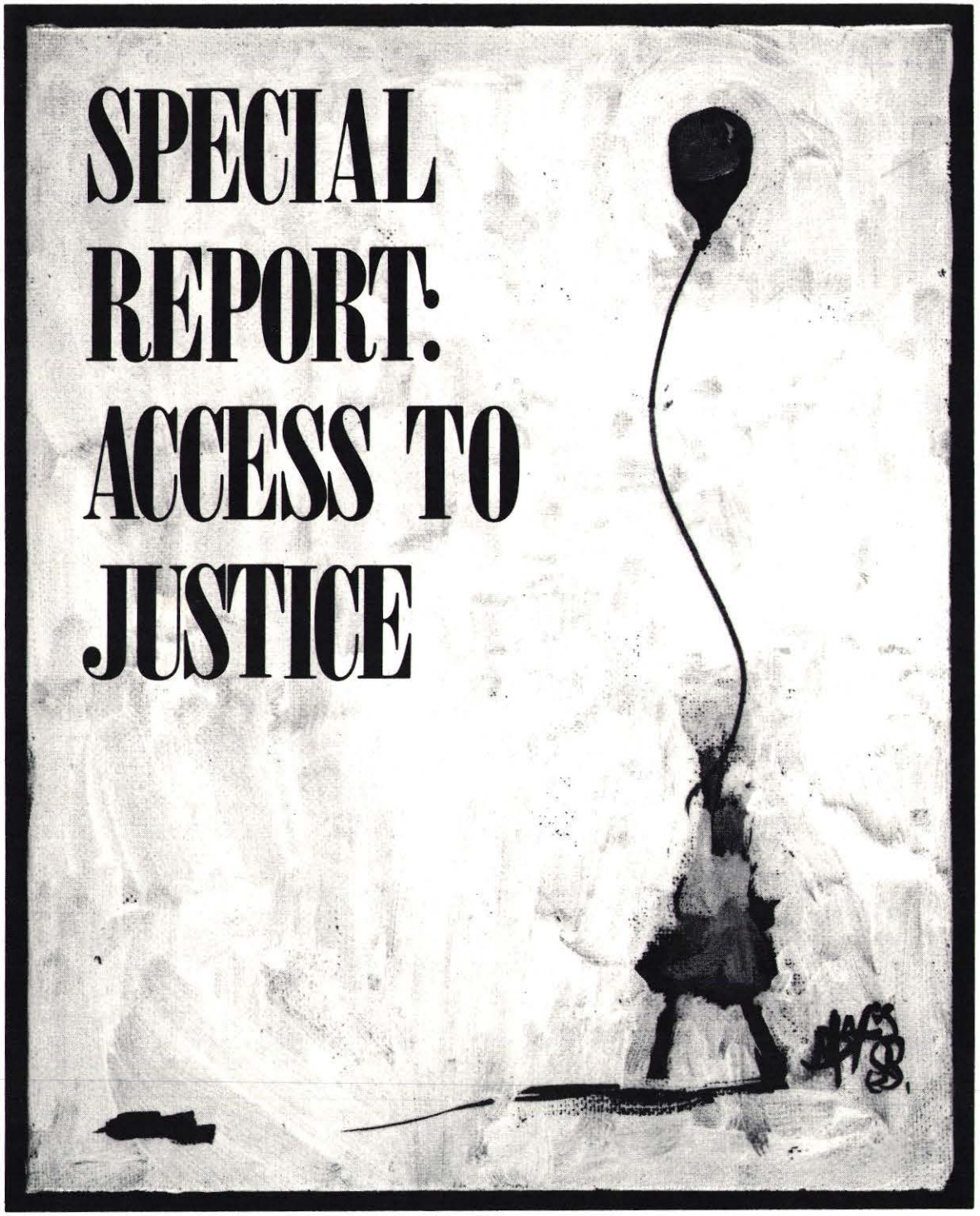
Washington State Bar News
Volume 43, No. 4, April, 1989

SPECIAL REPORT: ACCESS TO JUSTICE



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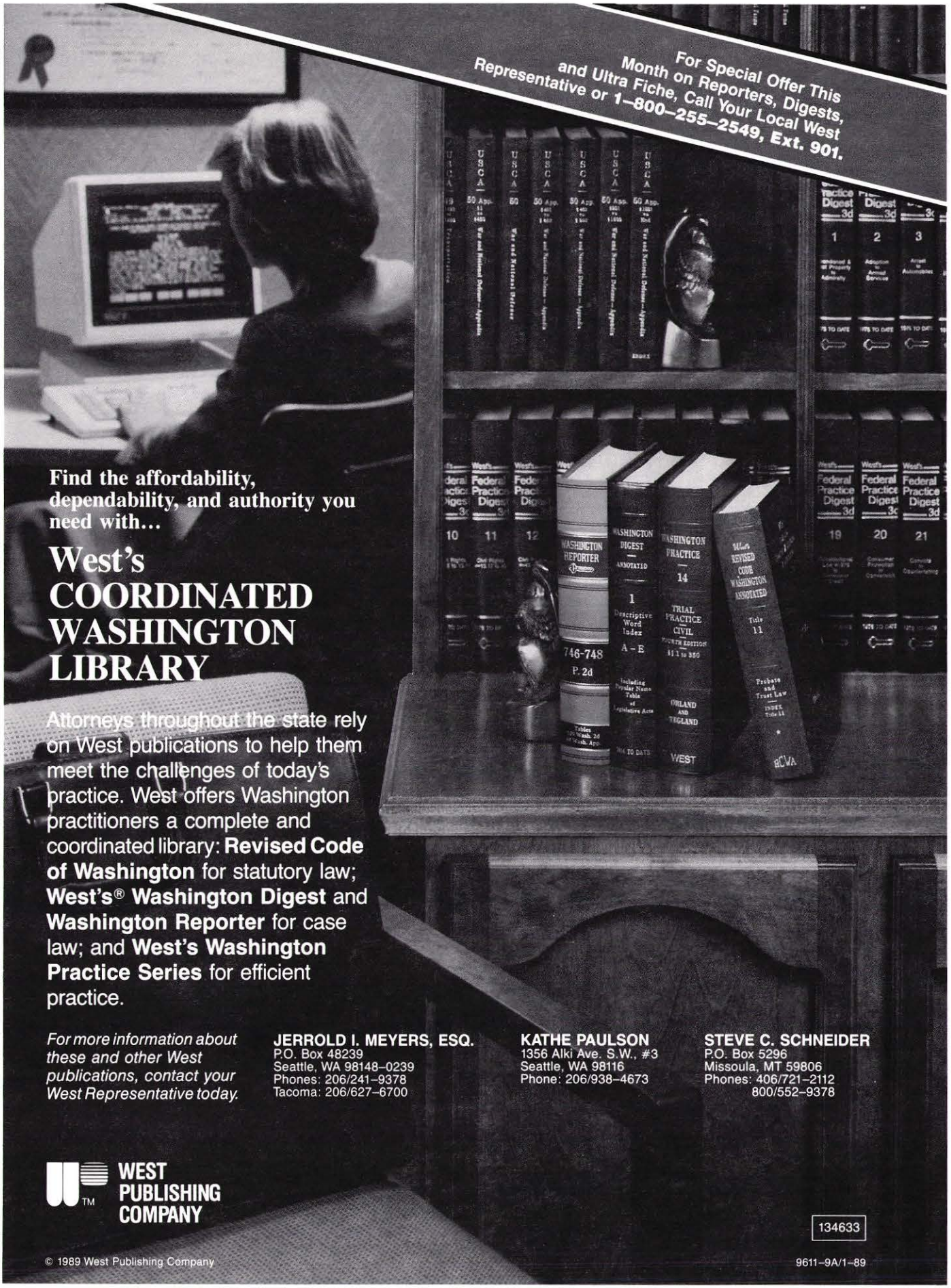
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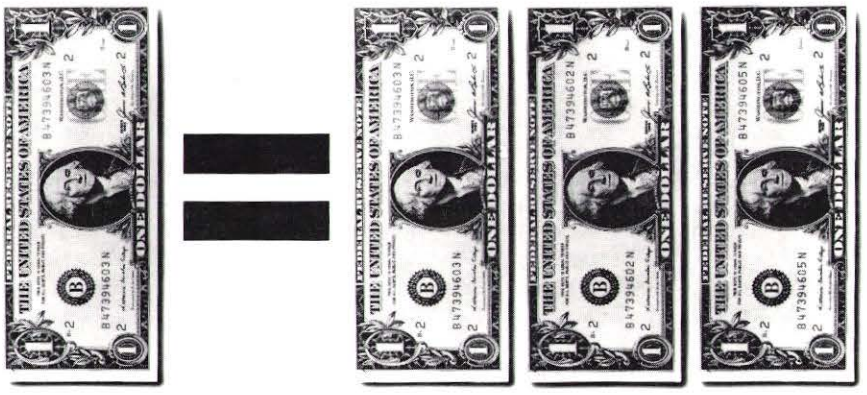

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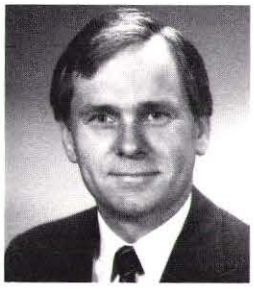
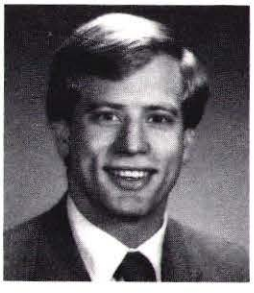


Paul Clausen has appraised more than 500 businesses in over 100 industries since 1970 — for sale, estate tax, recapitalizations, ESOP's, damages, divorce, and almost every other conceivable purpose. He founded Business Valuation Research in 1982, after serving as a business valuation consultant with two national firms and a major financial institution in Seattle.

Mr. Clausen holds a B.S. in Mechanical Engineering (1969) and an MBA (1970) from Oregon State University. He publishes and lectures on professional topics, and has testified as an expert witness in state and federal courts. He is a member of the American Society of Appraisers (Senior Member – Business Valuation, 1976, 1984) and the American Arbitration Association (Panel Member, 1977).



Greg Mettler has a diverse background in business, finance, accounting, economics, and securities. As a Certified Public Accountant with Arthur Young & Co., he conducted audits of manufacturing, service, and healthcare concerns. As a Securities Examiner with the Oregon Corporations Division, he reviewed public offerings for fairness of price and terms. He also has testified as an expert witness.

Mr. Mettler received a B.S. in Accounting (1979) and a J.D. (1984) from the University of Oregon. He is a member of the Oregon Society and American Institute of Certified Public Accountants, and the Oregon and American Bar Associations. (Mr. Mettler does not provide legal or accounting services either independently or through his affiliation with BVRI.)

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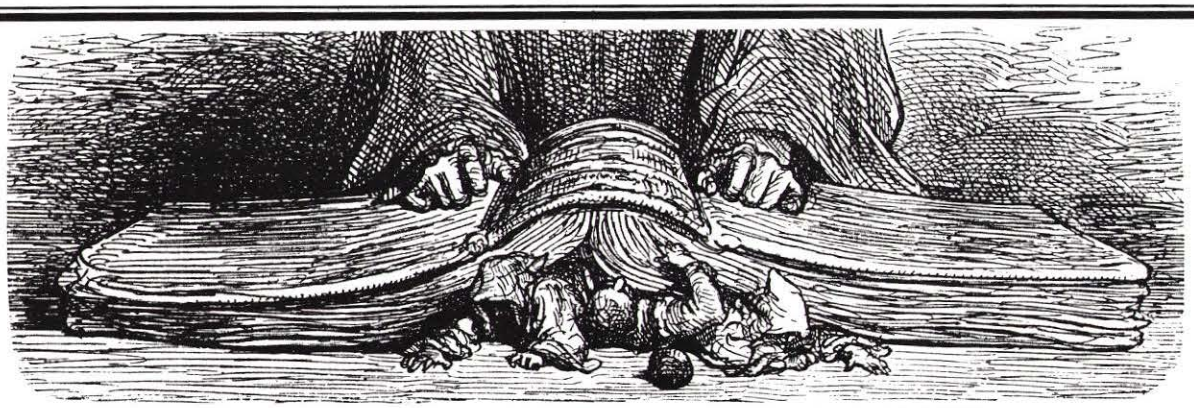

SPECIAL REPORT: ACCESS TO JUSTICE IN WASHINGTON

PREFACE *by Lindsay Thompson* 7
Reports by the WSBA Legal Aid Committee and Pro Bono Task Force show the poor are losing ground, and suggest ways to reverse the trend.
LEGAL FOUNDATION FUNDING FOCUSES ON EQUAL ACCESS *by Barbara Clark* 10
MAKING PRO BONO WORK: HELP FROM NONLAWYERS *by Cheryl L. Boal* 12
THE SPOKANE *PRO SE* DISSOLUTION CLINIC *by Peggy Thompson* 14
NOT EVERYONE IN THE SAN JUAN ISLANDS IS ON VACATION!!! *by Darla Copeland Grose* 15
A LOOK AT OTHER PRO BONO PROGRAMS: Benton-Franklin, Kitsap, Seattle-King, Spokane, Tacoma-Pierce and Thurston counties 16
PRO BONO BURNOUT: HOW TO AVOID IT *by Marla Elliott* 18
MEMBERSHIPS AVAILABLE IN THE CLUB!!! *by Judy J. Foster* 21

AUSTIN MIRES AND THE CAPITAL CONTROVERSY *by Charles K. Wiggins* 24
How Clambakes, Fires, Free Land and a Pretentious "h" Failed To Unseat Olympia

DEPARTMENTS

The President's Corner: A Great Response! 5
Letters: Disbarment for fun and profit; Litigation's peculiar chains 6
In the LAP: Are You a Secret Enabler? 9
CLE Clearinghouse 20
The Board's Work 22
Around the State 28
Briefly Noted
- **In Memoriam:** William T. Jacobson, W. Byron Lane & William H. Robertson 34
- **Et Alia:** 34

Notices 39
Classified Advertising Information 39

ART CREDITS: Seattle artist **Danny Mayes** celebrates spring with a youngster and a balloon. Acrylic on canvas panel, 8″ × 10″

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A Great Response!

In the past several months I have written several President's Corner columns urging the members of the Association to be in contact with their representatives on the Board of Governors about any issues individual members and groups believed were important. I've also indicated that all members of the Bar would be receiving a questionnaire about Bar services, soliciting ideas on how the Bar could improve membership services. Finally, last month this column dealt with the Novack Commission Report, the comment period set by our Supreme Court ending April 30, 1989, urging our members to let the Court and the Board of Governors know what they were thinking.

The questionnaire is now in the hands of all Bar members, and much comment has been received by the Board about proposed changes to RPC 1. 5. This column then, is a thank-you note from me to all of you who have taken the time and expended the energy to write to me and to your Board representatives about these issues and others.

Perhaps you are not aware that the president's column is written approximately two months before publication. For that reason, I cannot tell you now the level of response we have had to the questionnaire which has been mailed, nor can I fully report about the response to the Novack Commission Report. I can say, however, that I have received hundreds of responses to the column and to my requests for input. I believe the notion that our Bar Board of Governors is run by a bunch of "fat cats" from big law firms who care nothing about the needs and desires of our members has been ameliorated — if not dispelled.

