
WASHINGTON STATE BAR NEWS



CHARLES I. STONE, SEATTLE — STATE BAR PRESIDENT, 1972-73



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Please: Let the State Bar Office (505 Madison, Seattle 98104) know your new office address — in *advance* of your move, if at all possible. Then you will be sure to receive your *Bar News* and other Bar mail.

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List VA as Creditor

Editor:

We are finding repeated instances where GIs are not being relieved of their obligation to the government in bankruptcy because of failure to list the Veterans Administration, as well as the mortgagee, in a GI loan as a creditor.

Under the law, a GI borrower agrees independently of the note and mortgage to reimburse the Veterans Administration for any claim it pays his lender. This obligation will not be discharged in bankruptcy unless the Veterans Administration is listed as a creditor.

BEVERLY S. WILKERSON
Chief Attorney, VA

Seattle

Handbook Offered

Editor:

On behalf of the Practice Handbook Committee of the Seattle-King County Bar Association, I would like to take this opportunity to acquaint your statewide readership of the Practice Handbook for Washington Attorneys.

The Practice Handbook, a project inspired by the successful Seattle-King County "Bridging-The-Gap" series, is intended to serve practitioners throughout the state as a readily-available fingertip reference work, procedural guide and time-saver. This two-volume, 1200-page Practice Handbook will cover topics ranging from Trial and Appellate Procedures, Damages and Enforcement of Judgments to Domestic Relations, Criminal Procedure and Practice and Bankruptcy, to name but a few. The authors of each of the sixteen

(Continued on Page 25)

I am looking forward to my year as president of our Association with a keen sense of anticipation. A great deal of what is going on in Bar Association affairs is interesting and stimulating. A large part of it is controversial. Almost all of it is relevant. This is a good mix.

In accepting the gavel from Fred Velikanje and in contemplating the coming months, I find much that is positive. I have had incomparable briefing from our fine, new Executive Director, Eddie Friar, as well as from Fred. Fred has been more than generous with his advice and encouragement. I have a strong, newly enlarged Board of Governors with which to work and an ongoing program of important Bar activities already in operation. Other interesting projects are surfacing. The other Board members and I have enthusiasm for all of this. I believe we will move ahead.

Lawyers' Views Wanted

I appreciate the opportunity given me by this page to tell you something of my thoughts. Please make it a two-way street by writing to me. All of us on the Board of Governors need to know what you are thinking. Give us your views on what the Association is doing, on how it is being done, and on what is not being done. We invite your critical comment. We would not be adverse to an occasional plaudit, should you consider one justified.

Most of the activities of our Association have as a purpose, and frequently as an overriding objective, the protection of the public. Three fundamental concerns in this category are reflected in our disciplinary proceedings, our Clients Security Fund, and the malpractice insurance policies carried by our members.

Although it is apparent that these three areas of activity are closely related, I suggest that in some ways they are quite separate. Each, of course, involves an aspect of human frailty. However, conduct which gives rise to disciplinary proceedings most frequently involves mistakes by lawyers in managing their relationships with clients which fall far short of the kind of economic loss to the client which is attributable to the lawyer's negligence or his intentional wrongdoing. Our Clients Security Fund and our errors and omissions policies do, of course, both give protection to the public from losses suffered at the hands of a lawyer. They do not overlap. Recoveries from the Clients Security Fund are limited to situations where a lawyer has knowingly misused funds of another which have come into his hands. It is not concerned with the negligent acts of lawyers. Losses attributable to a lawyer's negligence are, of course, the risk against which the errors and omissions policy provides protection. On the other hand, policies carefully exclude liability for losses arising from intentional misconduct.

Security Fund Expanded

In 1970 the Board of Governors substantially strengthened our Clients Security Fund. Additional appropriations to the Fund have increased it from less than \$60,000 to over \$130,000. Its coverage has been expanded to include losses in situations where the lawyer was acting in a fiduciary capacity and the conventional lawyer-client relationship did not exist. Claim limits were raised from \$5,000 per claim with a total of \$10,000 per lawyer to a single limit of \$25,000 per lawyer.

Earlier this year the Board of

Governors recommended to our Supreme Court substantial revisions of the Court's Rules of Discipline. Many improvements are included. We hope these changes will soon be put into effect.

The Board of Governors has seriously considered the possibility of making malpractice insurance mandatory. In the meantime, with much help from the Association's Insurance Committee, efforts have been made to assure continued availability of malpractice coverage, a market which many carriers have abandoned. These efforts are reflected in the offering made to all of us in the summer of 1971 of malpractice coverage with The St. Paul Insurance Companies through the Seattle firm of Dow-Laney Co. While the Board of Governors has not yet seen fit to attempt a mandatory malpractice insurance program, it is strongly of the view that the best interests of the public would be served if all of us did in fact include malpractice coverage in our insurance programs. If you do not have this coverage, I urge you to give it favorable consideration.

Trust Accounts Needed

We have a strong, effective Clients Security Fund. I have a suggestion for protecting and strengthening it. The suggestion has special appeal to me because of its potential for heading off trouble rather than just dealing with a problem which has already arisen. We all know we should have a separate trust account with our bank for the purpose of handling other people's money. Common sense dictates this. Basic fiduciary strictures against commingling dictate it. The concept is strengthened and expanded in DR 9-102 under Canon 9 of our Code of Professional Responsibility.

My idea is a simple one, i.e., that each of us, in order to be in good standing to practice law for the coming year, be required to furnish to the Association not only a dues payment, but a current opinion of an independent certified public accountant that we are in compliance with DR 9-102 and that our accounts are in order. I am informed that the solicitors in Great Britain have operated under such a rule for many years. I know of no other bar association in this country which does so. If the concept has merit, and I believe that it may, why should we not be among the leaders?

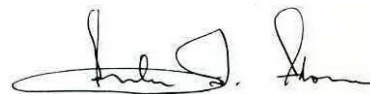
Rule Would Be Preventive

The preventive potential of the suggested Rule seems clear to me. I doubt that any lawyer who has gotten into trouble through misuse of the funds of others ever set about doing so intentionally. I think it much more likely that it started almost innocently and that over a period of time he drifted into it more deeply. The annual audit would strongly tend to inhibit this sort of conduct or, at least, to stop it before it gets out of hand and becomes irretrievable. It would no longer be possible for the lawyer who has taken the first wrong step to just close his eyes and hope that it will all go away. He would know that facing up to the problem could at best be deferred for a matter of months.

If my analysis is sound, the result would be fewer claims against the Clients Security Fund. The attrition factor would be reduced. The fund could grow more rapidly toward the point where valid consideration could be given to the elimination of limits on claims against the fund, all of course to the direct benefit of the public. But surely this is small

potatoes compared to the inestimable value, even if realized only occasionally, of a reputation saved, a potential loser remaining in good standing, with all that this connotes to the individual lawyer, his family, his bar association, and his community.

What do you think of this?



MICHAEL J. HEMOVICH of the Spokane firm of Bantz & Hemovich is the new chairman of the State Bar Disciplinary Board, succeeding John M. Cunningham of Centralia. A graduate of the Gonzaga Law School, he has been a member of the Disciplinary Board more than two and a half years.

NO-FAULT: WHERE IT'S AT

Motherhood, apple pie and now No-Fault.

Nobody — well, almost nobody — any longer totally opposes No-Fault auto insurance, or at least the concept of some first-party personal-injury medical and economic loss benefits. But No-Fault has many more varieties than even Heinz has. The legislature may decide early next year which variety is tastiest for Washington State palates. Meanwhile, the debate over recipes goes on. If you have been in hibernation or Siberia over the summer, this will help catch you up on the lively No-Fault goings-on.

The State Bar

A no-fault auto insurance bill has been drafted by the State Bar Association and will be offered to the Legislature in January.

The proposed bill is being checked out with insurance and other experts to make sure it is workable and economically feasible.

The bill is based upon the recommendations of the Bar's Special Committee on Automobile Reparations which were approved early this year by the Board of Governors. (See the committee's full report, *Bar News*, March 1972.) The report, in general, favors mandatory no-fault personal-injury benefits for medical expense and income loss which would compensate the great majority of victims but does not favor depriving citizens of their ultimate right to the use of the courts and jury trial. The report also urges other changes in the laws affecting reparations, including a switch to comparative negligence.

The ABA

The ABA's House of Delegates in August ap-

proved a modified no-fault concept, with no-fault benefits up to \$2,000, aimed at fully compensating about 95 per cent of auto-accident victims. The House also favored compulsory liability insurance. The delegates threw out the recommendation of the ABA's special committee for a \$500 medical-bill "threshold" for general damages.

Uniform State Law

A much more comprehensive measure, the Uniform Motor Vehicle Reparations Act (UMVARA), was approved in August by the National Conference of Commissioners on Uniform State Laws. That act will go before the ABA House of Delegates in February, though it can be promoted in the various state legislatures in the meantime.

The Uniform Act would pay *all* medical bills, up to \$200 a week for lost earnings, with no limits on the time period, or the total amount, of the payments. The Act would eliminate much of the tort system, and most recoveries left under that system would be reduced automatically by \$5,000.

The National Conference, with offices in the

American Bar Center, consists of about 250 lawyers, judges, law professors and state officials selected by the states. Its work on the no-fault act was done with the help of two \$100,000 grants from the U.S. Department of Transportation and the Ford Foundation.

The Congress

The U.S. Senate in August voted (49-46) to send to its Judiciary Committee the Magnuson Commerce Committee national no-fault bill. Even large segments of the insurance industry which in general favor no-fault insurance vigorously opposed the federal bill. Both of Washington's senators, Warren G. Magnuson and Henry M. Jackson, voted against sending the bill to the Judiciary Committee. The bill has been regarded as dead for this session. Much of the debate on the Senate floor centered around constitutional questions.

Trial Lawyers

Says John R. Lewis of Moses Lake, president of the Washington State Trial Lawyers Association (in *Trial News*, August 1972):

"Last spring state no-fault was defeated in the form of the Safeco bill. . . . We now are ready to start the final drive to see that fair, responsible no-fault legislation is passed in the next session of the Legislature.

"This I am sure will be done with all of WSTLA leading the charge. . . . There will be many more battles for us to fight in order to lead the Washington State Bar in, namely, contingency fee, changes in rules, and many laws which are of vital concern to our clients and . . . to the trial lawyers' image to the public."

Massachusetts

The Massachusetts no-fault law has been in effect more than a year and a half, and it is being watched closely, particularly for its effect upon insurance costs. Reports of substantial reductions in personal-injury insurance premiums have been widely heralded in the press.

Not exactly so, two Massachusetts lawyer-speakers told the combined meeting of the ABA's Sections of General Practice and Insurance, Negligence and Compensation at San Francisco in August.

"Before the consumer believes that Massachusetts' rates have gone down as a result of no-fault insurance, he should add up and examine the total bill for all coverages," Richard K. Donahue and Paul R. Sugarman asserted. "Massachusetts may have lowered the cost of some forms of insurance in the package but it raised the cost of

other forms. The net result is that the public has not received the premium savings promised."

They presented this comparison of rates in 1970 (the year before no-fault) and 1972: Assuming absolutely identical coverage situations, the total cost in Boston was \$612.75 in 1970 and \$580.77 to \$751.77 in 1972 (after no-fault the city was split into coverage districts; the present high-cost districts are the poorer neighborhoods). In Pittsfield, in Western Massachusetts, the premium package rose from \$244.25 in 1970 to \$318.52 in 1972.

