Commissioner Roper prevailed in the election and swapped jobs with Judge Maddock. Three years later Judge Maddock was re-appointed to Superior Court, serving until 1994.

Jim Maddock was raised in Seattle, graduating from Lincoln High School in 1949. He was admitted to the Washington State Bar Association as its youngest member ever (22) on September 28, 1953.



A common description of Judge Maddock was “a gentleman.” As one of his stepsons wrote: “So many men brag about having old fashioned manners, but here was someone who simply practiced them.”

In an piece written about Judge Maddock in the Chicago Tribune writer Dan Moran notes of his step-father: “He could also tell you stories about his own experience on the bench. By far my favorite: He was walking to his car one day when a man approached and revealed that Judge James Maddock had sent him to prison. Jim told me the first thought that came to mind was a certain four-letter word that begins with the letter S. But the man ended up thanking Jim for turning his life around. That’s not the only story I have heard along those lines about The Judge.”

In a memory, Bruce Buskirk wrote of Judge Maddock: “I was a brand new lawyer in 1977 when Judge Maddock became a Superior Court Judge. He treated me with kindness and dignity (traits I also observed off the bench) and encouraged me in my journey as a lawyer. He was brilliant, but never condescending. He listened intently, always waiting to do the right thing. The compassion in difficult cases was evident on his face. Off the bench, he always greeted me warmly with words that said he cared. He will be missed by all.”

Another local man recalled Judge Maddock in this way: “Judge Maddock gave me a chance as a juvenile. I was doing some young dumb stuff as a kid. When the time came in his courtroom, he sat and had a conversation with me. He could, and probably should have, thrown the book at me, but after our talk he gave me a very light sentence. That was the last time I was ever in court. That was 30 years ago. I thank him for some hard, but great, lessons. Thank you, sir, and may you rest in peace.”

As Jim slipped away, partially from the effects of Alzheimer’s, Dan Moran described Jim’s passing:

“During my goodbye to him, I recalled that when my mother first met her future husband, I referred to him as her Gentleman Caller. When they got married, I could drop the second half of that title.”

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PS: Another (unnamed in this story) attorney in Judge Maddock’s firm was notable for his Motion to Continue. “Your Honor, we ask for a continuance, as we search for an important witness in this case: “Mr. Green.” (read: his fee!)

Jeff Tolman has practiced in Poulsbo since 1978. He has served as the part-time Municipal Judge since 1994 and has authored over 350 published articles about life and law in over 55 different publications.





Kitsap Legal Services News



Executive Director: Joanne Sprague / Program Coordinator: Shellie Thomas

May 2020

Housing/Tenant Rights CLE: Thursday, May 21, 1-4 pm. This webinar CLE will cover the basics of Landlord/Tenant Law, and the effects of the Eviction Moratorium. This program is aimed at volunteer attorneys working with Volunteer Lawyer Programs across the state. If you have always wanted to help tenants, but didn't know the law well enough, or if you need a refresher, this CLE is for you! More information will be coming soon!

GiveBIG Washington May 5-6: GiveBIG Washington is an annual 2 days of giving to benefit Washington non-profits. Early giving is now underway. If you are participating, please remember Kitsap Legal Services. As a non-profit, our funding is dependent on the generosity of grantors and donors. Your support allows us to continue providing legal advice and information to low income residents of Kitsap County. <https://www.givebigwa.org/>.

More Ways to Financially Support Kitsap Legal Services:

One Call for All: Giving lasts all year long, and 100% of your donation goes to the recipient. No fees! <https://donations.onecallforall.org/donate/416>

Amazon Smiles: Amazon gives .5% of your purchase totals to the non-profit of your choice. https://smile.amazon.com/gp/chpf/about/ref=smi_aas_redirect?ie=UTF8&%2AVersion%2A=1&%2Aentries%2A=0

Fred Meyer Community Rewards: Fred Meyer will give a percentage of your purchase totals to the non-profit of your choice. <https://www.fredmeyer.com/i/community/community-rewards>.

Special Thank You to Steve Olsen: Steve has gone above and beyond this month in providing quality legal advice to low income individuals. He has spent over 30 hours consulting with at least 12 family law clients. Steve's commitment to equal access to justice is very much appreciated!

Seeking Attorney Volunteers for Phone Consults: During this crazy time, we have adjusted our service method. Attorneys are meeting with clients over the phone on their own schedule. If you find yourself with some extra time, and are willing to talk with a few clients to give advice or a consult, please email us at volunteer@kitsaplegalservices.org. As a bonus, you can receive one CLE credit in exchange for each hour volunteered, and you are covered by KLS malpractice insurance while working with our clients.

Volunteers for April: A huge thank you to all of our legal volunteers last month.

LEGAL VOLUNTEERS

John Groseclose	Steve Olsen	Mike Liebert
Piper Thornburgh	Sam Wyco	Eric McDonald
Sara Humphries	Jen Brugger	Simon ffitch
Heather Forrler	Eric Landeen	



Bar Quiz Answers

1. Patrick Henry
2. A President and Vice-President from different political parties.
3. His open sexual relationship with a mixed-race slave with whom he had two daughters.
4. Thomas Hart Benton
5. Hannibal Hamlin
6. Horace Greeley died a few days before the EC vote. The three electors who did vote for him later had their votes discounted by Congress.
7. McMinnville, Oregon
8. Thomas E. Dewey
9. She wished she would have voted for a woman, although she would not have been the first to do so. That privilege belongs to Roger MacBride, whose “faithless” vote for Tonie Nathan made her the first woman to receive an Electoral College vote.
10. John Kasich