I hope the response to the Bar questionnaire and to the report of the Novack Commission will be as voluminous (in fact, more so) than the response from our Bar members has been thus far. If you have not yet had the time to respond to the Court and/or the Board about proposed changes to RPC 1.5 (the Novack Commission Report), please take time to do so today.

Only by having your input can the Board and I truly reflect your views. To those who have responded, thank you very, very much. It's been a good year thus far and will only improve as our communications with our members improve. I'm tempted to say, we're in touch — so you be in touch! But, that has been used before.

Thanks again.

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LETTERS

Letters to the Editor of reasonable length are invited. Such letters should be typed and signed. The Editor reserves the right to select communications or excerpts therefrom for publication, and to edit any letter as may be appropriate.

Life After Lawyering

Editor:

I read with great interest the article, "Life After Lawyering" (*Bar News*, January 1989). I practiced law for 12 successful years and was disbarred in 1982 (*In re Stroh*, 97 Wn.2d 289, 644 P.2d 1161 (1982)).

At first I was initially shocked, not knowing what I was going to do to keep from starving. When the shock wore off, and my wife left me, I began to analyze the situation. Can anybody utilize my services? I felt like a car without gasoline. What was I good for?

Trying to find a job was not a viable alternative. The last time I had a job was when I was 18 years old. I had been self-employed ever since that time. It was not in my nature to be hobbled by rules, regulations and hours.

I always believed that when one is confused, the best thing to do is nothing. My parents had always said if 10 troublesome situations come your way, nine will fall by the wayside before they get to you.

An introspection was in order.

I began a campaign of ferocious reading. In what field could I still be challenged and make a decent living? After four months, I was still at a loss to find an answer to my question. Then one day I heard a small blurb during a commentary that the merger and acquisitions business (business brokering) was a $400-billion-a-year industry.

Was this the answer?

The Yellow Pages had 25 pages of lawyers; the business brokerage section had fewer than four inches.

I decided to give it a try. I took a job as a part-time commissioned salesman with a local business broker company that specialized in selling businesses with acquisition prices of under $50,000. I knew I could sell, since I had been good in front of a jury. While the company I was working for specialized in the lower end of the brokerage spectrum, I didn't. I closed my first million-dollar deal one year later. A company record! I had to split it with the company.

Two years later, I qualified for the state broker's license and started my own business. I have sold hundreds of millions of dollars in business over the last several years. It is nobody's business how much money I make, but in a poor year I make more than the President of the United States.

"Aw, yes . . . They disbarred me and I didn't have the decency to thank them."

There *is* a life after lawyering. GO FOR IT!

HUGH W. STROH
Bellevue

(Editor's Note: Mr. Stroh was readmitted to the Bar in June 1988.)

Humor Sometimes Unintentional

Editor:

While I am undecided where I would land if I jumped into the Richard Johnson Advertisement Fray, this is not the case with respect to John Huneke's recent proposal for more mirth, which I support, in the *Bar News*. For those people who can't wait for future humorous articles in the *Bar News*, I would refer them to past editions of the official publication of the Alaska Bar Association, *The Alaska Bar Rag* (does the title provide sufficient present humor gratification?) In particular, I would refer readers to the Tanana Valley Bar Association minutes, as published periodically in *The Bar Rag*, as particularly poignant.

But since, as I understand it, I have the obligation to promote the appearance of impropriety, I will do the only improper thing and recite language from a letter copied to me by Paul Taylor of Bannister, Bruhn & Clark in Mt. Vernon.

At the time, Paul was representing the purchaser of a barge which had been bought based upon the apparently false representation that the vessel was free of liens. In the course of my representation of a lienholder against this vessel, Paul copied me his letter to the seller, wherein he recited, "the barge is currently chained to the dockets at the marina." The matter was concluded through the efforts of Mr. Taylor with the barge being unchained from the marina's dockets without ever being chained to the court's docket.

Best wishes to Messrs. Huneke and Taylor and the Tanana Valley Bar Association.

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Special Report: Access to Justice in Washington

In recent years a major focus of the Bar Association has been the study of, and development of, ways to remedy problems of access to justice for all in the state of Washington. In 1988 two major Association committee and task force reports have illuminated the problems of providing legal services to all the people of Washington. In addition, efforts by the Association and county bar groups to provide a wider array of legal services for the poor have flowered and begun to spread. This special report covers these activities. First, it summarizes the situation in the state today. Next, it looks at how several local organizations are dealing with the needs of those unserved by the traditional methods of obtaining legal services.

The scope of unmet needs in Washington was documented in the 1988 *Report on the Need for Civil Legal Services for Poor Persons in the State of Washington,* presented to the Board of Governors in November by the Legal Aid Committee. It followed up on a less-extensive report done three years earlier (see *Bar News,* December 1985). In that earlier report, the committee concluded, "There is a pressing need in virtually every area of Washington to increase the resources available to provide representation to poor people in civil matters." To test the situation three years later, the committee sent out questionnaires to a variety of legal service providers and reviewed studies from other states. In summary, here are the committee's findings:

1. *The unmet legal needs of the poor have grown substantially since 1985.* Poor people in Washington are, on a daily basis and in large numbers, being denied legal representation on matters that are frequently urgent, such as utility shutoffs, denials of public assistance, Social Security/Supplemental Security Income, Medicaid and Medicare benefits. Family law problems continue to be regarded as the greatest unmet need of poor clients.

2. *The poor population of Washington continues to grow faster than the general population.* In 1980, 9.8% of the people of Washington lived below the poverty level. In 1987, 12.7% did. In 1980, people at or below 125% of the poverty level (the level at which one qualifies for legal assistance) was higher — 13.7%. Some categories of the poor are growing even faster. For example, the number of families with children whose incomes are below the 125% mark grew 31% between 1980 and 1986. This is more than four times the growth of the total population or total households. Racial minorities also represent a disproportionate percentage of the poor: 20.9% of the Black, 22.4% of the Hispanic, 24.8% of Native American, and 15.1% of Asian populations in Washington are below the poverty line. This growth places severe strains on the specialized services they require. For example, the number of people requiring Aid to Families With Dependent Children services increased some 24.6% from June 1984 to June 1988. State Supplementation to SSI (Disabled) increased 32.9% in the same period. The general population increase in those four years was only 5.5%.

3. *Poverty is likely to increase the frequency of a person's need for legal assistance as well as the urgency of one's legal problems.* The ABA reports that about 20% of the 30 million poor people in America need a lawyer every year. The average person needs a lawyer 4.8 times in a lifetime. In addition, the areas in which the poor need help — income, food, shelter, medical services, and protection of the family unit — are pressing, immediate concerns whose denial can have devastating results.

4. *Poverty law "specialists" are necessary to most efficiently serve the needs of the poor.* Legal assistance programs like Evergreen Legal Services, Spokane Legal Service and Puget Sound Legal Assistance Foundation are the most efficient and effective providers of legal services to the poor. They employ lawyers who acquire expertise and facility in the complex, often daunting areas of poverty law. The poor need specialized legal aid because of their peculiar vulnerability or the complex nature of the programs upon which they rely to meet their needs. Poverty law specialists are more familiar with, and able to meet, such specialized needs.

5. *Drastic reductions in federal funding have made the viability of the three primary Washington legal service programs dependent on local assistance for survival.* Federal funding for the Legal Services Corporation was cut 25% in 1982. Attorney staffing for all three LSC-funded programs fell from 105 to 59 in 1983. Numerous branch offices had to be closed. In response to this desperate situation, the Supreme Court of Washington created the IOLTA program, 91% of whose funds were directed to programs providing legal services to the poor in 1988. Even with the infusion of IOLTA funds, staffing levels are still below those of 1981. All three services now have only 87 staff attorneys.

6. *Regulatory barriers prevent legal service lawyers from fully representing their clients.* The Legal Services Corporation has enacted or proposed a number of regulations limiting the ability of LSC-funded programs to represent their clients as fully as other lawyers do. For example, these restrictions include limitation of class action suits and legislative advocacy.

7. *Pro bono representation plays an important complementary role in serving the needs of Washington's poor.* Local bar association programs play an important role in filling the gaps described in the report. Some programs have been active for some time; others are new. While they provide a valuable complement to legal service programs, they can never substitute fully for well-staffed programs meeting the special needs of the poor.

As the report notes, one of the major areas of unmet needs in Washington is that of family law. A WSBA Task Force on Pro Bono Activities studied this question within the larger framework of legal services for the poor, and in July 1988 submitted an extensive report on the subject to the Board of Governors. "The gritty, unglamourous, unpublicized area of divorce, protective orders, visitation and custody disputes, support enforcement and modification," the task force reported, "is overwhelmingly the largest area of unmet needs of the Washington poor."

Legal service programs with limited resources concentrate on entitlement issues like income, medical aid and housing, the task force noted. Family law attracts relatively few resources, compared to the need, for a variety of reasons:

- Family law is one of the few areas where parties must invoke the judicial process. Even if they are in agreement, parties cannot resolve their situation ef-

fectively without going to court.

- The forms and procedures of the judicial system assume that parties are represented by counsel, and that the adversarial system best resolves disputes. "In indigent family law cases the former assumption is usually false, and the latter assumption may be false as well."
- The subject matter of family law cases — persons' homes, their children, their means of subsistence, etc. are stressful for the best-prepared person. The poor operate under handicaps of poor education, lack of self-confidence and inadequate time that impede their ability to get results.
- Family law and court procedures are becoming steadily more complicated, putting self-help out of the reach of *pro se* litigants and reducing the number of lawyers who are willing and able to put in the time and effort such cases now require.
- In family law cases involving the indigent, the prospect of recovery of some compensation is "uncertain, inadequate in amount, and belated."

These factors make the number of lawyers willing to devote time to the family law needs of the poor very small indeed. In addition, they are reluctant to get involved because of the high ratio of unpaid bills and bar complaints that come out of family law cases; the emotional drain; the absence of funds to cover experts whose appraisals are frequently needed; and worry among government, corporate and nonlitigation lawyers that they risk malpractice exposure by getting involved. Small-firm lawyers and sole practitioners struggling to make ends meet resent more calls on their services for free; large firms usually have only a handful of members expert in family law, and they are reluctant to shoulder a disproportionate burden because they appear to have the resources to do so.

In light of these factors, the task force made these recommendations:

- Local bar associations should be encouraged to control and direct pro bono activities which address needs unmet by other groups.
- The WSBA should continue to support IOLTA funding of pro bono programs as well as increased funds for legal service programs.
- The WSBA should provide staff and materials support for local pro bono programs to prevent the reinvention of the wheel, county by county.
- The Governors and officers of the Association should do more to support pro bono work, and it should be reported more often in the *Bar News* and elsewhere.
- The Association should expand the mission of the Legal Aid Committee to embrace the goals of encouraging volunteer services for the indigent and maximizing the effectiveness of such services.
- CLE credit should be given for certain types and amounts of pro bono work.
- "Good Samaritan" type legislation should be passed to limit malpractice liability and other potential problems arising from lawyers getting involved in pro bono work.

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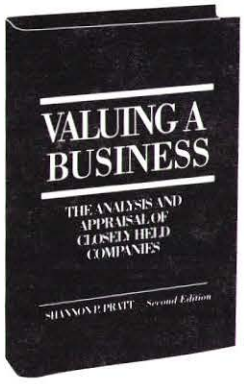
ABOUT THE AUTHOR

Shannon P. Pratt is president of Willamette Management Associates, Inc., a national business valuation firm. Dr. Pratt holds a Doctorate in Finance from Indiana University. He is a Fellow of the American Society of Appraisers in Business Valuation, Chartered Financial Analyst and currently serves as Chairman of The ESOP Association Valuation Advisory Committee. Dr. Pratt is the author of numerous articles and two other strategic books on Business Valuation: Valuing A Business, (1981), and Valuing Small Businesses and Professional Practices, (1986), both published by Dow Jones-Irwin.



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by **Leonard A. Girard**
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It's nine o'clock Monday morning. Nine of the ten offices are occupied by lawyers answering telephones, reviewing mail, preparing for court or meeting clients.

The tenth office is empty. The telephone rings, and a secretary answers. "Mr. Jones' office. No, I'm sorry, he isn't in yet. Yes, I know you've been trying to get in touch with him for a week." She winces. "....Yes, I know you're anxious to get a will done before you go on vacation. I'm really very sorry. I'll be sure he returns your call just as soon as possible, Mrs. Smith. Yes, I look forward to seeing you. Thank you, and goodbye."

She turns to a colleague. "That's the twelfth angry client in the last two days. I'm doing the best I can to cover for Bob, but things are getting out of hand. He's so nice to me, but I really wish he'd return calls. I just don't know what to do; the clients are really giving me a bad time."

The other secretary sighs. "Well, maybe you should tell one of the other partners, or the managing partner."

"I can't do that. Its...well, it wouldn't be fair to my boss...he'd get into trouble. He might even fire me. I'll just have to cover for him. Sooner or later he'll get it back together."

Jones arrives a few moments later. After a gentle reminder about the messages, he asks her to tell clients he is "in conference." With that, he closes his office door.

Later that morning, the managing partner is reviewing the firm's activities for the past months. He gives thought to the recurring problems with Jones, mumbling, "For the third consecutive month, Jones' billable hours are far below those of the rest of us, and far below the hours he normally records. He hasn't been completing time reports, expense accounts or getting bills out." He sighs, reflecting. "Well, I'll just have to get them out myself. I've got too many work problems of my own to do anything else about it right now. I'll ask Betty to cover for him on his other matters."

At 1:30 that afternoon, daily call is held before the presiding judge. But Jones arrives late.

After call is completed, the judge ruminates about Jones. He recalls he has run late for the second time that month, the fifth time in the last couple of months. Also, alcohol was on his breath when he appeared, and there was a slur in his speech. "Someone ought to do something about this," he muses. "We just can't have lawyers whose drinking interferes with their professional responsibilities."

That evening at home, dinner is served, but Jones is conspicuously absent. He's missed out on a lot of other family activities in recent months. When he has been around, his mood has been erratic; sometimes he's even taken it out on his wife and kids.

Jones could not continue his habit without the actions of his partners, support staff and family. They are "enablers" or "co-alcoholics" because their presumed "assistance" enables him to continue his course of conduct.

It's easy to identify the symptoms of an impairment. What's far more difficult is to determine an appropriate response. Clearly, if a person arrived at the office to find an employee on the floor experiencing a heart attack, he'd know what to do. First aid would be applied and an ambulance called. The employee would be rushed to the hospital for appropriate medical care. All of us view these situations as emergencies.

In contrast, the situation of a chemically-impaired person is not usually viewed as an immediate crisis. If the enabler or co-alcoholic continues to "cover" for him, life does, after all, go on. The enabler doesn't believe that his or her "support" is creating a problem, the possible risk of death or serious harm. In the short run, this may be right: The law office continues to function; the family remains together; and the impaired person continues to "function." In the long run, however, the enablers are killing him just as certainly as if they allowed him to die on the floor. Sooner or later the progressive, chronic disease of chemical dependency will destroy the impaired person due to an accident, suicide, liver or kidney failure, heart attack, stroke, internal bleeding...

If you decide it's important to help someone like this, what are the options? The first is to attempt, without professional help, to convince him or her to agree to a change in lifestyle. This may be successful, but many impaired persons will resist, and if you have not been trained in how to respond to such resistance, you may be overwhelmed. A second option is to contact LAP. All contacts are confidential. Let us work with the impaired lawyer.

