

INSIDE THIS
ISSUE—

- Important Dates
- President's Report
- Faces on the Wall
- Announcements

Kitsap Bar Report

SUMMER, 2020

Important Dates

THE WORLD FAMOUS KITSAP BAR LUNCH

The Kitsap Bar Lunch returns for a “virtual” lunch on **Friday, August 7th**. Our topic will be a Superior Court Judicial Candidate Forum. A Zoom link will be provided to members.

LAW DAY



Law day will be held on **August 18th** in the Kitsap County Board of Commissioner's Chambers. Our key note speaker will be Justice Deborah Stevens.

POULSBO CLE



The Kitsap Bar Convention and CLE is planned for **October 17th** at the Poulsbo Sons of Norway. Please contact Chad Enright if you have any suggestions for **K I T S A P** speakers. cenright@co.kitsap.wa.us

President's Report

By Neil Wachter



What is a Listserv, Anyway?

You've probably noticed some changes with the Kitsap Bar Listserv. Earlier this year, the Bar Board took over the Listserv from Paul Fjelstad, who managed it for two-plus decades. Paul's work over the years can only be described as a labor of love for our local legal community and for now Past-President Lynn Fleischbein is carrying the baton, quite well I might add.

Kitsap Bar Association is a small town bar. Our Listserv posts important messages from the bench and from the WSBA, but we also continue to post will searches, office space vacancies and other less-than-official announcements, hopefully for the greater good. Recently we posted an announcement for a new online e-filing service. In hindsight, we might have clarified that the Bar wasn't endorsing the service but was just spreading the word of a viable alternative to in-person filing and messenger services.

Our biggest controversy since taking over the Listserv was when we posted a press release by the local NAACP chapter following the George Floyd killing. The Bar Board decided against editing it and we didn't give it any intro or editorial spin. But two of you responded with concerns that the Kitsap Bar Association had taken a political position. I'd like to share my exchange with one of the commenters. He or she shall remain anonymous, but I'd like to commend this person's thoughtful treatment of the subject.

The comment:

I'd like a detailed explanation for why Kitsap County Bar Association thinks its ListServ is the appropriate forum for Ms. Flood's "Press Release" as the local NAACP President. Does this mean that anyone can offer a "Press Release" or call to action or political statement and it will be circulated on the ListServ?



My Response:

Hi [Commenter],

Thank you for your comment. There's arguably a political element, i.e. the reference to establishing citizen review boards. We didn't intend to imply endorsement of such boards. However the overarching message is apolitical - that we as a culture and we as a community of lawyers can no longer tolerate these hate crimes committed against black people by police officers whom we entrust with our safety and protection. To date, the rule of law has failed to stop these crimes. The NAACP may be political in the eyes of many, but there will be no advancement against the tide of racially-motivated killings without having that organization at the table. So if there are future opportunities for lawyers to participate in constructive discussions about solutions at the community level, I expect to publicize those opportunities. I should note that the answer to your last question is "no" – Ms. Flood is a member of our county bar and I made a judgment call that was not intended to reflect on the merits of any arguably political proposal. I will keep your comment in mind and work to keep the politics to a minimum. Thanks again [Commenter].

Sincerely,

Neil

His/her Response:

Neil:

I suggest you circulate a statement posing my question and your response. With regard to your response, I'd note that Ms. Flood was able to issue her Press Release to the Kitsap Sun this morning, albeit without the #BlackLivesMatter. I'd also note that Black Lives Matter is very much a political organization with local chapters and accepting donations.

To be clear - what happened to George Floyd was senseless and tragic and the officers involved need to be prosecuted to the fullest extent possible. Every, non-justified death of an unarmed suspect is hugely frustrating and heart breaking. White on black even more so because it just fuels racial tensions and everyone hopes and prays that there'll be no rioting.

Thank you.

With that, the Bar Board will be considering how we handle submissions to the ListServ.

Meanwhile, the Bar Board will host a Judicial Candidates forum for the Superior Court position on August 7 at 12 noon. We'll send out details soon, but this will be a hybrid meeting you can either attend via Zoom or in person at the County Commissioners' Chambers. Look for a new paradigm in which "not qualified" is no longer an option. Candidates will either be "qualified", "highly qualified" or you'll offer no opinion. More on this in a couple of weeks.