Maryland

The new Maryland no-fault law, effective next January 1, was much discussed at the ABA annual meeting and hailed by many lawyers, especially some of those from Maryland, as the "most progressive insurance reform bill in the United States."

It requires no-fault coverage of at least \$2,500 for medical or income loss or a combination, and retains the right of the innocent party to sue the wrongdoer and to recover all his damages without set-off or subrogation for first-party benefits received. In addition, after trial, the court in its discretion may assess interest on the judgment from the date the action was filed against a defendant found to have caused unnecessary delay.

The law gives the state insurance commissioner increased consumer-protection powers to prohibit arbitrary termination of policies, to disallow subjective and unreasonable classifications, and to require the company to show that standards among risks objectively have a direct and substantial effect upon losses or costs.

The Insurance Commissioner

State Insurance Commissioner Karl Herrmann told the Young Lawyers Luncheon at the recent Bar Convention his office in December will pre-file with the Legislature a departmental-request no-fault bill.

His staff still was studying possible proposals, he said, but he was leaning toward these concepts:

Compulsory liability insurance, no-fault benefits for medical costs and wage loss with reasonable limits, retention of auto victim's right to sue for impairment of future income; substitution of comparative for contributory negligence and abolishment of the host-guest rule.

The public doesn't want a total no-fault plan, he believes, because "people are almost unanimous that we shouldn't have total immunity behind the wheel." □

THE BAR, PR AND DISCIPLINE

by David K. Robinson
President, State Bar of California

It might be interesting and perhaps helpful if I discussed from the standpoint of a president of a large association my thoughts after almost a year in office on the disciplinary program, particularly the public relations aspect and the changes which we have in California instituted in our system during this past year.

First, a little bit of background information which is very important to understand the basic changes which we have made. A year ago our association was under widespread attack in the news media and even from some of our own very vocal members. This attack centered upon the self-disciplinary system and was brought to the public's attention by some lengthy and highly publicized criminal trials in which it was claimed lawyers acted in a disruptive, disrespectful, incompetent or unprincipled manner. The news media throughout the state claimed that the standards of professional conduct and behavior were not being enforced. They frequently quoted from *The Clark Report* on discipline and chief justice Burger's remarks on the great need to improve the self-disciplinary system.

The Governor Became Involved

A few weeks after I took office, I met with Herb Ellingwood, who is in charge of the legal affairs for the governor and who was formerly legislative representative for the state bar and a good friend of our organization. At this meeting

Herb stated that the governor and his staff were deeply concerned about the state bar since they had received numerous criticisms concerning our operation, particularly in the disciplinary field. Many complainants who were not satisfied with the response they got from the state bar took their complaints to the governor. Also, the governor was well aware of the criticism in the news media. Fortunately, the governor wanted to get the facts before taking a public position. There was pressure among some politicians to have the public take over our disciplinary functions.

Some of the criticism was justified because our disciplinary system had been bogging down due to a substantial increase in volume and need for reform in internal handling procedure. Actually, we were aware of this and during the preceding year had made substantial changes in internal procedures.

Discipline Cost: \$637,000

A brief look at our statistics is helpful in understanding our problem and our efforts and results in meeting the problem: in the past five years our annual budget for discipline has increased from approximately \$200,000 to \$637,000. Our professional staff assigned solely to discipline tripled from 6 to 18 — our investigators doubled from 14 to 28 — our annual complaints jumped from 2,497 to 3,707, an increase of about 55 per cent. In the fiscal year ending June 30, 1972, there was one complaint for each 9½ lawyers. During this same five-year period, the annual complaints which were found by staff to be within our jurisdiction and indicated a violation of the rules of professional conduct sufficient to justify a preliminary investigation increased from 686 to 1,213 —

This is a condensation of a talk given August 10, 1972, in San Francisco before a joint meeting of the National Organization of Bar Counsel and National Association of Bar Executives. Mr. Robinson is a member of the Pasadena firm of Hahn & Hahn.

one for each 30 lawyers in the state and a 75 per cent increase. The formal hearings ordered jumped from 137 to 176 — a 30 per cent increase. Our disciplinary board, which is the top level board in our disciplinary setup and makes recommendations for discipline directly to the supreme court, had an increase of 50 per cent in its work load over this five-year period, with final orders jumping from 54 to 82. Our supreme court issued final orders on 41 disciplinary matters last year compared to 29 five years previously, an increase of about 45 per cent. They also issued 14 interim suspensions on conviction matters pending appeals, bringing to 22 those under interim suspension as of June 30, 1972.

During this same five-year period, our membership increased from 27,500 to approximately 36,000 — an increase of about 30 per cent.

The criticisms of the self-disciplinary system contained in the Clark Report which was widely publicized in California were really not directed at California and many of the recommendations in that report were modeled on our California system. The problem was that the public didn't know this.

Complainants Kept in the Dark

In good measure, we were responsible for the poor image of the bar in the public's mind in the disciplinary field because it had been our policy for years to tell as little as possible to the public about our disciplinary program, who was disciplined, and why. The theory was that if you told the public a lawyer was disbarred or suspended, it would hurt the image of the whole profession.

Also, we had a policy to tell complainants as little as possible. If their complaint was denied, that was all they were told. We used uninformative form letters which caused so much irritation on the part of the public and which the governor's staff was inevitably next to hear about.

One of the first acts of our board last fall was to change these policies.

First, we decided to give widespread publicity in news releases, speeches which I as president made or board members made, as to what we were doing in the disciplinary program, how our system operates, the vast number of voluntary hours devoted by lawyers to it, the money which was spent which came from lawyers' dues, to tell who were disciplined and why. News releases, either issued by the supreme court or by the state bar, tell the public who is disciplined, the degree of discipline, and the nature of the offense.



David K. Robinson

New Policy Draws Praise

The effect of this policy is clearly illustrated by an article in a leading newspaper in Sacramento about a month ago on the matter of self-discipline of lawyers. I will quote a portion of the article by the well-known columnist after he explained our system with its full-time staff of attorneys, investigators and the over 500 lawyers who devote their time voluntarily as examiners or members of committees. He then states:

"But for years whenever the state bar censured a lawyer for misconduct, the public was rarely ever told about it, leading to the so-called misimpression that the bar didn't care about the right of the public to know that a lawyer had violated a trust.

"Public censure was often limited to a few lines in house publications mailed to the 38,000 lawyers and 1,000 judges in the state.

"To the credit of the bar and its board of governors, the bar is now openly publicizing the misdeeds and the action it and the state supreme court takes against the offenders."

We recognize that in the more rural areas and small towns the news release will have a much harsher effect on the lawyer involved than in the

(Continued on Page 27)

THE NEW DELIVERY SYSTEM

"There can no longer be any doubt that plans for providing legal services to groups of clients and potential clients are a fact of life. This development, though outside of our traditions, should be welcomed by the Bar because it promises to bring more people within the rule of law and to advance us, as a society, closer to the objective of equal justice for all."

*— F. Wm. McCalpin, St. Louis,
Chairman, ABA Special
Committee on Prepaid
Legal Services*

Prepaid Legal Services: Response to a Demand

In the development of prepaid legal service plans much of the initiative and most of the momentum comes not from the Bar but from users — groups of prospective clients.

Nearly five years ago the ABA recognized the need and importance of developing such plans. It sponsored and supported the historic Shreveport experimental program. That program is unfortunately the only Bar-sponsored prepaid legal service plan presently in operation.

By contrast, there are several thousand plans providing legal services to more than a million people. They have been sponsored by labor unions or other groups of users, by private organizations, or by insurance companies.

Consumers Are Organizing

In July, representatives of labor unions, consumer groups, senior citizens, the National Farmers Union, cooperatives and other prospective recipients of prepaid legal services held a conference in Washington, D.C. They are creating a non-profit corporation to look after their interests and to bargain with the legal profession on behalf of beneficiaries of prepaid legal service plans.

The social and economic moment demands that the Bar seize the initiative and move more

(Continued on Page 24)

Lawyers Support Prepaid Concept, Bar Approach

Washington State's lawyers have overwhelmingly indorsed the concept of prepaid legal services.

They approved, by a margin of about 12 to 1, the idea that the organized bar should have its own prepayment plan and a rightful place in the field of prepaid group legal services. The approval was indicated in a questionnaire prepared by the State Bar's Special Committee on Group Legal Services. In actual numbers, the "vote" was 549 to 46 in favor of the concept of prepaid services.

Bar's Approach Favored

They approved almost as strongly (460 to 57) the job the Bar is doing to develop such a plan. The committee, at the direction of the Board of Governors, is forming a total program for statewide, open-panel prepaid group legal services through a separate, nonprofit corporation operated by the lawyer-panel members themselves.

More than half the lawyers responding (302, as against 254) indicated their client load had increased substantially in the last year. But only 106 lawyers indicated their client load was at saturation point — that they could not serve one more new client per day within the framework of pres-

(Continued on Page 24)

WASHINGTON STATE BAR NEWS

A Three-Ring Convention - as the Press Saw It

Law Talk Takes Front Seat

The law and the administration of justice are becoming more complicated.

Relatively new fields of law are being cultivated and "old" law must be applied to modern circumstances.

So it is in the interest of the public that the legal profession keeps up with the trends, with the problems and with new approaches to solving them — all within the framework of basic law.

This week lawyers and judges of the state are meeting in Spokane and the city is proud to have them.

Informative, provocative and stimulating programs on many subjects, some highly controversial, are being presented, intended to keep lawyers and the judiciary up to date and to point up needs for change.

Aside from the programs, the conventions afford judges and lawyers the opportunity to meet and compare notes with others on a person-to-person basis. Responsibilities of trial judges, especially, must be borne largely by the individuals themselves. The conventions give them opportunity to break away for a time from what amounts almost to isolation.

— Editorial. *Spokane Daily Chronicle*

* * *

THE BUSINESS MEETING

Lawyers Move to Ease Bar Referendum Votes.

Lawyers attending the State Bar Association's annual meeting passed a resolution that could make it easier for them to challenge decisions by their board of governors.

The resolution asks the board to amend its by-laws, permitting actions to be modified or reversed by a simple majority of lawyers who participate in referendum votes.

The bar also passed a resolution submitted by **Susan Fletcher French**, Seattle lawyer, on behalf of Washington Women Lawyers, endorsing the proposed Equal Rights Amendment to the State Constitution.

At the business meeting, **E. Frederick Velikanje**

of Yakima, immediate past president of the association, outlined what he believes to be the association's major successes and failures during the past year.

He described as a success the Bar's poll that rated judges. Lawyers responded to questionnaires evaluating the qualifications of judges where they practice. The results were not made public, but each judge received a personal rating.

Several judges who rated low have talked to association officials about how they can improve themselves, Velikanje said. Another justification for the project is the fact that six of the 10 judges who received the lowest ratings in the state chose not to seek re-election to another term this year.

Velikanje said his goal as president was to establish better communication with members of



THE NEW "JUSTICE-DESIGNATE" of the State Supreme Court is **Robert F. Brachtenbach** of Selah (left), shown chatting with **E. Frederick Velikanje** of Yakima, who recently completed a year as State Bar president. Brachtenbach, 41, appointed by Gov. Dan Evans, is expected to take office during November after Justice Marshall Neill completes his state-court work and resigns to become U.S. District Court judge in Eastern Washington. Brachtenbach attended Yakima schools and was graduated in 1954 from University of Washington Law School. He has been in private practice since, and served two terms as a state representative.

the bench and law schools. It worked with schools and with the appellate courts, but failed with the Superior Court, he said.