If this fact pattern sounds familiar, or if alcohol, depression, drugs, etc. have become the focus of your life, call us. LAP provides confidential, effective assistance – for either you or your fellow lawyer. We are at (206) 448-0605.

• State family law should be reviewed to find ways to make a simpler, "fast track" process for the poor, as California has done.

The recommendations of the Legal Aid Committee and Pro Bono Task Force are being addressed in a variety of forums within the Bar Association. Among the first actions taken by the Association was the hiring of a statewide pro bono coordinator, Judy Foster, who has found substantial success in helping local pro bono activities get off the ground and do their job well.

But much remains to be done. The following section of this special report covers a number of local programs and how they work. The *Bar News* is proud to be able to make this special report the beginning, we hope, of a statewide debate and mission to provide help to the people who can't make it to our offices because they can't pay the freight. □

—The editor thanks the WSBA Legal Aid Committee, the WSBA Pro Bono Task Force and attorney Will Roarity for the material in this preface.

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Legal Foundation Funding Focuses on Equal Access

Steve Schneider

Benton-Franklin County Bar Assoc. receives the annual Charles A. Goldmark Award for best realizing equal access to justice for all. L-R: ***James Egan****, first Benton-Franklin pro bono committee chair;* ***Margaret McKeown****, Legal Foundation president;* ***Harvey Faurholt****, Benton-Franklin Bar president;* ***Paul Bastine****, Foundation vice president.*

by **Barbara Clark,**
Executive Director
Legal Foundation of Washington

The Legal Foundation of Washington (Foundation) is the recipient of the interest earned on lawyers' pooled trust accounts (IOLTA). The Foundation is in its fifth year of distributing funds for law-related charitable and educational purposes. Funds distributed annually have ranged from $2,200,000-$2,800,000.

Under the guidance of Lowell Halverson, first president of the Foundation Board of Trustees, grant criteria were considered. Rita Bender, chair of the Grant Committee, took on the task of developing them:

> The Grant Committee needed to work through the issue of defining what the role of the Foundation should be. We were aware that public support for IOLTA's creation was generated by those who saw a need for increased aid for legal services to the poor, and we were mindful of the Supreme Court's direction. Our assessment was that funding of equal access to the justice system would assist the poor and offer an additional benefit to those able to afford counsel — to narrow the gap between the poor and the rich — an important fact in a democratic society. The Board concurred with our recommendation to fund legal services for the poor as our primary mission.

Direct civil legal services to the poor and development and support of pro bono services became the first two grant criteria adopted by the Board.

Potential applicants for IOLTA funds were the few pro bono programs in operation and the federally-funded legal service programs. When the first funds were distributed in January 1986, the three federally-funded legal service programs received the major portion of IOLTA resources. This was done in an effort to mitigate the cutback in federal funds that began in 1981. The Board's hope was to preserve the availability of full-time expertise for legal issues affecting the indigent. However, the Board also concluded that legal services alone could not serve the unmet legal needs of the poor. They sought ways to support the growing pro bono efforts of private practitioners who were attempting to close the gap left by shrinking legal services.

Former WSBA president Jack Dean, president of the Foundation Board in 1986, was a strong proponent of pro bono:

> Two things strike me with respect to pro bono: our oath and the Rules of Professional Conduct direct us as lawyers to do pro bono, and our conscience as lawyers tells us that we must take care of those who cannot help themselves.

He urged his fellow trustees to put the Foundation dollars into pro bono as he also felt that it was the most effective use

of the funds. "For every dollar put into pro bono, we get back thousands of dollars in service." The Board agreed.

The Foundation's efforts to fund pro bono did not go unnoticed. Local bar associations observed there was a funding source interested in helping them get their pro bono programs off the ground. In 1986, six were funded for a total of $129,900: Five of the six were local bar associations — Benton-Franklin, Seattle-King (Neighborhood Legal Clinics), Snohomish, Spokane, and Yakima. In 1989, that figure mushroomed to 20 pro bono programs receiving a total of $404,750.

Foundation dollars are spent on pro bono administration, including a coordinator's salary, rental of office space, telephone and office supplies. In some cases, costs associated with a pro bono case may be covered. The coordinator recruits local attorneys, handles client intake and makes referrals for those clients that are financially eligible. The Foundation requires that funds be used to assist the indigent. It is up to the local program to determine levels of income that will be eligible and the types of cases that will be accepted.

Participation by local attorneys is the primary factor in a successful pro bono program, but program development and administration are a close second. While local bars can recruit fellow attorneys, development of a pro bono program often takes more time and expertise than they can muster. Federally-funded legal service programs assisted many of the currently operating programs to become established.

The Spokane Bar works closely with Spokane Legal Services and University Legal Assistance, the clinical program at Gonzaga, to ensure services are complementary and not competitive. When the Spokane Bar created a *pro se* divorce program, they turned to the staff of Spokane Legal Services to assist them to prepare materials and to teach the *pro se* classes. Gonzaga, in turn, agreed to assume family law cases that neither the Spokane Bar nor legal services could accept.

This partnership exists statewide. The Lewis County Bar utilized Evergreen Legal Services' expertise to set up their new pro bono program this year. So did the San Juan County Bar. All requests for pro bono assistance in San Juan are received by the Bellingham office of Evergreen Legal Services and referred through their toll-free line to a legal clinic on either San Juan or Orcas Island. The free clinics are staffed by local volunteer attorneys. The Tacoma-Pierce County Bar Pro Bono Committee has worked closely with the Puget Sound Legal Assistance Foundation to ensure the smooth continuity of pro bono assistance for those who cannot obtain services at legal aid.

Other partnerships also make pro bono possible. Community action agencies and other groups organized to encourage volunteerism are supporting pro bono activities. The Skagit County Bar's program is located at the Skagit Community Action Agency. They are provided financial and in-kind support. It is a successful mix, recognized when the Skagit County Bar's program received the 1988 Outstanding Service Award from the Washington State Department of Community Development.

Finally, thanks go to that special attorney; the pro bono participant. Think about joining them. A well-run pro bono program has been established in your county. Give it a call. □

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Making Pro Bono Work: Help From Nonlawyers

by **Cheryl L. Boal**

When the Whatcom County Volunteer Lawyer Program (VLP) was established in 1987, local attorneys wanted to provide the best assistance possible to low-income clients. But some attorneys on the VLP were reluctant to accept cases which might involve substantial litigation if VLP could not provide reimbursement for court costs and out-of-pocket expenses. They were also uncomfortable about taking cases when the client lacked the financial resources necessary to pay for expert witnesses, transcripts, and the like to ensure the best possible presentation.

To address these concerns, the program promoted the use of an *in forma pauperis* form designed especially for use by VLP clients and set up a litigation fund to reimburse costs incurred in pro bono representation. To prevent its depletion, legal and business professionals in the community were asked to provide their services free or at reduced rates. The response was tremendous; the community rallied to donate its resources in a variety of ways.

For example, a local free lance court reporter volunteered to sit for depositions without charging an appearance fee and to prepare transcripts at a reduced rate.

Two local process servers offered to provide process/return of affidavits and mileage without charge. One business also provides free messenger service. Research, investigation and fax services are provided at substantially-reduced rates.

The Whatcom County Legal Secretaries Association types dissolution papers at the VLP *pro se* dissolution clinic. Legal secretarial students from Whatcom County's business and community colleges have also volunteered to do typing for the program.

The Bellingham Vo-Tech Paralegal Program and Western Washington University students work at the VLP as interns. Legal assistants help the coordinator with client intake and administrative tasks. Three legal assistants have worked with attorneys on field investigation, witness interviewing, taking notes at depositions and providing emotional support for clients. Legal assistants also work at the VLP *pro se* dissolu-

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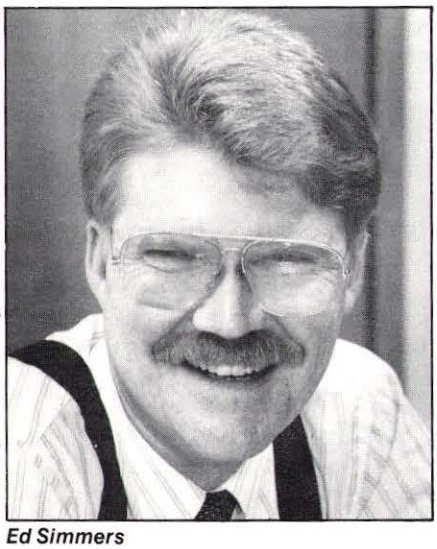

courtesy of the Bellingham Herald

Ed Simmers

tion clinic.

Four mediators have donated their services to the VLP. Attorneys who wish to take family law cases can therefore work in conjunction with mediators skilled in handling cases involving parenting plans.

Five mental health professionals volunteer their services to provide VLP clients with psychological evaluations, expert witness testimony, or home studies. One psychologist has recently completed a psychological evaluation on a VLP client for purposes of a child custody evaluation.

The Whatcom County Juvenile Court Division has offered to provide free or reduced-cost home studies for VLP clients in adoption cases.

And all three Whatcom County newspapers have agreed to charge substantially-reduced rates for publication of legal notices.

Getting individuals and businesses to donate services builds strong community support, so that a pro bono program becomes a community project rather than one of a bar association. The reputation of local bar associations will be enhanced by the respect and recognition the program receives. The more community support you have, the easier it is to generate more. Some professionals volunteer only when they see other professional groups volunteering. □

***Cheryl L. Boal** is coordinator of the Whatcom County Volunteer Lawyer Program.*

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LAW OFFICE MANAGEMENT

The Spokane Pro Se Dissolution Clinic

by **Peggy Thompson**

Scarce resources continue to limit the development of family law services for low-income people. However, this may just be the incentive that is necessary to motivate many service providers to achieve new levels of creativity and innovation. One lesson learned from new approaches is that cooperative ventures and the sharing of resources can provide the mechanism for solving the problems of too few staff and too little money. Leveraging their resources in this manner allowed a dream to come true for the Spokane Bar Association (SBA) and the Spokane Legal Services Center (SLSC). Their *pro se* dissolution clinic, the Do-It-Yourself Divorce Seminar, is in its tenth month of operation and has resulted in nearly 400 contacts with the eligible population. The new program relieves much of the pressure on SLSC, which must limit representation in family law cases, and on the SBA Pro Bono Program, which has been carrying a six-month waiting list for family law cases. Combining a small IOLTA grant to the SBA with in-kind contributions from SLSC and volunteer services from private attorneys, the new project is markedly improving access to the legal system for people who could not afford to get a divorce.

The SBA subcontracted with SLSC to share a staff member. This part-time coordinator spent five months researching existing programs to determine what would work in this community. Tony Vivenzio, Directing Attorney of the Family Law Clinic of the Seattle-King County Bar Association, provided invaluable assistance by sharing his experience with *pro se* dissolution clinics in King County. An SLSC family law staff attorney agreed to become the seminar instructor. She devoted her time during that period to the development of instructional materials, including describing procedures and preparing legal forms to comply with new family law legislation. During this same period, the SBA Pro Bono Coordinator recruited attorneys who would provide free consultations to seminar participants.

Basically, the program consists of a classroom presentation and a follow-up consultation with an attorney. Participants buy an instruction manual and two sets of the legal forms required for obtaining a divorce. The instructor, an experienced SLSC family law attorney, discusses necessary procedures. Then the "students" complete a rough draft of the initial paperwork required for filing their petitions, including the parenting plan. Depending on the size of the class, one or two family law paralegals from the SLSC office provide assistance to individuals during class. Afterwards, the instructor and the paralegals meet briefly with each participant to answer questions about unique circumstances and to check that each person's paperwork has been started properly.

The final component of the program is the follow-up consultation with a private attorney arranged by the SBA's Pro Bono Coordinator. Each seminar participant has the privilege of having an attorney re-

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view the paperwork to ensure that it will be legally correct. The attorney spends about an hour with the participant and can answer questions about the procedures ahead. The participants have reported back to staff that they were terrified of making mistakes, but that the volunteer attorneys were extremely helpful and encouraging.

Assumptions about the need for the *pro se* clinic proved to be true. From the beginning, the monthly classes were filled with people who either would not have received services otherwise or would have been put on a six-month waiting list in hope of getting help in the future. One woman in the first seminar said she had been trying for three years to obtain assistance in divorcing an alcoholic husband. Several participants said they'd tried to initiate a *pro se* dissolution and decided it was too difficult to do by themselves. They needed the help the seminar provided.

As the pro bono attorneys learn more about the people being served and understand the emphasis placed on seminar participants' being well-prepared for their reviews, there is an increase in the attorneys' involvement. Many of them are going beyond the original parameters of the program and offering additional help to the participants.

The majority of the participants are women who are on public assistance. A small percentage of the participants are men who are low-income due to unemployment or disabilities; and they generally have wives who also want to end the marriage.

Those who work in the area of poverty law are not easily surprised or shocked by the description of the exceedingly difficult circumstances in which many people live. But one young woman seeking enrollment in the seminar made an impression on SLSC staff – when asked if she would have the ten dollars to purchase the materials, she said she would sell a pint of blood to get the money. She was offered a scholarship, but she turned it down saying, "No, I'll sell my blood. After all, that way I'm helping a hemophiliac or someone else who's sick while I'm helping myself." □

Peggy Thompson *is coordinator of the Spokane Pro Se Dissolution Clinic seminar program.*

Not Everyone in the San Juan Islands is on Vacation!!!

by **Darla Copeland Grose**

This beautiful, remote area of our state, made up of 172 islands, is home to a hardy group of individualists, not all of whom are independently wealthy and who find themselves in the usual variety of legal difficulties.

To serve the needs of the community, the twelve active members of the San Juan County Bar Association received a Legal Foundation of Washington grant in 1987 and started an advice and consultation clinic on each of the three main islands. Now proudly known as the "San Juan Pro Bono Program," the core group is assisted by Evergreen Legal Services and the Opportunity Council of San Juan, both of which are located a two-hour ferry ride and 45 miles away in Bellingham. The program provides county residents with toll-free telephone numbers and prescreening for financial eligibility. Eligibility criteria, uniquely tailored to the needs of the local populace, include a ceiling for equity in a boat and adjustments for such seasonal incomes as those from farming and commercial fishing. Eligible clients are scheduled to see the next attorney available on their island. The cost of inter-island travel is much less than that to the mainland, and some travel expenses can be reimbursed or obtained at a discount for the client who needs assistance.

The three main islands each have resident attorneys: two on Orcas, one on Lopez, and nine on San Juan who are available to travel to other islands if it is necessary. However, the willingness of the resident attorneys on both Lopez and Orcas has limited the need for attorneys from San Juan to travel.

After screening and financial responsibility requirements are completed, prospective clients are sent a confirmation letter and an appointment is set for them at the attorney's office. Following an explanation of the client's rights in his or her particular legal issue, suggestions for action are made. The program also researches the free services available, here and elsewhere, which clients may use and provides that information to all participating attorneys.

It's said that islanders take care of each other, and the San Juan County Bar Association Pro Bono Program is a fine example of that. □

Darla Copeland Grose *practices in Friday Harbor.*

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A Look at Other Pro Bono Programs

Here is a sampling of reports received from pro bono projects in Washington in preparation of this special report:

• **The Legal Aid Society of the Benton-Franklin County Bar Association** has been honored with the third annual Charles A. Goldmark Distinguished Service Award by the Legal Foundation of Washington.