Take care out there.

NEIL WACHTER

KITSAP BAR ASSOCIATION

PRESIDENT

Faces on the Wall



*Darrell
Uptegraft
practiced 1983
to 2016*

I can't believe it has been nearly 3 ½ years since Darrell Uptegraft passed away. It doesn't take much imagination for many of us to hear his laugh and see his smile.

Darrell was raised in a number of states, as his dad was a refuge manager for the US Department of Fish & Wildlife. After a brief stint at Southern Illinois University, Darrell graduated with a Bachelor of Science degree from San Francisco State University. His next educational step brought him to Puget Sound School of Law in Tacoma. During law school Darrell clerked at McCluskey, Sells, Ryan, Olbertz & Haberly, joining the firm as an Associate in 1983. Toward the end of his career Darrell's practice was primarily as a plaintiff's Personal Injury lawyer.

He served as Kitsap County Bar President in 1999.

There are people who have many acquaintances and others who have deep, dear friends. Darrell had both. He was a good and respected attorney who represented his clients effectively. He was a determined advocate, but never mean. He was cordial with lawyers, staff, judges and clients. Darrell and Jim Sells could tell tales on each other one-after-the-other for hours. Jim Riehl and Darrell could make the other laugh out loud with just a look. Darrell was very human and humane.

Darrell had his share of enthusiasm – and mine. Nothing was done halfway. His obituary noted “Darrell's positive attitude and zest for life was infectious. He shared his love of golf, downhill skiing, fishing, gardening, and many adventures, with passion.”

I recall Darrell telling the story of how “life is a game of inches.”

Some roof work was needed at his house, so Darrell tied a safety rope around his waist and secured it to the bumper of his car. Suddenly, as he was working on the roof, the adrenaline started pumping when he heard the car door open and his wife get ready to head on an errand! Fortunately, he was able to get her attention before the car started moving.



In 2013 Darrell was diagnosed with ALS. I remember seeing him just after the diagnosis. He opined that the diagnosis was a mixed blessing. While his life expectancy was decreased, the doctor said he could “party like a rock star!” And I believe he did to the end.

Paul Fjelstad called Darrell “one of the most positive people I have ever known.”

Dave Horton noted that Darrell was his first mentor and showed Dave that “no matter how stressful practicing law could be, it could be done with a smile, a laugh and kindness.” Dave recalls from his interview with Darrell, “he obviously loved what he did, loved where he worked and loved the people he worked with.”

Ashley Armstrong noted “Darrell was loved by his clients, a legacy we should all hope to leave behind.”

Perhaps the best, and most accurate, five words to describe Darrell’s life appeared at the end of his obituary: It was a good journey.

Copyright Jeff Tolman 2020. All rights reserved.



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

June 2020

Seeking Contract Eviction Defense Attorney(s): Please join us in this important and crucial work! Kitsap Legal Services has received funds from the Washington Office of Civil Legal Aid (OCLA) to provide direct representation to Tenants in Eviction cases through June 30, 2021, to include settlement efforts and representation on the Unlawful Detainer calendar on Friday mornings. Contract attorneys will be reimbursed at \$100 per hour. Hours per week will range from 0-15, depending on number of cases and how many attorneys are providing services. Attorneys must complete 8 hours of mandatory training. Training is not paid, but you will receive free CLE credits. The terms of the contract are dictated by OCLA and are not negotiable. Support and resources will be provided by KLS. If you are interested or have additional questions, please contact Joanne Sprague at Hiring@KitsapLegalServices.org, by June 12. Please share the Job Description (below) with other attorneys who may be interested.

Seeking Volunteer Housing Attorneys: Are you interested in helping with housing cases, but can't commit to a contract? We will train you and provide resources. We are expecting a huge number of housing cases once the Eviction Moratorium is lifted and we need more volunteer attorneys to handle the volume. To make our need more urgent, we are losing one of our star Housing Justice Project attorneys, DJ Hastings, to a new job in Olympia. Please contact Joanne Sprague at Volunteer@KitsapLegalServices.org if you are interested in learning more.

Seeking Part-Time Program Assistant: KLS is also hiring a temporary office position through June 30, 2021, to support the Housing Justice Project and other KLS programs for 20 hours per week at \$15 per hour. Priority given to resumes received by June 17. Please see attached Job Posting below.