"The Superior Court Judges Association elects a president but does not give him any authority to speak for the group," the bar leader said. "Each judge wishes himself to be a power within his own domain."

Velikanje said there was trouble getting the judges to cooperate in the bar's program to pass a new judicial article for the state, and he hopes communications can be improved.

— *The Seattle Times*

* * *

Judge Selection, Steps Backed. New methods for appointing, electing and disciplining Washington judges, incorporated in a proposed revision of the State Constitution's judiciary article, appear to have support from both lawyers and judges.

That was stressed at the State Bar Association annual business meeting in the Ridpath Hotel by the group's president, E. Frederick Velikanje of Yakima, and Chief Justice Orris Hamilton of the State Supreme Court.

The proposed constitutional amendment, to be offered to the state legislature for its consideration in January, would provide for a judicial selection commission of lawyers, judges and laymen to investigate persons desiring appointment to fill vacancies on the Supreme Court, Appeals Court or Superior Court

Not Bound by Group

The governor would be required to select an appointee from the list submitted to him by that commission. Governors at present are not bound by any advisory group, although it is customary to ask the bar association for its recommendations.

Also provided is a judicial discipline commission that would have authority to remove judges from office. Justice Hamilton described that portion of the proposed amendment as a means of protecting the public from "arrogance and misconduct by members of the judiciary."

The judge election process would be similar to the Missouri plan in that an appointee would have to run for that office against any other candidates at the next general election after appointment, as is the current practice. Thereafter, however, all judges would "run against their record," the ballot question being whether a given judge should be retained in office for another term. If the majority

voted "no," the office then would be open for filing by other candidates, including the incumbent.

Legislation Prepared

Velikanje told the lawyers today that the State Bar Association also is writing proposed legislation on landlord-tenant relationship and no fault auto insurance for introduction in the next legislative session.

The association president said groundwork has been laid for reorganizing the bar and a major project for the board of governors will be consolidation of committees and elimination of some.

— *Spokane Daily Chronicle*

* * *

Legislative Job Is Assigned

Bernard Lonctot, administrator of securities for the State Department of Motor Vehicles and former Ferry County prosecuting attorney, is retiring from state service in November to become a legislative representative for the Washington State Bar Association's legislative committee, the Bar was told at its annual business meeting.

In Spokane for the association convention, Lonctot said he is ending 26 years of state and county government service this fall. A native of Seattle, he was engaged in law practice in Republic when he became prosecuting attorney there and later served four years as chief assistant state attorney general.

Lonctot was chief examiner for the State Public Service Commission, now the Utilities and Transportation Commission, before going with the Department of Licenses 15 years ago.

Spokane Daily Chronicle

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PREPAID LEGAL SERVICES

Wait Possible: Legal Help Push Seen. Labor unions, expected to be prime customers of bar association-sponsored prepaid legal services, may not be ready to enter into such contracts immediately, the Washington State Bar Association was told.

Julius Bernstein, general Counsel for Laborers International Union, Washington, D.C., appeared on a panel discussion of prepaid legal service contracts at the opening session of the state bar's annual meeting in the Ridpath.

Labor Backs Idea

He said labor leaders endorse the principle of

prepaid legal services for union members but they want to make sure that the clients know what they are getting for their money.

Bernstein said the unions are planning to include prepaid legal services as negotiable fringe benefits in labor contracts, stating that there may be need for federal law changes to permit their inclusion as negotiable items and subject to jointly administered trust funds.

Spokane attorney **Lionel Wolff**, another panelist, described steps being taken by the State Bar to establish contractual, prepaid legal services, reporting that articles of incorporation of a non-profit administrative organization already have been drawn.

Wolff, counsel to the bar association committee on group legal services, detailed how the program would function, legal services that would be provided, how fees would be arrived at and paid and other details.

It was indicated that some legislative action may be necessary to put the prepaid legal services program into operation.

— *Spokane Daily Chronicle*

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LUNCHEON SPEAKERS

FBI Chief Lashes Courts In Talk to Bar Group.

Citizens are losing faith in the criminal justice system because courts often go to "ridiculous lengths to protect the rights of the accused," the acting director of the Federal Bureau of Investigation charged.

L. Patrick Gray, in a law-and-order speech at the annual convention of the Washington State Bar Association, urged the state's lawyers to work earnestly "to bring clarity, justice and reason to the criminal justice system."

The FBI chief said court decisions frequently are frustrating to police officers who wish the courts "would stop changing the law faster than they can adjust."

Gray said the solution to waning citizen confidence in the court system isn't simply a matter of speeding it up.

"They must first believe that the delicate balance between the rights of the accused and the rights of society are being preserved," he declared.

Gray said lawyers commendably have done much to protect the rights of indigent defendants, and he urged the bar to perform a similar service

for law enforcement officers by volunteering to advise them about the latest court restraints.

The Post-Intelligencer

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FBI Chief Raps Hiring by Quota. There will be no "quota" system for hiring women and blacks in the Federal Bureau of Investigation, if Acting Director L. Patrick Gray III, has anything to say about it.

At a news conference following his address to the Washington Bar Association, Gray made it clear that every applicant for a job with the FBI will be judged on individual merit.

Emphasis Pointed

The former assistant U.S. attorney general said that the FBI will continue to give top priority to its fight against organized crime, which he described as a cancer infesting society. And, while the bureau has no direct jurisdiction in drug control, the director said it does receive a lot of information about drug trafficking and will cooperate with other agencies in that area.

Expressing strong belief that a society with a will to protect itself will do so, the director said the public has confidence in the FBI and for good reason: "I am dealing with the most dedicated people I have ever worked with in my 56 years."

He said that his appointment as acting director does not deny him the right, as a citizen to be critical of any other branch of government, including the Supreme Court, but he reiterated that, as head of the FBI, he will uphold all laws, regardless of personal feeling.

— *Spokane Daily Chronicle*

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Meredith Sees Dallas-Chief Go. The Dallas Cowboys will be back in the Super Bowl next January and this time the Kansas City Chiefs will provide the opposition.

That, at least, is the way Dandy Don Meredith, the ex-Dallas passing-great-turned-TV-commentator, sizes up the 1972 National Football League race.

Meredith, who retired from pro football after the 1968 season and eventually landed a berth as one of the colormen on ABC's Monday Night Football, was in Spokane to address the noon luncheon meeting of the Washington State Bar Association at the Ridpath.

Meredith addressed a Bar luncheon attended by

nearly 800 persons.

He told them that competition in athletics and life is fine, but too much emphasis is placed on being "the winner." There needs to be more genuine appreciation for individuals and their abilities, he said.

— *Spokane Daily Chronicle*

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Property Rights Laws Discussed. Community property rights of unmarried persons living together may eventually be recognized by the Washington courts, according to Seattle attorney **John Price**. He addressed an estate planning session of the Washington Bar Association's annual meeting.

Price said a recent decision by the Supreme Court gave indication that the current legal presumption that unmarried persons living together could not acquire community property should be challenged in the light of changing social mores.

He told estate planners to expect litigation in that area of law and eventual high court decisions that probably will oppose the current legal assumption that individual property of those involved in such a relationship belongs to each of them alone.

Price also said that attorneys must exercise extreme care in advising with respect to premarital agreements.

He also warned that estate planners and divorce lawyers should carefully check, in working out property settlements of couples contemplating divorce, such community assets as group insurance policies and pension programs from which either or both might benefit.

— *Spokane Daily Chronicle*

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Two Speak Out: Bar Meet Ends

Young lawyers had their "day in court" at the windup of the Washington State Bar Association's annual meeting at the Ridpath.

Seattle attorney Susan F. French entered a plea for exercise of reason rather than fear in deciding the fate of the Equal Rights Amendment proposition on the November ballot.

Gregory R. Dallaire, also Seattle, spoke on the need for the association to keep up to date internally with what is happening in the outside world.

Both are board members of the Seattle-King County Young Lawyers. The two were final speak-

ers on the program winding up the regular session.

Dallaire said that, until recently, the state association had concerned itself mainly with "rewriting in the substantive areas," such as the penal code. But, he said, the Young Lawyers committees increasingly are raising controversial questions in the realm of public concern such as poverty law and environmental protection.

Mrs. French raised the question of whether a constitutional amendment is necessary to implement the "fundamental principle that all persons in society are equal" under the law regardless of sex. And she said the answer is, "Yes."

She said use of the 14th Amendment's equal protection clause had been tried and found wanting. She said the U.S. Supreme Court still seems to consider women as being different and that a different classification accordingly can be made in law, based on sex.

— *Spokane Daily Chronicle*

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A very limited number of Convention 1972 Continuing Legal Education Committee books, containing outlines of speakers' presentations on 1972 Estate Planning Update, Environmental Law and Construction Law, are available, at \$5 each, from the State Bar Office.

Supreme Court Justices' Philosophies Eyed by Roe

Justice William O. Douglas is the most liberal and the most predictable member of the U.S. Supreme Court and, on the basis of the number of separate supplemental opinions he writes, the most frustrated.

These conclusions were expressed to attorneys of the Washington State Bar Association, by Superior Court Judge Willard J. Roe of Spokane.

Judge Roe said he had studied opinions of the nine members, finally using a color chart to place the justices according to philosophy — liberal to conservative — and not according to rank or seniority.

On Roe's Scale

The order on the liberal to conservative scale, he said, starting from the left, is Douglas, Walter J. Brennan, Thurgood Marshall, Potter Stewart, Byron R. White, Harry A. Blackmun, Lewis F. Powell, Chief Justice Warren E. Burger and William Rehnquist.

"I anticipate Powell may shift," Judge Roe commented in addressing the lawyers. "His opinions may be said to be the most perceptive of

those of the Nixon appointees. To me, Burger seems to be regrounding.

"The most predictable member easily is Douglas," he said. "I can't imagine anyone framing a brief or argument to sway him. His mind is set. To a certain extent, the same may be said of Burger and possibly Rehnquist, although it is too early to determine."

"If I were before the Supreme Court, Stewart and White, as the two 'swing' men, would be the targets of argument," Judge Roe asserted. Stewart dissented 10 times with the liberals and none with the conservatives, while White dissented five times with the conservatives and two with the liberals.

"Stewart and White never once dissented together. This is a fascinating statistic. If Stewart and White agreed, that became the majority opinion."

— *The Spokesman-Review*

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ENVIRONMENTAL LAW: Bar Meet Hears 2 Sides. Lawyers on opposing sides of the mushrooming field of environmental law were able to agree on one fact during a legal institute at the Washington State Bar Association Convention.

Two attorneys for citizen groups which have fought land developers and environmental polluters told the lawyer audience that a myriad of laws and government agencies have been created in the last few years to protect the environment and furnish legal tools for doing so.

Two other lawyers, whose clients include farmers, developers and industrial firms, said in essence that there was no denying the existence of that swarm of laws and agencies — and they complained about it.

The speakers were:

● Seattle attorney **J. Richard Aramburu**, who gave the listening lawyers some tactical pointers for pursuing environmental litigation, representing citizen groups protesting environmental affronts and rounding up experts to enlist in such crusades.

● Everett lawyer **William H. Wilson**, who confessed he may be "the complete embodiment of evil" because he has represented commercial and industrial firms, and who told of the frustrations of trying to deal with government regulations and bureaucrats.

● Bremerton lawyer **Philip M. Best**, who ticked off a list of agencies and state and federal laws through which land and water use protectors can

seek aid, and gave a few pointers for lobbying and for combating developers.