The award recognizes a group or individual effort to assure equal access to justice and is named for the prominent Seattle attorney and former Legal Foundation Board member killed in 1985.

The Kennewick-based Legal Aid Society was established in 1986. It was singled out for the award because of its outstanding level of attorney participation. In 1988, 107 local attorneys – almost 100% of those in practice – were on the roster. A coordinator funded by the Foundation screens clients and directs them to a participating attorney or more appropriate agency.

• **The Kitsap County Pro Bono Legal Referral Service** is scheduled to open on March 15. A program of the YWCA, the clinic will operate in cooperation with the Kitsap County Bar Association. Clinic space is being provided by the Machinists' Union, and a volunteer staff will handle intake and screening. Kathy Ungren, program coordinator, can be reached from 9-1 at (206) 377-6936, or by message left at the YWCA at (206) 479-5116.

• **The Seattle-King County Bar Association's Family Law Clinic** has used a mentor program since January 1988 to enhance representation of low-income clients.

The program uses volunteer attorneys with extensive family law practice experience to teach attorneys new to family law. Instruction takes place in a workshop setting with no more than six to eight new lawyers at a time. These new attorneys then take a pro bono family law case through to completion with the assistance of their course mentor. The program can handle up to 96 students annually and provides six CLE credits. It was developed as a complement to the Self Help Plus Program, and gives priority to Self Help dissolution clients whose spouses have obtained counsel, as well as to contested custody and other family law matters. Its goal is to create a new, larger pool of lawyers to help low-income persons in family law cases.

SKCBA has also taken over the program formerly known as **Volunteer Attorneys for People With AIDS**. Formerly an all-volunteer program, VAPWA began to experience overload last summer. A Legal Foundation of Washington grant administered through the Northwest AIDS Foundation will support a half-time coordinator to recruit volunteer attorneys, refer cases, and handle other administrative tasks. In 1990, the program will transfer to the Northwest AIDS Foundation to bring all AIDS-related services under one roof. Questions or offers to volunteer can

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• Since it began full operation in 1985, the **Spokane County pro bono program** has grown steadily, reports Pro Bono Committee chair Pamela DeRusha. Some 85% of the local bar association participates. The program makes referrals in family law, debtor-creditor, landlord-tenant matters, administrative law and simple wills and probate matters.

Each year the county bar association honors those individuals and firms making the greatest contribution to the work of the program. In addition, Gonzaga University's School of Law Legal Assistance Program has become involved in helping handle the overflow of family law cases. In 1988, some 604 low-income referrals were made by the Spokane County programs.

• The **Tacoma-Pierce County Bar Association Pro Bono Committee** has held its first annual CLE/reception for all participating pro bono attorneys in Pierce County, Pro Bono Coordinator Sharon Nyland reports. The attendance at the CLE was free to panel members and $50 for nonpanel members.

Panel members: ***Roy Kent****, Judge* ***Rosanne Buckner, Carolyn Mayer, Scott Candoo*** *and* ***Norman Margullis****.*

Immediately following the CLE, a reception was held to honor all Pierce County pro bono attorneys. Eight private attorneys and a Tacoma law firm received awards for their commitment to low income people.

Pierce County plans on making the CLE/reception an annual event to honor those attorneys who are willing to donate their time to the needs of the poor.

• One hundred percent of the Mason County Bar has agreed to participate in the **Thurston-Mason Pro Bono Program**, says coordinator Marla Elliott. All 12 of those whose full-time private practices are in Mason County are providing direct representation to low-income clients through the pro bono panel. Although this level of participation in organized pro bono would be outstanding anywhere, it is even more remarkable in a financially depressed area such as Mason County, where many local lawyers' paying clients are living at or near the poverty level, reports Elliott.

PSLAF executive director ***John Bell*** *and* ***Clifford D. Foster, Jr.****, who has just received the "Law Firm of the Year" award.*

Mason County attorneys attribute their high degree of participation to the camaraderie and cohesiveness of this small bar association. According to local attorney Stephen Whitehouse, a core group of about four or five local lawyers strongly supports the program. That handful of supporters has effectively employed a combination of peer pressure, good humor, and community pride to convince the others to come along. Whitehouse jokes, "Our recruitment strategy is simple. We just threaten to beat the %# * @ out of those who won't join." Sponsors of the program include the Thurston and Mason county bar associations, the Government Lawyers' Association, and the Puget Sound Legal Assistance Foundation. □

Speaker ***Norman Margullis***

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Pro Bono Burnout: How to Avoid It

by **Marla Elliott**

Pro bono work holds the promise of great personal and professional satisfaction. All too often the importance of pro bono work is given only pious lip service. The naked truth is that doing pro bono work *does* feel good because it *is* good. Giving your time and expertise to help someone in need does good for your client, for your community, and for yourself.

However, very little is said openly about the potential frustrations of pro bono work. As a result, too many lawyers fall prey to unrealistic expectations about participating in a pro bono program. Some view it too rosily; others see it as a plunge into a bottomless pit of commitment. Both views are prescriptions for volunteer burnout.

Burnout is a continuing problem in the law as well as in many other professions. It is especially epidemic in social service work among both volunteers and professionals. Burnout occurs when you've given too much for too little return, when you haven't left room in your work for yourself. Some of its primary symptoms are unhappiness, depression, guilt, and the need to *stop* doing the work that is burning you out.

Pro bono coordinators want to keep their volunteers feeling good about their work so that they will continue to do it. No one is well-served by burnout: not the clients, not the volunteer, not the program. Logistically, a program that burns out its volunteers will have to continually recruit in order to keep going, and will have increasing difficulty recruiting because of its reputation for burning out volunteers. If you are feeling in danger of burnout, let your program coordinator know what is going on.

It *is* possible to be a fully participating member of an organized pro bono program for your entire professional life. Taking steps to avoid burning out in your pro bono work also can have positive repercussions in the rest of your practice and in your personal life. If you are considering or are currently volunteering for a pro bono program, here are some suggestions to alleviate or avoid burnout:

Know Your Limits, and Let Others Know Them, Too.

Be explicit with your pro bono coordinator about the kind and amount of work you are willing to do. My favorite volunteers are the ones who set realistic rules about doing pro bono work and then follow those rules over the long haul.

Similarly, try to recognize when you're in over your head and ask for help. Your pro bono coordinator may be able to connect you with a mentor, advisor, or co-counsel. There are many aspects to poverty law that involve special knowledge. Don't be afraid to ask.

Try to Understand Your Own Motivations

Pretty much all lawyers carry in their emotional baggage a sense of obligation to do pro bono work. All people should carry a sense of obligation to improve their world and help those less fortunate than they. However, sometimes guilt or other subconscious motivators will cause people to take on more than they can handle. If that sounds like you, try to give some thought as to why you're doing what you're doing. You may be setting yourself up for misery and burnout.

Similarly, you may not be giving as much as you realistically could because you fear that bottomless pit of commitment. Remember that even though your local pro bono coordinator asks a lot, (s)he also must often take "no" for an answer. It's a mistake to think that to give

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at all you must give all. The need for pro bono legal services is always enormous. Doing your part does not entail taking responsibility for the whole.

Give Yourself a Break.

In my program, it is perfectly acceptable for a pro bono attorney to take a "sabbatical," especially after a particularly long or difficult case. I am happy to see my volunteers take periodic breaks (usually about six months), especially if the alternative is for them to leave the program altogether. Again, as with any stressful work, you must pace yourself if you want to be able to continue over a long period of time.

Be Your Client's Lawyer, Not Savior.

Be explicit with your pro bono client about the nature and extent of your representation. Make sure your client understands that (s)he has a responsibility to follow through and stay in touch with you.

Most low-income people live very high-stress lives. Your pro bono clients may have complex and interrelated problems, some legal, some not. Remember that you are not your client's therapist or parent, and that the resources of the legal system may be appropriate for only part of the client's problems. Get to know your local social service network, and try to get your client connected with other problem-solving resources. The local crisis clinic is usually a good place to start.

At the same time, you must take into account that many low-income clients have special limitations, and you must accommodate them as much as possible. Low-income people often have transportation difficulties, problems getting child care, no home telephone, literacy problems, poor health, etc. There are many simple and creative ways to deal with these kinds of problems. Be reasonable in accommodating your client's limitations, and then demand that (s)he meet you halfway.

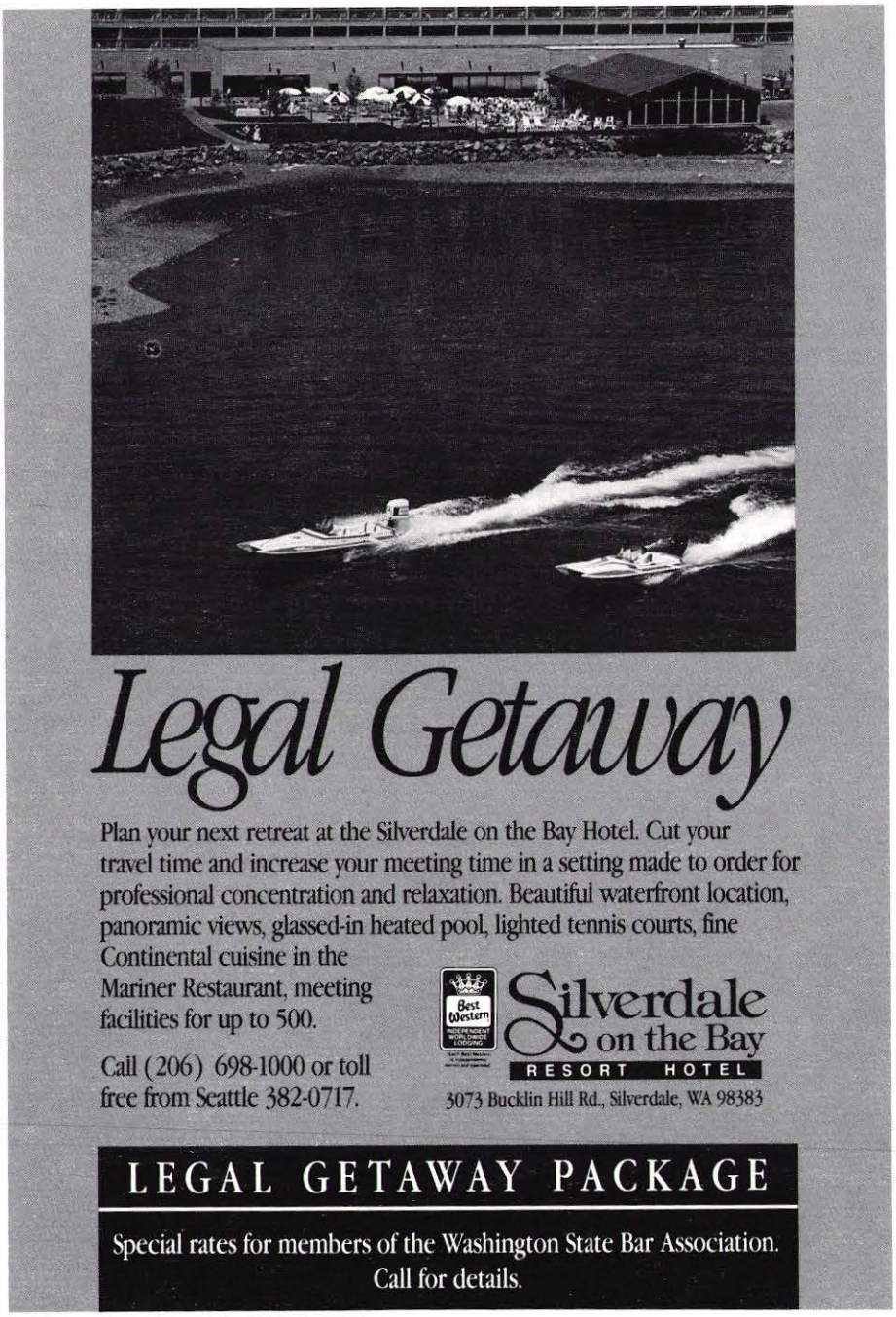
Unfortunately, there are always eligible clients in need of pro bono legal services who are neither pleasant nor grateful. We cannot make personal temperament a criterion for eligibility. If such a client should be referred to you, please trust that the next one will probably be nicer.

Avoid Isolation.

Make sure you have colleagues with whom you can discuss your pro bono work. If there are none in your ordinary circle of acquaintances, ask your pro bono coordinator for suggestions. Let your pro bono coordinator know what's going on with you, too. (S)he may not see the signs of terminal burnout until it's too late.

Most of the lawyers I know have a substantial collection of anxieties about the seemingly infinite nature of what they should know, what they should do, and what their professional responsibilities are. While most have come to terms with those anxieties in the context of their usual work, it is sometimes hard to set appropriate boundaries when doing pro bono work that is different from your normal caseload. Those anxieties can cause you to do either too much or too little for your local pro bono program. Give those anxieties a sharp dose of reality. Your work and your community will benefit. □

Marla Elliott *has been the pro bono coordinator for Thurston and Mason counties since 1983.*



Creditor/Debtor Section Mid Year; Depositions and Discovery

by **John M. Redenbaugh**
Associate Director of CLE

The *Creditor/Debtor Section Mid-Year Meeting and Seminars* travels to the beautiful Coeur d'Alene Resort for 1989. This year's program will run from April 21-23 and features four bankruptcy judges.

Program cochairs **Brian L. Budsberg** (Owens, Davies, Mackie, Lyman, Phillips & Budsberg, Olympia) and **Jack J. Cullen** (Hatch & Leslie, Seattle) have lined up an excellent slate of speakers for your benefit: the Hon. **Robert D. Martin** (Chief Bankruptcy Judge, Western District of Wisconsin), the Hon. **John K. Pearson** (Bankruptcy Judge, District of Kansas), the Hon. **Thomas T. Glover** (Bankruptcy Judge, Western District of Washington), the Hon. **John A. Rossmeissl** (Bankruptcy Judge, Eastern District of Washington), **Frank L. Kurtz** (Schwab, Kurtz, Hurley & Lara, Yakima), and **Jack J. Cullen**.

Program topics include: "Bankruptcy Code Chapter 12 — How It Came to Be, Its Purpose — Overview and Future"; "Recent Developments in Agricultural Lending and the Uniform Commercial Code"; "Tax Concerns in Reorganization Cases"; "Chapter 11 Plan Drafting; Tactics and Techniques"; "Views from the Bench — The Good, the Bad, and the Otherwise"; "Panel Discussion on Local Bankruptcy Practice — Dangerous Trends"; "The Rise and Fall of Attorney Fees in Bankruptcy"; and "The United States Trustee — Friend or Foe?"

For further information about this program or to request a program brochure, please contact program coordinator Lita Spratt at (206) 448-0433.