Thank you to the Rotary Club of Bainbridge Island: We have recently received a grant from the Bainbridge Rotary to purchase a reception desk and a sign for the outside of our office. These items have been needed for quite some time. We are grateful to the Bainbridge Rotary for their generosity!

Thank You to the WSBA: KLS is the recipient of a WSBA Powerful Communities Project grant to develop a Legal Financial Obligations program to assist defendants in criminal cases in reducing court-ordered financial obligations. Look for more information about this program coming soon! Thank you to the WSBA for supporting this important work!

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 May: A huge thank you to all of our legal volunteers last month.

LEGAL VOLUNTEERS

John Groseclose	Steve Olsen	Mike Liebert
Rick Seward	Sam Wyco	Eric McDonald
Sara Humphries	Amanda Williamson	DJ Hastings
	Eric Landeen	



Letters of Interest and Resumes will be received at
Hiring@KitsapLegalServices.org
Priority given to those received by 6/17/2020

920 Park Avenue / PO Box 1446, Bremerton, WA 98337
(360) 479-6125 <https://kitsaplegalservices.org>

Kitsap Legal Services is a non-profit organization that facilitates free civil legal aid and information to persons experiencing economic hardship through the use of volunteer attorneys and community members.

Job Title: Eviction Defense Contract Attorney (Temporary through June 30, 2021)

Kitsap Legal Services is seeking to hire one or more Contract Attorneys to Provide Eviction Defense services to low-income tenants in Kitsap County.

Funding for the position(s) is provided by a grant from the Washington Office of Civil Legal Aid (OCLA) to provide Eviction Defense to low-income tenants for evictions caused by COVID-19.

The contract attorney will provide direct representation to tenants facing eviction caused by COVID-19. Legal services may include, but are not limited to, client interviews, settlement negotiations, and court appearances.

Contract reimbursement is at \$100 per hour. Reimbursement will be made monthly.

Position is for a limited and variable number of hours each week, ranging from 0-15, depending on number of cases and number of contracted attorneys.

Training: Eight hours of unpaid training is required. Webinars will be provided live on June 29-July 3, 3:00 pm - 5:00 pm. Webinars will be recorded for later viewing if not available for live viewing. Free CLE credits will be provided.

Attorney must have an active license, in good standing, with the WSBA.

Attorney must be available on Friday mornings for the Civil Motions calendar at the Kitsap County Courthouse, or at any other time the court sets Unlawful Detainer hearings..

Kitsap Legal Services staff will provide support, including, but not limited to, client intakes, client communication, file creation, case research through Odyssey and LegalServer, and case management.



Resumes will be received at Hiring@KitsapLegalServices.org

Priority given to those received by 6/12/2020

920 Park Avenue / PO Box 1446, Bremerton, WA 98337

(360) 479-6125 <https://kitsaplegalservices.org>

Kitsap Legal Services is a non-profit organization that facilitates free civil legal aid and information to persons experiencing economic hardship through the use of volunteer attorneys and community members.

Job Title: Program Assistant

Position Summary: Under the direction of the Executive Director and the Program Coordinator, the Program Assistant provides support in maintaining the day-to-day operations of the organization and will be instrumental in ensuring the smooth operation of the Housing Justice Project.

Position is part time (20 hours per week); salary \$15.00 per hour. Funding for position is only guaranteed through June 30, 2021, but efforts will be made to extend the position.

Duties of Program Assistant:

- Conducting client eligibility screening and interviews.
- Responding to intake referrals, client phone calls, and other correspondence.
- Managing clinic schedule and coordinating logistics for facilities.
- Maintaining forms and supplies for the office and legal clinics.
- Providing support to volunteer attorneys including arranging interpreter services and linkages to social services.
- Acting as a liaison between attorneys and clients, when necessary.
- Preparing case files, including research in Odyssey and LegalServer.
- Ensuring that confidential client files and records are appropriately maintained.
- Facilitate the Housing Justice Project on Friday mornings.
- Other duties as assigned by Executive Director and Program Coordinator.