● Ellensburg attorney and farmer **Harrison K. Dano**, who told of federal and state regulations which, he asserted, are wrecking crops and possibly depriving farmers of some of their constitutional rights.

— *The Post-Intelligencer*

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Lawyers Discuss Ecology Ecology was discussed for three hours as one of the opening sessions of the Washington State Bar Convention in Spokane commanded the attention of about 400 practicing attorneys.

More than 725 Washington lawyers registered for the three-day session, meeting at the Ridaph Motor Inn.

Ecology panelist Harrison K. Dano, Ellensburg, took sharp offense at existing environmental laws pertaining to the farming community.

Farmer Influence

Dano, a farmer, said, "The nation's two million farmers have little voice in deciding the laws that will govern them. They have little political influence."

Farmers soon will be without any effective pesticide, he said.

"Pretty soon there will be no fruit fields. The many bugs will have destroyed the crops," Dano said.

Organizations Fought

Panelist J. Richard Aramburu, Seattle, told of problems he has encountered in bringing suits against "deep-pocketed" organizations such as land developers or the U.S. government.

"These people can amass large quantities of resources, both in money and in information.

"In general, the party on the other side of the environmental controversy will be a developer of some type who intends to use the natural environment for a purpose which may be harmful either to the human population or to the preservation of natural areas," Aramburu said.

He emphasized the importance of gathering information prior to taking cases to court.

Waterways Act

William H. Wilson, Everett, who represents clients who wish to construct things along the state's waterways, said his basic goal "is to adequately inform the client of what is expected of him."

He cited the Rivers and Harbors Act of 1899 as

a law that prohibits the creation of obstructions that do not allow navigation of any waterway.

The statute further claims that it is unlawful to throw, discharge or deposit any material into any navigable water of the United States, he said.

While no ultimate conclusions were reached, the majority of the discussion session centered around how an attorney best can prepare his suit and client for a court appearance — either for or against a proposed project that affects the environment.

— *The Spokesman-Review*

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Limited Computer Service Available to Lawyers

The State Statute Law Committee has designed a pilot program for providing limited computer services to lawyers on a time-available, cost-reimbursable basis, **Richard O. White**, State Code Reviser, told a Bar Convention seminar in Spokane.

He said lawyers may communicate requests to the expert searchers in his office in Olympia.

But he noted that the Washington Reports "data base" now in the computer is far from complete, that "turn-around" time for computer printouts by mail will normally be 24 hours, but upon request his office can normally telephone a list of citations the same day, and that legislative use of the system will have priority over private requests in the event of heavy demand.

Edward C. Miller, from the Code Reviser's Office, also spoke. He noted that the data base now available from the computer in Olympia includes the Revised Code of Washington through 1972; attorney general's opinions, Oct. 1949 to Feb. 1970 (with those up to the present now being prepared and available soon); Washington Reports volumes 64-75 Washington Second (with 1 through 5 Washington Second and 60 through 80 Washington Second being prepared for searching this fall), and the U.S. Constitution and Washington Constitution and Enabling Act.

Gary L. Reid, lawyer and assistant code reviser, described the technique of requesting computer searches, and **Robert L. Charette** of Aberdeen, a legislator and Bar appointee to the Statute Law Committee, said that if the pilot program of serving the private bar is successful the Bar may be invited to help in further developing the service.

"Our Washington System has been accorded na-

tional recognition as one of the leaders in the field, but there still remains a considerable amount of organizational planning, a goodly number of rather profound policy decisions, and the establishment of a sound rapport between the Legislature and the State Bar Association concerning this matter if the system . . . is to have any real hope of satisfying the long-range needs of the organized Bar," Charette said.

"Our present hang-up is the expense required to convert the remainder of the Washington Reports into machine-readable form."

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In Building Trade: Payment Law Aired. One problem "among others" with the construction trades often "is trying to get the right amount of money paid to the right people at the right time," a panel of lawyers at the Washington State Bar Association convention said.

About 600 attorneys were present at the seminar entitled "Construction Law" and were offered various remedies to the payment problem.

Nearly 750 lawyers registered at the Ridpath Motor Inn for the three-day meeting.

"Everything starts out fine," panelist **Leslie L. Woods**, Spokane, said. "The eventual building owner hires a general contractor and the general contractor, in turn, hires the various subcontractors who, also in turn, purchase their necessary supplies.

"Everyone is happy. It is at this time the various concerned parties should begin protecting themselves legally. But they do not," he said.

Trouble Ensues

Somewhere along the construction line, someone often is not paid, Woods said, and the entire work process is put into jeopardy.

"Maybe it's the owner who is not paying the contractor; or maybe it's the subcontractors who are not being paid by the contractor," another panelist, **Patrick A. Sullivan**, Spokane, said.

Woods gave as an example the case of a widow with \$300,000 who wanted an apartment complex built.

"An initial concern," panelist **Robert J. McNichols**, Spokane, said, "is to investigate necessary items such as who the land is being purchased from, the parking situation and the reliability of the various contractors."

Estimates Err

Another item is the projected construction cost, McNichols said. "Generally, you can count on that

figure increasing by 50 per cent before the job is finished."

Litigation sometimes is the only alternative left in trying to secure payments for the various contractors, the panelists agreed.

Woods said that his advice to a contractor who is not getting paid is to threaten to walk off the job.

In federal and public building construction, the lawyers agreed that the many available bonds are the right approach to payment problems. Bonds mean there is money in the bank and that the contractors virtually are assured of payment.

Seattle lawyer **Douglas J. Smith** said ending a payment case in the courts is sometimes not the best alternative.

Seattle only recently ended a court fight over payment of contractors' costs that stemmed from the World's Fair 10 years ago. Cases that end up in court could require six to 11 years to complete, he said.

— *The Spokesman-Review*

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Architects, engineers get legal warning. Architects and engineers have considerable control over the performance of contractors, and the trend in the law is for them to share responsibility when there are problems, a lawyer who specializes in construction law said yesterday.

Robert J. McNichols of Spokane told the State Bar Association's annual meeting that "the honeymoon is over." He said recent case law shows that architects and engineers are being compelled to share the defense and litigation to which contractors have become accustomed.

"An architect as a client should be advised to consult his counsel the minute a serious dispute arises," McNichols said. "Most standard forms of agreement require the architect to resolve the disputes between the contractor and the owner.

"Considering the rapid changes in the law which are occurring, the architect is well advised to utilize his lawyer early in the game."

— *The Seattle Times*

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U.W. prof calls for court jurisdiction in estate fees. Fees paid attorneys in some estate cases should come under the jurisdiction of courts, a University of Washington Law School professor told the State Bar Association.

The professor was John R. Price, who was taking part in a three-man panel discussing recent developments in Washington law. **Malcolm A. Moore** of Seattle and **Scott B. Lukins** of Spokane also were on the panel.

The cases Price referred to were nonintervention estates, those in which the court does not intervene in each action.

Price said some type of court control is desirable to "preserve and promote the bar's image and to protect the public." Part of what the public should be protected against is high fees, he said.

A clause should be considered requiring attorneys in such cases to "submit the matter of fees to the court for approval," Price said.

An alternative would be a clause limiting fees for ordinary services to the amount recommended in the fee schedules, he said.

Price, in a 40-minute talk, outlined developments in trust and estate law. The husband's exclusive right to manage community property has ended, he said.

"Generally, now either spouse may manage and control community property," Price said. "However, neither can dispose of more than half by will and neither can make a gift without the express or implied consent of the other."

A recent case held that under state law one spouse cannot dispose by will of the entire interest in any specific item of community property.

Each spouse owns an undivided half interest in each community-property assets, and not merely half of the total of the assets, Price said.

— *The Seattle Times*

Next Question?

A point of order might have been in order when the form of a Washington State Bar Association questionnaire to prospective judges was approved:

"Question No. 5. If you have been disciplined by a bar association or a court or have been investigated by a law-enforcement agency, give details.

"Question No. 6. State what other qualifications you have for judicial office."

(*The Seattle Times*)



GOVERNMENTAL LAWYERS ASSOC.

By DAVID M. KENWORTHY

The Governmental Lawyers Association plans to spend the next several months exploring areas in which the association and the Washington State Bar Association and the Thurston-Mason Bar can be of service and assistance to each other, according to **Bill Lowry**, the new president.

Jerry Buzzard, president of the Thurston-Mason Bar, speaker at the association's September 20 luncheon was to discuss areas in which the two bars may cooperate as well as areas of actual or potential conflict.

On October 18 the Governmental Lawyers plan to meet with G. Edward Friar, Executive Director of the WSBA, to discuss areas in which the WSBA and the association can support and be of service to each other.

KITSAP REPORT

By HELEN GRAHAM GREAR

The annual Bar picnic was held at the magnificent Douglas Fox home at Southworth on August 26. Your reporter had to miss it, so cannot supply details.

The most exciting vacation trip which occurred in our Bar this summer (and tax deductible!) was the 10-day air trip to Israel taken by **Lawrence E. (Larry) Soriano** and his wife Betty. This was a seminar sponsored by the American Trial Lawyers Association, and 110 people went, 55 of them lawyers. The topic was Comparative Justice in Israel.

"In criminal law, in the cases

involving questions of mental responsibility," said Larry, "Israel has gone beyond the McNaughton rule (whether the criminal defendant knows the difference between right and wrong) and looks into whether there is "an irrepressible impulse," in which case the defendant may be found not guilty."

Larry learned that the Israelis do not use the jury system. In criminal cases, they have a procedure on confessions in which the court hears all the evidence of the trial, including the confession, and evidence as to how it was obtained, and then rules on the admissibility of the confession. There is no requirement of a Miranda-type warning.

The lawyers had three intensive sessions, and were also afforded opportunities to meet with members of the Israeli Bar, both in their homes and at receptions. They were also given tours of the area.

SEATTLE-KING REPORT

By GERALD G. TUTTLE

Elvin P. Carney, Lloyd W. Bever, R. Jack Stephenson, Herman S. Siqueland, Basil L. Badley and Milton C. Smith announced the formation of a partnership under the name of Carney, Bever, Stephenson and Siqueland, 1710 Park Place Building, Seattle. Shortly thereafter Lloyd Bever was appointed to Department 18 of the King County Superior Court bench and became a candidate for election to that position.

Branson, Hardwick & Conrad announced the association of **Richard P. Beaudry**.

Bob Diercks has left the Seattle office of the Securities and Exchange Commission to practice

with Ashley, Foster, Pepper & Riviera.

Paul J. Fisher has opened new offices at 1407 Alaska Building.

Carl A. Jonson announces that **Chi-Doooh (Skip) Li** has become a partner under the firm name of Jonson & Li, P.S., with offices in the Central Building.

Graham, McCord, Dunn, Mosen, Johnston & Rosenquist announced that **John F. Hall**, formerly executive vice president of Marine Bancorporation, has rejoined the firm as a partner and that **Daniel B. Watts** and **Gerald T. Parks Jr.** have become associates.

Houger, Garvey, Schubert and Barnes announced the opening of a branch office in Washington, D.C., and the association of Loyal T.R. Snyder, formerly staff counsel to the Committee on Commerce, U.S. Senate. **L. William Houger** and Loyal T.R. Snyder will man the new Washington, D.C., office.

Gerald A. Troy of Bellevue, formerly an assistant attorney general and in private practice, has been appointed an attorney with Burlington Northern's regional law department in Seattle. He is a 1969 University of Washington graduate.