The Essentials of Depositions and Discovery is co-sponsored by the Young Lawyers Division and will be presented in Spokane at the Ridpath Hotel on Friday, May 12 and in Seattle at the Westin Hotel on Friday, May 19. Program cochairs **Sheridan E. Houston** (Safeco Life Insurance Company, Seattle) and **Suzanne Kelly Michael** (Lane Powell Moss & Miller, Seattle) have designed a program featuring the following speakers: **Cheryl R. Robbins** (Dolack Hansler, Tacoma) will cover "Depositions: Where to Start"; **Donald D. Skinner** (Safeco Insurance Company, Seattle) will address "Preparing and Taking Depositions"; **Paul J. Burns** (Attorney at Law, Spokane) will deal with "Now That It's Over: Analyzing the Deposition"; **Irving** "Buddy" **Paul** (Huppin Ewing Anderson, Spokane) will cover "Discovery: Tools to Build Your Case"; **D. Michael Reilly** (Lane Powell Moss & Miller, Seattle) will address "Overall Strategy: Your Case and the Opposition's"; and the Honorable **Frank H. Roberts** (King County Superior Court (Ret.), Seattle) will comment upon "Sanctions, Ethics and the Judicial Role in Discovery."

The program also features a segment of deposition problems on videotape from the Deposition Series of the National Institute for Trial Advocacy (NITA).

For further information about this program and to request a program brochure, please contact program coordinator Lita Spratt at (206) 448-0433.

Don't forget about the *Essentials of Evidence Seminar Series*, presented at Seattle's Stouffer Madison Hotel: "The Fundamentals of Evidence" will be presented on April 8; "Using Evidence Effectively" will be presented on April 14; and "Special Problems in Evidence and How to Solve Them" will be presented on April 21. Receive one free copy of the soon-to-be-published Third Edition of the *Washington Civil Trial and Evidence Manual: Voir Dire to Verdict* (The Bassett Trial Manual) at the first seminar in the series you attend by registering for one or more programs in the *Essentials of Evidence Seminar Series*.

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Special Problems in Evidence and How to Solve Them
7.00 credits
APR 21 Seattle (Stouffer Madison Hotel)

Creditor/Debtor Section Mid-Year
12.75 credits
APR 21 - 23 Coeur d'Alene (Coeur d'Alene Resort)

Essentials of Depositions and Discovery
6.75 credits
MAY 12 Spokane (Ridpath Hotel)
MAY 19 Seattle (Westin Hotel)

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by **Judy J. Foster**
WSBA Director of Local Bar Services

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Pro bono publico is defined in *Black's Law Dictionary* as "for the public good; for the welfare of the whole." Well, I'm here to say, "There's a whole lotta public good going on in *this* state!"

Without getting bogged down in numbers, I want to brag: 21 counties in Washington now have a structured pro bono program. This means they have a "club" comprised of attorneys (as well as program coordinators, volunteers, bar leaders, law office staff and others) who've made the commitment to provide civil legal services to those who can't afford a lawyer or who, for various reasons, may not qualify for service from local legal aid programs.

I'd like to call special attention to three new programs and one that has expanded.

Since New Year's, Grays Harbor, Kitsap and Lewis counties have opened the doors of their pro bono programs. They did so with grants from the Legal Foundation of Washington, the backing of their communities and — most important — help from local attorneys. Each county bar assigned a pro bono committee to look at the particular needs for this area. Those committee members took the ball and carried it clear through obtaining signups from their bar members, applying for Legal Foundation funds, receiving grant monies, obtaining office space, hiring coordinators and beginning operations. This type of project doesn't come from having a "well, maybe tomorrow" attitude. Those attorneys and community groups spent, and will continue to spend, many hours on their clubs, keeping up with memberships and hoping to make a dent in the continuing need for legal services for their low-income neighbors.

Chelan/Douglas counties have had a community action legal aid program for some years. With a Legal Foundation grant, they not only expanded services, but now travel to Okanogan County to provide a legal clinic for the residents of that remote area. The 100-member bar association also agreed to expand their availability to the clinics from one day a week to two.

These exemplary programs make a point: Small communities can provide services.

You ask, "Where do I start?" Easy! The Legal Foundation of Washington and the Bar Association. The Foundation can give you a grant application, and through the Association's office in Seattle, I can provide a resource center with information on recruitment, forms, techniques for implementing your program, a pro bono network of statewide programs, training... the list goes on.

There is *always* a need. ☐

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THE BOARD'S WORK

Wenatchee, Washington: March 17-18, 1989

Present: President Bracelin, president-elect Vander Stoep, and the Governors, save Governor Steve DeForest. *Also present:* Robb Bakemeier (Young Lawyers Division, Saturday); Steve DiJulio (SKCBA Trustees); Frank Edmondson (Government Lawyers); Dan Gottlieb (SKCBA Young Lawyers Division); Judge Robert E. Graham (Magistrates' Association); Frank Hayes Johnson (Legal Foundation of Washington and Washington Women Lawyers); Grant Johnson (Young Lawyers Division, Friday); John J. Michalik (WSBA executive director); Judge Norman Quinn (Superior Court Judges' Association); Gary Riesen (Prosecuting Attorneys' Association); Lindsay Thompson (*Bar News* editor and Clark County Bar Association); Gregg Tinker (WSTLA); and Robert Welden (WSBA general counsel).

Off to Wenatchee the Road Show went last month, and worth the trip it was. The Chelan-Douglas County Bar Association put on a festive St. Patrick's Day greeting for the Governors, with green carnations for the gubernatorial lapels, a cordial luncheon greeting from president Gay Cordell, and bushels of apples to take home. It all lent a lighter atmosphere to a heavy agenda.

Executive Session Activity: The Governors' initial Friday session, was, as is their custom, an executive session closed to observers. Matters dealt with in executive session, while therefore not reportable in this column, are reported by a number of the Governors in their monthly letters to constituents. Readers should consult those publications for accounts of executive session activity.

Executive Director's Report: After an account of recent meetings and travels by president Bracelin, executive director John Michalik covered a number of topics:

- George Scott has been hired as director of public affairs, succeeding Wayne Wilson, who died in January. Scott comes to the Association from the Washington Dental Association, and has been a vice president of Rainier Bank as well as a member of the Washington Legislature.
- On the financial front, Michalik said sales of the new *Family Law Deskbook* are very strong, raising the likelihood that the publication will recover its costs in the first year of sales. Bar exam income is up as well, reflecting continued high application levels and the effect of last year's fee increase. On the other hand, advertising for *Resources*, the annual directory, is down 6-7% from last year.

Extending A Helping Hand: A major focus of the March meeting was proposals for improving access of the poor to the legal system. Following up on the January presentation of his committee's *Report on the Need For Civil Legal Services For Poor Persons in the State of Washington*, Seattle prosecutor and Legal Aid Committee chair Will Roarty brought the Board a package of resolutions and a funding request.

One resolution, directed toward the Washington Legislature and the Legal Foundation of Washington, called for those bodies to fill the gap in legal services for the poor created by reductions in federal funding. Another portion called for the passage of House Substitute Bill 1237, which would increase superior court civil filing fees to $100 and devote the $22 increase to legal aid and public defender programs.

The second resolution, directed to federal authorities, called for increased funding of legal service programs for the poor and eliminating regulatory restrictions which prevent legal service lawyers from representing their clients to the same extent private lawyers can. In addition, the committee requested $500 to print and distribute its report to legal and legislative leaders around the state.

Roarty told the Board the times call for urgent measures. Statistics on the availability of legal services to the poor in Washington presented in the committee's report are already out of date. The number of legal service lawyers per thousand poor persons in Washington is declining rapidly as funding declines and the number of poor persons increases.

After minor amendments to the state resolution, the Governors approved both resolutions and the funding request. While the past policy of the Board has been to oppose increases in filing fees to raise money for general obligations of the state, several felt the overwhelming needs of the poor and the absence of adequate funding to meet them made support of the proposed increase a necessity.

On Saturday, the Board heard Spokane lawyer and Civil Rights Committee chair Bryan Harnetiaux present a request for funding a brochure on legal rights of the poor in the Association's Citizen Rights Pamphlet Series.

Harnetiaux told the Board the Civil Rights Committee drafted the brochure, "What You Need To Know About Your Civil and Individual Rights," to reach people who don't ordinarily have access to such information — mainly the poor. Then they found that for nominal extra sums they could reach Hispanics with a translation and the blind with audio tapes and braille pamphlets. The committee's plan called for printing and distributing 15,000 copies in English (beyond the 10,000 to be done for paid distribution by the Association in the Citizen Rights Program); 10,000 in Spanish; twenty braille copies and ten audio cassette tapes, all for $3,225. People and firms associated with the committee had already stepped up with $2,000; the Board then voted the remaining $1,225 to fund the project.

The Rules of Law: The Board also considered and approved one amendment to the Client's Security Fund Rules and two to the Rules of Professional Conduct. The first would amend CSF Rule 7(c) to define dishonesty. There've been problems in the past distinguishing between legitimate fee disputes and allegations of dishonesty, where a lawyer accepts a fee and does little or no work. The amendment reflects the way the Client's Security Fund Committee has been treating such cases; the Board deferred action on it until next month.

The second proposal was to amend RPC 7.5(d). That rule was amended last September to prevent lawyers not engaged in the practice of law with each other from using letterheads and other promotional devices to suggest an affiliation. However, the rule has, in some areas, resulted in overkill: a lawyer in solo practice can't list associates he or she hires, nor can lawyers in a government or corporate legal department use a common letterhead listing all their names. The amendment would clarify such situations, and the Board approved it unanimously.

The third proposal, taken up Saturday, started with the Corporation, Business and Banking Section and was approved by the executive committees of six more sections before coming to the Board. It would amend RPCs 1.7(a) (2), 1.7(b) (2), 1.8(b), 1.9(a) and 2.2(a) (1) by repealing the present requirement that consent to representation after disclosure of potential conflicts be in writing. The amendments would allow consent to be given orally. Written consent is unique to Washington's rules. Corporation, Business and Banking Section chair Daniel Ritter of Seattle told the Board the rule has proved burdensome and unpopular with clients. "In business transactions one frequently has to start work at once on the basis of a phone call," he said. "There just isn't time to get the paperwork back and forth." Moreover, clients from other states don't see the need for such a requirement and tend to interpret it as a CYA device for lawyers. The rule invites noncompliance, too.

Governor Julie Weston asked Ritter if the rule might lead out-of-state clients with a choice between Washington and nonWashington counsel to choose the latter. "In a close case, it might," Ritter replied. Governor Ron Gould "strongly supported" the proposal. "It slows things down at the time when clients are most uneasy about a business transaction already." An observer commented that for lawyers practicing near state lines — such as in Clark County, across from Portland, Oregon — such rules complicate interstate business transactions and the ability to compete with Oregon firms.

Ah, To Be In Chicago In March: Governors Curran, Gould and Tolman and president-elect Vander Stoep told the Board about their experiences at the ABA leadership conference in Chicago. There was a general view that the main focus of the event was for incoming bar presidents; however, they came back with a number of suggestions for the WSBA. Governor Curran thought the Governors ought to divide up the committees and sections of the Association, acting as liaisons and keeping better tabs on what's happening. Curran also thought there should be a Member Benefit Committee set up "to continuously explore programs that could make the professional and personal lives of lawyers a bit easier."

Novack Redux: The Governors produced sheaves of letters from constituents, virtually all of which urged the Board to drop-kick the Novack Commission report back where it came from. A round of announcements of positions followed.

Governor Don Curran said he'd talked at the ABA leadership conference with a Florida lawyer who'd been involved in the adoption of the attorney-client relationship declaration used as a model for the proposed Washington form. In significant respects the form, the scope of its coverage, and its required areas of use are different from what's being proposed for Washington lawyers. "When I asked him about all the things ours would cover, he said, 'That's unconstitutional'." Curran thought the Board should unanimously reject the commission report.

Governor Jeff Tolman thought "this should be easy for us. I have not received one communication in support of the report. This is an issue of credibility for the Board. Everyone wants us to oppose this. We should."

Governor Paul Stritmatter told the Board he, too, had gotten piles of mail opposing the report. In conversations with lawyers in the Legislature, he found the report is a nonevent. Rejection of it will not bring down a legislative imposition, he said.

Governor Bill Bergsten opposed the report and urged that the Governors present a unanimous front. "We shouldn't try to guess what acceptable alternatives are." He then proposed a draft letter to the Supreme Court rejecting the Novack Commission report.

Governor Mike Carlson felt, "If the option were only to vote up or down, it would be unanimous. The issue is, what do we do next?"

"There are a great many practice areas who feel left out of this process. There are those who feel there are some good ideas expressed in the report. We will profit," he continued," from taking all the time we have available to us to consider our action. New developments may bring us insight, especially on how to deal with alternatives to the report."

Governor Ron Gould thought the report left him no alternative but to oppose it. He felt there were no justifications shown for the sweeping changes proposed; no consideration of all the areas of practice the report would affect, and suggestions about the ways of the tort bar were unwarranted.

Gould thought it unwise, however, to simply reject the report. Doing so, without at least explaining why, might invite the Supreme Court to adopt the Novack Commission report without change; take a meat cleaver approach and adopt parts of it piecemeal; or drop the Association out of the loop and listen to the views of other groups in deciding what to do. He felt the Board, working together, could come up with a plan that would work. "We can cut the Gordian knot."

Governor Julie Weston thought the report's recommendations an interference with free enterprise. In addition, she felt the report looked to the past, not the future. "This report deals with contingent fee billing," she said. The ABA Economics of Law Section is about to publish a book on billing methods with *twenty six chapters*."

"I don't think we can propose alternatives. The forces of the marketplace should prevail in setting fees."

Governor Ed Shea agreed. "This is unnecessary. Market regulations will work better. The rest of what the report addresses is better left to education."

Governor Jim Turner said he was "extremely uncomfortable" with an up-or-down vote which did not consider or present alternatives. He preferred waiting until the April meeting to make a decision.

Note was taken of the fact that a number of county bar associations have voted to reject the commission report. After some maneuvering, a vote to defer action until April was defeated. On a motion by Governor Julie Weston to oppose the report in principle and set up a committee to draft a response to it, the Board voted 8-1 in favor. Governor Jim Turner would not support an outright rejection, he said; after some further discussion, it was agreed that the intent of having a committee draft a report explaining the Governors' action would include the option of proposing alternatives to provisions of the report and even minority reports. Turner switched his vote, and the Board voted unanimously to oppose the report in principle, with just what that will really mean to be determined next month. Governors Curran, Shea and Stritmatter were appointed to do the drafting.

Wrap-Up in Wenatchee: In other action, the Board postponed a decision on whether to participate in a new ABA program to link up U.S. bar associations with foreign ones; deferred action on approval of the 1989-1990 CLE topic list until next month; heard a report on the glacial progress of the WSBA centennial videotape project; appointed board members to Evergreen Legal Services and the Washington Lawyers Service; heard Governor Ed Shea report on his meeting with the Superior Court Judges' Association; heard a report on pending state legislation; and voted unanimously to lift a variety of restrictions imposed in the past upon editors of the *Bar News*. The editor will now have the authority, save in the president's and executive director's columns and a few areas where material must be printed on direction of the Association's bylaws or court rule, to fully determine, and edit, the content of the magazine.

Next Meeting: April 21-22 in Bellevue.

ANNOUNCING:

On Your Own: Your Legal Rights, second edition. This 40-page booklet, written for high school seniors, was prepared to help students become more aware of their legal rights and responsibilities. Like other law-related education programs, this booklet seeks to build skills, improve understanding and create constructive attitudes.