Required Qualifications:

- Strong organizational and communication skills (both oral and written), along with demonstrated ability to multi-task, prioritize, and meet deadlines with a sense of independence.
- Proficiency with MS Word, Excel, and Outlook; ability to learn case management systems.
- Must be available on Fridays to facilitate the Housing Justice Project at the Kitsap County Courthouse in Port Orchard.
- Excellent customer service skills

Preferred Qualifications:

- Experience working in non-profits, law firms, or legal aid programs.
- Experience working with low-income clients and clients from diverse ethnic, cultural and socio-economic backgrounds.
- Ability to excel while exposed to secondary trauma.
- Ability to converse in a foreign-language, especially Spanish.
- Experience in marketing and social media

Announcements

Office Space for Rent

Office can be configured for up to two additional attorneys. Office includes two conference rooms, large file storage room and reception area. I am particularly interested in someone who practices or is interested in practicing bankruptcy and estate planning.

Contact David Hill at (360)876-5015 or office@hilllaw.com.



2020 Bar Dues Are Due!

Active Members (Voting). “All lawyers admitted to the practice in Washington and maintaining a substantial practice or residing in Kitsap County are eligible for active Association membership upon payment of annual dues. Lawyers who serve as active duty military who practice or reside in Kitsap County, but who are not admitted to practice in Washington are also eligible for active Association membership upon payment of annual dues.” By-Laws of Kitsap County Bar Association, Article II, §1.

Kitsap County Bar Association Calendar 2019 membership dues for active members are now due. Dues are **\$75.00 per attorney**. 2019 renewal dues postmarked after April 1, 2019, incur an additional \$25.00 reinstatement fee, so do not delay.

Dues should be paid by check made payable to “Kitsap County Bar Association.” If you are a new member, please be sure to include your correct email address, so you can receive the Kitsap Bar newsletter and other important notices.

Judiciary. Judges (current and retired) who reside in Kitsap County are honorary members of the Association. They do not pay dues, and they have no voice or vote in the affairs of the Association. Honorary members may, however, participate in any of the Association’s preference polls upon payment of a fee of \$50 per annum.

Active Members Must Return This Form and Pay Their Dues. Fill in the first three columns, and if you are updating the email address where you want to receive notices from the Association, or if you are a new member, please make a check mark in the “New?” column. Include **\$75.00 for each new or renewing attorney**.

<i>Name</i>	<i>WSBA #</i>	<i>Email address</i>	<i>New?</i>

Total Enclosed: \$ _____

Make check payable to Kitsap County Bar Association. Mail form and check to:

Lynn K. Fleischbein
3212 NW Byron Street Ste 106
Silverdale, WA 98383-9196

Kitsap County
Bar
Association
Officers
and
Trustees

PRESIDENT

Neil Wachter

Sanchez, Mitchell, Eastman,
Cure, PSC
4110 Kitsap Way, Suite 200
Bremerton, WA. 98312
(360) 479-3000
nrw@spinnakerbldg.com

VICE PRESIDENT

Chad Enright

Kitsap County Prosecutor's
Office
614 Division St.
Port Orchard, WA 98366-4614
360-337-7174
cenright@co.kitsap.wa.us

SECRETARY

Piper Thornburgh

Piper Thornburgh Law
182 Ericksen Ave. NE
Bainbridge Is., WA. 98110
(206) 866-6138
piper@piperthornburghlaw.com

TREASURER

Ron Richmond

Richmond & Richmond Ltd.
1521 SE Piperberry Way, Ste.
135
Port Orchard, WA 98366
(360) 692-7201

YOUNG LAWYER TRUSTEE

Sarah Jahns

813 Division Street
Port Orchard, WA 98366
360-329-6699

PAST PRESIDENT

Lynn Fleischbein

Law Office of Lynn K. Fleischbein,
P.S.
3212 NW Byron St. Ste. 106
Silverdale, WA 98383-9154
360-692-4000

Laura Yelish

Yelish Law
1740 Pottery Ave.
Suite 205
Port Orchard, WA 98366
360-876-9900
laura@yelishlaw.com

Todd Yelish

Yelish Law
1740 Pottery Ave.
Suite 205
Port Orchard, WA 98366
(360) 876-9900
Todd@Yelishlaw.com

Sue Strachan

Washington State Bar Assoc.
1325 4th Ave. #600
Seattle, WA 98101
(206) 443-9722
susanst@wsba.org

Jennifer Brugger

Northwest Justice Project
216 6th St.
Bremerton, WA 98337
(360) 377-6378
jbrugger@nwjustice.org