SOUTH KING REPORT

By CHARLES R. BRANSON

The annual Enumclaw golf tournament was held for bar members and their guests. Committee chairman **Philip Beige** modeled the maroon blazer which was later awarded to the low net winner, **Jim Curran**; **Dick Williams** was the low gross winner; **Jack Bereiter**, the high gross winner, was awarded a 1913 set of left-handed wooden clubs.

Art Swanson was elected President of the Washington State

Trial Lawyers Association at their recent convention in Spokane.

Pete Curran has been elected vice chairman of the Board of Directors of the new Renton Community Bank.

The State Bar Convention was attended by nearly half of the members of the South King County Bar Association.

YAKIMA REPORT

By **GEORGE M. MARTIN**

CROSSED THE BAR:

The Yakima County Bar held a memorial service for **Gerald L. Enright** on August 21. Jerry passed away August 19 after a short illness. He had practiced law in Yakima for almost 30 years after graduating with honors from Georgetown School of Law. Jerry is survived by his wife, Blanche. Jerry was a friendly lawyer and always had a word of good cheer for all and he was always anxious to lend a helping hand, especially to children and young people.

LAWYERS IN THE NEWS:

Mr. and Mrs. **Ernest Falk** have flown to Europe on a combined business and vacation trip, an extended tour of the European countries.

Yakima was represented by **John Gavin**, **Robert S. Linnell** and **E. Frederick Velikanje** at the recent ninth Circuit Court Conference at Pasadena. Gavin also attended the meeting of the American College of Trial Lawyers.

Randall L. Marquis of Martin & Marquis attended the Summer Olympics at Munich, Germany.

Neil C. Buren, formerly with Tonkoff, Dauber & Shaw, has opened his own office at 10 North 10th Avenue in Yakima.



NEW CHAIRMAN of the bar association's Board of Bar Examiners is **Daniel C. Blom of Ryan, Carlson, Bush, Swanson & Hendel, Seattle**, senior vice president and general counsel of Family Life Insurance Company. A graduate of University of Washington and Harvard Law School, he is current president of the Washington Insurance Counsel. He has been active in affairs of the Seattle and state bars and the ABA and the insurance industry.

Wesley M. Wilson and **Jerome F. McCarthy** have formed a partnership at 605 Miller Building, Yakima.

David Thorner, who is anxiously awaiting the returns from the bar examination, has entered the office of **Tonkoff, Dauber & Shaw**. Dave is a graduate of the University of Washington.

Edward Seeberger, a graduate of the University of Oregon Law School, has accepted a position in the office of the Yakima County Prosecuting Attorney under the Law and Justice Program.

THURSTON-MASON REPORT

By **STEPHEN J. BEAN**

Evelyn Foster and her son, **Stan**, have moved into the top floor of the new Evergreen Plaza Building and insiders report their palatial suite is the most luxurious this side of Seattle.

Jerry Buzzard and **Dick Brown** formed the **Buzzard & Brown Professional Services Corporation**, in the Evergreen Plaza Building.

John Aitken left the firm of **Don Miles, Attorneys**, and has become associated with the firm of **Pebbles, Swanson & Lindskog**.

J.V. Lyman has left the **Thurston County Prosecuting Attorney's Office** and joined the firm of **Don Miles, Attorneys**. J.V.'s replacement is **Tom Taylor**.

In **Lacey**, **Bill Cullen**, himself only in business a few months, announced that he had taken in a partner, **Jerry Mooney**.

In **Mason County**, **Jerry Whitcomb**, formerly associated with **Glenn Correa**, announced the opening of his office in **Shelton**.

Lawyer Named Bishop

Jack M. Tuell, an inactive member of the State Bar, has been elected a bishop during the recent Western Jurisdiction Conference of Methodist leaders from 12 western states. An Air Force veteran, he was a Methodist district superintendent before being assigned to the First Methodist Church of Vancouver, Wash. Under church law, as a bishop he may not administer Methodist work in Washington but will be assigned in another state.

Bar to Switch to Permanent Member Cards

Something new will be going into your wallet or pocketbook soon: A new permanent, plastic Washington State Bar Association membership card.

The Board of Governors has approved the changeover from the traditional heavy-paper cards which have been issued annually to lawyers. The new cards will be mailed to members late this year or early in 1972 and they are to be retained as permanent membership cards.

Economy Sought

The change is being made for reasons of economy and Bar Office efficiency, and was brought about by the rapid growth of the Bar in recent years to about 4600 members. The old one-year cards involved a fast-increasing printing and mailing cost, imposed a heavy workload on the office for a several-month period annually, impeded other vital office operations and brought a number of complaints from lawyers about delays in delivery of their cards.

The colorful, sturdy new plastic card will bear a space for the member's signature for identification purposes. New cards will be issued by the Bar Office to lawyers who change classes of membership or lose their cards.

Issuance of the permanent cards no longer will be associated with the annual payment of association dues by lawyers.

Our bar is one of the first to switch to permanent cards. The Wisconsin bar successfully did so in 1969 and other bars are contemplating the move.



ROBERT S. MUCKLESTONE of Perkins, Coic, Stone, Olsen & Williams, Seattle, is the new chairman of the American Bar Association Standing Committee on Economics of Law Practice. A member of that committee four years, he also has been active on the State Bar's Committee on Law Office Management and Economics of the Law and has lectured frequently on that subject. He is a graduate of the University of Washington Law School and has been an instructor there in law and estate planning.

Clark County Adds Criminal Defender

The Clark County Legal Defender Association has been seeking a staff attorney, according to J. Dean Morgan, director.

The association is a newly formed nonprofit corporation which has contracted with Clark County to provide criminal defense services to the indigent person.

The concept is not only to provide legal defense services in the courtroom sense, but also to develop community support for individual defendants. Morgan said. It is anticipated that the staff attorneys will be the pivotal portion of a program which will also include people specializing in investigation, in development of sentencing alternatives, and in follow-up work and statistical development. The program commenced operation September 1.

Attorneys' salary will range from \$11,000 to \$15,000 per year, depending upon qualifications, experience and other factors. Applicants must be attorneys admitted to practice in Washington or persons who expect to be admitted in the near future.

Morgan's Vancouver telephone number is 699-2321. He formerly was a partner in the firm of Houger, Garvey, Schubert & Barnes, Seattle.

In Memoriam

Thomas A.E. Lally, 89, Spokane, died August 22. A graduate of Notre Dame University and Harvard Law School, he began practice in 1909 and practiced in Spokane from 1910 to 1968. He was a former director of the State Game Commission. Survivors include Superior Court Judge John J. Lally, Spokane

Superior Court.

Paul Hyde Graves Sr., 76, died August 4 in Spokane. He practiced there with Graves, Kizer & Graves from 1921. He was a founder of Northwest Gas Co. and Spokane National Bank and served as chairman of the bank's board until 1964.

The Board's Work



Extracts from the minutes of the meeting of the Board of Governors August 14, 1972, at the Hilton Hotel, San Francisco, with all members of the board in attendance.

Disciplinary Matters — Keeping of Public Minutes

It was moved, seconded and carried that matters before the Board relating to the disciplinary process involving specific individuals be maintained as separate confidential minutes in keeping with the Supreme Court Rule concerning the confidentiality of such matters; the confidentiality would apply only to those matters not yet finally determined, and matters finally determined either by the Disciplinary Board or the Board of Governors would be treated in the usual disclosure manner. The vote on the motion was 4 to 3.

Publication of the Bar News

A. It was moved, seconded and carried that a five-person committee be appointed as an Editorial Advisory Board to organize itself, meet and confer and be prepared to make recommendations to the Board of Governors at the Board's September meeting in Spokane relative to guidelines, programs, plans and procedures for the preparation, editing and publication of the Bar News. The motion was made by Mr. Curran, seconded by Mr. Hoff and the vote on the motion was 5 to 2 with Messrs. Day and Lynch voting "no."

B. A motion was made, seconded and carried that the Editorial Advisory Board membership be expanded to seven. This motion was made by Mr. Novack and seconded by Mr. Lynch. The following were named as members of the Editorial Advisory Board in accordance with the motions: William W. Baker, Everett; E. Glenn Harmon, Spokane; Bradley T. Jones, Seattle; Vernon L. Lindskog, Olympia; Richard F. Monahan, Tacoma; John (A.J.) Nicholson, Yakima, and John Lee Weinberg, Seattle.

Industrial Insurance Appeals

It was moved, seconded and carried that the President write a letter to the Board of Industrial Insurance Appeals outlining the Board's position with reference to the question of lay representation of claimants before the Board of Industrial Appeals — that position being that as long as the law is the law, it must be supported and that in accordance with the Attorney General's Opinion, lay representation of claimants under the present law would be illegal. Further, it is the Board's po-

sition and the President will say in his letter that the Bar Association will be very happy to participate in a representative study of this question and if it is decided to appoint a study group of laymen, claimants, representatives of claimants and other interested parties, the Bar Association will designate representatives to participate in such a study with the hope that the question could be resolved to the best interest of all concerned. The vote on this motion was 6 to 1 with Mr. Lynch voting "no."

Permanent Membership Cards

It was moved, seconded and carried that permanent membership cards, as outlined in the plan submitted by the Executive Director, be issued to the active members of the Bar Association. It was further made a part of the motion that these permanent cards be issued and delivered as soon as feasible and in any case before February 1, 1973.

COG Reports and Recommendations

It was moved, seconded and carried that either a Special Board Meeting or a Special Day in advance of a regular Board Meeting be arranged and set aside for the exclusive consideration of the reports and recommendations to date of the Committee on Organization and Government of the Bar. It was further agreed that this special or expanded meeting should be during October, 1972, and that the Board would give full study to the reports and recommendations of this committee.

Rules of Discipline

It was moved, seconded and carried that the Supreme Court be advised that it is the recommendation of the Board of Governors that suspensions and disbarments become effective on the date of the entry of the Supreme Court's Order relative to them, unless an extension of the effective date is specifically included in the Order of Suspension or Disbarment or unless an extension is granted simultaneously with the filing of the Order of Suspension or Disbarment by the Supreme Court.

Committees, Committee Appointments and Designation of Committee Chairmen

On motion properly made, seconded and carried, the Board designated Committee assignments for the 1972-73 fiscal year subject to any changes which might be made in the Committee structure as a result of the Board's action on the COG committee's recommendations. Subject to the same conditions, the Board designated Committee Chair-

(Continued on Page 20)

Lawyers, Judges, Newsmen Invited to Press Seminar

Lawyers, judges, newsmen and others interested are urged to attend a State Bench-Bar-Press Committee regional seminar Oct. 13-14 at the Sea-Tac Motor Inn, Seattle.

The Program:

Dinner, 7 p.m. Oct. 13, Attorney P. Cameron DeVore and Prof. Donald Pember of the University of Washington School of Communications will discuss the Law of Libel and Right of Privacy.

Oct. 14, 9 a.m., Chief Justice Orris L. Hamilton, committee chairman; 9:30, three concurrent presentations: Basics of Court Structure, Procedure and Terminology, Prof. Pember and Neil Modie of the Seattle Post-Intelligencer; Press Coverage Prior to Setting for Trial, Howard C. Cleavinger of the Spokane Daily Chronicle, and Judicial Orders and Relations of Trial Participants Regarding Press Coverage, Justice Charles Stafford.

At 10:30, Relations of Judges, Attorneys and the Press, Justice Hugh Rosellini; 11, panel on fair trial-free press issues, Judge Eugene A. Wright, 9th Circuit Court, chairman; luncheon, 12:15, "Fair Trial-Free Press — What Next?", Justice Robert C. Finley; 1:15 summation; 2:15, the Open Public Meetings Act of 1971, with Attorney General Slade Gorton, Gene Gisley of the Bremerton Sun and John R. Miller of the Seattle City Council, with the program of special interest to lawyers who represent municipalities, school boards and other public and quasi-public bodies.