Distribution to 12th-grade students during 1989 is expected to be more than 100,000. Of these, approximately 10,000 will be used in conjuction with the touring performance of "Whadda 'Bout My Legal Rights?"

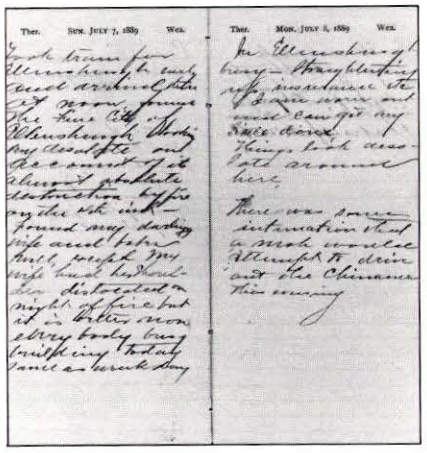
Some 300 Bar members are participating in a speakers' program which has been developed to help introduce the materials to the students.

Austin Mires and the Capital Controversy

A page from Austin Mires' diary describes his return to Ellensburgh after the 1889 fire: "Took train for Ellensburgh early and arrived there at noon, found the fine city of Ellensburgh looking very desolate on account of its almost absolute destruction by fire on the 4th inst — found my darling wife and babes well, except my wife had her shoulder dislocated on night of fire, but it is better now. Everybody busy building today same as work day.

(Monday, July 8, 1889). In Ellensburgh busy... (line illegible). I am worn out and can get very little done. Things look desolate around here.

There was some intimation that a mob would attempt to drive out the Chinamen this evening.



courtesy Washington State University Library

by **Charles K. Wiggins**

How Clambakes, Fires, Free Land and A Pretentious "h" Failed To Unseat Olympia

Introduction

Austin Mires served as one of the delegates to the 1889 constitutional convention from the City of Ellensburgh.[1] Mires labored on behalf of his home city to move the state capital there from Olympia, chaired the committee on water rights, and helped craft the compromise on the thorniest issue of the convention, disposition of the tidelands.

Mires maintained a daily diary for over 60 years, through which one glimpses the daily life of a small-town lawyer in the first half-century of Washington's statehood. It reveals a man of strong opinions bluntly stated and vigorously advocated: a staunch Republican; an observer of history and human nature, writing in his diary of George Washington, "God gave him to the world at the appointed time and we owe to his endeavors and his patriotism more than we can tell"; a patriot, recording in his diary his disappointment that the Army had rejected his application for enlistment (at age 66); a devoted family man, recording tender and affectionate moments; a nineteenth-century man recording his reaction to the installation of electricity in his home, a telephone in his home, his first ride in an automobile, his first moving picture, and his incredulity at listening to a radio *"in an automobile!"*

A New Town and a New Law Practice

Austin Mires was born in Iowa in 1852 and traveled the Oregon Trail with his family in 1853, settling in Douglas County, Oregon. Mires obtained his law degree in 1882 from Michigan State University, where he served as private secretary to Thomas M. Cooley, then dean of the law school, Chief Justice of Michigan, and author of a widely-respected treatise on state constitutional law.

In 1883 Mires moved to the small village of Ellensburgh, founded by John Shoudy—later a delegate to the convention with Mires — and named after his wife Mary Ellen. When Kittitas County was split from Yakima County at the end of 1883, Ellensburgh, population 150, became the county seat. Mires was instrumental in its incorporation in 1886 and served two terms as Ellensburgh's first mayor.

The arrival of the Northern Pacific Railroad fueled Ellensburgh's rapid growth. The railroad built a permanent roundhouse and repair shops for its Cascade division there, bringing employees and payroll into the new city. Mires acted as local attorney for the railroad and assisted in securing the right-of-way through the Kittitas Valley. The railroad also opened up Ellensburgh farms and ranches to markets on Puget Sound and abroad. The area to the north of Ellensburgh, the Okanogan and Big Bend country, became a lucrative gold and silver mining district, and Ellensburgh became the supply center for miners. Coal mines were developed at nearby Roslyn, and iron ore was discovered nearby. In 1888 the population doubled, and by the time of the constitutional convention 4,000 people made their homes in Ellensburgh — more than in Olympia.

Delegate To The Convention

After Congress passed the statehood bill in February 1889, Mires was elected a delegate to the constitutional convention. Briefly mentioned as a prospect for president, or chairman of the convention, Mires was selected as chairman of the committee on water rights and also served on the judiciary committee.

Mires' participation in the convention was abruptly interrupted by the Ellensburgh fire, which destroyed 200 homes and the entire business district of the city on the night of July 4. Mires immediately returned to Ellensburgh, and recorded his impression on arrival on Sunday, July 7:

> Found the fine city of Ellensburgh looking very desolate on account of its almost absolute destruction by fire on the Fourth instant. Found my darling wife and babes well, except my wife had her shoulder dislocated on the night of the fire but it is better now.

Mires spent two days straightening up his affairs — his office and library had been destroyed — before returning to the convention.

The Battle For The Capital

The fire failed to undermine Ellensburgh's aspirations to see the state capital relocated in their home town. Even as the fire burned, the territorial governor wired the mayor of Ellensburgh to ascertain the needs of the city. The mayor promptly responded, "We want the capital!"

Olympia, the territorial capital, was favored to retain the state capital, having hosted the territorial legislative assembly since 1853. Vancouver, located in more populous Clark County, fought for the capital in succeeding legislative sessions. In the legislative session of 1860-1861, Vancouver won the support of Seattle's Arthur A. Denny in exchange for supporting establishment of the territorial university at Seattle. The Legislature hurriedly passed a bill relocating the capital to Vancouver, and another placing the university in Seattle, but the following summer the territorial votes overwhelmingly balloted to retain the capital at Olympia.

This threw matters into disarray. No one knew whether the Legislature should assemble at Olympia or Vancouver. The Legislature was unable to achieve a quorum at either city. The Territorial Supreme Court, sitting at Olympia, (although this, too, was in doubt, since the court was required to sit at "the seat of government"), concluded that the Legislature had exceeded its powers by awarding the seat of government to Vancouver, and that the act was void because it had no enacting clause.

Vindicated, Olympia successfully defeated efforts to relocate the capital throughout the next three decades. North Yakima mounted a serious challenge to Olympia in the Legislature of 1887-1888. (North Yakima had been created by the Northern Pacific Railway in 1884, bypassing the previously established Yakima City. The railroad claimed that the old town site was unacceptable for several reasons, but the pioneers of Yakima City charged the railroad with speculation, greed and thirst for power. The people of Yakima City persuaded Judge George Turner to order the railroad to reestablish passenger and freight service to the old town site. Eventually, however, most of the inhabitants of the old town site moved to North Yakima, and in 1917 North Yakima became Yakima and Yakima City was renamed Union Gap.)

The people of North Yakima argued that their city was more centrally located, and was readily accessible by railroad. Yakima's blandishments included an escrowed deed to 50 acres of land for a capital campus on a hill overlooking the city, $10,000 in cash for a capitol building, and another $2,000 for the expense of moving. Ellensburgh, ever vigilant, sent a delegation to Olympia to lobby against North Yakima. Mires was included in that delegation. His diary records that he attended numerous committee meetings and hearings, that this was his first trip to Puget Sound, and that he was "extremely homesick to see my dear wife and babes." The territorial house rejected North Yakima's proposal by a vote of 11 to 12.

With the passage of the omnibus bill admitting Washington into the union, the battle for the capital shifted to the constitutional convention. North Yakima and Ellensburgh mounted the most serious challenges to Olympia, with Pasco, Centralia, Waterville and Waitsburg also making bids.

Ellensburgh real estate promoters platted an addition to the city called Washington State Capital Park. Not to be outdone by North Yakima's land grant, the Ellensburgh promoters set aside a capital campus as a "free gift to the citizens of the City of Ellensburgh and State of Washington..." and gave platted lots in Washington State Capital Park to newspapers which published editorials favoring Ellensburgh as a capital site.

Both cities pressed hard. Ellensburgh rented two rooms in Olympia to serve as its convention headquarters; North Yakima had its own lobbying headquarters, where the delegates freely sampled the finest products of Yakima Valley's vineyards. Strangely, Mires never mentions the Ellensburgh hospitality suite in his diary. He may have used the suite for his regular poker games with other convention delegates. These games were apparently substantial, occasionally lasting all night, in which Mires' winnings and losses ranged from a low of one dollar on one night to a high of $331 on another. His overall winnings during the convention totaled $1,494, and his losses $898, a net gain of $596. One of his most colorful diary entries records a poker game on July 25: "The lamp was knocked over by Manley and we had a time to put out the fire with bucket. Scattered our money and checks everywhere."

The citizens of Olympia appear to have exerted the most effective influence on the convention delegates. The Board of Trade spent $4,000 redecorating the territorial capital. A Tacoma newspaper reporter quoted Territorial Treasurer Frank I. Blogett's comment that Ellensburgh would fight vigorously to get the capital:

> Representative men of that thieving city will be here during the session in the interest of a clause in the constitution making Ellensburgh the capital city.

(Several days later the paper published a correction, explaining that the reporter had written "thriving city" and that a typographical error had slipped through the proofreading process.)

The Olympia Board of Trade engineered a second public relations coup when it hosted an enormous clambake for the delegates on July 23, the day a proposition was introduced to locate the seat of state government at Olympia. The convention adjourned at 10:30 a.m. to attend the clambake. Mires wrote: "Butler's Cove is a beautiful place. We had all the clams we could eat, returned home in evening." The City of Olympia virtually closed down, and 2,000 people were ferried up Budd's Inlet to Butler's Cove to feast on clams. By all reports, the occasion was a great success. The Olympia *Washington Standard* bristled at the suggestion of another newspaper that the clambake had been a "clever and shrewd move" designed to influence the delegates

in Olympia's favor:

> It is nothing new for Olympia to entertain her guests in royal style. She has always treated visiting delegations from abroad in a manner that enlisted the most hearty encomiums. There has never been a session of the legislature which was not made to feel at home by some such attention as was bestowed Tuesday on the constitution makers. These courtesies generally take the form of indoor receptions, as the season when the legislative solons assembled would not permit of picnics or clambakes.

Had there been no thought of a capital location, it is safe to say that the clambake would have taken place just the same.

Afterward, the capital committee, chaired by an Olympia delegate and with five of seven members from western Washington, recommended locating the capital permanently at Olympia. When the *Tacoma Ledger* disclosed the plan, the ensuing storm of protest forced the committee to reconsider; eventually they recommended to the full convention that the capital location question be submitted to the electorate. The delegates adopted the committee proposal, providing for a runoff the next year if one city failed to receive a clear majority. Several years would be required to build a new capitol, thus assuring that Olympia would retain the capital for at least five years.

The Ellensburgh newspapers had favored submission of the capital question to the popular vote, and were pleased with the action of the convention. Mires mentioned the action of the convention in his diary, and observed, "Today Godman went back on our agreement with me." What did Mires mean? Melvin M. Godman was a lawyer from Dayton in Columbia County, east of Walla Walla. Godman proposed a section which authorized the Legislature to appropriate funds for "repairs and enlargement of the capital or state buildings at Olympia as shall be deemed necessary and proper... until the seat of government is permanently fixed..." No such provision had appeared in Mires' draft of capital placement legislation. Perhaps he feared that the Legislature would seize the opportunity to improve the state facilities at Olympia to the extent that the voters would be reluctant to relocate the capital.

The battleground now shifted to the newspapers, as the competing cities presented their claims to the public at large. Negative publicity campaigns are apparently an enduring feature of the American political scene. Rival newspapers not only touted the virtues of their own cities, they denigrated claims of other cities. The Olympia *Washington Standard* pointed to Olympia's convenient location ("so grandly situated at the headwater of the grand Mediterranean of America"), pleasant climate, and history ("a city honored by being the residence of General Isaac I. Stephens, who in gallantly defending the American Union, laid his noble life on the alter of his country and whose faith in and

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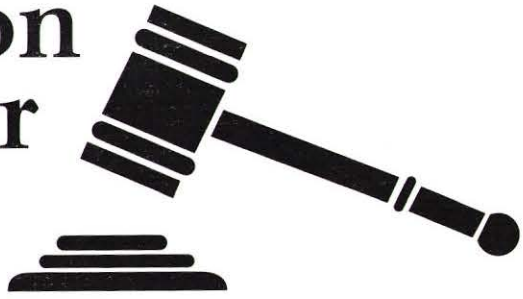

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devotion to this great commonwealth and this city as its capital was most emphatic and enthusiastic").

Both North Yakima and Ellensburgh pointed to their central locations as the dispositive issue. All that remained for each of these two "centrally located" cities was to criticize the unsuitability of its rival. The North Yakima *Washington Farmer* argued that Ellensburgh was "cold and frosty... without hotel or running water..." and that "there are five times as many saloons as North Yakima." The *Ellensburgh Capital* indignantly struck back at North Yakima as "the property of the Northern Pacific Railway," claiming that Ellensburgh owed "no allegiance to corporation influence."

The *Walla Walla Journal* predicted that "So long as Ellensburgh will insist on spelling the name with an 'h' at the end, we fear that the superfluous letter will be the straw that will break the camel's back." Whether or not the "h" affected Ellensburgh's prospects, the city finished third in the 1889 capital campaign with 12,833 votes, behind North Yakima's 14,711, and Olympia's 25,490. No city receiving a majority, a runoff was held among the top three contenders in 1890. This time Olympia decisively won the election with 37,413 votes, against North Yakima's 6,276 and Ellensburgh's 7,722.

Mires' Later Life

Mires continued actively to practice law and to participate in the political process. He was president of the Washington State Bar Association in 1901, Ellensburgh city attorney for three years, Kittitas County prosecuting attorney for two years, state legislator for one term, Kittitas County superior court judge for a brief time, and actively participated in Republican politics for decades.

Mires remained vigorous to the end. He was almost 80 years old when his good friend and fellow delegate George Turner died in January 1932. Mires left Ellensburgh on the train at 4:10 a.m., attended Turner's funeral in Spokane, went to the cemetery in the sub-zero winter weather, and returned home at 2:10 a.m. He arose that day at 9 a.m., went to the office through the snow, and worked all day. In January 1936, Mires attended an Old Pioneers dance and recorded that "I danced many square dances."

Two weeks before his death Austin Mires was again recognized for his part in the history of Ellensburgh:

> In evening [daughter] Eve and I attended celebration of the 50th anniversary of Ellensburgh, the coming of the NPRR et al. Immense crowd. Gov. Martin made a good American speech. They presented me an immense cake as first mayor of Ellensburgh. When they called on me to speak the whole audience arose and cheered.

Austin Mires' final diary entry was February 27, 1936. He died a week later at 84, leaving James Hungate as the last surviving delegate to the Washington Constitutional Convention. □

[1]The "h" was dropped from "Ellensburgh" at the request of the Post Office. This article uses the 1889 spelling.

(Second in a year-long series on Washington lawyers and the 1889 constitutional convention).

Note on sources:

The papers of Austin Mires, including his diaries, were purchased by the Washington State University Library, which has published a very helpful index to his papers. I greatly appreciate the assistance of Lawrence Stark, assistant archivist at the WSU Libraries. Dr. Arthur S. Beardsley wrote two thorough articles on efforts to relocate the capital, published in Vol. 32, *Pacific Northwest Quarterly*, pp. 239-87 and 401-24 (1941). The *Quarterly* also carried an excellent article on early day Ellensburgh by Samuel Mohler, "Boom Days in Ellensburgh, 1888-1891," 36 *P.N.Q.* 289 (1945).

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EAST KING COUNTY REPORT

by **RANDOLPH I. GORDON**

Riddle: How can Eastside lawyers bill at a lower hourly rate than downtown Seattle lawyers, work only five days a week, and still make more money? Answer: They can live longer.

Or at least try to. A lot of lawyers and business people on the Eastside are being supported in their New Year health resolutions by a plethora of health facilities. Pacific First Plaza has a Life-Cycles, a Universal gym, aerobics classes, and heated pool and sauna. The Rainier Bank Plaza's Rainier Athletic Club has Universal, Nautilus, stationary bikes and, for those who get bored pumping iron, a 45-inch big-screen TV. Oakhurst Center, Plaza Center, One Bellevue Center, United Olympic Life Building all have health facilities. And yes, the Eastside has a "Y," too.

The new Bellevue Place will open its 22,000-square-foot "Seattle Club" in April, with a 25-yard four-lane pool, sauna, hot tub, steam rooms, aerobics, and state-of-the-art cardiovascular equipment, childcare, lifeguards, and, on weekends, swimming lessons for the kids.

After you have showered, or left the kids paddling around, you can duck out for a minute to go to Bellevue Place's Eastside Tax and Law Library. This facility, scheduled as of this writing for a March 1 opening, has trained researchers who can fax an answer to your office, thereby eliminating your need to stop by the library; you can take a quick dip in the pool instead. It also features a totally secure parking garage and a number of offices available, complete with word processing and staff, for solo practitioners; call general manager Shari Perkins, (206) 451-3961, for details.

With all these amenities, it is not surprising that the Supremes and other worthies are increasingly finding opportunities to "Stop, in the Name of Law." Justice **James A. Andersen** of the Washington Supreme Court is scheduled to address the Eastside Roundtable of the Washington State Trial Lawyers at the Bellevue Athletic Club at 12 noon, Wednesday, April 19. Washington Supreme Court Justice **Fred H. Dore** is expected to attend the joint meeting of the WSBA and East King County Bar Association at 12 noon, Friday, April 21, at the new Hyatt-Regency.

According to **Paul Sherfey**, of the King County judicial system, the Eastside satellite of the Seattle superior court is considered a permanent and on-going operation. In September 1988, legislation was presented by Councilman Reams (and passed) which will enable up to five superior court judges to sit on the Eastside satellite superior court bench. Funding for the additional judges is another matter.

And now, a word from the real power in the courthouse: an Eastside satellite clerk advises that a docket printout is available for all cases. Price is $2 for first page and $1 for each additional page. And, no, you may not copy it yourself.

Please communicate news events, worthy or not, to Dottie Leischner at (206) 454-3313, or I will have to make them up.

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GRAYS HARBOR COUNTY REPORT

by **JOHN L. FARRA**

As Grays Harbor County has not had much of an opportunity in recent years to make readers aware of changes in personnel in some of the offices, I decided I would attempt to update the Bar to some of them.

You should mark your calendars for the 31st annual Grays Harbor Bar Derby, to take place July 24. Contact Curtis Janhunen at Brown, Edwards, Lewis & Janhunen, P.O. Box 1806, Aberdeen, WA 98520, if you are interested in either obtaining an invitation for the event or being put on the mailing list.

Starting from the Pacific Ocean and going to the east side of the county, I will report on present law firms. The only two active lawyers in Ocean Shores are **C. Scott Sage** and **Michael Valdez**, who form the association of Valdez & Sage. It might be an exaggeration to say that these lawyers are still active, but based on their ages alone, I presume that they are.

Moving inland to the city of Hoquiam, we are proud to recognize that **Paul Strit-**

matter is on the WSBA Board of Governors. Rumor has it that he no longer practices law, but, again for the sake of putting forth those individuals who pretend to be lawyers in a particular location, the law firm of Stritmatter, Kessler & McCauley resides in Hoquiam. I assume **Keith Kessler** and **Mark McCauley** are actively taking part in the practice of law.

Also in Hoquiam is the law firm of Bitar, Morgan & Bitar, where **Paul Bitar**, **William Morgan** and **Doug Bitar** operate. They employ **Teresa McNally**, whose light far exceeds that of the three previous names.

Finally, also in Hoquiam we have **Omar S. Parker**, **Arlis W. Johnson** and **Jon C. Parker** in the firm of Parker, Johnson & Parker.

Next month I will attempt to bring readers from Aberdeen to the east county line.

MICRONESIA REPORT
by **STEPHEN A. COHEN**

The nuptial season has come early to the Washington legal community in the Northern Mariana Islands.

Maile Huvar Bruce, Administrator of the Coastal Resources Management Agency, and **Tim Bruce**, Legal Counsel to the Commonwealth Senate, renewed their wedding vows on top of 1,542-foot Mt. Topotchau, the highest point on the island of Saipan. The ceremony was presided over by newly-appointed federal district judge **Alex Munson** with a spectacular view of the island, the lagoon and the sea beyond afforded to those assembled for the occasion.

Lee Nelson, legal extern in the attorney general's office during the fall of 1987, took a brief respite from his studies at the University of Washington School of Law to return to Saipan, where he was married to the lovely Miss **January Ho** of Hong Kong and Los Angeles. The wedding took place on picturesque Managaha Island, a small coral island located in the Saipan lagoon.

It has also been a season for job-changing by Washington lawyers practicing in the Northern Marianas. **Maile Huvar Bruce** was promoted from legal counsel to administrator of the Coastal Resources Management Agency, which has broad environmental jurisdiction over the waters, shorelines and land areas of the Northern Marianas. **Ron Hammett** went from prosecuting people accused of crime to defending them when he left the attorney general's office for the public defender's office, headed by Washington bar member **Brian MacMahon.**

The Washington attorneys in the Northern Marianas are continuing their traveling ways. Assistant attorney general **Gail Geiger** was in the Republic of Palau, where she had a magnificent time scuba diving in the lush tropical waters surrounding the famous Rock Islands. Deputy attorney general **John Biehl** was in Kauai, Hawaii for a meeting of the National Association of Attorneys General and also in Las Vegas, Nevada for a meeting of the National Association of Attorney General Chief Deputies. **Larry Rogers**, legal counsel to the Mariana Islands Housing Authority, was in Singapore on business, and assistant attorney general **David Webber** was in Honolulu for a well-earned vacation. The aforementioned Coastal Resources administrator and Senate legal counsel were in Seattle, Portland and New Orleans on a joint business and pleasure trip.

Assistant attorney general **Stephen A. Cohen** visited the University of the Philippines School of Law and the Supreme Court of the Philippines, both located in Metro Manila, and the Court of First Instance of the Province of Rizal. He also saw Imelda Marcos's infamous shoe collection at the Malacanang Palace in old Manila and heard speeches in the Philippines Senate given by several people made famous in the recent revolution against the Marcoses.

On the political front, Washington Bar member **Johnson Toribiong** came within a whisker of becoming part of the first family of Palau. Johnson's uncle, **Roman Tmetuchl**, lost the election for President of Palau by 31 votes. Voting fraud was charged, and Johnson led the legal battle challenging the result. Unfortunately for Johnson's uncle, the trial and appellate divisions of the Palau Supreme Court upheld the election. Johnson practices law in Palau with another Washington Bar member, **Denis Coughlin**.

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PIERCE COUNTY REPORT
by **GEORGE S. KELLEY**

New officers of the Tacoma-Pierce County Bar Association include **Ron Coleman**, vice president, and **Darrel Addington**, secretary-treasurer. **Robert Marsden**, **Michael Misner** and **Michael B. Smith** are new members of the board of trustees. They will join president **Marc Christianson**, last year's vice president, who took over for the retiring **Keith Black**.

Senator **Daniel K. Inouye** (D-Hawaii) was the featured speaker at the bar association's 81st annual Lincoln Day Banquet. Rather than speaking after dinner the Senator was served up with a salad course because he had another speaking engagement for the same evening. In another departure from tradition, he did not discuss Abraham Lincoln, only mentioning that there was a statue of him in Washington, D.C. The audience was treated to a discourse on the Puyallup Indian land claims settlement negotiations. On the other hand, the dinner was excellent, and everyone seemed to enjoy the after-dinner introductions of judges, State Bar Board of Governors members and local bar association officers. The number of judges attending was somewhat reduced because they were required to pay the actual cost of their dinner rather than attend as honored (free) guests.

Dan Hannula was pictured on the February cover of the *Downtown Tacoma Magazine* hiding behind a large valentine. There was not any centerfold for you Dan Hannula fans – in fact, it was not even the magazine's swim suit issue.

The aforementioned **Michael B. Smith** was director of the four-mile "Run 4 Kids" race sponsored by the local YMCA. The event was originally scheduled for the first weekend in February, but it was continued one week due to extreme cold temperatures. Mike and the Y officials would have been defendants in the first class action slip-and-fall case had the runners been required to negotiate the many ice-covered hills on the course. The event earned more than $10,000 for the Y kids' programs.

APPEAL: *Division III adopted a show cause to dispose of appeals with little merit. The procedure was challenged in the Supreme Court. The Court approved the procedure, which became the model for the current motion on the merits.*

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We are pleased to have acted as amicus curiae for Division III in defending its procedure for eliminating meritless appeals. **In re Marriage of Wolfe**, 99 Wn.2d 531, 663 P.2d 469 (1983).

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SEATTLE-KING REPORT
by **JAMES L. VARNELL**

Office Moves. **John Budlong** and **Jeffrey A. Christianson** have become partners at Stafford, Frey, Cooper and Stewart. **Sally Carman** and **James R. Dixon** have become associates in the Seattle office of Miller, Nash, Wiener, Hager and Carlsen. **Michele M. Sales** has become a partner in Oles, Morrison and Rinker; **Cynthia D. Turner**, **Todd M. Nelson** and **Dean G. Von Kallenbach** have joined the firm as associates. **Patrick S. Brady** has joined Ginsberg and Stanich as an associate. **Randy Barnard** and **John W. Martin** have become partners in O'Shea, Straight, Barnard and Mar, and **Christine Maddox** has become associated with the firm. **Joyce L. Thomas** has joined Pacific Law Recruiters as the attorney placement coordinator.

Andrew J. Kinstler and **Fredrick D. Huebner** have become partners in Helsell, Fetterman, Martin, Todd and Hokanson; **Patricia E. Anderson**, **Scott E. Collins** and **Bradford J. Fulton** have become associated with the firm. **James K. Treadwell** has joined Karr, Tuttle, Campbell as a shareholder. Davis, Wright & Jones announces that **Candy S. Marshall**, **Robert G. Homchick** and **Jay-**

anne A. Hino have become partners. **Christopher J. Mertens, Lee M. Barns** and **J. Anthony Hoare** have become principals of Houger, Miller and Stein; **Scott A. Kallander** and **Mary K. Simpson** are new associates. **Glenn D. Bellamy** has become associated with Barnard, Pauly and Kaser.

Garvey, Schubert and Barer announces that **Sherman Jensen** has become a principal and that **Bryan Lane, William Lewis** and **Frank Williamson** are now associated there. New partners in Inslee, Best, Doezie and Ryder are **Stephen D. Rose, James R. Watt** and **John W. Milne**. New principals in Betts, Patterson and Mines are **Meredith A. Copeland** and **David L. Hennings; Margaret A. Dowling, Susan C. Hacker** and **David L. Johnson** are new associates with the firm. **Carole Swenson Fisher** has joined Beaudry, Clark and Krueger as an associate. **Judith Klayman** has joined Reed, McClure, Moceri, Thonn and Moriarty. **James R. Woeppel** has become a principal in Aiken, St. Louis and Siljeg. **John F. Magnuson** has joined LeSourd and Patten as an associate.

New office addresses include **Jeffrey J. Donchez** to 1400 Broadway, and Essenburg & Staton to the Westlake Center. **Valerie Bell, John O'Connor, Barry Flegenheimer** and **Michael Leong** have formed Bell, O'Connor, Flegenheimer and Leong with offices in the Maynard Building. **Jill D. Bowman** has become a partner in the Seattle office of Stoel, Rives, Boley, Jones and Grey. **Stephan Illa** and **Dawn Vyvyan** have joined Danielson, Harrigan, Smith and Tollefson as associates. **Albert Katsuaki Gustafson** has moved to the First Interstate Center.

Of Note. **S. Frederick Bruhn** has been promoted to senior vice president and general counsel of Safeco Corp. **James S.** ("Big Jim") **Munn** has been reappointed to a four-year term on the board of the Federal Home Loan Bank of Seattle. The National Archives-Pacific Northwest Region is joining with the **William O. Douglas** Institute in sponsoring a Seattle symposium April 15-17, marking the 50th anniversary of the appointment of Justice Douglas to the U. S. Supreme Court.

Nearly 1,300 people attended the 10th anniversary dinner of the Northwest Women's Law Center at the Seattle Sheraton on February 9. Gloria Steinem was the featured speaker. Special awards were given to **Ann Flack Dewey** of Spokane and to judge **Carol Fuller** of Olympia for their outstanding contributions in advancing the legal rights of women in the Northwest. The NWLC is a nonprofit, public interest organization focusing on women's rights.

Women + Business will host its 11th annual conference May 5 and 6 at the Washington State Convention & Trade Center in Seattle. Workshop speakers include WSBA members **Marguerite H. Bailly, Rosemary Daszkiewicz, Sheryl Willert, Camille Taylor Ralston, Peggy C. Hughes, Alexandra Brookshire** and **Susan Barley.**

SPOKANE COUNTY REPORT

by **BERNIE McNALLEN** *and* **RICH KUHLING**

The Winston Cashatt firm waived its contingent fee on a $38,000 policy limits recovery so all available funds could be marshalled to benefit 13-year old **Holly Caudill**. She had become quadriplegic on account of an inebriated driver. That was April 23, 1977. Since that fateful date, the Winston Cashatt firm along with other

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Lawrence R. Ream

Have joined the firm as associates

The firm continues to emphasize business reorganization, debtor/creditor matters, and litigation for plaintiffs and defendants involving lending relationships and other major commercial transactions. The firm will consider contingent fee arrangements in commercial litigation.

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Of Counsel
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community organizations have stayed at Holly's side raising and contributing funds for special equipment and education. Today, Holly, having graduated from Gonzaga University (Communications, May 1987) is a freshman law student at GU.

Caudill is also on the luncheon circuit as a motivational speaker. She was featured as the noon speaker March 10 at Spokane's Ridpath Hotel, where she addressed eastern Washington lawyers gathered for the fourth annual "Care and Feeding of a Juror" CLE. This successful program is put on yearly by attorney **Patrick Sullivan** and judge **Mike Donahue** as a benefit. This year's beneficiary: Holly Caudill. In preparation for the seven-credit CLE, court administrator **Bob Carlberg** provides the names of 160 recent jurors to Sullivan and Donahue. Jurors are then sent questionnaires. From the 70% response, six jurors, including two foremen, are selected to participate in the seminar. It is a fascinating day, during which the questionnaires are analyzed and trial lawyers get to have a give-and-take session with real jurors fresh out of the jury room. Spokane looks forward to seeing you all at this seminar next year. Anyone interested in contributing to Holly Caudill's law school education should contact: Pat Sullivan, 920 Melinda Lane, Spokane, WA 99203.