The only cost is \$7 for dinner and \$5 for the luncheon; registration is encouraged at the office of Allied Daily Newspapers, 18740 Pacific Highway South (Sea-Tac Motor Inn), Seattle 98188, telephone (206) 248-0770.

The Board's Work

(Continued from Page 19)

men for the various committees selected.

It was moved, seconded and carried that the following Standing and Special Committees be abolished pending the possible reorganization of the Bar Association's Committee structure: Judicial Selection — Court of Appeals, Publications, Attorney-Accountant, International Law, Judicial Liaison, Justice Court, Medical-Legal Liaison and Professional Corporations.

Date and Place of Next Board Meeting

It was moved, seconded and carried that the next meeting of the Board of Governors would be held at the Ridpath Hotel in Spokane on Wednesday, September 6, 1972, beginning at 9:00 A.M.

Wanted and Unwanted

For Sale: Norelco Model 84 dictating machine, headset, foot control; little used, \$250 or offer. Richard P. Beaudry, 818 Business Center Building, Bellevue, GL 5-4338.

Wanted: Wash. Prac. Series, West Model Business Corp. Act. Ann., RCW Ann. John A. McGary, Plaza 600 Bldg., Seattle, 682-2291.

For Sale: Fed. Prac. & Pro., Wash. Prac., both current; either set \$150. K. Edison Gimple, 103 Main East, Soap Lake, CH 6-5616.

For Sale: 1-35 Am. Jur. 2nd; 1-28 ALR 3rd; **Wanted:** ALR 3rd, 28 to date; Clark County Bar Report. Irving Koths, Morton, 496-5133.

Office Space: Bangs, Castle, Hart, Prediletto & Murphy has space available in newly constructed and decorated facilities at 1700 Westlake N., Seattle, 285-3900; offices overlook Lake Union, have parking.

For Sale: Complete, current, excellent condition; Appleman, Ins. Law & Prac., Corbin on Contracts, Blashfield's Auto. Law & Prac. D.A. Swerdfeger, Seattle, 285-0123.

Office Space: Can sublet from practitioner, Room 2124 Sea-1st Bldg., Seattle. George M. Cole, MA 2-3740.

For Sale: Complete CJS, with 1972 pocket parts, \$500. Seattle 622-8020.

Law Office Site: Lawyer needed, new professional center, growing area; reasonable; will finish to suit. Forest Grove, Ore., 503-357-7475.

For Sale: IBM MTST, excellent condition, reasonable price; Am. Jur. Pleading and Prac. Forms, 21 vols., '72 supps., and Revised vols., index; U.S.C. Ann., West, '72 pocket parts and supp vol. Seattle, 624-7990.

For Sale: SCM Photostatic Copier, No. 44, with supplies, excellent condition. Seattle, MA 2-3444.

Wanted: 1-78 Wn. 2d and 1-13 Wn. Digest. William R. Hickman, 1700 Hoge Bldg., Seattle 98104.



THE COURT OF APPEALS

By JOSEPH A. THIBODEAU, *Clerk*

In view of the importance of the remarks by Chief Judge Harold Petrie at the recent meeting of the Washington State Bar Association in Spokane, the court felt that all members of the State Bar Association should be made aware of the current status of the Court of Appeals. Following are highlights of Judge Petrie's report:

Last month we celebrated our third anniversary. During that three years, with the active support of the Supreme Court, we have long since disposed of the massive backlog which we inherited at birth.

We have obtained from the State Legislature the authority to publish opinions selectively (S.B. 390). In 13 months' use of this device, we have filed a total of 490 written opinions, of which 208 have been unpublished — a percentage of 42% unpublished.

In the three years of our existence, we have disposed of approximately 1200 appeals by written opinions; petitions for review have been granted in 48 cases over the same period of time. In on 4% of the contested appellate cases, litigants have been forced through a "double" appeal. Expressed in another way — 96% of the opinions written by the Court of Appeals become the **final** opinion in the case.

The Present and the Future

Where do we find ourselves at the present time? The current picture looks something like this:

1. By the middle of August 1972 we had already accepted more new appeals, criminal and civil combined, than we received during the entire year 1971.

2. When we set our calendars for the Fall Term of Court, the total number of cases ready to be set — but not set — totaled the equivalent of one-half term of court.

3. As we commence our Fall Term of Court — next week — we have less than a handful of opinions to be written.

For the future, we — and you — can expect the following:

1. Thanks to some relatively recent rule changes promulgated by the Supreme Court, we now have the necessary tools to control the flow of appeals through the entire appellate cycle. Lawyers

should realize that about one-half of the total time to process an appeal is preparatory time — a period during which the matter is not really ready for actual presentation to the court. You can expect that we will use the new tools effectively and judiciously, but not ruthlessly, in order to diminish the time-lag between date of filing the notice of appeal and date an appeal is ready for hearing. Increasingly, appellate deadlines will have to be met pursuant to the intent of the rules.

2. We are setting — and will continue to set — cases for oral argument in increasing numbers.

3. Through continued cooperative action with the Supreme Court, we can expect to be optimally current in all facets of our workload within the foreseeable future.

SUPERIOR COURT NEWS

By ROBERT M. ELSTON, *Judge*
King County Superior Court

The annual Washington Judicial Conference was held in Spokane, September 6-8. Members of the Supreme Court, Court of Appeals and Superior Court met jointly September 6 with District Court judges as invited guests. That program included "Code of Judicial Conduct" (Benton-Franklin Superior Court Judge **James J. Lawless**); "Prison Reform" (Seattle attorney David M. Shelton); "Citizens' Committee for the Revision of the Criminal Code" (Seattle attorney Peter D. Jarvis); and separate business sessions of each court level.

September 7 and 8 were devoted to consideration of the ABA Standards on Criminal Justice. In addition to presentations by ABA spokesmen including retired U.S. Supreme Court Justice Tom C. Clark, the program included the following topics and speakers: "ABA Standards Relating to Speedy Trial" (Washington State Supreme Court Justice Robert C. Finley); "Discovery — The Omnibus Hearing" (King County Superior Court Judge **Theodore S. Turner**); "Providing Defense Services" (King County Public Defender John Darrah); "Pretrial Release" and "Speedy Trial" (Pierce County Prosecutor Ronald L. Hendry); "Pleas of Guilty" (Spokane County Prosecutor Donald C. Brockett); "Jury Trial" (Spokane attorney R. Max Etter); "Appellate Review and Criminal Appeals" (King County Chief Criminal Deputy Prosecutor David Boerner); "The Judicial,

Prosecution and Defense Functions" (Snohomish County Prosecutor Robert L. Schillberg).

Chief Justice Orris L. Hamilton and Judge **Edward M. Nollmeyer** (Snohomish), president of the Superior Court Judges Association, presided over the conference. Judge **Willard J. Roe** (Spokane) served as general conference chairman. Many of the judges at noon Sept. 7 attended the annual Bar-Bench luncheon of the Washington State Bar Association with L. Patrick Gray of the FBI as speaker.

NEWS FROM THE COURTS OF LIMITED JURISDICTION

By **MURRAY A. McLEOD**, *Judge*
Aukeen District Court

These are busy months indeed for many judges of the limited-jurisdiction courts.

September saw three conferences involving judges. In the last week of August and first of September all judges were invited to attend a judicial seminar at Providence Heights, Issaquah, sponsored by the Courts of Record. September 6, 7 and 8, for the first time, judges of Limited Jurisdiction courts were invited, en masse, to the judicial conference of courts of record, held in conjunction with the Washington State Bar meeting in Spokane.

Finally, at the end of September the state Magistrates Association had their annual seminar and conference at Spokane's Holiday Inn. Among the many noted speakers were G. Montgomery Johnson, speaking on judicial elections; Ken Billington, president of the Washington Citizens' Committee on the Courts; Judge Robert Gilliland, president, Oregon District Court Judges Association; and Presidential Aide John Ehrlichman, of Seattle.

Here and There in the Courts

Some news relative to the municipal courts should be passed on:

Judge Roberta P. Nelson has served as La Conner Municipal Court judge during the illness of Judge James Melville. Larry W. Iverson has been appointed judge of the Palouse Municipal Court, replacing John G. Walton, and Judge Jesse M. Cowart has been picked to fill the vacancy created in the Medical Lake Municipal Court with the leaving of Judge K. Don Bjorklund.

Finally, a note of a forthcoming conference

which may be well worth while for all judges of courts of limited jurisdiction: November 26 through December 1 is the annual conference of the North American Judges Association, in San Diego, at the famous Hotel Del Coronado. Speakers will include many nationally known judges and lecturers in the law, including U.S. Chief Justice Warren Burger. Those interested in going to this conference should contact Judge George G. Crawford, The Municipal Court, San Diego, Calif.

SUPREME COURT PRACTICE

By **WILLIAM M. LOWRY**
Supreme Court Clerk

Below is a list of cases set for the September 1972 Session which may be of interest to counsel:
Cases called up from Court of Appeals:

42448 — *State of Washington Dept. of Water Resources v. Fritz Stempel and Howard H. Luiten, Loon Lake Park Co.*

What criteria is the Department of Water Resources required to consider in approving an application for the appropriation of surface waters?
42427 — *Ashley v. Superior Court*

Is an indigent seeking a divorce against a non-resident entitled to service by publication at public expense?

42313 — *Seattle v. Pullman*

Is the City of Seattle's curfew statute a constitutionally valid exercise of the police power for the protection of minors?

42452 — *Department of Motor Vehicles v. Lewis*

Must the sworn report received from the arresting officer be introduced to sustain a revocation of a driver's license for refusal to submit to a breathalyzer test?

42471 — *Anderson v. Gold Seal Vineyards Inc.*

(1) Where a party plaintiff exercises its rights to voluntarily dismiss its complaint without prejudice, are costs properly taxed in favor of the defendant under the general cost statutes? (2) Does the long-arm statute empower the trial court, in its discretion, to tax a defendant's attorney fees against a party plaintiff where the latter has voluntarily dismissed the action without prejudices?

42473 — *State v. Perrigoue*

Does the grand larceny statute violate equal protection of the law?

42474 — *McDonald v. Murray*

In libel cases may a summary judgement be

granted where there is a genuine issue of fact?

42482 — *State v. Albright*

Upon an arrest for DWI must the arresting officer advise the accused of his right to a hearing to determine if the driving privilege is to be revoked?

42483 — *Stohr v. Randle*

Can the owner of a stolen automobile be estopped through acts of his own negligence from recovering his property from a bona fide purchaser in good faith?

Cases originally filed in the Supreme Court:

42339 — *State v. Fox and Gamboa*

Does a labor organizer have the right to enter a migrant labor camp to consult with farm workers with the purpose of forming a union? Does an attorney have the right to provide legal assistance to residents of a labor camp without interference from the residents' employer?

42432 — *Thomas v. Przhylski*

Does RCW 35.31.010 & 020 which requires the filing of a claim sounding in tort within 120 days from the date damage occurs or injury is sustained applicable to a third party complaint?

42018 — *State v. Conifer Enterprises Inc.*

Is RCW 29.79.490 (4) which makes it a crime to give or offer consideration to persons for the purpose of soliciting signatures to an initiative petition unconstitutional in that it violates first amendment rights?



DE WITT WILLIAMS of Seattle (left), receives from **John M. Cunningham** of Centralia a special commendation plaque in recognition of Williams' "honor and sense of justice in devoted and selfless service to his profession" during three years as a member of the Bar Disciplinary Board. "Dee" was a charter member of the Board, which in July 1969 took over much of the Bar's discipline function from the Board of Governors, and is the first member to complete a full three-year term. Cunningham, who has completed a term as Disciplinary Board chairman but remains as a member, made the presentation at a Board meeting during the recent Bar Convention.

Students Flock to Law Schools in Record Numbers

The Law Students Are Coming! The Law Students Are Coming!

And so they are, in almost awesome numbers:

In Washington State's three law schools this year there will be about 800 entering first-year students and a total student population of somewhere near 1400 students.

The big change that makes the enrollment record easy, of course, is the opening of University of Puget Sound's new law school at Benaroya Park in Tacoma. UPS was expected to start life with 250 or more day students and about 125 in night classes. About 10 per cent are women. There were more than 1000 initial applications for admission to the school.

University of Washington was expecting 165 first-year students and a total student body of 460.

The crop of freshmen came from more than 1500 applications. The first-year class includes 52 women.

Gonzaga University planned for a total student body of more than 550, divided about half-and-half between day and evening classes. About 260 of these were expected to be in the first-year classes. Gonzaga received about 1250 applications before they were "chopped off" last spring.

The great law-school student interest in our state equals the enormous surge nationally. From 1930 to 1961 in all of the nation's accredited law schools there were always annual totals of about 40,000 students. After 10 years of rapid growth, last year there were about 95,000, and at one time during the year it was reported there were only 87 vacant places in all the law schools.

Response to a Demand

(Continued from Page 8)

rapidly than it has in exerting its influence in creating prepaid legal service plans operated in the public interest.

The Bar must by its experience take the initiative. While plans must be consumer-oriented, there will nevertheless be no change in the lawyer-client relationship.

Our judgment in this innovative and novel area is based on contact with every known plan of every type, national conferences conducted by the American Bar Association, insurance people, consumers and potential client groups. Our recommendations are a summary of what is desirable and feasible.

Plans permitting free choice of lawyer are emerging. All have profound implications for the future of the legal profession in such areas as the nature of the lawyer-client relationship, the quality of legal services, and compensation for them. To discharge its public obligation, the legal profession must not allow prepaid legal services to proliferate without involvement of the Bar and this must occur at state level under the leadership of this Association.

A Warning to Professionals

Would that every reader could substitute "legal services" for "health care" in the following:

"If doctors and other health professionals fail to make changes needed in the health delivery system the general public will create its own health system, including government control."

"All citizens have the right to quality health care," Dr. Merlin K. Duval, the Health, Education and Welfare Department's Assistant Secretary told the American Association of Bloodbanks on August 28, 1972.

"Having decided that right, our people are now demanding the care.

"If we, as health professionals, cannot bring about those changes in our system that are necessary to provide that care in a manner acceptable to our public, then the public, working through its elected representatives in Congress, will create its own health system, which may be unacceptable to health professionals, and one which may compromise the excellence which already exists.

— LIONEL E. WOLFF
Counsel to the Washington
State Bar Association Prepaid
Legal Services Committee.

Lawyers Favor Plan

(Continued from Page 8)

ent office space, hours and personnel. Indicating they could see one more client a day were 217 lawyers, and two more a day, 300 lawyers.

On the subject of new clients, 488 answered "yes" (and only 80 "no") to whether they feel clients derived from the prepaid legal services programs would be a source of other private fees, e.g. other services, referrals, etc.

The respondents also voted heavily, 467 to 58, that a substantial part of the prepaid program should be an affirmative service to improve the Bar's public relations.

Building of Reserve Fund Liked

They also decided, 394 to 111, that the prepaid program should follow an aggressive sales policy to maintain leadership in the field in this state, even if that means "withholding" a portion of fees to build up sufficient claim reserves.

In the difficult area of the method to be used in establishing fee-payment principles, the responding lawyers were a bit more divided in their views.

The question assumed that it is impossible at this time to determine the usual fees of each lawyer on the panel and pay each lawyer a separate fee; it then asked, Do you think we should:

- Pay a statewide fee providing the same compensation for all lawyers? Yes 204; no 171.
- Determine average fees on a regional basis and have separate fee schedules for these regions or areas? Yes 263; no 116.
- The plan calls for professional fees with relatively little differentiation between various types of professional services. Do you feel we should adopt a relative service value concept which provides more comprehensive recognition of the many services provided by a lawyer? Yes 325; no 72.

And in California . . .

Results of two recent surveys conducted by the State Bar of California and the Los Angeles County Bar Association reveal widespread interest and favorable attitudes among lawyers toward participation in bar-sponsored prepaid legal services.

Members of the State Bar of California were polled on the bar's plan to form a corporate structure for offering prepaid legal services statewide. Over 20,000 returns were received as of late June out of a total membership mailing of 34,164. **Of these, 17,700 responses were tabulated, with 91% in favor of the state bar's plan.**

Letters

(Continued from Page 2)

topic area participated on the basis of expertise and interest in the particular subject area assigned. Particular emphasis in preparation of the materials, arranged in outline form, has been placed on practical problems and solutions in Washington practice for the purpose of assisting both the experienced attorney and the neophyte in cutting through the often confusing myriad of technical details to reach an awareness and analysis of the particular problem at hand. The project will be in loose-leaf form to allow periodic supplementation.

The price for the volumes is \$40 per set. Orders may be placed by mail by forwarding the subscriber's name, address and check or money order for \$40 to: Washington Practice Handbook, Seattle-King County Bar Association, 605 Arctic Building, Seattle, 98104.

DAVID C. STEWART

Seattle

What's the Date?

Prentice-Hall Inc.
Englewood Cliffs, N.J.:

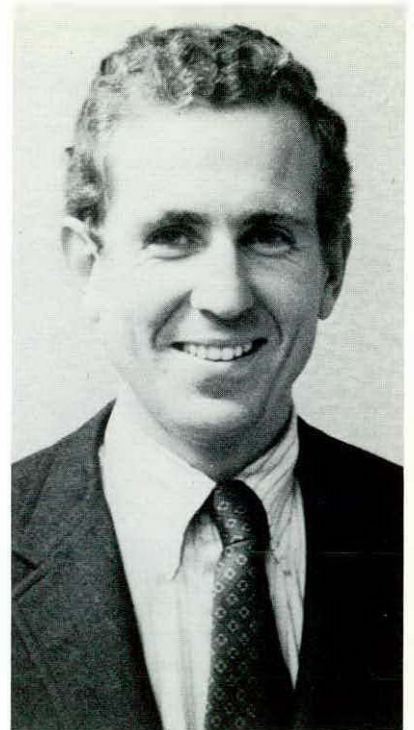
I received your advertisement for Mr. Howard H. Spellman's *Direct Examination of Witnesses*.

The material does not state the date of publication, nor has any of yours or other publishers' advertising for legal texts that I recall.

Please write me, with a copy to the Washington State *Bar News*, and tell me specifically why the date of publication is omitted from your advertising.

DON M. GULLIFORD

Seattle



RARE AWARDS OF MERIT were presented at the recent Spokane convention by the State Bar Association to Muriel Mawer and Edmund B. Raftis, both of Seattle. Miss Mawer was honored for her extensive years of service as chairman of the State Board of Bar Examiners, and Raftis for his four years as editor of the *Bar News*. Miss Mawer, now a partner in the firm of Karr, Tuttle, Koch, Campbell, Mawer & Morrow, is president-elect of Altrusa International, pioneer service club for women. A former district and regional attorney for federal government agencies, she has a long record of leadership with Seattle civic, church and education groups and is a Gonzaga University regent. Raftis practiced with the Bogle firm until April 1967, when he joined the legal staff of Pacific Northwest Bell; he now is assistant general attorney. He has been active in State and Seattle Bar work and served as chairman of the Seattle Municipal Criminal Code Revision Project. He served the Seattle-King County Bar three years as a trustee and two years as Lawyer Referral Service chairman. He also sits as judge pro tem in the Seattle Municipal Court.

Deadline for submitting copy for the next issue of the *Bar News* is October 6, 1972. Mail to *Bar News*, Washington State Bar Association, 505 Madison, Seattle 98104.

Velikanje Is Honored

E. Frederick Velikanje of Yakima has been elected as a Regent of the American College of Probate Counsel for a three-year term. The immediate past president of the State Bar, he is a member of the firm of Velikanje, Moore, Countryman & Shore.



AGO 1972 No. 9:

The governor has no present legal authority to retrocede to an Indian tribe such state jurisdiction as has been assumed over such tribe either under RCW 37.12.010 or under RCW 37.12.020 (now repealed) or RCW 37.12.021; however, he may rescind an earlier proclamation assuming jurisdiction under these latter statutes on the basis of a finding of error in its original issuance.

AGO 1972 No. 10:

In computing the income of an applicant for the retired person's property tax exemption provided for by RCW 84.36.370, all of the applicant's income from a federal civil service or railroad retirement pension is to be counted in determining his eligibility for this exemption except such pension payments as represent a return of capital or investment.

AGO 1972 No. 11:

Deals with tax questions concerning travel trailers and campers.

AGO 1972 No. 12:

A county civil service commission for sheriff's office employees, organized and operating under the provisions of chapter 41.14 RCW, may not promulgate a blanket regulation excluding persons otherwise qualified under RCW 41.14.100 from making application for any civil service position in a sheriff's department, regardless of its duties, on the basis of their being less than twenty-one years of age and thus not legally able to enter a tavern for law enforcement purposes; however, in those selected classes of positions which require the employee to enter taverns for these purposes, a requirement that the applicant be at least twenty-one years of age, and thus legally able to enter a tavern, would be valid.

Experts May Be Filmed

Television has come into the courtroom in Ohio, where new rules of procedure became effective September 1.

Under an Ohio Supreme Court order, the lower courts will be allowed to use video tape testimony of expert witnesses like doctors during trial proceedings.

The high court said use of the tape, filmed when expert witnesses are available, will eliminate delay caused by their failure to appear because of other duties.

One of the country's most knowledgeable writers on the subject of law office economics is John Nick De Meo of Santa Rosa, Calif. In a recent California State Bar Journal article he offered some expert observations on "presenting the bill," billing for legal fees in a manner calculated to achieve maximum public and client relations:

"The manner of presenting the bill often has a bearing on the receptivity of the client to paying it. For example, 'To Legal Services Rendered — \$750' sounds pretty bad to a client who has not been kept informed of what was done and with whom there has been little contact. He might well more cheerfully pay a bill for \$1000 where he has been let in on what you did for him and receives an itemized bill if it is the type of matter where one is indicated. **Better to explain the services beforehand in the bill than to have a dissatisfied client who later has to be convinced of the justness of the charge.**

"It is well to omit in the draft of the itemized bill the time expended and the dollar charge. This avoids controversies over details. It explains, without overexplaining. The date and a brief description of the item of service are sufficient. Clients seem to rebel at specific charges for telephone calls and correspondence. These seem astronomical to the layman. **But they don't ordinarily object when they are itemized and reflected in the total of the bill.**

"There are times when you should not give an itemized bill. Example: Negotiations, where the hours were not many but you used a high degree of skill and the amount is substantial. It would be better to state generally: 'To negotiations regarding contract involving \$----- resulting in consummation of contract — \$-----.'