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WHATCOM COUNTY REPORT
by **MIKE MOYNIHAN**

With the new year comes the new changes, and **Little John Erickson**, at his inauguration as president of our bar, made numerous promises, none of which will be listed, as they probably will not be kept. The Whatcom Women Lawyers were so impressed with his first newsletter that they presented him with a gift. The second newsletter was blamed on someone else.

Judge **Marshall Forrest** is now happily up to his eyebrows in cases at the Court of Appeals, while yours truly has learned that the superior court is a lot more work than the municipal courts.

From a list of ten applicants for the municipal courts, **Laughlan Clark** was selected and now serves as judge for Bellingham, Blaine, Ferndale, Lynden, Everson, Nooksack and Sumas. **Tom Resick** was selected to serve as the municipal court judge for the city of Ferndale.

In the ongoing game of musical chairs, there is little to report, except that **John Anderson** crossed the hall and is now associated with Asmundson, Atwood & Hager. **Bob Cassidy** left the Hughes firm, which was driven out of Everson and has now set up quarters in Bellingham. They are situated right next door to the Community Alcoholism Center.

At Bosses Night, the annual fête in which the legal secretaries of the county pay some respect to their bosses, **Robin Mullins** was selected by the secretaries as Member of the Year, and the Simonarson Law Firm was collectively selected as Boss of the Year. It was quite an honor for all, and those present had a great time.

Bruce Jorgensen was golfing this past weekend with a number of other lawyers when he was hit in the head with a golf ball. At the 19th hole, they were drawing straws to see who would get the case and who would have to testify.

YAKIMA COUNTY REPORT
by **JOSEPH D. HAMPTON**

Due to recent complaints regarding the content and commentary of this column, Your Obedient Correspondent will hereafter keep Yakima County reports as sterile and mundane as possible until further notice.

Judge **A. John Nicholson** of the District Court will be retiring after long and distinguished service. Many local attorneys have already expressed an interest in filling the vacancy, and bar recommendations will be given to the county commissioners soon.

On February 17, the honored speaker at the weekly bar luncheon meeting was Justice **Charles Z. Smith** of the Washington Supreme Court. He discussed the work and progress of the task force which he leads, dealing with ethnic and minority bias in the courts. Of particular interest to the local bar was the availability of competent interpreters in court proceedings, as our county has a large Hispanic population.

Some of the more-gifted members of the local bar are recruiting musicians for a rock group. The band, which is in its formative stages, will likely perform at upcoming bar functions.

U.P.S Law Alumni Society Calendar

Now Open: Board Nominations
Now Open: Distinguished Law Graduate Nominations
April 1: Sports Day (Tacoma)
April 14: Annual Dinner (Seattle)
May 13: 1979 Class Reunion (Seattle)

For more information about any of these events, contact the Alumni/ae office at (206) 591-2293.

Nominations are being sought for Distinguished Law Graduate (contact Jim Rupp '77 at (206) 356-5755 or the Alumni/ae office at (206) 591-2293). Send your nominations/comments to Jim Rupp/Distinguished Law Graduate Nominations Committee/Law Alumni Board/U. P. S. School of Law/950 Broadway Plaza/Tacoma, WA 98402.

Nominations are also being sought for the Law Alumni Society Board (contact Jim Lopez '78 at (206) 572-4114) or the Alumni/ae office. The Nominations Committee announced that it would glean the slate of candidates to nine from however many candidate nominations it receives. Send to Jim Lopez/L.A. S. Board Nominations Committee/Law Alumni Board/U. P. S. School of Law/950 Broadway Plaza/Tacoma, WA 98402.

On Sports Day, (April Fools' Day — Saturday), get your teams together for volleyball or soccer, or just plan to join us afterwards for some snacks and suds. On Friday, April 14, the Annual Dinner will start with a reception at 6 p.m. in The Columbia Tower Club in Seattle. Finally, on Saturday, May 13, the Class of 1979 will host its ten-year reunion commencing at 7 p.m. in Seattle.

SUCCESSFUL APPELLATE PRACTICE
Begins in the Trial Court

Every trial lawyer knows that appellate success depends upon the record made in the trial court. Not all trial lawyers, however, know how to make a *winning* record.

The pitfalls facing trial counsel are all too well documented. Too often, meritorious appeals are lost due to procedural errors committed at the trial level. The simple act of stating the issue before the Court can be critical to the outcome of an appeal. As a Supreme Court Justice observed, "to state the question often is to decide it. And it may do this by failure to reveal fully what is at stake." *Yakus v. United States*, 321 U.S. 414, 482 (1944).

Similarly, at the appellate level, procedural traps for the unwary practitioner abound. For example: "there must be specific assignments of error before we will go behind the trial court's findings." *Dave v. Nastos*, 39 Wn. App. 590, 595, 694 P.2d 686 (1985).

With our years of appellate experience, we can help you through every stage of the appeal process. James E. Lobsenz and John W. Wolfe are available for referral, consultation or association in state and federal appeals, as well as in trial court matters leading to appeal.

JAMES E. LOBSENZ, former Clerk to Associate Justice Mathew O. Tobriner, California Supreme Court, and Chief Justice Vincent L. McKusick, Supreme Judicial Court of Maine; author of numerous law review articles; successful appeals include *In re Addleman*, *State v. Ryan* (amicus), *State v. Pam*, *State v. Sargent*, *Lang v. Lang*. Federal appeals include *Watkins v. United States*.

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BRIEFLY NOTED

IN MEMORIAM

William T. Jacobson, 65, died February 3, 1989 in Seattle. A graduate of the University of Washington and Northwestern University School of Law, Jacobson was born in Rugby, North Dakota and served as a naval officer in World War II.

Jacobson was active in a wide array of civic pursuits. He was a founder and the first president of the United Way of Washington. He was also a member of the Northwest Forum, Seattle Golf Club, Rainier Club and Men's University Club. At his death he was a senior partner in the law firm of Lane Powell Moss & Miller. Survivors include his wife, four children and one grandchild.

W. Byron Lane, 83, died February 3, 1989 in Seattle. Born in Latah, Washington, he came to Seattle to attend the University of Washington, which awarded him its law degree in 1927. He joined the firm of Lane Powell Moss & Miller that year and practiced corporate and real estate law until his retirement in 1975.

In 1951 and 1952 Lane was president of the UW Alumni Association; he was also a member of the Men's University Club, Seattle Golf Club, Northwest Golf Association, the Rainier Club, and the Scottish Rite Masons. He was a longtime trustee emeritus of Northwest Hospital. Survivors include his wife, three children, two stepchildren, ten grandchildren and five great-grandchildren.

William H. Robertson, 35, died February 11, 1989 in Seattle, of complications of cancer. A native of Missouri, Robertson attended Stanford University. He was valedictorian in his 1979 graduation at the University of Washington School of Law.

Well-known in Seattle for his sporting enthusiasms as well as his expertise in defending medical malpractice cases, Robertson was a World Cup sailor in six-meter boats and an avid runner. He was a member of the Seattle and Corinthian yacht clubs, Washington Defense Trial Lawyers, and, since 1985, a clinical associate in the University of Washington School of Medicine's Department of Pediatrics. Survivors include his parents, his wife, Seattle attorney Teresa Bigelow, and three children. Robertson was an associate of Williams, Kastner & Gibbs in Seattle.

ET ALIA

Western District Court: Comments Invited on New Criminal Rules

The United States District Court for the Western District of Washington has drafted a new local rule governing criminal discovery and modified Local Civil Rule 33, Interrogatories to Parties. The court invites public comment for the next 30 days on the proposed rules. To obtain a copy of proposed Local Criminal Rule 48 and/or Local Civil Rule 33, please contact the clerk's office in Seattle (206) 442-5598 or Tacoma (206) 593-6313, or pick up a copy at the clerk's office in the U. S. Courthouse in Seattle or Tacoma.

Association helps blind legal professionals

The American Blind Lawyers Association, which assists law students, lawyers, judges and other legal professionals in meeting the special challenges created by visual impairment, is seeking assistance in identifying law students or legal professionals who might benefit from the association.

Members are invited, according to Stephen Speicher, attorney, 500 Centerstone, 100 N. 12th Street, Lincoln, NB 68508.

Speicher said the association "acquaints courts, law school admissions offices, bar examiners and the bar in general with the many ways in which visually impaired persons can go beyond mere coping to a successful career in law."

Where special needs appear to create conflicts with established practice (such as the use of tape recorders in court), the association advises concerning possible solutions.

"We share war stories, practice techniques and information about the latest adaptive technology," Speicher said.

Persons who are blind or know others with needs addressed by the association are asked to contact Speicher either at the above address or by telephoning (402) 475-8355.

James Kracht, Miami, serves as an association director.

For further information, please call Dave Adams, (206) 223-0303.

Pediatric Brain Injury Conference

Children's Hospital and Medical Center's departments of Education and Rehabilitation Medicine, the state of Washington's Office of the Superintendent of Public Instruction and Educational Serv-

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ice District 121 present: *Coming Home: Meeting the Needs of Children with Brain Injuries* on April 21 and 22 at the Seattle Sheraton Hotel and Towers.

This continuing education opportunity for school, allied health and social service professionals will include seminars on the unique cognitive, rehabilitative, behavioral and psycho-social aspects of pediatric brain trauma. Also featured will be mini-workshops on interpreting neuropsychological assessments, designing individual education programs, cognitive rehabilitation, computer-assisted instruction, implementing speech/language programs, facilitating self-esteem, vocational education, utilizing related services and many others. A case presentation will illustrate family, student and local school district experiences with school re-entry.

Faculty members include representatives from Children's Hospital and Medical Center, State Department of Social and Health Services, Educational Service District 121, Good Samaritan Hospital, Johns Hopkins University, New Medico Community Re-Entry Services, OSC Vocational Systems, Office of the Superintendent of Public Instruction, University of Washington, Virginia Mason Medical Center and Washington State Head Injury Foundation.

Conference Fee: $45; Preregistration forms will be mailed in early March. For more information please call Lois Cree, ESD 121, (206) 772-6936; from Tacoma (206) 596-6936.

Pearson Honored by AJS

Vernon R. Pearson, former chief justice of the Washington Supreme Court, received the American Judicature Society's Herbert Harley Award in recognition of the improvements he made to the Washington judicial system in his two years as chief justice. J. David Andrews, an AJS board member, presented the award at the Tacoma-Pierce County Bar Association's Annual Lincoln Day Dinner February 10.

Among Pearson's accomplishments honored by the Society was establishment of the Board for Judicial Administration (BJA), a ten-member, policy-recommending body designed to provide an independent, single-voice point of leadership for the judicial branch. Under his guidance, this group has led the way for significant increases in salaries among all appellate and trial court judges and has improved the basic state judicial retirement system by allowing judges to invest beyond the standard program. In addition, the BJA appointed the 13-member Commission on Washington Courts to make recommendations on how judges should be selected, retained and disciplined in the state.

Pearson was also cited for tackling Washington's court congestion and delay problems. As a member of the Lawyers Conference Task Force on Reduction of Litigation Cost and Delay, he introduced the idea of judges as managers to the Washington State Judiciary. In conjunction with the WSBA, he hosted a seminar for judges, attorneys and court administrators that resulted in the formation of the King County Delay Reduction Task Force

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28 "Networking Microcomputers in Law Firms," 9-11AM

MAY
24 "Networking Microcomputers In Law Firms," 9-11AM
25 "WordPerfect Legal Applications; WordPerfect on Microcomputer Networks," 9-11AM
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A graduate of the University of Michigan Law School, Pearson is chairman of the Washington State Judicial Council and the Judicial Information Systems Committee (JISC). Under his leadership, the JISC's recent accomplishments include the introduction of state-of-the-art database technology; establishment of a data administration approach to system development; implementation of a pilot Local Area Network; and creation of an information center to assist local courts with use and development of PC-based applications.

Founded in 1913, the American Judicature Society is a national organization of 20,000 lawyers, judges and other concerned citizens working to improve the courts. Named for the founder of AJS, Herbert Harley Awards are presented to individuals or organizations which have made a significant contribution on the state or local level to improving the administration of justice.

In Re: RCW 19.52.020(1) Interest Rate

The average coupon equivalent yield from the first auction of 26-week treasury bills in March is 9.18 percent. The maximum allowable interest permissible for **April 1989** is thus **13.18 percent**. For further details and past rates, see the October 1987 *Bar News*, page 39.

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Board of Governors Elections Due

Lawyers residing in the Second, Fourth and Seventh congressional districts please note:

Members of the Board of Governors of the State Bar Association to represent those districts, for three-year terms ending in 1992, are due to be elected this year. Expiring in September 1989 are the current Board terms of Myron J. Carlson (Second District), Edward F. Shea (Fourth District) and Julie W. Weston (Seventh District).

Article III of the Association Bylaws provides that any active member in good standing, except a member previously elected to the Board of Governors, may be nominated for the office of Governor from the district in which he or she resides upon petitions signed by at least 20 but not more than 30 active members also residing in the district.

Nominating petitions may be obtained from the Bar office, 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599. The petitions must be filed with the Executive Director at the State Bar office by no later than 5 p.m. on Monday, May 1, 1989.

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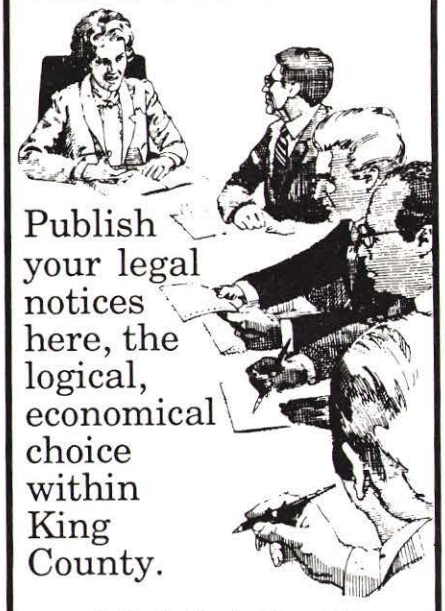

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In addition, we are pleased to welcome the following attorneys to our Seattle office:

Stephens L. Burtchaell,
a 1987 graduate of the University of Puget Sound School of Law,

Steven C. Gilyeart,
capital asset, real estate, corporate and commercial finance lawyer, formerly with the Seattle law firm of Dempcy, Braley, Gilyeart & Vane, P.S., joining as a partner,

Bruce G. Hanson,
business and employment lawyer, formerly of counsel with the Seattle law firm of Reaugh Fischnaller & Oettinger,

and

Mary E. Shima,
insurance defense lawyer, formerly with the Seattle law firm of Waitt, Johnson & Martens.

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"Interstate Custody Disputes," *WSBA Bar News*, Vol. 41, No. 11, 1987

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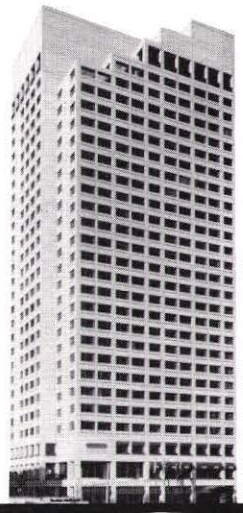

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