"Another example: Where the lawyer draws on his past experience and expertise and past work product to get a quick result. Possibly an injunction where he may not have been adequately paid for his original work which now is used for the benefit of another. Here it's advisable to give a general narrative statement mentioning the preparation of pleadings (naming them), research on (name points involved) and court appearances, briefs, etc.

"The Lawyer should patiently explain any part of the bill that the client questions. By following these suggestions, there should be few questioned bills and more satisfied clients who are the *sine qua non* of a successful law practice."

— Public Relations Committee

The Bar, PR and Discipline

(Continued from Page 7)

big cities but we believe that the public is entitled to know and that this will not only improve our image but also have a deterrent effect on the lawyers.

Form Letters Revised

The other major public relations step which we have taken this year is to revise those form letters to make them more informative and to recommend in many instances the use of an individual letter to the complainant rather than a form letter. Further, I answer personally every letter from a complainant which is addressed to me. I get an average of one letter or telephone call each day. In many of these, I have to get from our staff a review or summary of the matter so that I can respond intelligently.

If we don't do this, the pressure to take the disciplinary system out of the hands of the profession will be such that the governor's office itself might very well join with our critics to advocate this unwise step.

This year there was a bill in the Legislature to make one-third of our board members laymen. This was directed not only at lawyers but all licensing groups. However, the public image of lawyers in Sacramento is not good and the complaints that the legislators receive from their constituents about the treatment they receive from the state bar when they have complained about a lawyer is an important factor in this attitude.

I have found personally that when I explained to the complaining witness why we could not proceed with the disciplinary complaint (that perhaps it was outside of our jurisdiction or whatever the reason) that most of them understood and were grateful for the explanation. Some, of course, still remained unsatisfied.

If we don't listen to this input from the public, in my opinion the disciplinary work, which is the responsibility of each of you, may be taken away and we will have our state administrative hearing officers, who hear complaints about engineers, real estate brokers, etc., hear complaints about lawyers and this will be done at probably considerably increased expense for which the lawyers probably will have to pay.

Thus, I urge all of you to listen to the complainants, be courteous, answer their letters, and explain the reason for your actions to them. I assure you that the time spent in this public relations effort in the disciplinary field will pay dividends to the association in the long run. □

Too many lawyers. Learned Justice of the Peace Winchester, Tacoma, publicized his opinion thus: "The primary reason for poor legislation and government is too many lawyers in government. . . . The remedy as I see it is to remove lawyers from government and a suggested method is to form a new political party with no lawyers permitted to become members." David O. Hamlin and Judge Frank James dissented. Strongly.

Births

Fifty-two new lawyers. Many became prominent in government, among them **John D. Ehrlichman**, **Brockman Adams**, **Keith M. Callow**, **James M. Dolliver** and **Melvin B. Love**.

Philip D. Macbride elected president of the state bar. Donald A. McDonald became president, Superior Court judges. Marshall Neill filed for representative in the legislature.

Even law firms were merging. The new firm of Helsell, Paul, Fetterman, Todd & Hokanson was born, Seattle.

Tacoma: Wendell Duncan joined Eisenhower, Hunter & Ramsdell. **Wally Hager** joined Hodge & Mann. **Thomas J. Gagliardi** became part of Gagliardi, Ursich & Gagliardi. Vernon R. Pearson was added to the firm of Pearson & Anderson. Gregory Moen joined the Army. **Paul Nolan** opened in the Puget Sound Bank Building as did **Ray Graves**.

Olympia: Harry L. Parr left the attorney general's office to open in the Funk Building. **E. Robert Fristoe** took over the reporters pen from ebullient Stanbery Foster. Herbert Legg joined attorney general Smith Troy.

Frank B. Malloy of Waterville was appointed state bar representative to the legislature. **Gale Hilyer** joined Cramer & Phillips in Seattle. **Donald Sullivan** opened in Northgate.

Crossed the Bar

U.S. District Judge Charles H. Leavy, Spokane. Seattle: Guy B. Groff, 77; Leslie G. Schumer, 39; John W. Whitham, 83. George E. O'Bryon, 79, Olympia.

Retirement

The State Bar resolved judges should retire at age 75.

After 40 years, Judge Ralph C. Bell, Everett, senior judge of the state, retired.

J.Y.C. Kellogg, Seattle, retired to manage a savings and loan.

Editor Bean, Daily Journal of Commerce, opined, "A hair on the head is worth six in the brush."

David J. Williams



Notices

Representing Small Business Is Topic of CLE Seminar

Representing the Small Business, a State Bar Continuing Legal Education Committee seminar, will be presented in December in Spokane, Seattle and Olympia.

Chairman is P. Cameron DeVore of Seattle. Panelists are Barry H. Biggs, C. Kent Carlson and Paul E. Schell of Seattle and Allan Toole of Spokane.

The seminar is scheduled for 1 to 6 p.m. Friday, December 1, in Spokane's Ridpath Hotel; 9 a.m. to 4 p.m. Saturday, December 9, in the Olympic Hotel, Seattle, and 9 a.m. to 4 p.m. Saturday, December 16 in the Evergreen Inn, Olympia.

Coverage Is Broad

Subjects to be covered include Choice of Business Form, including partnership (general and limited), corporation of subchapter S corporation, and tax and non-tax considerations; How to Incorporate, with annotated articles of incorporation, discussion of cumulative voting, preemptive rights and vested rights, minutes and other documents and special problems of incorporating an on-going business; corporate finance and analysis of application of state and federal securities acts to small businesses; Corporate Management, discussing bylaws, annual meetings and general corporate tax; and Disposition of the Business, including sale of stock and assets, merger and dissolution.

LAWYER PLACEMENT SERVICE

By DAVID L. BROOM

The Young Lawyer's Committee of the Washington State Bar Association operates a Lawyer Placement Service at the State Bar Office, 505 Madison Avenue, Seattle, Washington 98104, and at the Spokane County Law Library, Paulsen Building, Spokane. The service is available to members of the Association and recent law graduates seeking legal opportunities and employers seeking legal personnel. The service is offered without cost to either the applicant or prospective employers. The following are summaries of a few of the many applicants on file:

1. Lawyer in large western Washington community seeking UW law graduate with some experience.
2. UW law graduate, Phi Beta Kappa and Coif, currently in private practice, seeking new position.
3. Several small Washington communities urgently need attorneys. See notices in file.
4. Older lawyer, UW graduate 1945, Coif and Law Review, extensive high-responsibility experience in industry and private practice, has resumé on file.
5. New legal defender office interviewing for director and staff attorneys; directors salary up to \$19,000; staff attorneys \$11,000 to \$15,000.
6. Illinois law graduate, Coif and L.L.M. Harvard, former Vista and C.A.C. attorney, seeking general practice position with small firm.
7. Large Washington, D.C., based association seeking senior attorney for research and litigation in labor law and constitutional law.

Aerials, Anyone?

An expanded service of aerial and other legal photography is being offered to lawyers by Woody, Wold & Holmstead, Renton firm. Photos will be taken anywhere in Western Washington, 24 hours a day on any day, and large (up to 2x3 feet) mural prints prepared as legal exhibits or evidence. The firm is at 846 Perimeter Road, Renton Airport (BA 8-6162).

Expert Is Available

A Portland economic consultant, Dr. Russell L. Dawson (3275 S.E. Ankeny, Portland 97214, 234-4530), now is offering to Washington as well as Oregon attorneys his expert services in determination of loss of earnings and benefits or value of services due to death or impairment.

ABA Medal Awarded

The American Bar Association's highest honor, the ABA Medal, recently was awarded to New York Attorney Harold J. Gallagher, a former ABA president. Gallagher, active in the ABA half a century, has served continuously in the ABA House of Delegates since 1948. He pioneered in developing Legal Aid and Lawyer Referral Services and in creation of the American Bar Endowment.

Code Reviser Sought

An attorney qualified in criminal justice reform is being sought by the Arizona Legislative Council (Room 324, State Capitol, Phoenix, 85007). He is to be employed on a two-year project to revise, not merely restructure, the Arizona criminal code.



Need *Pro Bono* Ideas? ABA Books Can Help

In 18 months, more than 40 state and local bar associations and more than 500 law firms have contacted the American Bar Association Section of Individual Rights and Responsibilities' Project To Assist Interested Law Firms In *Pro Bono Publico* Programs for information and assistance on how to develop *pro bono* programs.

To meet the requests, the Project has published two handbooks and communicates with 10,000 interested private practitioners through a bi-monthly newsletter. The available publications include:

1) "The Lawyer As a Volunteer: *Pro Bono Publico* Programs for Bar Associations and Professional Organizations," a new handbook full of projects for small-firm lawyers, bar associations and professional organizations in the *pro bono* area;

2) "The Private Law Firm and *Pro Bono Publico* Programs: A Responsive Merger," outlining various models for *pro bono* programs by private law firms including the advantages and limitations of each type of program;

3) The *Pro Bono Report*, a bi-monthly communique which provides continuous nationwide information on activities in the *pro bono* field.

For complimentary copies of the booklets, and to request the free *Pro Bono Report* contact the *Pro Bono Publico* Project, 1705 DeSales Street, N.W., Washington, D.C. 20036. Specific requests for information and consulting services may be addressed to Marna S. Tucker, the Project Director.

- Oct. 3-6 9th Annual Hawaii Tax Institute at Princess Kaiulani Hotel in Waikiki. Contact: Director, Hawaii Tax Institute, 3140 Waiialae Ave., Honolulu, Hawaii 96816.
- Dec. 1 Representing the Small Business, with emphasis on going corporate; State Bar CLE seminar; 1 to 6 p.m., Ridpath Hotel, Spokane; panelists, P. Cameron DeVore, chairman, Barry H. Biggs, C. Kent Carlson, Paul E. Schell. Allan Toole.
- Dec. 9 Representing the Small Business. State Bar CLE seminar; 9 a.m. to 4 p.m., Olympic Hotel, Seattle.
- Dec. 16 Representing the Small Business, State Bar CLE seminar; 9 a.m. to 4 p.m., Evergreen Inn, Olympia.
- Jan. 8-12 Seventh annual Institute of Estate Planning, Americana Hotel, Bal Harbour, Fla.; information, University of Miami Law Center, Box 8087, Coral Gables, Fla. 33124. (Faculty includes Malcolm A. Moore, Seattle.)

Grange Is Critical of Suspended Terms

A resolution critical of suspended criminal sentences has been passed by the Washington State Grange and directed for information to the State Bar Association and the Superior Court Judges Association, according to Jack Silvers, State Grange master.

The resolution:

Whereas, the courts of this state, and others, are taking all the punitive intent out of our laws by suspending all or a part of a sentence; and

Whereas, this practice has made it impossible for local law enforcement officials to best serve the public interest; therefore be it

Resolved, that the Washington State Grange request that the judges of our courts be more selective in the practice of suspending all or part of a sentence.

U.S. Court Admissions Set for October 20

The next group ceremony for admission to the bar of the U.S. District Court for the Western District of Washington at Seattle will be Friday, October 20, at 1:30 p.m.

Any attorney filing a petition for admission, pursuant to Local Rules, on or before October 13, 1972 will be eligible for admission. Those planning to be present should so advise the Clerk's office (308 U.S. Courthouse, Seattle, WA 98104, or phone 442-5597) by October 17, 1972. It will not be necessary to have a sponsor present at the time of admission.

The ceremony will be held in the 5th floor Courtroom (Room No. 506) with the Honorable **William T. Beeks**, Chief U.S. District Judge, presiding, according to Edgar Scofield, Clerk.

WASHINGTON STATE BAR ASSOCIATION

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